

## **Title 20A. Election Code**

### **Chapter 1 General Provisions**

#### **Part 1 Title and Definitions**

##### **20A-1-101 Title.**

This title is known as the "Election Code."

Enacted by Chapter 1, 1993 General Session

##### **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 local district office in accordance with Subsection 20A-1-206(3)(c)(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 local 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 local district clerk or chief executive officer for:
    - (i) a local 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 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.
- (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-2-306(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 district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.
- (32) "Local district officers" means those local district board members that are required by law to be elected.
- (33) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a local district election, and a bond election.
- (34) "Local political subdivision" means a county, a municipality, a local district, or a local school district.
- (35) "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.
- (36) "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.
- (37) "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.
- (38) "Municipal executive" means:
- (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
  - (b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(7); or
  - (c) the chair of a metro township form of government defined in Section 10-3b-102.
- (39) "Municipal general election" means the election held in municipalities and, as applicable, local 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.
- (40) "Municipal legislative body" means:
- (a) the council of the city or town in any form of municipal government; or

- (b) the council of a metro township.
- (41) "Municipal office" means an elective office in a municipality.
- (42) "Municipal officers" means those municipal officers that are required by law to be elected.
- (43) "Municipal primary election" means an election held to nominate candidates for municipal office.
- (44) "Municipality" means a city, town, or metro township.
- (45) "Official ballot" means the ballots distributed by the election officer for voters to record their votes.
- (46) "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).
- (47) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.
- (48) "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.
- (49)
  - (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.
- (50) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.
- (51) "Polling place" means a building where voting is conducted.
- (52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.
- (53) "Presidential Primary Election" means the election established in Chapter 9, Part 8, Presidential Primary Election.
- (54) "Primary convention" means the political party conventions held during the year of the regular general election.
- (55) "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.
- (56) "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.
- (57) "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.
- (58) "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.
- (59)

- (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.
- (60) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the individual was elected.
- (61) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling location and provides the voter with a ballot.
- (62) "Registration form" means a form by which an individual may register to vote under this title.
- (63) "Regular ballot" means a ballot that is not a provisional ballot.
- (64) "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.
- (65) "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.
- (66) "Resident" means a person who resides within a specific voting precinct in Utah.
- (67) "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.
- (68) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.
- (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 the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.
- (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 31, 2020 General Session

Amended by Chapter 49, 2020 General Session

Amended by Chapter 255, 2020 General Session

Amended by Chapter 354, 2020 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

**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), local 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 362, 2014 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:
  - (a) national, state, school board, and county offices; and
  - (b) offices for a metro township, city, or town incorporated under Section 10-2a-404.
- (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 municipal offices.
- (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 4, 2019 Special Session 1



**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 local 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; and
    - (ii) for a local district that holds an election during an odd-numbered year, choose persons to serve as local district officers; 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 362, 2014 General Session

**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 to elect members to school district boards for a new school district and a remaining school district, as defined in Section 53G-3-102, following the creation of a new school district under Section 53G-3-302;
    - (viii) a vote on a municipality providing cable television services or public telecommunications services under Section 10-18-204;
    - (ix) a vote to create a new county under Section 17-3-1;
    - (x) a vote on a special property tax under Section 53F-8-402;
    - (xi) a vote on the incorporation of a municipality in accordance with Section 10-2a-210; or
    - (xii) a vote on incorporation or annexation as described in Section 10-2a-404.

- (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 47, 2020 General Session

**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) the fourth Tuesday in June; or
    - (ii) the first Tuesday after the first Monday in November.
  - (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 may not schedule a special election to be held on any other date.
  - (c)
    - (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 4, 2019 Special Session 1

**20A-1-206 Cancellation of local election -- Municipalities -- Local districts -- Notice.**

- (1) A municipal legislative body may cancel a local election if:
- (a)
    - (i)
      - (A) all municipal officers are elected in an at-large election under Subsection 10-3-205.5(1); and
      - (B) the number of municipal officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large municipal offices does not exceed the number of open at-large municipal offices for which the candidates have filed; or
    - (ii)
      - (A) the municipality has adopted an ordinance under Subsection 10-3-205.5(2);
      - (B) the number of municipal officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large municipal offices, if any, does not exceed the number of open at-large municipal offices for which the candidates have filed; and
      - (C) each municipal officer candidate, including any eligible write-in candidates under Section 20A-9-601, in each district is unopposed;
  - (b) there are no other municipal ballot propositions; and
  - (c) 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) each municipal officer candidate is:
      - (A) unopposed; or
      - (B) a candidate for an at-large municipal office for which the number of candidates does not exceed the number of open at-large municipal offices; and
    - (ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.
- (2) A municipal legislative body that cancels a local election in accordance with Subsection (1) shall give notice that the election is cancelled by:
- (a) subject to Subsection (5), posting notice on the Statewide Electronic Voter Information Website as described in Section 20A-7-801, for 15 consecutive days before the day of the scheduled election;
  - (b) if the municipality has a public website, posting notice on the municipality's public website for 15 days before the day of the scheduled election;
  - (c) if the elected officials or departments of the municipality regularly publish a printed or electronic newsletter or other periodical, publishing notice in the next scheduled newsletter or other periodical published before the day of the scheduled election;
  - (d)
    - (i) publishing notice at least twice in a newspaper of general circulation in the municipality before the day of the scheduled election;

- (ii) at least 10 days before the day of the scheduled election, posting one notice, and at least one additional notice per 2,000 population within the municipality, in places within the municipality that are most likely to give notice to the voters in the municipality, subject to a maximum of 10 notices; or
  - (iii) at least 10 days before the day of the scheduled election, mailing notice to each registered voter in the municipality; and
  - (e) posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for at least 10 days before the day of the scheduled election.
- (3) A local district board may cancel an election as described in Section 17B-1-306 if:
- (a)
    - (i)
      - (A) any local district officers are elected in an at-large election; and
      - (B) the number of local district officer candidates for the at-large local district offices, including any eligible write-in candidates under Section 20A-9-601, does not exceed the number of open at-large local district offices for which the candidates have filed; or
    - (ii)
      - (A) the local district has divided the local district into divisions under Section 17B-1-306.5;
      - (B) the number of local district officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large local district offices within the local district, if any, does not exceed the number of open at-large local district offices for which the candidates have filed; and
      - (C) each local district officer candidate, including any eligible write-in candidates under Section 20A-9-601, in each division of the local district is unopposed;
  - (b) there are no other local district ballot propositions; and
  - (c) the local district governing body, no later than 20 days before the day of the scheduled election, adopts a resolution that cancels the election and certifies that:
    - (i) each local district officer candidate is:
      - (A) unopposed; or
      - (B) a candidate for an at-large local district office for which the number of candidates does not exceed the number of open at-large local district offices; and
    - (ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.
- (4) A local district that cancels a local election in accordance with Subsection (3) shall provide notice that the election is cancelled:
- (a) subject to Subsection (5), by posting notice on the Statewide Electronic Voter Information Website as described in Section 20A-7-801, for 15 consecutive days before the day of the scheduled election;
  - (b) if the local district has a public website, by posting notice on the local district's public website for 15 days before the day of the scheduled election;
  - (c) if the local district publishes a newsletter or other periodical, by publishing notice in the next scheduled newsletter or other periodical published before the day of the scheduled election;
  - (d)
    - (i) by publishing notice at least twice in a newspaper of general circulation in the local district before the scheduled election;
    - (ii) at least 10 days before the day of the scheduled election, by posting one notice, and at least one additional notice per 2,000 population of the local district, in places within the local district that are most likely to give notice to the voters in the local district, subject to a maximum of 10 notices; or

- (iii) at least 10 days before the day of the scheduled election, by mailing notice to each registered voter in the local district; and
  - (e) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for at least 10 days before the day of the scheduled election.
- (5) A municipal legislative body that posts a notice in accordance with Subsection (2)(a) or a local district that posts a notice in accordance with Subsection (4)(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, 2021 Special Session 1

### **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 be 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.**

Except for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, if two or more candidates for a position have an equal and the highest number of votes for any office, the election officer shall, in a public meeting

held within 30 days after the day on which the canvass is completed, determine the candidate selected, by lot, in the presence of each candidate subject to the tie.

Repealed and Re-enacted by Chapter 187, 2018 General Session

**20A-1-305 Publication and distribution of election laws.**

- (1) The lieutenant governor shall:
  - (a) publish a sufficient number of copies of Title 20A, Election Code, and any other provisions of law that govern elections; and
  - (b) transmit copies to each county clerk.
- (2) Each county clerk shall:
  - (a) inform the lieutenant governor of the number of copies needed; and
  - (b) furnish each election officer in the county with one copy.

Enacted by Chapter 1, 1993 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(28) and (40), an electronic signature may not be used to sign a petition to:

- (1) 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) qualify a candidate for the ballot under Chapter 9, Candidate Qualifications and Nominating Procedures.

Amended by Chapter 24, 2019 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, or in the printing of sample or 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, 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 31, 2020 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) The state central committee of a political party, for candidates for United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of a political party, for all other party candidates seeking an office elected at a regular general election, 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, 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):
    - (i) only one or two candidates from that party have filed a declaration of candidacy for that office; and
    - (ii) one or both:
      - (A) dies;
      - (B) resigns because of acquiring a physical or mental disability, certified by a physician or physician assistant, that prevents the candidate from continuing the candidacy; or
      - (C) is disqualified by an election officer for improper filing or nominating procedures;
  - (b) for a registered political party that does not have a candidate on the ballot in a primary, but that will have a candidate on the ballot for a general election, 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:
    - (i) dies;
    - (ii) resigns because of acquiring a physical or mental disability as certified by a physician or physician assistant;
    - (iii) is disqualified by an election officer for improper filing or nominating procedures; or
    - (iv) resigns to become a candidate for president or vice president of the United States; or
  - (c) for a registered political party with a candidate certified as winning a primary election, after the deadline described in Subsection (1)(a) and continuing through the day before that day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate:
    - (i) dies;
    - (ii) resigns because of acquiring a physical or mental disability as certified by a physician or physician assistant;
    - (iii) is disqualified by an election officer for improper filing or nominating procedures; or
    - (iv) resigns to become a candidate for president or vice president of the United States.
- (2) 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 state central committee of that political party, for candidates for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central

committee of that political party, for all other party candidates, may certify the name of another candidate to the appropriate election officer.

- (3) Each replacement candidate shall file a declaration of candidacy as required by Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.
- (4)
  - (a) The name of a candidate who is certified under Subsection (1)(a) after the deadline described in Subsection (1)(a) may not appear on the primary election ballot.
  - (b) The name of a candidate who is certified under Subsection (1)(b) after the deadline described in Subsection (1)(b) may not appear on the general election ballot.
  - (c) The name of a candidate who is certified under Subsection (1)(c) after the deadline described in Subsection (1)(c) may not appear on the general election ballot.
- (5) 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.

Amended by Chapter 349, 2019 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(3) 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 second Friday in March of the next even-numbered year.
- (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 second Friday in March of the next even-numbered year 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 212, 2019 General Session, (Coordination Clause)

Amended by Chapter 212, 2019 General Session

Amended by Chapter 255, 2019 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 third Thursday in March of the even-numbered year.
  - (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 after the second Friday in March and before the third Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202 shall be

extended until 5 p.m. seven days after the county clerk gives notice under Subsection (2)(b), but no later than 5 p.m. the fourth Thursday in March.

- (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 255, 2019 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.
  - (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) A person appointed as interim replacement under this section shall hold office until his successor is selected and has qualified.

Enacted by Chapter 139, 1997 General Session

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

- (1)
  - (a) Except as otherwise provided in Subsection (2), if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall 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.
  - (b) Before acting to fill the vacancy, the municipal legislative body shall:
    - (i) give public notice of the vacancy at least two weeks before 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.
  - (c)
    - (i) If, for any reason, the municipal legislative body does not fill the vacancy within 30 days after the day on which the vacancy occurs, the municipal legislative body shall fill the vacancy from among the names that have been submitted.
    - (ii) The two individuals having the highest number of votes of the municipal legislative body after a first vote is taken shall appear before the municipal legislative body and the municipal legislative body shall vote again.
    - (iii) If neither candidate receives a majority vote of the municipal legislative body at that time, the vacancy shall be filled by lot in the presence of the municipal legislative body.
- (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 council chair shall 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) While serving as acting mayor under Subsection (3)(a)(ii), the council chair continues to:
- (i) act as a council member; and
  - (ii) vote at council meetings.

Amended by Chapter 91, 2017 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.**

- (1)
  - (a) When a vacancy occurs on any local district board for any reason, the following shall appoint a replacement to serve out the unexpired term in accordance with this section:
    - (i) the local 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 local district board or appointing authority shall:
    - (i) give public notice of the vacancy at least two weeks before the local district board or appointing authority meets to fill the vacancy by:
      - (A) if there is a newspaper of general circulation, as that term is defined in Section 45-1-201, within the district, publishing the notice in the newspaper of general circulation;
      - (B) posting the notice in three public places within the local district; and
      - (C) posting on the Utah Public Notice Website created under Section 63A-16-601; 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) the appointing authority appoints one of the appointing authority's own members; and
  - (ii) that member meets all applicable statutory board member qualifications.
- (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 the local district board fails to appoint an individual to complete an elected board member's term within 90 days, the legislative body of the county or municipality that created the local district shall fill the vacancy in accordance with the procedure for a local district described in Subsection (1)(b).

Amended by Chapter 77, 2021 General Session  
Amended by Chapter 84, 2021 General Session  
Amended by Chapter 345, 2021 General Session

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

- (1) As used in this section:
  - (a) "Armed forces" means the same as that term is defined in Section 68-3-12.5, and includes:
    - (i) the National Guard; and
    - (ii) the national guard and armed forces reserves.
  - (b)
    - (i) "Elected official" is a person who holds an office of a political subdivision that is required by law to be filled by an election.
    - (ii) "Elected official" includes a person who is appointed to fill a vacancy in an office described in Subsection (1)(b)(i).
  - (c)
    - (i) "Military leave" means the temporary absence from an office:
      - (A) by an elected official 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 a person on leave, as described in Subsection (1)(c)(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.
  - (d) "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 local district, the board of trustees of the local 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)(d)(i) through (iv), the body that governs the affairs of the political subdivision.
  - (e) "Temporary replacement" means the person appointed by the political subdivision's governing body in accordance with this section to exercise the powers and duties of the office of the elected official who takes military leave.
- (2) An elected official creates a vacancy in the elected official's office if the elected official is called to active, full-time duty in the armed forces in accordance with Title 10, U.S.C.A. unless the elected official takes military leave as provided by this section.
- (3)
- (a) An elected official who is called to active, full-time duty in the armed forces in a status other than in accordance with Title 10, U.S.C.A. shall notify the political subdivision's governing body of the elected official's orders not later than five days after receipt of orders.
  - (b) The elected official described in Subsection (3)(a) may:
    - (i) continue to carry out the official's duties if possible while on active, full-time duty; or
    - (ii) 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.
- (4)
- (a) An elected official who chooses to continue to carry out the official's duties while on active, full-time duty shall, within 10 days after arrival at the official's place of deployment, confirm in writing to the political subdivision's governing body that the official has the ability to carry out the official's duties.
  - (b) If no confirmation is received by the political subdivision within the time period described in Subsection (4)(a), the elected official shall be placed in a military leave status and a temporary replacement appointed in accordance with Subsection (6).
- (5) An elected official's military leave:
- (a) begins the later of:
    - (i) the day after the day on which the elected official notifies the political subdivision's governing body of the intent to take military leave;
    - (ii) day 11 after the elected official's deployment if no confirmation is received in accordance with Subsection (4)(a); or
    - (iii) the day on which the elected official begins active, full-time duty in the armed forces; and
  - (b) ends the sooner of:
    - (i) the expiration of the elected official's term of office; or
    - (ii) the day on which the elected official ends active, full-time duty in the armed forces.
- (6) A temporary replacement shall:
- (a) meet the qualifications required to hold the office; and
  - (b) be appointed:
    - (i) in the same manner as provided by this part for a midterm vacancy if a registered political party nominated the elected official who takes military leave as a candidate for the office; or
    - (ii) by the political subdivision's governing body after submitting an application in accordance with Subsection (8)(b) if a registered political party did not nominate the elected official who takes military leave as a candidate for office.
- (7)
- (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's military leave.

- (b) An elected official 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 (6)(b), no person may exercise the powers and duties of the elected official's office during the elected official's military leave.
- (8) The political subdivision's governing body shall establish:
- (a) the distribution of the emoluments of the office between the elected official and the temporary replacement; and
  - (b) an application form and the date and time before which a person shall submit the application to be considered by the political subdivision's governing body for appointment as a temporary replacement.

Amended by Chapter 93, 2021 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;
    - (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 person who commits an offense under Subsection (1) is guilty of a class A misdemeanor.

Amended by Chapter 31, 2020 General Session

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

- (1) A person may not:
- (a) willfully deface or destroy any list of candidates posted in accordance with the provisions of this title;
  - (b) willfully 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 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 31, 2020 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) In order to aid or promote his nomination or election, a person may not directly or indirectly appoint or promise to appoint any person or secure or promise to secure, or aid in securing



the appointment, nomination, or election of any person 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 his 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 person elected will be charged with the duty of participating in the election or nomination of any person as a candidate for any office from publicly stating or pledging his preference for, or support of, any person for that office or nomination.

Enacted by Chapter 1, 1993 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(2)(d)(xx), 20A-7-303(2)(d)(xx), 20A-7-503(2)(d)(xx), or 20A-7-603(2)(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 140, 2021 General Session

Amended by Chapter 418, 2021 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 him in any action or proceeding affecting his rights as a candidate or from paying all costs and disbursements arising from that representation.

Amended by Chapter 396, 2011 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

## **Chapter 2 Voter Registration**

### **Part 1 General Voter Registration Requirements**

**20A-2-101 Eligibility for registration.**

- (1) Except as provided in Subsection (2), an individual may register to vote in an election who:
  - (a) is a citizen of the United States;
  - (b) has been a resident of Utah for at least the 30 days immediately before the election;
  - (c) will be:
    - (i) at least 18 years of age on the day of the election; or
    - (ii) if the election is a regular primary election, a municipal primary election, or a presidential primary election:
      - (A) 17 years of age on or before the day of the regular primary election, municipal primary election, or presidential primary election; and
      - (B) 18 years of age on or before the day of the general election that immediately follows the regular primary election, municipal primary election, or presidential primary election; and
  - (d) currently resides within the voting district or precinct in which the individual applies to register to vote.
- (2)
  - (a)
    - (i) An individual who is involuntarily confined or incarcerated in a jail, prison, or other facility within a voting precinct is not a resident of that voting precinct and may not register to vote in that voting precinct unless the individual was a resident of that voting precinct before the confinement or incarceration.
    - (ii) An individual who is involuntarily confined or incarcerated in a jail or prison is a resident of the voting precinct in which the individual resided before the confinement or incarceration.
  - (b) An individual who has been convicted of a felony or a misdemeanor for an offense under this title may not register to vote or remain registered to vote unless the individual's right to vote has been restored as provided in Section 20A-2-101.3 or 20A-2-101.5.
  - (c) An individual whose right to vote has been restored, as provided in Section 20A-2-101.3 or 20A-2-101.5, is eligible to register to vote.
- (3) An individual who is eligible to vote and who resides within the geographic boundaries of the entity in which the election is held may register to vote in a:
  - (a) regular general election;
  - (b) regular primary election;
  - (c) municipal general election;
  - (d) municipal primary election;
  - (e) statewide special election;
  - (f) local special election;
  - (g) local district election;
  - (h) bond election; and
  - (i) presidential primary election.

Amended by Chapter 433, 2019 General Session

**20A-2-101.1 Preregistering to vote.**

- (1) An individual may preregister to vote if the individual:
  - (a) is 16 or 17 years of age;
  - (b) is not eligible to register to vote because the individual does not comply with the age requirements described in Subsection 20A-2-101(1)(c);
  - (c) is a citizen of the United States;
  - (d) has been a resident of Utah for at least 30 days; and

- (e) currently resides within the voting district or precinct in which the individual preregisters to vote.
- (2) An individual described in Subsection (1) may not vote in an election and is not registered to vote until:
  - (a) the individual is otherwise eligible to register to vote because the individual complies with the age requirements described in Subsection 20A-2-101(1)(c); and
  - (b) the county clerk registers the individual to vote under Subsection (4).
- (3) An individual who preregisters to vote shall:
  - (a) complete a voter registration form, including an indication that the individual is preregistering to vote; and
  - (b) submit the voter registration form to a county clerk in person, by mail, or in any other manner authorized by this chapter for the submission of a voter registration form.
- (4)
  - (a) A county clerk shall:
    - (i) retain the voter registration form of an individual who meets the qualifications for preregistration and who submits a completed voter registration form to the county clerk under Subsection (3)(b);
    - (ii) register the individual to vote in the next election in which the individual will be eligible to vote, before the voter registration deadline established in Section 20A-2-102.5 for that election; and
    - (iii) send a notice to the individual that:
      - (A) informs the individual that the individual's voter registration form has been accepted as an application for preregistration;
      - (B) informs the individual that the individual will be registered to vote in the next election in which the individual will be eligible to vote; and
      - (C) indicates in which election the individual will be registered to vote.
  - (b) An individual who the county clerk registers under Subsection (4)(a)(ii) is considered to have applied for voter registration on the earlier of:
    - (i) the day of the voter registration deadline immediately preceding the election day on which the individual will be at least 18 years of age; or
    - (ii) the day on which the individual turns 18 years of age.
  - (c) A county clerk shall refer a voter registration form to the county attorney for investigation and possible prosecution if the clerk or the clerk's designee believes the individual is attempting to preregister to vote in an election in which the individual will not be legally entitled to vote.
- (5)
  - (a) The lieutenant governor or a county clerk shall classify the voter registration record of an individual who preregisters to vote as a private record until the day on which the individual turns 18 years of age.
  - (b) On the day on which the individual described in Subsection (5)(a) turns 18 years of age, the lieutenant governor or county clerk shall classify the individual's voter registration record as a public record in accordance with Subsection 63G-2-301(2)(l).
- (6) If an individual who is at least 18 years of age erroneously indicates on the voter registration form that the individual is preregistering to vote, the county clerk shall consider the form as a voter registration form and shall process the form in accordance with this chapter.

Amended by Chapter 223, 2018 General Session

**20A-2-101.3 Convicted misdemeanants -- Restoration of right to vote or hold office.**

- (1) As used in this section, "misdemeanant" means a person convicted of a misdemeanor for an offense under this title.
- (2) A misdemeanant's right to register to vote and to vote in an election is restored when the misdemeanant:
  - (a) is sentenced to probation; or
  - (b) has successfully completed the term of incarceration to which the misdemeanant was sentenced.
- (3) A misdemeanant's right to hold elective office is restored when:
  - (a) the misdemeanor for an offense under this title is expunged as provided in Title 77, Chapter 40, Utah Expungement Act; or
  - (b)
    - (i) five years have passed since the date of the misdemeanant's most recent misdemeanor conviction of an offense under this title;
    - (ii) the misdemeanant has paid all court-ordered restitution and fines; and
    - (iii) for each misdemeanor conviction that has not been expunged, the misdemeanant has:
      - (A) completed probation in relation to the misdemeanor; or
      - (B) successfully completed the term of incarceration associated with the misdemeanor.

Enacted by Chapter 395, 2011 General Session

**20A-2-101.5 Convicted felons -- Restoration of right to vote and right to hold office.**

- (1) As used in this section, "convicted felon" means a person convicted of a felony in any state or federal court of the United States.
- (2) Each convicted felon's right to register to vote and to vote in an election is restored when:
  - (a) the felon is sentenced to probation;
  - (b) the felon is granted parole; or
  - (c) the felon has successfully completed the term of incarceration to which the felon was sentenced.
- (3) Except as provided by Subsection (4), a convicted felon's right to hold elective office is restored when:
  - (a) all of the felon's felony convictions have been expunged; or
  - (b)
    - (i) 10 years have passed since the date of the felon's most recent felony conviction;
    - (ii) the felon has paid all court-ordered restitution and fines; and
    - (iii) for each felony conviction that has not been expunged, the felon has:
      - (A) completed probation in relation to the felony;
      - (B) been granted parole in relation to the felony; or
      - (C) successfully completed the term of incarceration associated with the felony.
- (4) An individual who has been convicted of a grievous sexual offense, as defined in Section 76-1-601, against a child, may not hold the office of State Board of Education member or local school board member.

Amended by Chapter 263, 2013 General Session

**20A-2-102 Registration a prerequisite to voting.**

- (1) Except as provided in Subsection (2), a person may not vote at any election unless that person is registered to vote as required by this chapter.
- (2) A person may vote a provisional ballot for an election as provided in Section 20A-2-307.

Amended by Chapter 231, 2014 General Session

**20A-2-102.5 Voter registration deadline.**

- (1) Except as otherwise provided in Chapter 16, Uniform Military and Overseas Voters Act, an individual who fails to timely submit a correctly completed voter registration form may not vote in the election.
- (2) The voter registration deadline is as follows:
  - (a) the voter registration must be received by the county clerk no later than 5 p.m. 11 calendar days before the date of the election, if the individual registers to vote:
    - (i) at the office of the county clerk, in accordance with Section 20A-2-201;
    - (ii) by mail, in accordance with Section 20A-2-202;
    - (iii) via an application for a driver license, in accordance with Section 20A-2-204;
    - (iv) via a public assistance agency or a discretionary voter registration agency, in accordance with Section 20A-2-205; or
    - (v) via electronic registration, in accordance with Section 20A-2-206;
  - (b) before the polls close on the last day of early voting, described in Section 20A-3a-601, if the individual registers by casting a provisional ballot at an early voting location in accordance with Section 20A-2-207; or
  - (c) before polls close on the date of the election, if the individual registers to vote on the date of the election by casting a provisional ballot, in accordance with Section 20A-2-207.

Amended by Chapter 31, 2020 General Session

**20A-2-103 Special elections -- Lists of voters.**

- (1)
  - (a) A special registration of voters is not required for a statewide or local special election.
  - (b) The last official or revised register is the register for the statewide or local special election.
- (2) If a statewide or local special election is held at the same time and place as a regular general election, a municipal general election, or a primary, persons qualified to vote at those elections may also vote in the statewide or local special election.
- (3) If a statewide or local special election is held on a date other than the date of a regular or municipal general election, the county clerk of each county in which the municipality or entity is wholly or partly located shall register persons to vote in that election during regular office hours in accordance with the requirements of this chapter.
- (4) The county clerk of each county in which the entity holding the statewide or local special election is located shall make registration lists or copies of those lists available at each polling place for use by registered voters entitled to use those polling places.

Amended by Chapter 264, 2006 General Session

**20A-2-104 Voter registration form -- Registered voter lists -- Fees for copies.**

- (1)
  - (a) As used in this section:
    - (i) "Candidate for public office" means an individual:
      - (A) who files a declaration of candidacy for a public office;
      - (B) who files a notice of intent to gather signatures under Section 20A-9-408; or

- (C) employed by, under contract with, or a volunteer of, an individual described in Subsection (1)(a)(i)(A) or (B) for political campaign purposes.
  - (ii) "Dating violence" means the same as that term is defined in Section 78B-7-402 and the federal Violence Against Women Act of 1994, as amended.
  - (iii) "Domestic violence" means the same as that term is defined in Section 77-36-1 and the federal Violence Against Women Act of 1994, as amended.
- (b) An individual applying for voter registration, or an individual preregistering to vote, shall complete a voter registration form in substantially the following form:

-----  
 UTAH ELECTION REGISTRATION FORM

Are you a citizen of the United States of America? Yes      No  
 If you checked "no" to the above question, do not complete this form.

Will you be 18 years of age on or before election day? Yes      No  
 If you checked "no" to the above question, are you 16 or 17 years of age and preregistering to vote? Yes      No  
 If you checked "no" to both of the prior two questions, do not complete this form.

Name of Voter \_\_\_\_\_

First	Middle	Last
-------	--------	------

Utah Driver License or Utah Identification Card Number \_\_\_\_\_

Date of Birth \_\_\_\_\_

Street Address of Principal Place of Residence \_\_\_\_\_

City	County	State	Zip Code
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Telephone Number (optional) \_\_\_\_\_

Email Address (optional) \_\_\_\_\_

Last four digits of Social Security Number \_\_\_\_\_

Last former address at which I was registered to vote (if known) \_\_\_\_\_

City	County	State	Zip Code
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Political Party \_\_\_\_\_  
 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

Unaffiliated (no political party preference)     Other (Please specify) \_\_\_\_\_

I do swear (or affirm), subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of the state of Utah, residing at the above address. Unless I have indicated above that I am preregistering to vote in a later election, I will be at least 18 years of age and will have resided in Utah for 30 days immediately before the next election. I am not a convicted felon currently incarcerated for commission of a felony.

Signed and sworn

\_\_\_\_\_  
 Voter's Signature  
 \_\_\_\_\_(month/day/year).

PRIVACY INFORMATION

Voter registration records contain some information that is available to the public, such as your name and address, some information that is available only to government entities, and some information that is available only to certain third parties in accordance with the requirements of law.

Your driver license number, identification card number, social security number, email address, full date of birth, and phone number are available only to government entities. Your year of birth is available to political parties, candidates for public office, certain third parties, and their contractors, employees, and volunteers, in accordance with the requirements of law.

You may request that all information on your voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers, by indicating here:

\_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers.

**REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

In addition to the protections provided above, you may request that all information on your voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form, and any required verification, as described in the following paragraphs.

A person may request that all information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form with this registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

A person may request that all information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order.

**CITIZENSHIP AFFIDAVIT**

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a citizen and that to the best of my knowledge and belief the information above is true and correct.

\_\_\_\_\_  
Signature of Applicant

In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered or preregistered to vote if you know you are not entitled to register or preregister to vote is up to one year in jail and a fine of up to \$2,500.

**NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND PHOTOGRAPH; OR**



TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND CURRENT ADDRESS.  
FOR OFFICIAL USE ONLY

Type of I.D. \_\_\_\_\_  
Voting Precinct \_\_\_\_\_  
Voting I.D. Number \_\_\_\_\_

- (c) Beginning May 1, 2022, the voter registration form described in Subsection (1)(b) shall include a section in substantially the following form:  
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BALLOT NOTIFICATIONS

If you have provided a phone number or email address, you can receive notifications by text message or email regarding the status of a ballot that is mailed to you or a ballot that you deposit in the mail or in a ballot drop box, by indicating here:

\_\_\_\_\_ Yes, I would like to receive electronic notifications regarding the status of my ballot.  
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- (2)  
(a) Except as provided under Subsection (2)(b), the county clerk shall retain a copy of each voter registration form in a permanent countywide alphabetical file, which may be electronic or some other recognized system.  
(b) The county clerk may transfer a superseded voter registration form to the Division of Archives and Records Service created under Section 63A-12-101.
- (3)  
(a) Each county clerk shall retain lists of currently registered voters.  
(b) The lieutenant governor shall maintain a list of registered voters in electronic form.  
(c) If there are any discrepancies between the two lists, the county clerk's list is the official list.  
(d) The lieutenant governor and the county clerks may charge the fees established under the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy of the list of registered voters.
- (4)  
(a) As used in this Subsection (4), "qualified person" means:  
(i) a government official or government employee acting in the government official's or government employee's capacity as a government official or a government employee;  
(ii) a health care provider, as defined in Section 26-33a-102, or an agent, employee, or independent contractor of a health care provider;  
(iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or independent contractor of an insurance company;  
(iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or independent contractor of a financial institution;  
(v) a political party, or an agent, employee, or independent contractor of a political party;  
(vi) a candidate for public office, or an employee, independent contractor, or volunteer of a candidate for public office; or  
(vii) a person, or an agent, employee, or independent contractor of the person, who:  
(A) provides the year of birth of a registered voter that is obtained from the list of registered voters only to a person who is a qualified person;  
(B) verifies that a person, described in Subsection (4)(a)(vii)(A), to whom a year of birth that is obtained from the list of registered voters is provided, is a qualified person;

- (C) ensures, using industry standard security measures, that the year of birth of a registered voter that is obtained from the list of registered voters may not be accessed by a person other than a qualified person;
  - (D) verifies that each qualified person, other than a qualified person described in Subsection (4)(a)(i), (v), or (vi), to whom the person provides the year of birth of a registered voter that is obtained from the list of registered voters, will only use the year of birth to verify the accuracy of personal information submitted by an individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;
  - (E) verifies that each qualified person described in Subsection (4)(a)(i), to whom the person provides the year of birth of a registered voter that is obtained from the list of registered voters, will only use the year of birth in the qualified person's capacity as a government official or government employee; and
  - (F) verifies that each qualified person described in Subsection (4)(a)(v) or (vi), to whom the person provides the year of birth of a registered voter that is obtained from the list of registered voters, will only use the year of birth for a political purpose of the political party or candidate for public office.
- (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall, when providing the list of registered voters to a qualified person under this section, include, with the list, the years of birth of the registered voters, if:
- (i) the lieutenant governor or a county clerk verifies the identity of the person and that the person is a qualified person; and
  - (ii) the qualified person signs a document that includes the following:
    - (A) the name, address, and telephone number of the person requesting the list of registered voters;
    - (B) an indication of the type of qualified person that the person requesting the list claims to be;
    - (C) a statement regarding the purpose for which the person desires to obtain the years of birth;
    - (D) a list of the purposes for which the qualified person may use the year of birth of a registered voter that is obtained from the list of registered voters;
    - (E) a statement that the year of birth of a registered voter that is obtained from the list of registered voters may not be provided or used for a purpose other than a purpose described under Subsection (4)(b)(ii)(D);
    - (F) a statement that if the person obtains the year of birth of a registered voter from the list of registered voters under false pretenses, or provides or uses the year of birth of a registered voter that is obtained from the list of registered voters in a manner that is prohibited by law, is guilty of a class A misdemeanor and is subject to a civil fine;
    - (G) an assertion from the person that the person will not provide or use the year of birth of a registered voter that is obtained from the list of registered voters in a manner that is prohibited by law; and
    - (H) notice that if the person makes a false statement in the document, the person is punishable by law under Section 76-8-504.
- (c) The lieutenant governor or a county clerk may not disclose the year of birth of a registered voter to a person that the lieutenant governor or county clerk reasonably believes:
- (i) is not a qualified person or a person described in Subsection (4)(l); or
  - (ii) will provide or use the year of birth in a manner prohibited by law.

- (d) The lieutenant governor or a county clerk may not disclose the voter registration form of a person, or information included in the person's voter registration form, whose voter registration form is classified as private under Subsection (4)(h) to a person other than:
  - (i) a government official or government employee acting in the government official's or government employee's capacity as a government official or government employee; or
  - (ii) except as provided in Subsection (7) and subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for a political purpose.
- (e) When disclosing a record or information under Subsection (4)(d)(ii), the lieutenant governor or county clerk shall exclude the information described in Subsection 63G-2-302(1)(j), other than the year of birth.
- (f) The lieutenant governor or a county clerk may not disclose a withholding request form, described in Subsections (7) and (8), submitted by an individual, or information obtained from that form, to a person other than a government official or government employee acting in the government official's or government employee's capacity as a government official or government employee.
- (g) A person is guilty of a class A misdemeanor if the person:
  - (i) obtains the year of birth of a registered voter from the list of registered voters under false pretenses;
  - (ii) uses or provides the year of birth of a registered voter that is obtained from the list of registered voters in a manner that is not permitted by law;
  - (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k) under false pretenses;
  - (iv) uses or provides information obtained from a voter registration record described in Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;
  - (v) unlawfully discloses or obtains a voter registration record withheld under Subsection (7) or a withholding request form described in Subsections (7) and (8); or
  - (vi) unlawfully discloses or obtains information from a voter registration record withheld under Subsection (7) or a withholding request form described in Subsections (7) and (8).
- (h) The lieutenant governor or a county clerk shall classify the voter registration record of a voter as a private record if the voter:
  - (i) submits a written application, created by the lieutenant governor, requesting that the voter's voter registration record be classified as private;
  - (ii) requests on the voter's voter registration form that the voter's voter registration record be classified as a private record; or
  - (iii) submits a withholding request form described in Subsection (7) and any required verification.
- (i) The lieutenant governor or a county clerk may not disclose to a person described in Subsection (4)(a)(v) or (vi) a voter registration record, or information obtained from a voter registration record, if the record is withheld under Subsection (7).
- (j) In addition to any criminal penalty that may be imposed under this section, the lieutenant governor may impose a civil fine against a person who violates a provision of this section, in an amount equal to the greater of:
  - (i) the product of 30 and the square root of the total number of:
    - (A) records obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or
    - (B) records from which information is obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or
  - (ii) \$200.

- (k) A qualified person may not obtain, provide, or use the year of birth of a registered voter, if the year of birth is obtained from the list of registered voters or from a voter registration record, unless the person:
  - (i) is a government official or government employee who obtains, provides, or uses the year of birth in the government official's or government employee's capacity as a government official or government employee;
  - (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or uses the year of birth only to verify the accuracy of personal information submitted by an individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;
  - (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains, provides, or uses the year of birth for a political purpose of the political party or candidate for public office; or
  - (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or uses the year of birth to provide the year of birth to another qualified person to verify the accuracy of personal information submitted by an individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse.
- (l) The lieutenant governor or a county clerk may provide a year of birth to a member of the media, in relation to an individual designated by the member of the media, in order for the member of the media to verify the identity of the individual.
- (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose information from a voter registration record for a purpose other than a political purpose.
- (5) When political parties not listed on the voter registration form qualify as registered political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the lieutenant governor shall inform the county clerks of the name of the new political party and direct the county clerks to ensure that the voter registration form is modified to include that political party.
- (6) Upon receipt of a voter registration form from an applicant, the county clerk or the clerk's designee shall:
  - (a) review each voter registration form for completeness and accuracy; and
  - (b) if the county clerk believes, based upon a review of the form, that an individual may be seeking to register or preregister to vote who is not legally entitled to register or preregister to vote, refer the form to the county attorney for investigation and possible prosecution.
- (7) The lieutenant governor or a county clerk shall withhold from a person, other than a person described in Subsection (4)(a)(i), the voter registration record, and information obtained from the voter registration record, of an individual:
  - (a) who submits a withholding request form, with the voter registration record or to the lieutenant governor or a county clerk, if:
    - (i) the individual indicates on the form that the individual, or an individual who resides with the individual, is a victim of domestic violence or dating violence or is likely to be a victim of domestic violence or dating violence; or
    - (ii) the individual indicates on the form and provides verification that the individual, or an individual who resides with the individual, is:
      - (A) a law enforcement officer;
      - (B) a member of the armed forces, as defined in Section 20A-1-513;
      - (C) a public figure; or
      - (D) protected by a protective order or protection order; or
  - (b) whose voter registration record was classified as a private record at the request of the individual before May 12, 2020.
- (8)

- (a) The lieutenant governor shall design and distribute the withholding request form described in Subsection (7) to each election officer and to each agency that provides a voter registration form.
  - (b) An individual described in Subsection (7)(a)(i) is not required to provide verification, other than the individual's attestation and signature on the withholding request form, that the individual, or an individual who resides with the individual, is a victim of domestic violence or dating violence or is likely to be a victim of domestic violence or dating violence.
  - (c) 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 for providing the verification described in Subsection (7)(a)(ii).
- (9) An election officer or an employee of an election officer may not encourage an individual to submit, or discourage an individual from submitting, a withholding request form.

Amended by Chapter 100, 2021 General Session

**20A-2-105 Determining residency.**

- (1) As used in this section:
- (a) "Principal place of residence" means the single location where a person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.
  - (b) "Resident" means a person whose principal place of residence is within a specific voting precinct in Utah.
- (2) Election officials and judges shall apply the standards and requirements of this section when determining whether a person is a resident for purposes of interpreting this title or the Utah Constitution.
- (3)
- (a) A person resides in Utah if:
    - (i) the person's principal place of residence is within Utah; and
    - (ii) the person has a present intention to maintain the person's principal place of residence in Utah permanently or indefinitely.
  - (b) A person resides within a particular voting precinct if, as of the date of registering to vote, the person's principal place of residence is in that voting precinct.
  - (c) A person's principal place of residence does not change solely because the person is present in Utah, present in a voting precinct, absent from Utah, or absent from the person's voting precinct because the person is:
    - (i) employed in the service of the United States or of Utah;
    - (ii) a student at an institution of learning;
    - (iii) incarcerated in prison or jail; or
    - (iv) residing upon an Indian or military reservation.
  - (d)
    - (i) A member of the armed forces of the United States is not a resident of Utah merely because that member is stationed at a military facility within Utah.
    - (ii) In order to be a resident of Utah, a member of the armed forces described in this Subsection (3)(d) shall meet the other requirements of this section.
  - (e)
    - (i) Except as provided in Subsection (3)(e)(ii) or (iii), a person has not lost the person's principal place of residence in Utah or a precinct if that person moves to a foreign country, another state, or another voting precinct within Utah, for temporary purposes with the intention of returning.

- (ii) If a person leaves the state or a voting precinct and votes in another state or voting precinct, the person is no longer a resident of the state or voting precinct that the person left.
    - (iii) A person loses the person's principal place of residence in Utah or in a precinct, if, after the person moves to another state or another precinct under Subsection (3)(e)(i), the person forms the intent of making the other state or precinct the person's principal place of residence.
  - (f) A person is not a resident of a county or voting precinct if that person comes for temporary purposes and does not intend to make that county or voting precinct the person's principal place of residence.
  - (g) A person loses the person's principal place of residence in Utah or in a precinct if the person moves to another state or precinct with the intention of making the other state or precinct the person's principal place of residence.
  - (h) If a person moves to another state or precinct with the intent of remaining there for an indefinite time as the person's principal place of residence, the person loses the person's residence in Utah, or in the precinct, even though the person intends to return at some future time.
- (4) An election official or judge shall, in determining a person's principal place of residence, consider the following factors, to the extent that the election official or judge determines the factors to be relevant:
- (a) where the person's family resides;
  - (b) whether the person is single, married, separated, or divorced;
  - (c) the age of the person;
  - (d) where the person usually sleeps;
  - (e) where the person's minor children attend school;
  - (f) the location of the person's employment, income sources, or business pursuits;
  - (g) the location of real property owned by the person;
  - (h) the person's residence for purposes of taxation or tax exemption; and
  - (i) other relevant factors.
- (5)
- (a) A person has changed the person's principal place of residence if the person:
    - (i) acts affirmatively to move from the state or a precinct in the state; and
    - (ii) has the intent to remain in another state or precinct.
  - (b) A person may not have more than one principal place of residence.
  - (c) A person does not lose the person's principal place of residence until the person establishes another principal place of residence.
- (6) In computing the period that a person is a resident, a person shall:
- (a) include the day on which the person establishes the person's principal place of residence; and
  - (b) exclude the day of the next election.
- (7)
- (a) Except as provided in Subsection (10), there is a rebuttable presumption that a person's principal place of residence is in Utah and in the voting precinct claimed by the person if the person makes an oath or affirmation upon a registration application form or declaration of candidacy that the person's principal place of residence is in Utah and in the voting precinct claimed by the person.
  - (b) Except as provided in Subsection (10), the election officers and election officials shall allow a person described in Subsection (7)(a) to register and vote, or accept the person's declaration of candidacy, unless, upon a challenge by a registrar or some other person, it is shown by law or by clear and convincing evidence that:

- (i) the person's principal place of residence is not in Utah; or
  - (ii) the person is incarcerated in prison or jail and did not, before the person was incarcerated in prison or jail, establish the person's principal place of residence in the voting precinct.
- (8)
- (a) The criteria described in this section for establishing a person's principal place of residence for voting purposes do not apply in relation to the person's location while the person is incarcerated in prison or jail.
  - (b) For voting registration purposes, the principal place of residence of a person incarcerated in prison or jail is the state and voting precinct where the person's principal place of residence was located before incarceration.
- (9) If a person's principal place of residence is a residential parcel of one acre in size or smaller that is divided by the boundary line between two or more counties, that person shall be considered a resident of the county in which a majority of the residential parcel lies.
- (10)
- (a) If an individual seeking to become a candidate for a political office that includes a durational residency requirement has been absent from the state for a period of more than 180 consecutive days during the applicable residency period, the individual may, at the time that the candidate files a declaration of candidacy, submit evidence to the filing officer to show that the individual intended to return to the state during the time of the individual's absence from the state.
  - (b) There is a rebuttable presumption that an individual described in Subsection (10)(a) intended to return to the state during the individual's absence if:
    - (i) the individual submits evidence of the individual's intent to the filing officer at the time that the individual files a declaration of candidacy; or
    - (ii) the individual was absent from the state because the individual was:
      - (A) employed in the service of the United States or of Utah;
      - (B) a student at an institution of learning; or
      - (C) engaged solely in religious, missionary, philanthropic, or humanitarian activities.
  - (c) If a valid written objection to an individual's declaration of candidacy is filed, there is a rebuttable presumption that an individual described in Subsection (10)(a) did not intend to return to the state during the individual's absence if:
    - (i) the individual did not submit evidence of the individual's intent to the filing officer at the time that the individual filed a declaration of candidacy; and
    - (ii) the individual's absence from the state was not for one of the reasons described in Subsection (10)(b)(ii).
  - (d) An individual must rebut the presumption described in this Subsection (10) by clear and convincing evidence.

Amended by Chapter 183, 2021 General Session

**20A-2-107 Designating or changing party affiliation -- Times permitted.**

- (1) The county clerk shall:
- (a) except as provided in Subsection 20A-2-107.5(1)(c), record the party affiliation designated by the voter on the voter registration form as the voter's party affiliation; or
  - (b) if no political party affiliation is designated by the voter on the voter registration form:
    - (i) except as provided in Subsection (1)(b)(ii), record the voter's party affiliation as the party that the voter designated the last time that the voter designated a party on a voter registration form, unless the voter more recently registered as "unaffiliated"; or

- (ii) record the voter's party affiliation as "unaffiliated" if the voter:
  - (A) did not previously designate a party;
  - (B) most recently designated the voter's party affiliation as "unaffiliated"; or
  - (C) did not previously register.
- (2)
  - (a) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of this Subsection (2).
  - (b) A registered voter may designate or change the voter's political party affiliation by filing a signed form with the county clerk that identifies the registered political party with which the voter chooses to affiliate.
  - (c) Except as provided in Subsection (2)(d), a signed form designating or changing a voter's political party affiliation takes effect when the county clerk receives the signed form.
  - (d) In an even-numbered year, a form described in Subsection (2)(c) received by the county clerk after March 31 takes effect on the day after that year's regular primary election if the form changes a registered voter's affiliation with one political party to affiliate with another political party.
  - (e) Any part of a form described in Subsection (2)(d), other than the voter's designation or change of political party affiliation, takes effect when the county clerk receives the signed form.
  - (f) For purposes of Subsection (2)(d), a signed form described in Subsection (2)(c) is received by the county clerk on or before March 31 if:
    - (i) the individual submits the form in person at the county clerk's office no later than 5 p.m. on the last business day before April 1;
    - (ii) the individual submits the form electronically through the system described in Section 20A-2-206, at or before 11:59 p.m. on March 31; or
    - (iii) the individual's form is clearly postmarked on or before March 31.
  - (g) Subsection (2)(d) does not apply to the party affiliation designated by a voter on the voter registration form if the voter has not previously been registered to vote in the state.

Amended by Chapter 430, 2021 General Session

**20A-2-107.5 Designating or changing party affiliation -- Regular primary election and presidential primary election.**

- (1) At any regular primary election or presidential primary election:
  - (a) each county clerk shall provide change of party affiliation forms to the poll workers for each voting precinct within the county;
  - (b) except as provided in Subsection (1)(c), a registered voter who is classified as "unaffiliated" may affiliate with a political party by completing the form and giving it to the poll worker; and
  - (c) for an unaffiliated voter who was affiliated with a political party at any time between April 1 and the date of the regular primary election, a form described in Subsection (1)(a) takes effect on the day after the regular primary election.
- (2) An unaffiliated voter who affiliates with a political party as provided in Subsection (1)(b) may vote in that party's primary election.

Amended by Chapter 430, 2021 General Session

**20A-2-108 Driver license or state identification card registration form -- Transmittal of information.**



- (1) As used in this section, "qualifying form" means:
  - (a) a driver license application form; or
  - (b) a state identification card application form.
- (2) The lieutenant governor and the Driver License Division shall design each qualifying form to include:
  - (a) the following question, which an applicant is required to answer: "Do you authorize the use of information in this form for voter registration purposes? YES\_\_\_\_\_ NO\_\_\_\_\_";
  - (b) the following statement:

**"PRIVACY INFORMATION**

Voter registration records contain some information that is available to the public, such as your name and address, some information that is available only to government entities, and some information that is available only to certain third parties in accordance with the requirements of law.

Your driver license number, identification card number, social security number, email address, full date of birth, and phone number are available only to government entities. Your year of birth is available to political parties, candidates for public office, certain third parties, and their contractors, employees, and volunteers, in accordance with the requirements of law.

You may request that all information on your voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers, by indicating here:

\_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers.

**REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

In addition to the protections provided above, you may request that all information on your voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form, and any required verification, as described in the following paragraphs.

A person may request that all information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form with this registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

A person may request that all information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order."; and

- (c) beginning May 1, 2022, a section in substantially the following form:

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**BALLOT NOTIFICATIONS**

If you have provided a phone number or email address, you can receive notifications by text message or email regarding the status of a ballot that is mailed to you or a ballot that you deposit in the mail or in a ballot drop box, by indicating here:

\_\_\_\_\_ Yes, I would like to receive electronic notifications regarding the status of my ballot.

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- (3) The lieutenant governor and the Driver License Division shall ensure that a qualifying form contains:
- (a) a place for an individual to affirm the individual's citizenship, voting eligibility, and Utah residency, and that the information provided in the form is true;
  - (b) a records disclosure that is similar to the records disclosure on a voter registration form described in Section 20A-2-104;
  - (c) a statement that if an applicant declines to register or preregister to vote, the fact that the applicant has declined to register or preregister will remain confidential and will be used only for voter registration purposes;
  - (d) a statement that if an applicant does register or preregister to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and
  - (e) if the applicant answers "yes" to the question described in Subsection (2)(a), a space where an individual may, if desired:
    - (i) indicate the individual's desired political affiliation from a listing of each registered political party, as defined in Section 20A-8-101;
    - (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the individual desires to affiliate; or
    - (iii) indicate that the individual does not wish to affiliate with a political party.

Amended by Chapter 100, 2021 General Session

**20A-2-109 Statewide voter registration database -- Lieutenant governor to create -- Counties to participate -- Maintenance of database -- Cooperation with governmental entities -- Record security -- List of incarcerated felons.**

- (1)
- (a)
    - (i) The lieutenant governor shall develop a statewide voter registration database.
    - (ii)
      - (A) The lieutenant governor may compare the information in the statewide voter registration database with information submitted by a registered voter to a state agency to identify a change in a registered voter's principal place of residence or name.
      - (B) The lieutenant governor shall establish matching criteria and security measures for identifying a change described in Subsection (1)(a)(ii)(A) to ensure the accuracy of a voter registration record.
      - (C) The lieutenant governor shall notify the county clerk of the county in which the voter's principal place of residence is located of the change in the registered voter's principal place of residence or name.
  - (b) Each county clerk shall utilize the statewide voter registration database when recording or modifying voter registration records.
- (2)
- (a) The lieutenant governor shall establish and implement a procedure to maintain the accuracy of the statewide voter registration database by using information available from:
    - (i) a voter;
    - (ii) a governmental entity, as defined by Section 63G-2-103; or
    - (iii) another state.

- (b) Subject to Subsection (2)(c), the lieutenant governor may cooperate or enter into an agreement with a governmental entity or another state to share information to implement the procedure established under Subsection (2)(a).
  - (c) For a record shared under Subsection (2)(b), the lieutenant governor shall ensure:
    - (i) that the record is only used to maintain the accuracy of a voter registration database;
    - (ii) compliance with Section 63G-2-206; and
    - (iii) that the record is secure from unauthorized use by employing data encryption or another similar technology security system.
- (3)
- (a) The lieutenant governor shall maintain a current list of all incarcerated felons in Utah.
  - (b)
    - (i) The Department of Corrections shall provide the lieutenant governor's office with a list of the name and last-known address of each person who:
      - (A) was convicted of a felony in a Utah state court; and
      - (B) is currently incarcerated for commission of a felony.
    - (ii) The lieutenant governor shall establish the frequency of receipt of the information and the method of transmitting the information after consultation with the Department of Corrections.
  - (c)
    - (i) The Department of Corrections shall provide the lieutenant governor's office with a list containing the name of each convicted felon who has been released from incarceration.
    - (ii) The lieutenant governor shall establish the frequency of receipt of the information and the method of transmitting the information after consultation with the Department of Corrections.

Amended by Chapter 19, 2018 General Session

## **Part 2**

### **Alternate Means of Registering to Vote**

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

- (1) Except as provided in Subsection (3), the county clerk shall register to vote each individual who registers in person at the county clerk's office during designated office hours if the individual will, on the date of the election, be legally eligible to vote in a voting precinct in the county in accordance with Section 20A-2-101.
- (2) If an individual who is registering to vote submits a registration form in person at the office of the county clerk no later than 5 p.m. 11 calendar days before the date of the election, the county clerk shall:
  - (a) accept and process the voter registration form;
  - (b) unless the individual named in the form is preregistering to vote:
    - (i) enter the individual's name on the list of registered voters for the voting precinct in which the individual resides; and
    - (ii) notify the individual that the individual is registered to vote in the upcoming election; and
  - (c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.
- (3) If an individual who is registering to vote and who will be legally qualified and entitled to vote in a voting precinct in the county on the date of an election appears in person, during designated office hours, and submits a registration form after the deadline described in Subsection (2), the county clerk shall accept the registration form and, except as provided in Subsection

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

Amended by Chapter 31, 2020 General Session

Amended by Chapter 95, 2020 General Session

Amended by Chapter 95, 2020 General Session, (Coordination Clause)

**20A-2-202 Registration by mail.**

- (1)
  - (a) An individual who will be qualified to vote at the next election may register by mail.
  - (b) To register by mail, an individual shall complete and sign the registration form and mail or deliver the form to the county clerk of the county in which the citizen resides.
  - (c) In order to register to vote in a particular election, the citizen shall:
    - (i) address the voter registration form to the county clerk; and
    - (ii) ensure that the voter registration form is received by the county clerk no later than 5 p.m. 11 calendar days before the date of the election.
  - (d) The citizen has effectively registered to vote under this section only when the county clerk's office has received a correctly completed voter registration form.
- (2) Upon receipt of a timely, correctly completed voter registration form, the county clerk shall:
  - (a) accept and process the voter registration form;
  - (b) unless the individual named in the form is preregistering to vote:
    - (i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and
    - (ii) notify the individual that the individual is registered to vote in the upcoming election; and
  - (c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.
- (3) If the county clerk receives a correctly completed voter registration form after the deadline described in Subsection (1)(c), the county clerk shall, unless the individual is preregistering to vote:
  - (a) accept the application for registration; and
  - (b) if possible, promptly mail a notice to, or otherwise notify, the individual before the election, informing the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.
- (4) If the county clerk determines that a registration form received by mail or otherwise is incorrect because of an error or because the registration form is incomplete, the county clerk shall mail notice to the individual attempting to register or preregister, stating that the individual has not been registered or preregistered because of an error or because the registration form is incomplete.

Amended by Chapter 31, 2020 General Session

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

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

- (2) A citizen who is qualified to vote may register to vote, and a citizen who is qualified to preregister to vote may preregister to vote, by answering "yes" to the question described in Subsection 20A-2-108(2)(a) and completing the voter registration form.
- (3) The Driver License Division shall:
  - (a) assist an individual in completing the voter registration form unless the individual refuses assistance;
  - (b) electronically transmit each address change to the lieutenant governor within five days after the day on which the division receives the address change; and
  - (c) within five days after the day on which the division receives a voter registration form, electronically transmit the form to the Office of the Lieutenant Governor, including the following for the individual named on the form:
    - (i) the name, date of birth, driver license or state identification card number, last four digits of the social security number, Utah residential address, place of birth, and signature;
    - (ii) a mailing address, if different from the individual's Utah residential address;
    - (iii) an email address and phone number, if available;
    - (iv) the desired political affiliation, if indicated;
    - (v) an indication of whether the individual requested that the individual's voter registration record be classified as a private record under Subsection 20A-2-108(2)(b); and
    - (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification submitted with the form.
- (4) Upon receipt of an individual's voter registration form from the Driver License Division under Subsection (3), the lieutenant governor shall:
  - (a) enter the information into the statewide voter registration database; and
  - (b) if the individual requests on the individual's voter registration form that the individual's voter registration record be classified as a private record or the individual submits a withholding request form described in Subsections 20A-2-104(7) and (8) and any required verification, classify the individual's voter registration record as a private record.
- (5) The county clerk of an individual whose information is entered into the statewide voter registration database under Subsection (4) shall:
  - (a) ensure that the individual meets the qualifications to be registered or preregistered to vote; and
  - (b)
    - (i) if the individual meets the qualifications to be registered to vote:
      - (A) ensure that the individual is assigned to the proper voting precinct; and
      - (B) send the individual the notice described in Section 20A-2-304; or
    - (ii) if the individual meets the qualifications to be preregistered to vote, process the form in accordance with the requirements of Section 20A-2-101.1.
- (6)
  - (a) When the county clerk receives a correctly completed voter registration form under this section, the clerk shall:
    - (i) comply with the applicable provisions of this Subsection (6); or
    - (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.
  - (b) If the county clerk receives a correctly completed voter registration form under this section no later than 5 p.m. or, if submitting the form electronically, midnight, 11 calendar days before the date of an election, the county clerk shall:
    - (i) accept the voter registration form; and
    - (ii) unless the individual is preregistering to vote:

- (A) enter the individual's name on the list of registered voters for the voting precinct in which the individual resides; and
  - (B) notify the individual that the individual is registered to vote in the upcoming election; and
  - (iii) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.
- (c) If the county clerk receives a correctly completed voter registration form under this section after the deadline described in Subsection (6)(b), the county clerk shall, unless the individual named in the form is preregistering to vote:
- (i) accept the application for registration of the individual;
  - (ii) process the voter registration form; and
  - (iii) unless the individual is preregistering to vote, and except as provided in Subsection 20A-2-207(6), inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.
- (7)
- (a) If the county clerk determines that an individual's voter registration form received from the Driver License Division is incorrect because of an error, because the form is incomplete, or because the individual does not meet the qualifications to be registered to vote, the county clerk shall mail notice to the individual stating that the individual has not been registered or preregistered because of an error, because the registration form is incomplete, or because the individual does not meet the qualifications to be registered to vote.
  - (b) If a county clerk believes, based upon a review of a voter registration form, that an individual, who knows that the individual is not legally entitled to register or preregister to vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer the form to the county attorney for investigation and possible prosecution.

Amended by Chapter 31, 2020 General Session

Amended by Chapter 95, 2020 General Session

Amended by Chapter 95, 2020 General Session, (Coordination Clause)

Amended by Chapter 255, 2020 General Session

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

(1) As used in this section:

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

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

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

(3) Each public assistance agency and discretionary voter registration agency shall provide, either as part of existing forms or on a separate form, the following information in substantially the following form:

**"REGISTERING TO VOTE**

If you are not registered to vote where you live now, would you like to apply to register or preregister to vote here today? (The decision of whether to register or preregister to vote will not affect the amount of assistance that you will be provided by this agency.) Yes\_\_\_\_  
No\_\_\_\_ IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you would like help in filling out the voter registration form, we will help you. The decision about whether

to seek or accept help is yours. You may fill out the application form in private. If you believe that someone has interfered with your right to register or preregister or to decline to register or preregister to vote, your right to privacy in deciding whether to register or preregister, or in applying to register or preregister to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number of the Office of the Lieutenant Governor)."

- (4) Unless an individual applying for service or assistance from a public assistance agency or discretionary voter registration agency declines, in writing, to register or preregister to vote, each public assistance agency and discretionary voter registration agency shall:
  - (a) distribute a voter registration form with each application for service or assistance provided by the agency or office;
  - (b) assist applicants in completing the voter registration form unless the applicant refuses assistance;
  - (c) accept completed forms for transmittal to the appropriate election official; and
  - (d) transmit a copy of each voter registration form to the appropriate election official within five days after the division receives the voter registration form.
- (5) An individual in a public assistance agency or a discretionary voter registration agency that helps an applicant complete the voter registration form may not:
  - (a) seek to influence an applicant's political preference or party registration;
  - (b) display any political preference or party allegiance;
  - (c) make any statement to an applicant or take any action that has the purpose or effect of discouraging the applicant from registering to vote; or
  - (d) make any statement to an applicant or take any action that has the purpose or effect of leading the applicant to believe that a decision of whether to register or preregister has any bearing upon the availability of services or benefits.
- (6) If the county clerk receives a correctly completed voter registration form under this section no later than 5 p.m. 11 calendar days before the date of an election, the county clerk shall:
  - (a) accept and process the voter registration form;
  - (b) unless the individual named in the form is preregistering to vote:
    - (i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and
    - (ii) notify the applicant that the applicant is registered to vote in the upcoming election; and
  - (c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1
- (7) If the county clerk receives a correctly completed voter registration form after the deadline described in Subsection (6), the county clerk shall:
  - (a) accept the application for registration of the individual; and
  - (b) except as provided in Subsection 20A-2-207(6), if possible, promptly inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.
- (8) If the county clerk determines that a voter registration form received from a public assistance agency or discretionary voter registration agency is incorrect because of an error or because the voter registration form is incomplete, the county clerk shall mail notice to the individual attempting to register or preregister to vote, stating that the individual has not been registered or preregistered to vote because of an error or because the voter registration form is incomplete.

Amended by Chapter 31, 2020 General Session

Amended by Chapter 95, 2020 General Session, (Coordination Clause)

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

- (1) The lieutenant governor shall create and maintain an electronic system that is publicly available on the Internet for an individual to apply for voter registration or preregistration.
- (2) An electronic system for voter registration or preregistration shall require:
  - (a) that an applicant have a valid driver license or identification card, issued under Title 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place of residence;
  - (b) that the applicant provide the information required by Section 20A-2-104, except that the applicant's signature may be obtained in the manner described in Subsections (2)(d) and (4);
  - (c) that the applicant attest to the truth of the information provided; and
  - (d) that the applicant authorize the lieutenant governor's and county clerk's use of the applicant's:
    - (i) driver license or identification card signature, obtained under Title 53, Chapter 3, Uniform Driver License Act, for voter registration purposes; or
    - (ii) signature on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-109.
- (3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for voter registration or preregistration created under this section is not required to complete a printed registration form.
- (4) A system created and maintained under this section shall provide the notices concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).
- (5) The lieutenant governor shall:
  - (a) obtain a digital copy of the applicant's driver license or identification card signature from the Driver License Division; or
  - (b) ensure that the applicant's signature is already on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-109.
- (6) The lieutenant governor shall send the information to the county clerk for the county in which the applicant's principal place of residence is found for further action as required by Section 20A-2-304 after:
  - (a) receiving all information from an applicant; and
  - (b)
    - (i) receiving all information from the Driver License Division; or
    - (ii) ensuring that the applicant's signature is already on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-109.
- (7) The lieutenant governor may use additional security measures to ensure the accuracy and integrity of an electronically submitted voter registration.
- (8) If an individual applies to register under this section no later than 11 calendar days before the date of an election, the county clerk shall:
  - (a) accept and process the voter registration form;
  - (b) unless the individual named in the form is preregistering to vote:
    - (i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and
    - (ii) notify the individual that the individual is registered to vote in the upcoming election; and
  - (c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.
- (9) If an individual applies to register under this section after the deadline described in Subsection (8), the county clerk shall, unless the individual is preregistering to vote:



- (a) accept the application for registration; and
  - (b) except as provided in Subsection 20A-2-207(6), if possible, promptly inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.
- (10) The lieutenant governor shall provide a means by which a registered voter shall sign the application form.

Amended by Chapter 64, 2021 General Session

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

- (1) Except as provided in Subsection (6), an individual who is not registered to vote may register to vote, and vote, on election day or during the early voting period described in Section 20A-3a-601, by voting a provisional ballot, if:
- (a) the individual is otherwise legally entitled to vote the ballot;
  - (b) the ballot is identical to the ballot for the precinct in which the individual resides;
  - (c) the information on the provisional ballot form is complete; and
  - (d) the individual provides valid voter identification and proof of residence to the poll worker.
- (2) If a provisional ballot and the individual who voted the ballot comply with the requirements described in Subsection (1), the election officer shall:
- (a) consider the provisional ballot a voter registration form;
  - (b) place the ballot with the other ballots, to be counted with those ballots at the canvass; and
  - (c) as soon as reasonably possible, register the individual to vote.
- (3) Except as provided in Subsection (4), the election officer shall retain a provisional ballot form, uncounted, for the period specified in Section 20A-4-202, if the election officer determines that the individual who voted the ballot:
- (a) is not registered to vote and is not eligible for registration under this section; or
  - (b) is not legally entitled to vote the ballot that the individual voted.
- (4) Subsection (3) does not apply if a court orders the election officer to produce or count the provisional ballot.
- (5) The lieutenant governor shall report to the Government Operations Interim Committee on or before October 31, 2020, regarding:
- (a) implementation of registration by provisional ballot, as described in this section, on a statewide basis;
  - (b) any difficulties resulting from the implementation described in Subsection (5)(a);
  - (c) the effect of registration by provisional ballot on voter participation in Utah;
  - (d) the number of ballots cast by voters who registered by provisional ballot:
    - (i) during the early voting period described in Section 20A-3a-601; and
    - (ii) on election day; and
  - (e) suggested changes in the law relating to registration by provisional ballot.
- (6) For an election administered by an election officer other than a county clerk:
- (a) if the election officer does not operate a polling location to allow early voting, the individual may not register to vote, under this section, during an early voting period; and
  - (b) if the election officer does not operate a polling location on election day, the individual may not register to vote, under this section, on election day.

Amended by Chapter 31, 2020 General Session

Amended by Chapter 95, 2020 General Session

### **Part 3**

## **County Clerk's Voter Registration Responsibilities**

#### **20A-2-300.5 Definitions.**

As used in this part:

- (1) "Discretionary voter registration agency" means each office designated by the county clerk to provide voter registration forms to the public.
- (2) "Public assistance agency" means each office in Utah that provides:
  - (a) public assistance; and
  - (b) state funded programs primarily engaged in providing services to people with disabilities.

Amended by Chapter 31, 2020 General Session

#### **20A-2-300.6 Chief elections officer.**

- (1) The lieutenant governor is Utah's chief elections officer.
- (2) The lieutenant governor shall:
  - (a) oversee all of Utah's:
    - (i) voter registration activities; and
    - (ii) other responsibilities established by:
      - (A) Public Law 103-31, the National Voter Registration Act of 1993; and
      - (B) Public Law 107-252, the Help America Vote Act of 2002; and
  - (b) coordinate with local, state, and federal officials to ensure compliance with state and federal election laws.
- (3) The lieutenant governor, in cooperation with the county clerks, shall develop a general program to obtain change of address information in order to remove the names of ineligible voters from the official register.

Amended by Chapter 117, 2003 General Session

#### **20A-2-301 County clerk responsibilities -- Voter registration forms.**

- (1) Each county clerk shall provide voter registration forms for use in the voter registration process.
- (2)
  - (a) Each county clerk shall provide a copy of the voter registration form to each public assistance agency and discretionary voter registration agency.
  - (b) Each county clerk may provide a copy of the voter registration form to public school districts and nonpublic schools as provided in Section 20A-2-302.
- (3)
  - (a) The clerk shall make a copy of the voter registration form available to any person upon request.
  - (b) A person may make multiple copies of the voter registration form at the person's own expense.
  - (c) A person shall provide all completed voter registration forms in the person's possession to the county clerk at or before 5 p.m. on the day of the voter registration deadline.
- (4) The county clerk may not refuse to register an individual to vote for failing to provide a telephone number on the voter registration form.

- (5)
  - (a) It is unlawful for any person in possession of a completed voter registration form, other than the person's own completed voter registration form, to willfully fail or refuse to timely deliver the completed voter registration form to the county clerk.
  - (b) A person who violates this Subsection (5) is guilty of a class B misdemeanor.

Amended by Chapter 31, 2020 General Session

**20A-2-302 Voter registration forms for high school students.**

- (1)
  - (a) A county clerk may:
    - (i) contact each high school and each accredited nonpublic high school in the county;
    - (ii) determine the number of high school seniors; and
    - (iii) distribute voter registration forms to each accredited public or private high school in an amount sufficient for distribution to each high school senior.
  - (b) The county clerk shall process a voter registration form received from an individual under this section in accordance with Section 20A-2-101.1.
- (2) Each public school and accredited nonpublic school may:
  - (a) include the voter registration form in the senior registration packet; and
  - (b) collect and forward completed voter registration forms to the county clerk.

Amended by Chapter 31, 2020 General Session

**20A-2-304 County clerk's responsibilities -- Notice of disposition.**

Each county clerk shall:

- (1) register to vote each individual who meets the requirements for registration and who:
  - (a) submits a completed voter registration form to the county clerk;
  - (b) submits a completed voter registration form, as defined in Section 20A-2-204, to the Driver License Division;
  - (c) submits a completed voter registration form to a public assistance agency or a discretionary voter registration agency; or
  - (d) mails a completed voter registration form to the county clerk; and
- (2) within 30 days after the day on which the county clerk processes a voter registration form, send a notice to the individual who submits the form that:
  - (a)
    - (i) informs the individual that the individual's voter registration form has been accepted and that the individual is registered to vote;
    - (ii) informs the individual of the procedure for designating or changing the individual's political affiliation;
    - (iii) informs the individual of the procedure to cancel a voter registration; and
    - (iv) after May 1, 2022:
      - (A) confirms that the individual has chosen to receive electronic ballot status notifications if the individual opted to receive electronic ballot status notifications on the voter registration form; or
      - (B) notifies the individual how to receive electronic ballot status notifications if the individual did not opt to receive electronic ballot status notifications on the voter registration form;
  - (b) informs the individual that the individual's voter registration form has been rejected and the reason for the rejection; or

- (c)
  - (i) informs the individual that the individual's voter registration form is being returned to the individual for further action because the form is incomplete; and
  - (ii) gives instructions to the individual on how to properly complete the form.

Amended by Chapter 100, 2021 General Session

**20A-2-304.5 County clerk's responsibilities -- Updating voter registration.**

- (1) A county clerk who receives notification from the lieutenant governor, as provided in Subsection 20A-2-109(1), of a change in a registered voter's principal place of residence or name may verify the change with the registered voter.
- (2) Unless the county clerk verifies that a change described in Subsection (1) is incorrect, the county clerk shall:
  - (a) change the voter registration record to show the registered voter's current name and address; and
  - (b) notify the registered voter of the change to the voter registration record.
- (3)
  - (a) If a voter does not vote in any election during the period beginning on the date of any regular general election and ending on the day after the date of the next regular general election and the county clerk has not sent the voter a notice described in Section 20A-2-306 during the period, the county clerk shall send to the voter a preaddressed return form in substantially the following form: "VOTER REGISTRATION ADDRESS"  
 To ensure the address on your voter registration is correct, please complete and return this form if your address has changed. What is your current street address?

---

Street	City	County	State
ZIP			

---

Signature of Voter

- (b) The county clerk shall mail the form described in Subsection (3)(a) with a postal service that will notify the county clerk if the voter has changed the voter's address.

Amended by Chapter 52, 2012 General Session

**20A-2-305 Removing names from the official register -- General requirements.**

- (1) The county clerk may not remove a voter's name from the official register because the voter has failed to vote in an election.
- (2) The county clerk shall remove a voter's name from the official register if:
  - (a) the voter dies and the requirements of Subsection (3) are met;
  - (b) the county clerk, after complying with the requirements of Section 20A-2-306, receives written confirmation from the voter that the voter no longer resides within the county clerk's county;
  - (c) the county clerk has:
    - (i) obtained evidence that the voter's residence has changed;
    - (ii) mailed notice to the voter as required by Section 20A-2-306;
    - (iii)
      - (A) received no response from the voter; or
      - (B) not received information that confirms the voter's residence; and

- (iv) the voter has failed to vote or appear to vote in an election during the period beginning on the date of the notice described in Section 20A-2-306 and ending on the day after the date of the second regular general election occurring after the date of the notice;
  - (d) the voter requests, in writing, that the voter's name be removed from the official register;
  - (e) the county clerk receives notice that a voter has been convicted of any felony or a misdemeanor for an offense under this title and the voter's right to vote has not been restored as provided in Section 20A-2-101.3 or 20A-2-101.5; or
  - (f) the county clerk receives notice that a voter has registered to vote in another state after the day on which the voter registered to vote in this state.
- (3) The county clerk shall remove a voter's name from the official register within five business days after the day on which the county clerk receives confirmation from the Department of Health's Bureau of Vital Records that the voter is deceased.

Amended by Chapter 52, 2017 General Session  
 Amended by Chapter 327, 2017 General Session

**20A-2-306 Removing names from the official register -- Determining and confirming change of residence.**

- (1) A county clerk may not remove a voter's name from the official register on the grounds that the voter has changed residence unless the voter:
- (a) confirms in writing that the voter has changed residence to a place outside the county; or
  - (b)
    - (i) has not voted in an election during the period beginning on the date of the notice required by Subsection (3), and ending on the day after the date of the second regular general election occurring after the date of the notice; and
    - (ii) has failed to respond to the notice required by Subsection (3).
- (2)
- (a) When a county clerk obtains information that a voter's address has changed and it appears that the voter still resides within the same county, the county clerk shall:
    - (i) change the official register to show the voter's new address; and
    - (ii) send to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.
  - (b) When a county clerk obtains information that a voter's address has changed and it appears that the voter now resides in a different county, the county clerk shall verify the changed residence by sending to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.
- (3)
- (a) Each county clerk shall use substantially the following form to notify voters whose addresses have changed:
 

"VOTER REGISTRATION NOTICE

We have been notified that your residence has changed. Please read, complete, and return this form so that we can update our voter registration records. What is your current street address?

---

Street	City	County	State
Zip	What is your current phone number (optional)? _____		

What is your current email address (optional)?

\_\_\_\_\_
If you have not changed your residence or have moved but stayed within the same county, you must complete and return this form to the county clerk so that it is received by the county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to return this form within that time:

- you may be required to show evidence of your address to the poll worker before being allowed to vote in either of the next two regular general elections; or
- if you fail to vote at least once from the date this notice was mailed until the passing of two regular general elections, you will no longer be registered to vote. If you have changed your residence and have moved to a different county in Utah, you may register to vote by contacting the county clerk in your county.

\_\_\_\_\_
Signature of Voter

PRIVACY INFORMATION

Voter registration records contain some information that is available to the public, such as your name and address, some information that is available only to government entities, and some information that is available only to certain third parties in accordance with the requirements of law.

Your driver license number, identification card number, social security number, email address, full date of birth, and phone number are available only to government entities. Your year of birth is available to political parties, candidates for public office, certain third parties, and their contractors, employees, and volunteers, in accordance with the requirements of law.

You may request that all information on your voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers, by indicating here:

\_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers.

REQUEST FOR ADDITIONAL PRIVACY PROTECTION

In addition to the protections provided above, you may request that all information on your voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form, and any required verification, as described in the following paragraphs.

A person may request that all information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form with this registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

A person may request that all information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order."

(b) Beginning May 1, 2022, the form described in Subsection (3)(a) shall also include a section in substantially the following form:

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## BALLOT NOTIFICATIONS

If you have provided a phone number or email address, you can receive notifications by text message or email regarding the status of a ballot that is mailed to you or a ballot that you deposit in the mail or in a ballot drop box, by indicating here:

\_\_\_\_\_ Yes, I would like to receive electronic notifications regarding the status of my ballot.

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- (4)
- (a) Except as provided in Subsection (4)(b), the county clerk may not remove the names of any voters from the official register during the 90 days before a regular primary election and the 90 days before a regular general election.
  - (b) The county clerk may remove the names of voters from the official register during the 90 days before a regular primary election and the 90 days before a regular general election if:
    - (i) the voter requests, in writing, that the voter's name be removed; or
    - (ii) the voter has died.
  - (c)
    - (i) After a county clerk mails a notice as required in this section, the county clerk may list that voter as inactive.
    - (ii) If a county clerk receives a returned voter identification card, determines that there was no clerical error causing the card to be returned, and has no further information to contact the voter, the county clerk may list that voter as inactive.
    - (iii) An inactive voter shall be allowed to vote, sign petitions, and have all other privileges of a registered voter.
    - (iv) A county is not required to send routine mailings to an inactive voter and is not required to count inactive voters when dividing precincts and preparing supplies.
- (5) Beginning on or before January 1, 2022, the lieutenant governor shall make available to a county clerk United States Social Security Administration data received by the lieutenant governor regarding deceased individuals.
- (6) A county clerk shall, within ten business days after the day on which the county clerk receives the information described in Subsection (5) or Subsections 26-2-13(11) and (12) relating to a decedent whose name appears on the official register, remove the decedent's name from the official register.
- (7) Ninety days before a regular primary election and 90 days before a regular general election the lieutenant governor shall compare the information the lieutenant governor has received under Subsection 26-2-13(11) with the official register of voters to ensure that all deceased voters have been removed from the official register.

Amended by Chapter 11, 2021 General Session

Amended by Chapter 100, 2021 General Session

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

- (1) Each county clerk shall instruct election judges to allow a voter to vote a regular ballot if:
  - (a) the voter has moved from one address within a county to another address within the same county; and
  - (b) the voter affirms the change of address orally or in writing before the election judges.
- (2) Each county clerk shall instruct election judges to allow an individual to vote a provisional ballot if:

- (a) the individual is not registered to vote, but is otherwise legally entitled to vote under Section 20A-2-207;
- (b) the voter's name does not appear on the official register; or
- (c) the voter is challenged as provided in Section 20A-3a-803.

Amended by Chapter 22, 2020 General Session

Amended by Chapter 31, 2020 General Session

**20A-2-308 Lieutenant governor and county clerks to preserve records.**

- (1) As used in this section:
  - (a) "Voter registration record" means a record concerning the implementation of programs and activities conducted for the purpose of ensuring that the official register is accurate and current.
  - (b) "Voter registration record" does not include a record that:
    - (i) relates to a person's decision to decline to register to vote; or
    - (ii) identifies the particular public assistance agency, discretionary voter registration agency, or Driver License Division through which a particular voter registered to vote.
- (2) The lieutenant governor and each county clerk shall:
  - (a) preserve for at least two years all records relating to voter registration, including:
    - (i) the official register; and
    - (ii) the names and addresses of all persons to whom the notice required by Section 20A-2-306 was sent and a notation as to whether or not the person responded to the notice;
  - (b) make a voter registration record available for public inspection, except for a voter registration record, or part of a voter registration record that is classified as private under Section 63G-2-302; and
  - (c) allow a record or part of a record described in Subsection (2)(b) that is not classified as a private record to be photocopied for a reasonable cost.

Amended by Chapter 373, 2014 General Session

**Part 4**  
**Crimes Involving Voter Registration**

**20A-2-401 Fraudulent registration -- Penalty.**

- (1)
  - (a) An individual may not willfully register to vote, or cause, procure, or allow himself or herself to be registered to vote, knowing that the individual is not eligible to register to vote under Section 20A-2-101.
  - (b) A person may not willfully cause, procure, advise, encourage, or assist any individual to be registered to vote, knowing or believing that the individual is not eligible to register to vote under Section 20A-2-101.
- (2)
  - (a) An individual may not willfully preregister to vote, or allow himself or herself to be preregistered to vote, knowing that the individual is not eligible to preregister to vote under Section 20A-2-101.1.



- (b) A person may not willfully cause, advise, encourage, or assist an individual to preregister to vote, knowing or believing that the individual is not eligible to preregister to vote under Section 20A-2-101.1.
- (3) A person who violates this section is guilty of a class A misdemeanor.

Amended by Chapter 130, 2015 General Session

## **Chapter 3a Voting**

### **Part 1 General Voting Provisions**

#### **20A-3a-101 Title.**

This chapter is known as "Voting."

Enacted by Chapter 31, 2020 General Session

#### **20A-3a-102 Residency and age requirements of voters.**

- (1) An individual may vote in any regular general election or statewide special election if that individual has registered to vote in accordance with Chapter 2, Voter Registration.
- (2) An individual may vote in the presidential primary election or a regular primary election if:
  - (a) that individual has registered to vote in accordance with Chapter 2, Voter Registration; and
  - (b) that individual's political party affiliation, or unaffiliated status, allows the person to vote in the election.
- (3) An individual may vote in a municipal general election, municipal primary election, local special election, local district election, and bond election if that individual:
  - (a) has registered to vote in accordance with Chapter 2, Voter Registration; and
  - (b) is a resident of a voting district or precinct within the local entity that is holding the election.

Renumbered and Amended by Chapter 31, 2020 General Session

#### **20A-3a-103 Age requirements for primary elections -- 17-year-olds may vote.**

An individual who is 17 years of age may vote in a regular primary election, a municipal primary election, or a presidential primary election, if:

- (1) the individual will be 18 years of age on or before the day of the general election that immediately follows the regular primary election, municipal primary election, or presidential primary election;
- (2) the individual is registered to vote in accordance with Chapter 2, Voter Registration;
- (3) the individual's political party affiliation, or unaffiliated status, allows the individual to vote in the election; and
- (4) the individual otherwise complies with the requirements to vote in the primary election.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-104 Voting by secret ballot.**

All voting at each regular and municipal general election, at each statewide or local special election, at each primary election, at each local district election, and at each bond election shall be by secret ballot.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-105 Employee's right to time off for election.**

- (1)
  - (a) Each employer shall allow any voter to be absent from service or employment on election day for not more than two hours between the time the polls open and close.
  - (b) The voter shall apply for a leave of absence before election day.
  - (c)
    - (i) The employer may specify the hours during which the employee may be absent.
    - (ii) If the employee requests the leave of absence at the beginning or end of the work shift, the employer shall grant that request.
  - (d) The employer may not deduct from an employee's usual salary or wages because of the absence.
- (2) This section does not apply to an employee who has three or more hours between the time polls open and close during which the employee is not employed on the job.
- (3) Any employer who violates this section is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 31, 2020 General Session

**Part 2  
Voting Procedures**

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

- (1) Except for an election conducted entirely by mail under Section 20A-7-609.5, a voter may vote as follows:
  - (a) by mail;
  - (b) at a polling location during early voting hours;
  - (c) at a polling location on election day when the polls are open;
  - (d) if the voter is an individual with a disability, by voting remotely, via a mechanical ballot or via electronic means if approved by the election officer;
  - (e) electronically or via a federal write-in absentee ballot if the voter is a covered voter, as defined in Section 20A-16-102; or
  - (f) by emergency ballot, in accordance with Part 3, Emergency Ballots.
- (2) A voter may not vote at a polling place if the voter voted by mail or in a manner described in Subsections (1)(d) through (f).

Enacted by Chapter 31, 2020 General Session

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

- (1) Except as otherwise provided for an election conducted entirely by mail under Section 20A-7-609.5, an election officer shall administer an election primarily by mail, in accordance with this section.
- (2) An election officer who administers an election:
  - (a) shall in accordance with Subsection (3), no sooner than 21 days before election day and no later than seven days before election day, mail to each active voter within a voting precinct:
    - (i) a manual ballot;
    - (ii) a return envelope;
    - (iii) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted;
    - (iv) for an election administered by a county clerk, information regarding the location and hours of operation of any election day voting center at which the voter may vote or a website address where the voter may view this information;
    - (v) for an election administered by an election officer other than a county clerk, if the election officer does not operate a polling location or an election day voting center, a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the ballot, the voter will be unable to vote in that election because there will be no polling place for the voting precinct on the day of the election; and
    - (vi) after May 1, 2022, instructions on how a voter may sign up to receive electronic ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5; and
  - (b) may not mail a ballot under this section to:
    - (i) an inactive voter, unless the inactive voter requests a manual ballot; or
    - (ii) a voter whom the election officer is prohibited from sending a ballot under Subsection (10)(c)
      - (ii).
- (3)
  - (a) An election officer who mails a manual ballot under Subsection (2) shall mail the manual ballot to the address:
    - (i) provided at the time of registration; or
    - (ii) if, at or after the time of registration, the voter files an alternate address request form described in Subsection (3)(b), the alternate address indicated on the form.
  - (b) The lieutenant governor shall make available to voters an alternate address request form that permits a voter to request that the election officer mail the voter's ballot to a location other than the voter's residence.
  - (c) A voter shall provide the completed alternate address request form to the election officer no later than 11 days before the day of the election.
- (4) The return envelope shall include:
  - (a) the name, official title, and post office address of the election officer on the front of the envelope;
  - (b) a space where a voter may write an email address and phone number by which the election officer may contact the voter if the voter's ballot is rejected;
  - (c) a printed affidavit in substantially the following form:

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

\_\_\_\_\_  
Signature of Voter"; and

- (d) a warning that the affidavit must be signed by the individual to whom the ballot was sent and that the ballot will not be counted if the signature on the affidavit does not match the signature on file with the election officer of the individual to whom the ballot was sent.
- (5) If the election officer determines that the voter is required to show valid voter identification, the election officer may:
  - (a) mail a ballot to the voter; and
  - (b) instruct the voter to include a copy of the voter's valid voter identification with the return ballot.
- (6) An election officer who administers an election shall:
  - (a)
    - (i) before the election, obtain the signatures of each voter qualified to vote in the election; or
    - (ii) obtain the signature of each voter within the voting precinct from the county clerk; and
  - (b) maintain the signatures on file in the election officer's office.
- (7) Upon receipt of a returned ballot, the election officer shall review and process the ballot under Section 20A-3a-401.
- (8) A county that administers an election:
  - (a) shall provide at least one election day voting center in accordance with Chapter 3a, Part 7, Election Day Voting Center, and at least one additional election day voting center for every 5,000 active voters in the county who have requested to not receive a ballot by mail;
  - (b) shall ensure that each election day voting center operated by the county has at least one voting device that is accessible, in accordance with the Help America Vote Act of 2002, Pub. L. No. 107-252, for individuals with disabilities;
  - (c) may reduce the early voting period described in Section 20A-3a-601, if:
    - (i) the county clerk conducts early voting on at least four days;
    - (ii) the early voting days are within the period beginning on the date that is 14 days before the date of the election and ending on the day before the election; and
    - (iii) the county clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604;
  - (d) is not required to pay return postage for a ballot; and
  - (e) is subject to an audit conducted under Subsection (9).
- (9)
  - (a) The lieutenant governor shall:
    - (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in an election conducted under this section; and
    - (ii) after each primary, general, or special election conducted under this section, select a number of ballots, in varying jurisdictions, to audit in accordance with the procedures developed under Subsection (9)(a)(i).
  - (b) The lieutenant governor shall post the results of an audit conducted under this Subsection (9) on the lieutenant governor's website.
- (10)
  - (a) An individual may request that the election officer not send the individual a ballot by mail in the next and subsequent elections by submitting a written request to the election officer.
  - (b) An individual shall submit the request described in Subsection (10)(a) to the election officer before 5 p.m. no later than 60 days before an election if the individual does not wish to receive a ballot by mail in that election.
  - (c) An election officer who receives a request from an individual under Subsection (10)(a):
    - (i) shall remove the individual's name from the list of voters who will receive a ballot by mail; and
    - (ii) may not send the individual a ballot by mail for:

- (A) the next election, if the individual submits the request described in Subsection (10)(a) before the deadline described in Subsection (10)(b); or
- (B) an election after the election described in Subsection (10)(c)(ii)(A).
- (d) An individual who submits a request under Subsection (10)(a) may resume the individual's receipt of a ballot by mail by submitting a written request to the election officer.

Amended by Chapter 100, 2021 General Session

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

- (1) Except as provided in Section 20A-7-609.5, a registered voter may vote at a polling place in an election in accordance with this section.
- (2)
  - (a) The voter shall give the voter's name, and, if requested, the voter's residence, to one of the poll workers.
  - (b) The voter shall present valid voter identification to one of the poll workers.
  - (c) If the poll worker is not satisfied that the voter has presented valid voter identification, the poll worker shall:
    - (i) indicate on the official register that the voter was not properly identified;
    - (ii) issue the voter a provisional ballot;
    - (iii) notify the voter that the voter will have until the close of normal office hours on Monday after the day of the election to present valid voter identification:
      - (A) to the county clerk at the county clerk's office; or
      - (B) to an election officer who is administering the election; and
    - (iv) follow the procedures and requirements of Section 20A-3a-205.
  - (d) If the person's right to vote is challenged as provided in Section 20A-3a-803, the poll worker shall follow the procedures and requirements of Section 20A-3a-205.
- (3) A poll worker shall check the official register to determine whether:
  - (a) a voter is registered to vote; and
  - (b) if the election is a regular primary election or a presidential primary election, whether a voter's party affiliation designation in the official register allows the voter to vote the ballot that the voter requests.
- (4)
  - (a) Except as provided in Subsection (5), if the voter's name is not found on the official register, the poll worker shall follow the procedures and requirements of Section 20A-3a-205.
  - (b) If, in a regular primary election or a presidential primary election, the official register does not affirmatively identify the voter as being affiliated with a registered political party or if the official register identifies the voter as being "unaffiliated," the voter shall be considered to be "unaffiliated."
- (5) In a regular primary election or a presidential primary election:
  - (a) if a voter's name is not found on the official register, and if it is not unduly disruptive to the election process, the poll worker may attempt to contact the county clerk's office to request oral verification of the voter's registration;
  - (b) if oral verification is received from the county clerk's office, the poll worker shall:
    - (i) record the verification on the official register;
    - (ii) determine the voter's party affiliation and the ballot that the voter is qualified to vote; and
    - (iii) except as provided in Subsection (6), comply with Subsection (3).
- (6)

- (a) Except as provided in Subsection (6)(b), if, in a regular primary election or a presidential primary election, the voter's political party affiliation listed in the official register does not allow the voter to vote the ballot that the voter requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.
- (b) If, in a regular primary election or a presidential primary election, the voter is listed in the official register as unaffiliated, or if the official register does not affirmatively identify the voter as either unaffiliated or affiliated with a registered political party, and the voter, as an unaffiliated voter, is not authorized to vote the ballot that the voter requests, the poll worker shall:
  - (i) ask the voter if the voter wishes to vote another registered political party ballot that the voter, as unaffiliated, is authorized to vote, or remain unaffiliated; and
  - (ii)
    - (A) if the voter wishes to vote another registered political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection (3); or
    - (B) if the voter wishes to remain unaffiliated and does not wish to vote another ballot that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the voter may not vote.
- (7) Except as provided in Subsection (6)(b)(ii)(B), and subject to the other provisions of Subsection (6), if the poll worker determines that the voter is registered, a poll worker shall:
  - (a) direct the voter to sign the voter's name in the official register;
  - (b) provide to the voter the ballot that the voter is qualified to vote; and
  - (c) allow the voter to enter the voting booth.

Renumbered and Amended by Chapter 31, 2020 General Session

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

- (1) To vote by mail:
  - (a) except as provided in Subsection (6), the voter shall prepare the voter's manual ballot by marking the appropriate space with a mark opposite the name of each candidate of the voter's choice for each office to be filled;
  - (b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the appropriate space with a mark opposite the answer the voter intends to make;
  - (c) except as provided in Subsection (6), the voter shall record a write-in vote in accordance with Subsection 20A-3a-206(1);
  - (d) except as provided in Subsection (6), a mark is not required opposite the name of a write-in candidate; and
  - (e) the voter shall:
    - (i) complete and sign the affidavit on the return envelope;
    - (ii) place the voted ballot in the return envelope;
    - (iii) securely seal the return envelope; and
    - (iv)
      - (A) attach postage, if necessary, and deposit the return envelope in the mail; or
      - (B) place the return envelope in a ballot drop box, designated by the election officer, for the precinct where the voter resides.
- (2)
  - (a) Except as otherwise provided in Section 20A-16-404, to be valid, a ballot that is mailed must be:

- (i) clearly postmarked before election day, or otherwise clearly marked by the post office as received by the post office before election day; and
    - (ii) received in the office of the election officer before noon on the day of the official canvass following the election.
  - (b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls close on election day, be deposited in:
    - (i) a ballot box at a polling place; or
    - (ii) a ballot drop box designated by an election officer for the jurisdiction to which the ballot relates.
  - (c) An election officer may, but is not required to, forward a ballot deposited in a ballot drop box in the wrong jurisdiction to the correct jurisdiction.
  - (d) An election officer shall ensure that a voter who is, at or before 8 p.m., in line at a ballot drop box, with a sealed return envelope containing a ballot in the voter's possession, to deposit the ballot in the ballot drop box.
- (3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after complying with Subsections (1)(a) through (d):
- (a) sign the official register or pollbook; and
  - (b)
    - (i) place the ballot in the ballot box; or
    - (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot envelope, complete the information printed on the provisional ballot envelope, and deposit the provisional ballot envelope in the provisional ballot box.
- (4)
- (a) An individual with a disability may vote a mechanical ballot at a polling place.
  - (b) An individual other than an individual with a disability may vote a mechanical ballot at a polling place if permitted by the election officer.
- (5) To vote a mechanical ballot, the voter shall:
- (a) make the selections according to the instructions provided for the voting device; and
  - (b) subject to Subsection (6), record a write-in vote by:
    - (i) selecting the appropriate position for entering a write-in candidate; and
    - (ii) using the voting device to enter the name of the valid write-in candidate for whom the voter wishes to vote.
- (6) To vote in an instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a voter:
- (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's first preference for the office; and
  - (b) may indicate, as directed on the ballot, the names of the remaining candidates in order of the voter's preference.
- (7) A voter who votes at a polling place:
- (a) shall mark and cast or deposit the ballot without delay and shall leave the voting area after voting; and
  - (b) may not:
    - (i) occupy a voting booth occupied by another, except as provided in Section 20A-3a-208;
    - (ii) remain within the voting area more than 10 minutes; or
    - (iii) occupy a voting booth for more than five minutes if all booths are in use and other voters are waiting to occupy a voting booth.
- (8) If the official register shows any voter as having voted, that voter may not reenter the voting area during that election unless that voter is an election official or watcher.

- (9) A poll worker may not, at a polling place, allow more than four voters more than the number of voting booths into the voting area at one time unless those excess voters are:
- (a) election officials;
  - (b) watchers; or
  - (c) assisting voters with a disability.

Enacted by Chapter 31, 2020 General Session

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

- (1) The poll workers shall follow the procedures and requirements of this section when:
- (a) the individual's right to vote is challenged as provided in Section 20A-3a-803 or 20A-3a-805;
  - (b) the individual's name is not found on the official register; or
  - (c) the poll worker is not satisfied that the voter has provided valid voter identification.
- (2) When faced with one of the circumstances described in Subsection (1)(a) or (b), the poll worker shall:
- (a) request that the individual provide valid voter identification; and
  - (b) review the identification provided by the individual.
- (3) If the poll worker is satisfied that the individual has provided valid voter identification that establishes the individual's identity and residence in the voting precinct:
- (a) the poll worker in charge of the official register shall:
    - (i) record in the official register the type of identification that established the individual's identity and place of residence;
    - (ii) record the provisional ballot envelope number in association with the name of the individual; and
    - (iii) direct the individual to sign the individual's name in the official register or pollbook; and
  - (b) the poll worker having charge of the ballots shall:
    - (i) give the individual a provisional ballot; and
    - (ii) allow the individual to enter the voting booth.
- (4) If the poll worker is not satisfied that the individual has provided valid voter identification that establishes the individual's identity and residence in the voting precinct:
- (a) the poll worker in charge of the official register shall:
    - (i) record in the official register that the voter did not provide valid voter identification;
    - (ii) record in the official register the type of identification that was provided by the individual, if any;
    - (iii) record the provisional ballot envelope number in association with the name of the individual; and
    - (iv) direct the individual to sign the individual's name in the official register or pollbook; and
  - (b) the poll worker having charge of the ballots shall:
    - (i) give the individual a provisional ballot; and
    - (ii) allow the individual to enter the voting booth.
- (5) When, at a polling place, the election officer is required to furnish more than one version of a ballot, the poll workers at that polling place shall give the registered voter the version of the ballot that the voter is qualified to vote.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-206 Writing in names -- Effect of unnecessary marking of cross.**

- (1)



- (a) A voter may cast a write-in vote on a manual ballot by writing the name of a valid write-in candidate in the blank write-in section of the ballot.
  - (b) A voter may not cast a write-in vote on a manual ballot by affixing a sticker or label with the name of a write-in candidate in the blank write-in section of the ballot.
- (2) A voter may cast a write-in vote on a mechanical ballot by:
- (a) marking the appropriate position opposite the area for entering a write-in candidate for the office sought by the candidate for whom the voter wishes to vote; and
  - (b) entering the name of a valid write-in candidate in the write-in selection area.

Renumbered and Amended by Chapter 31, 2020 General Session  
Amended by Chapter 49, 2020 General Session, (Coordination Clause)  
Amended by Chapter 49, 2020 General Session

**20A-3a-207 No ballots may be taken away -- Spoiled ballots.**

- (1) If any voter spoils a ballot, the voter may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one.
- (2) If any ballot is spoiled by the printer or a poll worker, the poll worker shall give the voter a new ballot.
- (3) The poll worker shall:
  - (a) immediately write the word "spoiled" across the face of the ballot; and
  - (b) place the ballot in the envelope for spoiled ballots.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-208 Assisting disabled, illiterate, or blind voters.**

- (1) Any voter who has a disability, or is blind, unable to read or write, unable to read or write the English language, or is physically unable to enter a polling place, may be given assistance by an individual of the voter's choice.
- (2) The individual providing assistance may not be:
  - (a) the voter's employer;
  - (b) an agent of the employer;
  - (c) an officer or agent of the voter's union; or
  - (d) a candidate.
- (3) The person providing assistance may not request, persuade, or otherwise induce the voter to vote for or vote against any particular candidate or issue or release any information regarding the voter's selection.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-209 Instructions to voters.**

- (1) If any voter, after entering a voting booth, asks for further instructions concerning the manner of voting, two poll workers, each from a different political party, shall instruct the voter.
- (2) After instructing the voter, and before the voter casts a vote, the poll worker shall leave the voting booth so that the voter may vote in secret.
- (3) A poll worker instructing a voter about the voting process may not request, suggest, or seek to persuade or induce the voter to vote for or against any particular ticket, any particular candidate, or for or against any ballot proposition.

Renumbered and Amended by Chapter 31, 2020 General Session

### **Part 3 Emergency Ballots**

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

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

Renumbered and Amended by Chapter 31, 2020 General Session

### **Part 4 Disposition of Ballots**

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

- (1) This section governs ballots returned by mail or via a ballot drop box.
- (2)
  - (a) Poll workers shall open return envelopes containing manual ballots that are in the custody of the poll workers in accordance with Subsection (2)(b).
  - (b) The poll workers shall, first, compare the signature of the voter on the affidavit of the return envelope to the signature of the voter in the voter registration records.
- (3) After complying with Subsection (2), the poll workers shall determine whether:
  - (a) the signatures correspond;
  - (b) the affidavit is sufficient;
  - (c) the voter is registered to vote in the correct precinct;
  - (d) the voter's right to vote the ballot has been challenged;

- (e) the voter has already voted in the election;
  - (f) the voter is required to provide valid voter identification; and
  - (g) if the voter is required to provide valid voter identification, whether the voter has provided valid voter identification.
- (4)
- (a) The poll workers shall take the action described in Subsection (4)(b) if the poll workers determine that:
    - (i) the signatures correspond;
    - (ii) the affidavit is sufficient;
    - (iii) the voter is registered to vote in the correct precinct;
    - (iv) the voter's right to vote the ballot has not been challenged;
    - (v) the voter has not already voted in the election; and
    - (vi) for a voter required to provide valid voter identification, that the voter has provided valid voter identification.
  - (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll workers shall:
    - (i) remove the manual ballot from the return envelope in a manner that does not destroy the affidavit on the return envelope;
    - (ii) ensure that the ballot does not unfold and is not otherwise examined in connection with the return envelope; and
    - (iii) place the ballot with the other ballots to be counted.
  - (c) If the poll workers do not make all of the findings described in Subsection (4)(a), the poll workers shall:
    - (i) disallow the vote;
    - (ii) without opening the return envelope, mark across the face of the return envelope:
      - (A) "Rejected as defective"; or
      - (B) "Rejected as not a registered voter"; and
    - (iii) place the return envelope, unopened, with the other rejected return envelopes.
- (5)
- (a) If the poll workers reject an individual's ballot because the poll workers determine that the signature on the return envelope does not match the individual's signature in the voter registration records, the election officer shall contact the individual in accordance with Subsection (7) by mail, email, text message, or phone, and inform the individual:
    - (i) that the individual's signature is in question;
    - (ii) how the individual may resolve the issue;
    - (iii) that, in order for the ballot to be counted, the individual is required to deliver to the election officer a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection (5)(b).
  - (b) An affidavit described in Subsection (5)(a)(iii) shall include:
    - (i) an attestation that the individual voted the ballot;
    - (ii) a space for the individual to enter the individual's name, date of birth, and driver license number or the last four digits of the individual's social security number;
    - (iii) a space for the individual to sign the affidavit; and
    - (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant governor's and county clerk's use of the individual's signature on the affidavit for voter identification purposes.
  - (c) In order for an individual described in Subsection (5)(a) to have the individual's ballot counted, the individual shall deliver the affidavit described in Subsection (5)(b) to the election officer.

- (d) An election officer who receives a signed affidavit under Subsection (5)(c) shall immediately:
  - (i) scan the signature on the affidavit electronically and keep the signature on file in the statewide voter registration database developed under Section 20A-2-109; and
  - (ii) if the election officer receives the affidavit no later than 5 p.m. the day before the canvass, count the individual's ballot.
- (6) If the poll workers reject an individual's ballot for any reason, other than the reason described in Subsection (5)(a), the election officer shall notify the individual of the rejection in accordance with Subsection (7) by mail, email, text message, or phone and specify the reason for the rejection.
- (7) An election officer who is required to give notice under Subsection (5) or (6) shall give the notice no later than:
  - (a) if the election officer rejects the ballot before election day:
    - (i) one business day after the day on which the election officer rejects the ballot, if the election officer gives the notice by email or text message; or
    - (ii) two business days after the day on which the election officer rejects the ballot, if the election officer gives the notice by postal mail or phone;
  - (b) seven days after election day if the election officer rejects the ballot on election day; or
  - (c) seven days after the canvass if the election officer rejects the ballot after election day and before the end of the canvass.
- (8) An election officer may not count the ballot of an individual whom the election officer contacts under Subsection (5) or (6) unless the election officer receives a signed affidavit from the individual under Subsection (5)(b) or is otherwise able to establish contact with the individual to confirm the individual's identity.
- (9) The election officer shall retain and preserve the return envelopes in the manner provided by law for the retention and preservation of ballots voted at that election.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-401.5 Ballot tracking system.**

- (1) As used in this section:
  - (a) "Ballot tracking system" means the system described in this section to track and confirm the status of trackable ballots.
  - (b) "Change in the status" includes:
    - (i) when a trackable ballot is mailed to a voter;
    - (ii) when an election official receives a voted trackable ballot; and
    - (iii) when a voted trackable ballot is counted.
  - (c) "Trackable ballot" means a manual ballot that is:
    - (i) mailed to a voter in accordance with Section 20A-3a-202;
    - (ii) deposited in the mail by a voter in accordance with Section 20A-3a-204; or
    - (iii) deposited in a ballot drop box by a voter in accordance with Section 20A-3a-204.
  - (d) "Voter registration database" means the statewide voter registration database described in Section 20A-2-109.
- (2)
  - (a) The lieutenant governor shall develop and maintain a statewide or locally based system to track and confirm when there is a change in the status of a trackable ballot.
  - (b) The ballot tracking system shall be operational on or before May 1, 2022.

- (3) Beginning on May 1, 2022, if a voter elects to receive electronic notifications regarding the status of the voter's trackable ballot, the ballot tracking system shall, when there is a change in the status of the voter's trackable ballot:
  - (a) send a text message notification to the voter if the voter's information in the voter registration database includes a mobile telephone number;
  - (b) send an email notification to the voter if the voter's information in the voter registration database includes an email address; and
  - (c) send a notification by another electronic means directed by the lieutenant governor.
- (4) The lieutenant governor shall ensure that the ballot tracking system and the state-provided website described in Section 20A-7-801 automatically share appropriate information to ensure that a voter is able to confirm the status of the voter's trackable ballot via the state-provided website free of charge.
- (5) The ballot tracking system shall include a toll-free telephone number or other offline method by which a voter can confirm the status of the voter's trackable ballot.
- (6) The lieutenant governor shall ensure that the ballot tracking system:
  - (a) is secure from unauthorized use by employing data encryption or other security measures; and
  - (b) is only used for the purposes described in this section.

Enacted by Chapter 100, 2021 General Session

**20A-3a-402 Custody of ballots voted at a polling place -- Disposition -- Counting -- Release of number of ballots cast.**

- (1) This section governs ballots voted at a polling place.
- (2)
  - (a) The election officer shall deliver all return envelopes containing valid ballots and valid provisional ballots that are in the election officer's custody to the counting center before noon on the day of the official canvass following the election.
  - (b) Valid ballots, including valid provisional ballots, may be processed and counted:
    - (i) by the election officer, or poll workers acting under the supervision of the election officer, before the date of the canvass; and
    - (ii) at the canvass, by the election officer or poll workers, acting under the supervision of the official canvassers of the election.
  - (c) When processing ballots, the election officer and poll workers shall comply with the procedures and requirements of Section 20A-3a-401 in opening envelopes, verifying signatures, confirming eligibility of the ballots, and depositing ballots in preparation for counting.
- (3)
  - (a) After all valid ballots, including valid provisional ballots have been deposited, the ballots shall be counted in the usual manner.
  - (b) After the polls close on the date of the election, the election officer shall publicly release the results of those ballots, including provisional ballots, that have been counted on or before the date of the election.
  - (c) Except as provided in Subsection (3)(d), on each day, beginning on the day after the date of the election and ending on the day before the date of the canvass, the election officer shall publicly release:
    - (i) the results of all ballots, including provisional ballots, counted on that day; and

- (ii) an estimate of the total number of voted ballots in the custody of the election officer that have not yet been counted.
- (d)
  - (i) If complying with Subsection (3)(c) on a particular day will likely result in disclosing a vote cast by an individual voter, the election officer shall request permission from the lieutenant governor to delay compliance for the minimum number of days necessary to protect against disclosure of the voter's vote.
  - (ii) The lieutenant governor shall grant a request made under Subsection (3)(d)(i) if the lieutenant governor finds that the delay is necessary to protect against disclosure of a voter's vote.
- (e) On the date of the canvass, the election officer shall provide a tally of all ballots, including provisional ballots, counted, and the resulting tally shall be added to the official canvass of the election.
- (4)
  - (a) On the day after the date of the election, the election officer shall determine the number of ballots received by the election officer at that time and shall make that number available to the public.
  - (b) The election officer may elect to publicly release updated totals for the number of ballots received by the election officer up through the date of the canvass.

Amended by Chapter 62, 2021 General Session

**20A-3a-403 Frauds and malfeasance in voting -- Penalty.**

- (1)
  - (a) It is unlawful for any person to willfully falsify the voter affidavits required by this part.
  - (b) Any person violating this Subsection (1) is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.
- (2)
  - (a) It is unlawful for any election officer to:
    - (i) refuse or neglect to perform any of the duties required by this part; or
    - (ii) violate any of the provisions of this part.
  - (b) Any person who violates this Subsection (2) is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 31, 2020 General Session

**Part 5  
Voting Offenses**

**20A-3a-501 Prohibited conduct at polling place -- Other prohibited activities.**

- (1) As used in this section:
  - (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to refrain from voting or to vote for or vote against any candidate or issue; and
  - (b) "polling place" means the physical place where ballots are cast and includes the physical place where a ballot drop box is located.
- (2)

- (a) An individual may not, within a polling place or in any public area within 150 feet of the building where a polling place is located:
    - (i) do any electioneering;
    - (ii) circulate cards or handbills of any kind;
    - (iii) solicit signatures to any kind of petition; or
    - (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts the administration of the polling place.
  - (b) A county, municipality, school district, or local district may not prohibit electioneering that occurs more than 150 feet from the building where a polling place is located, but may regulate the place and manner of that electioneering to protect the public safety.
- (3)
- (a) An individual may not obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.
  - (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction of the entrance to a polling place and may arrest an individual creating an obstruction.
- (4) An individual may not solicit any voter to show the voter's ballot.
- (5)
- (a) An individual may not knowingly possess or control another individual's voted manual ballot, unless:
    - (i) the individual is an election official or postal worker acting in the capacity of an election official or postal worker;
    - (ii) the individual possesses or controls the voted ballot in accordance with Section 20A-3a-301, relating to emergency ballots;
    - (iii) the possession or control is authorized in order to deliver a military-overseas ballot in accordance with Chapter 16, Uniform Military and Overseas Voters Act;
    - (iv) subject to Section 20A-3a-208, the individual is authorized by a voter to possess or control the voter's voted ballot if the voter needs assistance delivering the ballot due to the voter's age, illness, or disability; or
    - (v) the individual resides in the same household as the voter.
  - (b) A violation of Subsection (5)(a) does not invalidate the ballot.
- (6) An individual who violates any provision of this section is, in addition to the penalties described in Subsections 20A-1-609(2) and (3), guilty of a class A misdemeanor.
- (7) A political subdivision may not prohibit political signs that are located more than 150 feet away from a polling place, but may regulate their placement to protect public safety.

Amended by Chapter 17, 2020 Special Session 6

**20A-3a-502 Intimidation -- Undue influence.**

- (1) It is unlawful for a person to induce or compel an individual to vote or refrain from voting at an election provided by law or to vote or refrain from voting for a particular individual or measure at an election provided by law, directly or indirectly, by:
  - (a) using force, violence, or restraint;
  - (b) inflicting or threatening to inflict injury, damage, harm, or loss; or
  - (c) by intimidation.
- (2) It is unlawful for a person to, by abduction, force, or fraud, impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any voter, either in voting at any election provided by law or voting or refraining from voting for a particular individual or measure at an election provided by law.

- (3) It is unlawful for a person to:
- (a) enclose in the salary or wage envelopes of an employee of the person, political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinion, views, or action of the employee; or
  - (b) within 90 days before the day of an election provided by law, post or otherwise exhibit, in a location where the person's employees may be working or may be present in the course of employment, any handbill, notice, or placard containing any threat, notice, or information, that if any particular ticket or candidate is or is not elected:
    - (i) work performed by the person's employees will cease in whole or in part;
    - (ii) the workplace will close;
    - (iii) wages of workforce will be reduced; or
    - (iv) other adverse consequences, under the control of the person, will result.
- (4) Violation of this section is a class B misdemeanor.

Enacted by Chapter 31, 2020 General Session

**20A-3a-503 Influencing employee's vote.**

- (1) It is unlawful for any corporation, or any officer or agent of any corporation, to influence, or attempt to influence, induce, or compel by force, violence, or restraint, or by inflicting or threatening to inflict any injury, damage, harm, or loss, or by discharging from employment or promoting in employment, or by intimidation, or in any manner whatever, any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or measure at that election.
- (2)
- (a) Any corporation or any officer or agent of that corporation who violates any of the provisions of this section is guilty of a class B misdemeanor.
  - (b) Any corporation violating any of the provisions of this section shall forfeit its charter and right to do business in this state in addition to any other penalties imposed by law.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-504 Violations -- Penalties.**

- (1) Except as provided in Subsection (3) or Section 20A-3a-208, an individual is guilty of a class C misdemeanor if the individual:
- (a) allows the individual's ballot to be seen by another with the intent to reveal how the individual is about to vote;
  - (b) states falsely that the individual is unable to mark the individual's ballot;
  - (c) interferes or attempts to interfere with any individual who is inside the voting booth or who is marking a ballot;
  - (d) induces or attempts to induce any voter who is inside a voting booth or who is marking a ballot to vote to show how the voter marked the voter's ballot; or
  - (e) takes a photograph of a ballot, other than the individual's own ballot, at a polling place.
- (2) The election judges and clerks shall report any individual who violates this section to the county attorney or district attorney having state criminal jurisdiction for prosecution.
- (3) Subsection (1) does not prohibit an individual from transferring a photograph of the individual's own ballot in a manner that allows the photograph to be viewed by the individual or another.

Renumbered and Amended by Chapter 31, 2020 General Session



**20A-3a-505 False impersonation -- Double voting.**

- (1)
  - (a) An individual may not:
    - (i) apply for a ballot in the name of another individual, regardless of whether the other individual is living or dead, or is a fictitious person;
    - (ii) after having voted once at an election, apply again at the same election for a ballot in the individual's own name or any other name; or
    - (iii) sign the affidavit on a return envelope for another individual.
  - (b) An individual who violates Subsection (1)(a) is guilty of a third degree felony.
- (2)
  - (a) An individual may not aid, assist, counsel, or procure another individual to commit the felony described in Subsection (1)(a).
  - (b) An individual who violates Subsection (2)(a) is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-506 False information on provisional ballot envelope.**

- (1) An individual may not wilfully falsify information on a provisional ballot envelope.
- (2) An individual who violates this section is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 31, 2020 General Session

**Part 6  
Early Voting**

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

- (1) Except as provided in Section 20A-7-609.5:
  - (a) an individual who is registered to vote may vote at a polling place before the election date in accordance with this section; and
  - (b) except as provided in Subsection 20A-2-207(6), an individual who is not registered to vote may register to vote and vote at a polling place before the election date in accordance with this section if the individual:
    - (i) is otherwise legally entitled to vote the ballot; and
    - (ii) casts a provisional ballot in accordance with Section 20A-2-207.
- (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period:
  - (a) begins on the date that is 14 days before the date of the election; and
  - (b) continues through the Friday before the election if the election date is a Tuesday.
- (3)
  - (a) An election officer may extend the end of the early voting period to the day before the election date if the election officer provides notice of the extension in accordance with Section 20A-3a-604.
  - (b) For a municipal election, the municipal clerk may reduce the early voting period described in this section if:
    - (i) the municipal clerk conducts early voting on at least four days;

- (ii) the early voting days are within the period beginning on the date that is 14 days before the date of the election and ending on the day before the election; and
  - (iii) the municipal clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604.
- (c) For a county election, the county clerk may reduce the early voting period described in this section if:
- (i) the county clerk conducts early voting on at least four days;
  - (ii) the early voting days are within the period beginning on the date that is 14 days before the date of the election and ending on the day before the election; and
  - (iii) the county clerk provides notice of the reduced early voting period in accordance with Section 20A-3a-604.
- (4) Except as provided in Section 20A-1-308, during the early voting period, the election officer:
- (a) for a local special election, a municipal primary election, and a municipal general election:
    - (i) shall conduct early voting on a minimum of four days during each week of the early voting period; and
    - (ii) shall conduct early voting on the last day of the early voting period; and
  - (b) for all other elections:
    - (i) shall conduct early voting on each weekday; and
    - (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.
- (5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308, early voting shall be administered in accordance with the requirements of this title.

Renumbered and Amended by Chapter 31, 2020 General Session  
Amended by Chapter 95, 2020 General Session

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

- (1) Except as provided in Section 20A-1-308, the election officer shall determine the times for opening and closing the polls for each day of early voting provided that voting is open for a minimum of four hours during each day that polls are open during the early voting period.
- (2) Except as provided in Section 20A-1-308, each registered voter who arrives at the polls before the time scheduled for closing of the polls shall be allowed to vote.

Renumbered and Amended by Chapter 31, 2020 General Session

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

- (1) Except as provided in Section 20A-1-308 or 20A-7-609.5, the election officer shall designate one or more polling places for early voting, as follows:
  - (a) at least one polling place shall be open on each day that polls are open during the early voting period;
  - (b) each polling place shall comply with the requirements for polling places under Chapter 5, Election Administration;
  - (c) for all elections other than local special elections, municipal primary elections, and municipal general elections, at least 10% of the voting devices at a polling place shall be accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002; and
  - (d) each polling place shall be located in a government building or office, unless the election officer determines that, in the area designated by the election officer, there is no government building or office available that:

- (i) can be scheduled for use during early voting hours;
  - (ii) has the physical facilities necessary to accommodate early voting requirements;
  - (iii) has adequate space for voting equipment, poll workers, and voters; and
  - (iv) has adequate security, public accessibility, and parking.
- (2)
- (a) Except as provided in Section 20A-1-308, the election officer may, after the deadline described in Section 20A-3a-604:
    - (i) if necessary, change the location of an early voting place; or
    - (ii) if the election officer determines that the number of early voting polling places is insufficient due to the number of registered voters who are voting, designate additional polling places during the early voting period.
  - (b) Except as provided in Section 20A-1-308, if an election officer changes the location of an early voting polling place or designates an additional early voting polling place, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the changed early voting polling place or the additional early voting polling place:
    - (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;
    - (ii) by posting the information on the website of the election officer, if available; and
    - (iii) by posting notice:
      - (A) for a change in the location of an early voting polling place, at the new location and, if possible, the old location; and
      - (B) for an additional early voting polling place, at the additional early voting polling place.
- (3) Except as provided in Section 20A-1-308, for each regular general election and regular primary election, counties of the first class shall ensure that the early voting polling places are approximately proportionately distributed based on population within the county.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-604 Notice of time and place of early voting.**

- (1) Except as provided in Section 20A-1-308 or Subsection 20A-3a-603(2), the election officer shall, at least 19 days before the date of the election, provide notice of the dates, times, and locations of early voting:
- (a)
    - (i) by publishing notice in at least one issue of a newspaper of general circulation in the county;
    - (ii) by posting one notice, and at least one additional notice per 2,000 population of the county, in places within the county that are most likely to give notice to the residents in the county, subject to a maximum of 10 notices; or
    - (iii) by mailing notice to each registered voter in the county;
  - (b) by posting notice at each early voting polling place;
  - (c) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for 19 days before the day of the election; and
  - (d) by posting notice on the county's website for 19 days before the day of the election.
- (2) Instead of specifying all dates, times, and locations of early voting, a notice required under Subsection (1) may specify the following sources where a voter may view or obtain a copy of all dates, times, and locations of early voting:
- (a) the county's website;
  - (b) the physical address of the county's offices; and
  - (c) a mailing address and telephone number.
- (3) The election officer shall include in the notice described in Subsection (1):

- (a) the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the election officer will post on the website the location of each early voting polling place, including any changes to the location of an early voting polling place and the location of additional early voting polling places; and
- (b) a phone number that a voter may call to obtain information regarding the location of an early voting polling place.

Amended by Chapter 15, 2021 Special Session 1

**20A-3a-605 Exemptions from early voting.**

- (1)
  - (a) This part does not apply to an election of a board member of a local district.
  - (b) Notwithstanding Subsection (1)(a), a local district may, in the local district's discretion, provide early voting in accordance with this part for election of a board member.
- (2) Notwithstanding the requirements of Section 20A-3a-601, a municipality of the fifth class or a town as described in Section 10-2-301 may provide early voting as provided under this part for:
  - (a) a municipal primary election; or
  - (b) a municipal general election.
- (3) A municipality is not required to conduct early voting for the election.

Renumbered and Amended by Chapter 31, 2020 General Session

**Part 7**  
**Election Day Voting Center**

**20A-3a-701 Definitions.**

As used in this part:

- (1) "Election day voting center" means a polling place designated by an election officer to provide for voting on election day for an individual who:
  - (a) is eligible to vote; and
  - (b) resides within the political subdivision holding the election.
- (2) "Voting center ballot" means a regular ballot that:
  - (a) is provided at an election day voting center; and
  - (b) may be retrieved by the election official during the canvass if the voter cast a ballot at another location or before election day.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-702 Election day voting center -- Hours of operation -- Compliance with Election Code.**

- (1) Except as provided in Section 20A-7-609.5, an election officer may operate an election day voting center in one or more locations designated under Section 20A-3a-703.
- (2) An election officer shall provide for voting at an election day voting center by:
  - (a) regular ballot if:
    - (i)

- (A) the election day voting center is designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides; and
  - (B) the voter is eligible to vote a regular ballot at the election day voting center in accordance with this title; or
  - (ii)
    - (A) the voter resides within the political subdivision holding the election;
    - (B) the voter is otherwise eligible to vote a regular ballot in accordance with this title; and
    - (C) the jurisdiction holding the election uses a method that confirms that the voter has not voted previously in the election;
  - (b) voting center ballot if:
    - (i) the election day voting center is not designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides;
    - (ii) the voter resides within the political subdivision holding the election; and
    - (iii) the voter is otherwise eligible to vote a regular ballot in accordance with this title; or
  - (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in accordance with this title.
- (3) An election officer shall ensure that an election day voting center:
- (a) is open on election day during the time period specified under Section 20A-1-302;
  - (b) allows an eligible voter to vote if the voter:
    - (i) resides within the political subdivision holding an election; and
    - (ii) arrives at the election day voting center by the designated closing time in accordance with Section 20A-1-302; and
  - (c) is administered according to the requirements of this title.
- (4) An individual may submit a completed manual ballot at an election day voting center for the political subdivision in which the individual resides.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-703 Election day voting centers as polling places -- Location -- Notification.**

- (1) The election officer may designate one or more polling places as an election day voting center if:
- (a) except as provided in Subsection (2), the election officer notifies the lieutenant governor of the designation and location of the election day voting center at least 15 days before the election;
  - (b) the polling place meets the requirements for a polling place under Chapter 5, Election Administration; and
  - (c) the polling place is located in a government building or office, unless the election officer determines that there is no government building or office available, in the area designated by the election officer, that:
    - (i) can be scheduled for use during election day voting hours;
    - (ii) has the physical facilities necessary to accommodate election day voting requirements;
    - (iii) has adequate space for voting equipment, poll workers, and voters; and
    - (iv) has adequate security, public accessibility, and parking.
- (2)
- (a) The election officer may, after the deadline described in Subsection (1)(a):
    - (i) if necessary, change the location of an election day voting center; or

- (ii) if the election officer determines that the number of election day voting centers is insufficient due to the number of registered voters who are voting, designate additional election day voting centers.
- (b) Except as provided in Section 20A-1-308, if an election officer changes the location of an election day voting center or designates an additional election day voting center, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the changed election day voting center or the additional election day voting center:
  - (i) to the lieutenant governor, for posting on the Statewide Electronic Voter Information Website;
  - (ii) by posting the information on the website of the election officer, if available; and
  - (iii) by posting notice:
    - (A) of a change in the location of an election day voting center, at the new location and, if possible, the old location; and
    - (B) of an additional election day voting center, at the additional election day voting center.

Renumbered and Amended by Chapter 31, 2020 General Session

## **Part 8 Watchers**

### **20A-3a-801 Watchers.**

- (1) As used in this section, "administering election officer" means:
  - (a) the election officer; or
  - (b) if the election officer is the lieutenant governor, the county clerk of the county in which an individual will act as a watcher.
- (2)
  - (a) Any individual may become a watcher in an election at any time by registering as a watcher with the administering election officer.
  - (b) An individual who registers under Subsection (2)(a) is not required to be certified by a person under Subsection (3) in order to act as a watcher.
  - (c) An individual who registers as a watcher shall notify the administering election officer of the dates, times, and locations that the individual intends to act as a watcher.
  - (d) An election official may not prohibit a watcher from performing a function described in Subsection (4) because the watcher did not provide the notice described in Subsection (2)(c).
  - (e) An administering election officer shall provide a copy of this section, or instructions on how to access an electronic copy of this section, to a watcher at the time the watcher registers under this Subsection (2).
- (3)
  - (a) A person that is a candidate whose name will appear on the ballot, a qualified write-in candidate for the election, a registered political party, or a political issues committee may certify an individual as an official watcher for the person:
    - (i) by filing an affidavit with the administering election officer responsible to designate an individual as an official watcher for the certifying person; and
    - (ii) if the individual registers as a watcher under Subsection (2)(a).
  - (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the same function described in Subsection (4) at the same time and in the same location as another watcher who is certified by that person.

- (c) A watcher who is certified by a person under Subsection (3)(a) may designate another individual to serve in the watcher's stead during the watcher's temporary absence by filing with a poll worker an affidavit that designates the individual as a temporary replacement.
- (4) A watcher may:
  - (a) observe the setup or takedown of a polling location;
  - (b) observe a voter checking in at a polling location;
  - (c) observe the collection, receipt, and processing of a ballot, including a provisional ballot or a ballot cast by a covered voter as defined in Section 20A-16-102;
  - (d) observe the transport or transmission of a ballot that is in an election official's custody;
  - (e) observe the opening and inspection of a manual ballot;
  - (f) observe ballot duplication;
  - (g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;
  - (h) observe ballot tabulation;
  - (i) observe the process of storing and securing a ballot;
  - (j) observe a post-election audit;
  - (k) observe a canvassing board meeting described in Title 20A, Chapter 4, Part 3, Canvassing Returns;
  - (l) observe the certification of the results of an election; or
  - (m) observe a recount.
- (5)
  - (a) A watcher may not:
    - (i) electronically record an activity described in Subsection (4) if the recording would reveal a vote or otherwise violate a voter's privacy or a voter's right to cast a secret ballot;
    - (ii) interfere with an activity described in Subsection (4), except to challenge an individual's eligibility to vote under Section 20A-3a-803; or
    - (iii) divulge information related to the number of votes counted, tabulated, or cast for a candidate or ballot proposition until after the election officer makes the information public.
  - (b) A person who violates Subsection (5)(a)(iii) is guilty of a third degree felony.
- (6)
  - (a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working environment for an election official or to protect the safety or security of a ballot, an administering election officer may take reasonable action to:
    - (i) limit the number of watchers at a single location;
    - (ii) remove a watcher for violating a provision of this section;
    - (iii) remove a watcher for interfering with an activity described in Subsection (4);
    - (iv) designate areas for a watcher to reasonably observe the activities described in Subsection (4); or
    - (v) ensure that a voter's ballot secrecy is protected throughout the watching process.
  - (b) If an administering election officer limits the number of watchers at a single location under Subsection (6)(a)(i), the administering election officer shall give preferential access to the location to a watcher designated under Subsection (3).
  - (c) An administering election officer may provide a watcher a badge that identifies the watcher and require the watcher to wear the badge while acting as a watcher.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-802 Definitions.**

As used in this part:

- (1) "Challenged voter" means an individual whose right to vote is challenged as provided in this part.
- (2) "Filer" means an individual who files a written statement challenging another individual's right to vote as provided in Section 20A-3a-804.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-803 Challenges to a voter's eligibility -- Basis for challenge -- Procedures.**

- (1) An individual may challenge another individual's eligibility to vote on any of the following grounds:
  - (a) the individual is not the individual in whose name the individual tries to vote;
  - (b) the individual is not a resident of Utah;
  - (c) the individual is not a citizen of the United States;
  - (d) the individual has not or will not have resided in Utah for 30 days immediately before the date of the election;
  - (e) the individual's principal place of residence is not in the voting precinct that the individual claims;
  - (f) the individual's principal place of residence is not in the geographic boundaries of the election area;
  - (g) the individual has already voted in the election;
  - (h) the individual is not at least the minimum age required to vote in the election;
  - (i) the individual has been convicted of a misdemeanor for an offense under this title and the individual's right to vote in an election has not been restored under Section 20A-2-101.3;
  - (j) the individual is a convicted felon and the voter's right to vote in an election has not been restored under Section 20A-2-101.5; or
  - (k) in a regular primary election or presidential primary election, the individual does not meet the political party affiliation requirements for the ballot the individual seeks to vote.
- (2) An individual who challenges another individual's right to vote in an election shall make the challenge in accordance with:
  - (a) Section 20A-3a-804, for a challenge that is not made in person at the time an individual votes; or
  - (b) Section 20A-3a-805, for challenges made in person at the time an individual votes.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-804 Pre-election challenges to a voter's eligibility in writing -- Procedure -- Form of challenge.**

- (1)
  - (a) An individual may challenge an individual's eligibility to vote by filing a written statement with the election officer in accordance with Subsection (1)(b) that:
    - (i) lists the name and address of the individual filing the challenge;
    - (ii) for each individual who is challenged:
      - (A) identifies the name of the challenged individual;
      - (B) lists the last known address or telephone number of the challenged individual;
      - (C) provides the basis for the challenge, as provided under Section 20A-3a-803;
      - (D) provides facts and circumstances supporting the basis provided; and
      - (E) may include supporting documents, affidavits, or other evidence; and
    - (iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:



- (A) the filer exercised due diligence to personally verify the facts and circumstances establishing the basis for the challenge; and
- (B) according to the filer's personal knowledge and belief, the basis for the challenge under Section 20A-3a-803 for each challenged individual is valid.
- (b) An individual who files a written statement under Subsection (1)(a) shall file the written statement during the election officer's regular business hours:
  - (i) at least 45 days before the day of the election; or
  - (ii) if the challenge is to an individual who registered to vote between the day that is 45 days before the election and the day of the election:
    - (A) on or before the day of the election; and
    - (B) before the individual's ballot is removed from a ballot envelope or otherwise separated from any information that could be used to identify the ballot as the individual's ballot.
- (c) The challenge may not be based on unsupported allegations or allegations by an anonymous individual.
- (d) An election officer may require an individual who files a challenge under this section to file the challenge on a form provided by the election officer that meets the requirements of this section.
- (2) If the challenge is not in the proper form, is incomplete, or if the basis for the challenge does not meet the requirements of this part, the election officer shall dismiss the challenge and notify the filer in writing of the reasons for the dismissal.
- (3)
  - (a) Upon receipt of a challenge that meets the requirements for filing under this section, the election officer shall attempt to notify each challenged individual in accordance with Subsection (3)(b):
    - (i) at least 28 days before the date of the election, if the election officer receives the challenge under Subsection (1)(b)(i); or
    - (ii) within one business day, if the election officer receives the challenge under Subsection (1)(b)(ii).
  - (b) The election officer shall attempt to notify each challenged individual:
    - (i) that a challenge has been filed against the challenged individual;
    - (ii) that the challenged individual may be required to cast a provisional ballot at the time the individual votes if the individual votes in person;
    - (iii) that if the individual votes by mail, the individual's ballot will be treated as a provisional ballot unless the challenge is resolved;
    - (iv) of the basis for the challenge, which may include providing a copy of the challenge the filer filed with the election officer; and
    - (v) that the challenged individual may submit information, a sworn statement, supporting documents, affidavits, or other evidence supporting the challenged individual's eligibility to vote in the election to the election officer no later than:
      - (A) 21 days before the date of the election, if the election officer receives the challenge under Subsection (1)(b)(i); or
      - (B) five days before the day on which the canvass is held, if the election officer receives the challenge under Subsection (1)(b)(ii).
- (4)
  - (a) The election officer shall determine whether each challenged individual is eligible to vote before the day on which:
    - (i) early voting commences, if the election officer receives the challenge under Subsection (1)(b)(i); or

- (ii) the canvass is held, if the election officer receives the challenge under Subsection (1)(b)(ii).
- (b)
  - (i) The filer has the burden to prove, by clear and convincing evidence, that the basis for challenging the individual's eligibility to vote is valid.
  - (ii) The election officer shall resolve the challenge based on the available facts and information submitted, which may include voter registration records and other documents or information available to the election officer.
- (5) An individual who files a challenge in accordance with the requirements of this section is subject to criminal penalties for false statements as provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.
- (6)
  - (a) A challenged individual may appeal an election officer's decision regarding the individual's eligibility to vote to the district court having jurisdiction over the location where the challenge was filed.
  - (b) The district court shall uphold the decision of the election officer unless the district court determines that the decision was arbitrary, capricious, or unlawful.
  - (c) In making the district court's determination, the district court's review is limited to:
    - (i) the information filed under Subsection (1)(a) by the filer;
    - (ii) the information submitted under Subsection (3)(b)(v) by the challenged individual; and
    - (iii) any additional facts and information used by the election official to determine whether the challenged individual is eligible to vote, as indicated by the election official.
- (7) A challenged individual may register to vote or change the location of the individual's voter registration if otherwise permitted by law.
- (8) A document pertaining to a challenge filed under this section is a public record.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-805 Challenges to a voter's eligibility at polling place -- Procedure.**

- (1)
  - (a) A poll worker, a watcher, or an individual who resides in the jurisdiction to which the election relates may, at a polling place, challenge an individual's eligibility to vote a particular ballot or to vote in that election if:
    - (i) the individual making the challenge and the challenged individual are both present at the polling place at the time the challenge is made; and
    - (ii) the challenge is made before the challenged individual applies for a ballot.
  - (b) An individual may make a challenge by orally stating the challenged individual's name and the basis for the challenge, as provided under Section 20A-3a-803.
- (2) The poll worker shall record a challenge in the official register or on the challenge sheets in the pollbook, including:
  - (a) the name of the challenged individual;
  - (b) the name of the individual making the challenge; and
  - (c) the basis upon which the challenge is made.
- (3) If an individual's eligibility to vote is challenged under this section, the poll worker shall follow the procedures and requirements of Section 20A-3a-205.

Renumbered and Amended by Chapter 31, 2020 General Session

**20A-3a-806 Election official or watcher revealing vote.**

- (1) It is unlawful for an election official or watcher to reveal to another person the name of a candidate or ballot proposition for whom a voter has voted or to communicate to another person the election official or watcher's opinion, belief, or impression regarding for whom or what a voter has voted.
- (2) A person who violates this section is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 31, 2020 General Session

## **Chapter 4 Election Returns and Election Contests**

### **Part 1 Counting Ballots and Tabulating Results**

#### **20A-4-101 Manual ballots cast at a polling place -- Counting manual ballots at polling place on day of election before polls close.**

- (1) Each county legislative body, municipal legislative body, and each poll worker shall comply with the requirements of this section when counting manual ballots on the day of an election, if:
  - (a) the ballots are cast at a polling place; and
  - (b) the ballots are counted at the polling place before the polls close.
- (2)
  - (a) Each county legislative body or municipal legislative body shall provide:
    - (i) two sets of ballot boxes for all voting precincts where both receiving and counting judges have been appointed; and
    - (ii) a counting room for the use of the poll workers counting the ballots during the day.
  - (b) At any election in any voting precinct in which both receiving and counting judges have been appointed, when at least 20 votes have been cast, the receiving judges shall:
    - (i) close the first ballot box and deliver it to the counting judges; and
    - (ii) prepare and use another ballot box to receive voted ballots.
  - (c) Except as provided in Subsection (2)(f), upon receipt of the ballot box, the counting judges shall:
    - (i) take the ballot box to the counting room;
    - (ii) count the votes on the regular ballots in the ballot box;
    - (iii) place the provisional ballot envelopes in the envelope or container provided for them for return to the election officer; and
    - (iv) when they have finished counting the votes in the ballot box, return the emptied box to the receiving judges.
  - (d)
    - (i) During the course of election day, whenever there are at least 20 ballots contained in a ballot box, the receiving judges shall deliver that ballot box to the counting judges for counting; and
    - (ii) the counting judges shall immediately count the regular ballots and segregate the provisional ballots contained in that box.
  - (e) The counting judges shall continue to exchange the ballot boxes and count ballots until the polls close.

- (f)
  - (i) 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, describing the procedures that a counting judge is required to follow for counting ballots in an instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
  - (ii) When counting ballots in an instant runoff voting race described in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply with the procedures established under Subsection (2)(f)(i) and Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
- (3) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of:
  - (a) to the extent applicable, Section 20A-4-105; and
  - (b) as applicable, for an instant runoff voting race under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, Subsection 20A-4-603(3).

Amended by Chapter 31, 2020 General Session

**20A-4-102 Manual ballots cast at a polling place -- Counting manual ballots at polling place on day of election after polls close.**

- (1)
  - (a) This section governs counting manual ballots on the day of an election, if:
    - (i) the ballots are cast at a polling place; and
    - (ii) the ballots are counted at the polling place after the polls close.
  - (b) Except as provided in Subsection (2) or a rule made under Subsection 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted, the election judges shall count the ballots by performing the tasks specified in this section in the order that they are specified.
  - (c) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of:
    - (i) to the extent applicable, Section 20A-4-105; and
    - (ii) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project, Subsection 20A-4-603(3).
- (2)
  - (a) First, the election judges shall count the number of ballots in the ballot box.
  - (b)
    - (i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges shall examine the official endorsements on the ballots.
    - (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper official endorsement, the judges shall put those ballots in an excess ballot file and not count them.
  - (c)
    - (i) If, after examining the official endorsements, there are still more ballots in the ballot box than there are names entered in the pollbook, the judges shall place the remaining ballots back in the ballot box.
    - (ii) One of the judges, without looking, shall draw a number of ballots equal to the excess from the ballot box.
    - (iii) The judges shall put those excess ballots into the excess ballot envelope and not count them.

- (d) When the ballots in the ballot box equal the number of names entered in the pollbook, the judges shall count the votes.
- (3) The judges shall:
  - (a) place all unused ballots in the envelope or container provided for return to the county clerk or city recorder; and
  - (b) seal that envelope or container.
- (4) The judges shall:
  - (a) place all of the provisional ballot envelopes in the envelope provided for them for return to the election officer; and
  - (b) seal that envelope or container.
- (5)
  - (a) In counting the votes, the election judges shall read and count each ballot separately.
  - (b) In regular primary elections the judges shall:
    - (i) count the number of ballots cast for each party;
    - (ii) place the ballots cast for each party in separate piles; and
    - (iii) count all the ballots for one party before beginning to count the ballots cast for other parties.
- (6)
  - (a) In all elections, the counting judges shall, except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection 20A-4-101(2)(f)(i):
    - (i) count one vote for each candidate designated by the marks in the squares next to the candidate's name;
    - (ii) count each vote for each write-in candidate who has qualified by filing a declaration of candidacy under Section 20A-9-601;
    - (iii) read every name marked on the ballot and mark every name upon the tally sheets before another ballot is counted;
    - (iv) evaluate each ballot and each vote based on the standards and requirements of Section 20A-4-105;
    - (v) write the word "spoiled" on the back of each ballot that lacks the official endorsement and deposit it in the spoiled ballot envelope; and
    - (vi) read, count, and record upon the tally sheets the votes that each candidate and ballot proposition received from all ballots, except excess or spoiled ballots.
  - (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or persons clearly not eligible to qualify for office.
  - (c) The judges shall certify to the accuracy and completeness of the tally list in the space provided on the tally list.
  - (d) When the judges have counted all of the voted ballots, they shall record the results on the total votes cast form.
- (7) Only an election judge and a watcher may be present at the place where counting is conducted until the count is completed.

Amended by Chapter 31, 2020 General Session

Amended by Chapter 49, 2020 General Session

**20A-4-103 Preparing ballots cast at a polling place for the counting center.**

- (1) This section governs the preparation of ballots for the counting center when the ballots are cast at a polling place.
- (2)

- (a) As soon as the polls have been closed and the last qualified voter has voted, the poll workers shall prepare the ballots for delivery to the counting center as provided in this section.
- (b) The poll workers, election officers, and other persons may not manually count any votes before delivering the ballots to the counting center.
- (3) The poll workers shall:
  - (a) complete the statement of disposition of ballots and all other forms required by the election officer;
  - (b) place a copy of the forms described in Subsection (3)(a) and the voted ballots in a sealed container;
  - (c) place all provisional ballots in the container provided for returning provisional ballots to the counting center and seal the container; and
  - (d) deliver to the counting center:
    - (i) the items described in Subsections (3)(a) through (c); and
    - (ii) any other items required by the election officer.

Amended by Chapter 31, 2020 General Session

**20A-4-104 Counting ballots electronically.**

- (1)
  - (a) Before beginning to count ballots using automatic tabulating equipment, the election officer shall test the automatic tabulating equipment to ensure that it will accurately count the votes cast for all offices and all measures.
  - (b) The election officer shall provide public notice of the time and place of the test:
    - (i)
      - (A) by publishing notice at least 48 hours before the test in a newspaper of general circulation in the county, municipality, or jurisdiction where the equipment is used;
      - (B) at least 10 days before the day of the test, by posting one notice, and at least one additional notice per 2,000 population of the county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction that are most likely to give notice to the voters in the county, municipality, or jurisdiction, subject to a maximum of 10 notices; or
      - (C) at least 10 days before the day of the test, by mailing notice to each registered voter in the county, municipality, or jurisdiction where the equipment is used;
    - (ii) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for four weeks before the day of the test; and
    - (iii) if the county, municipality, or jurisdiction has a website, by posting notice on the website for four weeks before the day of the test.
  - (c) The election officer shall conduct the test by processing a preaudited group of ballots.
  - (d) The election officer shall ensure that:
    - (i) a predetermined number of valid votes for each candidate and measure are recorded on the ballots;
    - (ii) for each office, one or more ballots have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject those votes; and
    - (iii) a different number of valid votes are assigned to each candidate for an office, and for and against each measure.
  - (e) If any error is detected, the election officer shall determine the cause of the error and correct it.
  - (f) The election officer shall ensure that:

- (i) the automatic tabulating equipment produces an errorless count before beginning the actual counting; and
  - (ii) the automatic tabulating equipment passes the same test at the end of the count before the election returns are approved as official.
- (2)
- (a) The election officer or the election officer's designee shall supervise and direct all proceedings at the counting center.
  - (b)
    - (i) Proceedings at the counting center are public and may be observed by interested persons.
    - (ii) Only those persons authorized to participate in the count may touch any ballot or return.
  - (c) The election officer shall deputize and administer an oath or affirmation to all persons who are engaged in processing and counting the ballots that they will faithfully perform their assigned duties.
- (3) If any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the election officer shall ensure that two counting judges jointly :
- (a) make a true replication of the ballot with an identifying serial number;
  - (b) substitute the replicated ballot for the damaged or defective ballot;
  - (c) label the replicated ballot "replicated"; and
  - (d) record the replicated ballot's serial number on the damaged or defective ballot.
- (4) The election officer may:
- (a) conduct an unofficial count before conducting the official count in order to provide early unofficial returns to the public;
  - (b) release unofficial returns from time to time after the polls close; and
  - (c) report the progress of the count for each candidate during the actual counting of ballots.
- (5) Beginning on the day after the date of the election, if an election officer releases early unofficial returns or reports the progress of the count for each candidate under Subsection (4), the election officer shall, with each release or report, disclose an estimate of the total number of voted ballots in the election officer's custody that have not yet been counted.
- (6) The election officer shall review and evaluate the provisional ballot envelopes and prepare any valid provisional ballots for counting as provided in Section 20A-4-107.
- (7)
- (a) The election officer or the election officer's designee shall:
    - (i) separate, count, and tabulate any ballots containing valid write-in votes; and
    - (ii) complete the standard form provided by the clerk for recording valid write-in votes.
  - (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the poll workers shall count the valid write-in vote as being the obvious intent of the voter.
- (8)
- (a) The election officer shall certify the return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, as the official return of each voting precinct.
  - (b) Upon completion of the count, the election officer shall make official returns open to the public.
- (9) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the election officer may direct that they be counted manually according to the procedures and requirements of this part.
- (10) After the count is completed, the election officer shall seal and retain the programs, test materials, and ballots as provided in Section 20A-4-202.

Amended by Chapter 15, 2021 Special Session 1

**20A-4-105 Standards and requirements for evaluating voter's ballot choice.**

- (1)
  - (a) An election officer shall ensure that when a question arises regarding a vote recorded on a manual ballot, two counting judges jointly adjudicate the ballot, except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project, in accordance with the requirements of this section.
  - (b) If the counting judges disagree on the disposition of a vote recorded on a ballot that is adjudicated under this section, the counting judges may not count the vote.
- (2) Except as provided in Subsection (10), Subsection 20A-3a-204(6), or Part 6, Municipal Alternate Voting Methods Pilot Project, if a voter marks more names than there are individuals to be elected to an office, or if the counting judges cannot determine a voter's choice for an office, the counting judges may not count the voter's vote for that office.
- (3) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project, the counting judges shall count a defective or incomplete mark on a manual ballot if:
  - (a) the defective or incomplete mark is in the proper place; and
  - (b) there is no other mark or cross on the ballot indicating the voter's intent to vote other than as indicated by the incomplete or defective mark.
- (4) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project, the counting judges may not reject a ballot marked by the voter because of marks on the ballot other than those marks allowed by this section unless the extraneous marks on a ballot show an intent by an individual to mark the individual's ballot so that the individual's ballot can be identified.
- (5)
  - (a) In counting the ballots, the counting judges shall give full consideration to the intent of the voter.
  - (b) The counting judges may not invalidate a ballot because of mechanical or technical defects in voting or failure on the part of the voter to follow strictly the rules for balloting required by Chapter 3a, Voting.
- (6) The counting judges may not reject a ballot because of an error in:
  - (a) stamping or writing an official endorsement; or
  - (b) delivering the wrong ballots to a polling place.
- (7) The counting judges may not count a manual ballot that does not have the official endorsement by an election officer.
- (8) The counting judges may not count a ballot proposition vote or candidate vote for which the voter is not legally entitled to vote, as defined in Section 20A-4-107.
- (9) If the counting judges discover that the name of a candidate is misspelled on a ballot, or that the initial letters of a candidate's given name are transposed or omitted in whole or in part on a ballot, the counting judges shall count a voter's vote for the candidate if it is apparent that the voter intended to vote for the candidate.
- (10) The counting judges shall count a vote for the president and the vice president of any political party as a vote for the presidential electors selected by the political party.
- (11) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project, in counting the valid write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the counting judges shall count the valid write-in vote as being the obvious intent of the voter.



Amended by Chapter 31, 2020 General Session  
Amended by Chapter 49, 2020 General Session

**20A-4-106 Manual ballots -- Sealing.**

- (1) After the official canvas of an election, the election officer shall store all election returns in containers that identify the containers' contents.
- (2) After the ballots are stored under Subsection (1), the ballots may not be examined by anyone, except when examined during a recount conducted under the authority of Section 20A-4-401 or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

Amended by Chapter 31, 2020 General Session

**20A-4-107 Review and disposition of provisional ballot envelopes.**

- (1) As used in this section, an individual is "legally entitled to vote" if:
  - (a) the individual:
    - (i) is registered to vote in the state;
    - (ii) votes the ballot for the voting precinct in which the individual resides; and
    - (iii) provides valid voter identification to the poll worker;
  - (b) the individual:
    - (i) is registered to vote in the state;
    - (ii)
      - (A) provided valid voter identification to the poll worker; or
      - (B) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register but the county clerk verifies the individual's identity and residence through some other means; and
    - (iii) did not vote in the individual's precinct of residence, but the ballot that the individual voted was from the individual's county of residence and includes one or more candidates or ballot propositions on the ballot voted in the individual's precinct of residence; or
  - (c) the individual:
    - (i) is registered to vote in the state;
    - (ii) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register; and
    - (iii)
      - (A) the county clerk verifies the individual's identity and residence through some other means as reliable as photo identification; or
      - (B) the individual provides valid voter identification to the county clerk or an election officer who is administering the election by the close of normal office hours on Monday after the date of the election.
- (2)
  - (a) Upon receipt of a provisional ballot form, the election officer shall review the affirmation on the provisional ballot form and determine if the individual signing the affirmation is:
    - (i) registered to vote in this state; and
    - (ii) legally entitled to vote:
      - (A) the ballot that the individual voted; or

- (B) if the ballot is from the individual's county of residence, for at least one ballot proposition or candidate on the ballot that the individual voted.
- (b) Except as provided in Section 20A-2-207, if the election officer determines that the individual is not registered to vote in this state or is not legally entitled to vote in the county or for any of the ballot propositions or candidates on the ballot that the individual voted, the election officer shall retain the ballot form, uncounted, for the period specified in Section 20A-4-202 unless ordered by a court to produce or count it.
- (c) If the election officer determines that the individual is registered to vote in this state and is legally entitled to vote in the county and for at least one of the ballot propositions or candidates on the ballot that the individual voted, the election officer shall place the provisional ballot with the regular ballots to be counted with those ballots at the canvass.
- (d) The election officer may not count, or allow to be counted a provisional ballot unless the individual's identity and residence is established by a preponderance of the evidence.
- (3) If the election officer determines that the individual is registered to vote in this state, or if the voter registers to vote in accordance with Section 20A-2-207, the election officer shall ensure that the voter registration records are updated to reflect the information provided on the provisional ballot form.
- (4) Except as provided in Section 20A-2-207, if the election officer determines that the individual is not registered to vote in this state and the information on the provisional ballot form is complete, the election officer shall:
  - (a) consider the provisional ballot form a voter registration form for the individual's county of residence; and
  - (b)
    - (i) register the individual if the individual's county of residence is within the county; or
    - (ii) forward the voter registration form to the election officer of the individual's county of residence, which election officer shall register the individual.
- (5) Notwithstanding any provision of this section, the election officer shall place a provisional ballot with the regular ballots to be counted with those ballots at the canvass, if:
  - (a)
    - (i) the election officer determines, in accordance with the provisions of this section, that the sole reason a provisional ballot may not otherwise be counted is because the voter registration was filed less than 11 days before the election;
    - (ii) 11 or more days before the election, the individual who cast the provisional ballot:
      - (A) completed and signed the voter registration; and
      - (B) provided the voter registration to another person to file;
    - (iii) the late filing was made due to the individual described in Subsection (5)(a)(ii)(B) filing the voter registration late; and
    - (iv) the election officer receives the voter registration before 5 p.m. no later than one day before the day of the election; or
  - (b) the provisional ballot is cast on or before election day and is not otherwise prohibited from being counted under the provisions of this chapter.

Amended by Chapter 31, 2020 General Session

## **Part 2**

### **Transmittal and Disposition of Ballots and Election Returns**

**20A-4-201 Delivery of election returns.**

- (1) At least two poll workers shall deliver the ballots and other items described in Subsection 20A-4-103(3)(d) to:
  - (a) the election officer; or
  - (b) the location directed by the election officer.
- (2)
  - (a) Before they adjourn, the poll workers shall choose two or more of their number to deliver the election returns to the election officer.
  - (b) The poll workers shall:
    - (i) deliver the unopened envelopes to the election officer or counting center immediately but no later than 24 hours after the polls close; or
    - (ii) if the polling place is 15 miles or more from the county seat, mail the election returns to the election officer by registered mail from the post office most convenient to the polling place within 24 hours after the polls close.
- (3) The election officer shall pay each poll worker reasonable compensation for travel that is necessary to deliver the election returns and to return to the polling place.
- (4) The requirements of this section do not prohibit transmission of the unofficial vote count to the counting center via electronic means, provided that reasonable security measures are taken to preserve the integrity and privacy of the transmission.

Amended by Chapter 31, 2020 General Session

**20A-4-202 Election officers -- Disposition of ballots -- Release of number of provisional ballots cast.**

- (1) Upon receipt of the election returns from the poll workers, the election officer shall:
  - (a) ensure that the poll workers have provided all of the ballots and election returns;
  - (b) inspect the ballots and election returns to ensure that they are sealed;
  - (c) for manual ballots, deposit and lock the ballots and election returns in a safe and secure place;
  - (d) for mechanical ballots:
    - (i) count the ballots; and
    - (ii) deposit and lock the ballots and election returns in a safe and secure place; and
  - (e) for bond elections, provide a copy of the election results to the board of canvassers of the local political subdivision that called the bond election.
- (2) Each election officer shall:
  - (a) before 5 p.m. on the day after the date of the election, determine the number of provisional ballots cast within the election officer's jurisdiction and make that number available to the public;
  - (b) preserve ballots for 22 months after the election or until the time has expired during which the ballots could be used in an election contest;
  - (c) preserve all other official election returns for at least 22 months after an election; and
  - (d) after that time, destroy them without opening or examining them.
- (3)
  - (a) The election officer shall package and retain all tabulating cards and other materials used in the programming of the automatic tabulating equipment.
  - (b) The election officer:
    - (i) may access these tabulating cards and other materials;

- (ii) may make copies of these materials and make changes to the copies;
  - (iii) may not alter or make changes to the materials themselves; and
  - (iv) within 22 months after the election in which they were used, may dispose of those materials or retain them.
- (4)
- (a) If an election contest is begun within 12 months, the election officer shall:
    - (i) keep the ballots and election returns unopened and unaltered until the contest is complete; or
    - (ii) surrender the ballots and election returns to the custody of the court having jurisdiction of the contest when ordered or subpoenaed to do so by that court.
  - (b) When all election contests arising from an election are complete, the election officer shall either:
    - (i) retain the ballots and election returns until the time for preserving them under this section has run; or
    - (ii) destroy the ballots and election returns remaining in the election officer's custody without opening or examining them if the time for preserving them under this section has run.

Amended by Chapter 31, 2020 General Session

### **Part 3 Canvassing Returns**

#### **20A-4-301 Board of canvassers.**

- (1)
- (a) Each county legislative body is the board of county canvassers for:
    - (i) the county; and
    - (ii) each local district whose election is conducted by the county if:
      - (A) the election relates to the creation of the local district;
      - (B) the county legislative body serves as the governing body of the local district; or
      - (C) there is no duly constituted governing body of the local district.
  - (b) The board of county canvassers shall meet to canvass the returns at the usual place of meeting of the county legislative body, at a date and time determined by the county clerk that is no sooner than seven days after the election and no later than 14 days after the election.
  - (c) If one or more of the county legislative body fails to attend the meeting of the board of county canvassers, the remaining members shall replace the absent member by appointing in the order named:
    - (i) the county treasurer;
    - (ii) the county assessor; or
    - (iii) the county sheriff.
  - (d) Attendance of the number of persons equal to a simple majority of the county legislative body, but not less than three persons, shall constitute a quorum for conducting the canvass.
  - (e) The county clerk is the clerk of the board of county canvassers.
- (2)
- (a) The mayor and the municipal legislative body are the board of municipal canvassers for the municipality.

- (b) The board of municipal canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body:
    - (i) for canvassing of returns from a municipal general election, no sooner than seven days after the election and no later than 14 days after the election; or
    - (ii) for canvassing of returns from a municipal primary election, no sooner than seven days after the election and no later than 14 days after the election.
  - (c) Attendance of a simple majority of the municipal legislative body shall constitute a quorum for conducting the canvass.
- (3)
- (a) The legislative body of the entity authorizing a bond election is the board of canvassers for each bond election.
  - (b) The board of canvassers for the bond election shall comply with the canvassing procedures and requirements of Section 11-14-207.
  - (c) Attendance of a simple majority of the legislative body of the entity authorizing a bond election shall constitute a quorum for conducting the canvass.

Amended by Chapter 377, 2014 General Session

**20A-4-302 Duties of the board of canvassers -- Receiving returns.**

- (1) If the election returns from each voting precinct in which polls were opened have been received at the time the board of canvassers convenes, the board of canvassers shall canvass the election returns as provided in this part.
  - (2) If all of the election returns have not been received, the board shall postpone the canvass from day to day, Sundays and legal holidays excepted, until:
    - (a) all of the election returns are received; or
    - (b) the board has postponed the canvass seven times.
- (3)
- (a) If the election officer has not received the election returns from any voting precinct within seven days after the election, the election officer shall send a messenger to the judges to obtain the missing election returns.
  - (b) The messenger shall obtain the election returns from the judges and return the election returns to the election officer.
  - (c) The election officer shall pay the messenger 10 cents per mile for the distance necessarily traveled.
- (4) If the board determines that election returns were not received from a voting precinct because the polls did not open in that precinct, the board shall:
    - (a) sign a certificate attesting to that fact; and
    - (b) file the certificate with the election officer.

Enacted by Chapter 1, 1993 General Session

**20A-4-303 Duties of the board of canvassers -- Canvassing the returns.**

- (1)
  - (a) Before the board of canvassers convenes, the election officer shall:
    - (i) count the ballots;
    - (ii) prepare a certified summary of:
      - (A) all ballots counted; and

- (B) all ballots not counted, with an explanation regarding the reason the ballots were not counted; and
  - (iii) make available to the board of canvassers for inspection, all ballots, registers, books, and forms related to the election.
  - (b) The board of canvassers shall canvass the election returns by publicly:
    - (i) reviewing the summary reports prepared by the election officer and any ballots, registers, books, or forms requested by the board of canvassers; and
    - (ii) certifying the votes cast:
      - (A) each person voted for; and
      - (B) for and against each ballot proposition voted upon at the election.
  - (c) The board of canvassers shall, once having begun the canvass, continue until it is completed.
- (2) In canvassing returns, the board of canvassers may not:
- (a) reject any election returns if the board can determine the number of votes cast for each person from it;
  - (b) reject any election returns if the election returns:
    - (i) do not show who administered the oath to the judges of election;
    - (ii) show that the election judges failed to fill out all the certificates in the pollbooks; or
    - (iii) show that the election judges failed to do or perform any other act in preparing the returns that is not essential to determine for whom the votes were cast; or
  - (c) reject any returns from any voting precinct that do not conform with the requirements for making, certifying, and returning the returns if those returns are sufficiently explicit to enable the board of canvassers to determine the number of votes cast for each person and for and against each ballot proposition.
- (3)
- (a) If it clearly appears to the election officer and board of canvassers that certain matters are omitted or that clerical mistakes exist in election returns received, the election officer shall correct the omissions and mistakes.
  - (b) The clerk and the board of canvassers may adjourn from day to day to await receipt of corrected election material.
- (4) If a recount is conducted as authorized by Section 20A-4-401, the board of canvassers shall canvass the results of that recount as provided in this section and Section 20A-4-401.

Amended by Chapter 31, 2020 General Session

**20A-4-304 Declaration of results -- Canvassers' report.**

- (1) Each board of canvassers shall:
- (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, declare "elected" or "nominated" those persons who:
    - (i) had the highest number of votes; and
    - (ii) sought election or nomination to an office completely within the board's jurisdiction;
  - (b) declare:
    - (i) "approved" those ballot propositions that:
      - (A) had more "yes" votes than "no" votes; and
      - (B) were submitted only to the voters within the board's jurisdiction;
    - (ii) "rejected" those ballot propositions that:
      - (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and
      - (B) were submitted only to the voters within the board's jurisdiction;

- (c) certify the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the lieutenant governor; and
  - (d) if applicable, certify the results of each local district election to the local district clerk.
- (2) As soon as the result is declared, the election officer shall prepare a report of the result, which shall contain:
- (a) the total number of votes cast in the board's jurisdiction;
  - (b) the names of each candidate whose name appeared on the ballot;
  - (c) the title of each ballot proposition that appeared on the ballot;
  - (d) each office that appeared on the ballot;
  - (e) from each voting precinct:
    - (i) the number of votes for each candidate;
    - (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for each candidate for each potential ballot-counting phase and the name of the candidate excluded in each canvassing phase; and
    - (iii) the number of votes for and against each ballot proposition;
  - (f) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;
  - (g) the number of ballots that were rejected; and
  - (h) a statement certifying that the information contained in the report is accurate.
- (3) The election officer and the board of canvassers shall:
- (a) review the report to ensure that it is correct; and
  - (b) sign the report.
- (4) The election officer shall:
- (a) record or file the certified report in a book kept for that purpose;
  - (b) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;
  - (c) publish a copy of the certified report in accordance with Subsection (5); and
  - (d) file a copy of the certified report with the lieutenant governor.
- (5) Except as provided in Subsection (6), the election officer shall, no later than seven days after the day on which the board of canvassers declares the election results, publicize the certified report described in Subsection (2):
- (a)
    - (i) by publishing notice at least once in a newspaper of general circulation within the jurisdiction;
    - (ii) by posting one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice to the residents of the jurisdiction, subject to a maximum of 10 notices; or
    - (iii) by mailing notice to each residence within the jurisdiction;
  - (b) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for one week; and
  - (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for one week.
- (6) Instead of including a copy of the entire certified report, a notice required under Subsection (5) may contain a statement that:
- (a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a report of the election results for the [indicate type and date of election]."; and
  - (b) specifies the following sources where an individual may view or obtain a copy of the entire certified report:

- (i) if the jurisdiction has a website, the jurisdiction's website;
  - (ii) the physical address for the jurisdiction; and
  - (iii) a mailing address and telephone number.
- (7) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:
- (a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and
  - (b) transmit the separate report by registered mail to the lieutenant governor.
- (8) In each county election, municipal election, school election, local district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 days after the date of the election.
- (9) In a regular primary election and in a presidential primary election, the board shall transmit to the lieutenant governor:
- (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor not later than the second Tuesday after the election; and
  - (b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed to the lieutenant governor on or before the third Friday following the primary election.

Amended by Chapter 15, 2021 Special Session 1

**20A-4-305 Delivery of checked official register to county clerk after canvass.**

Within 10 days after the canvass of a November municipal election, local district election, bond election, or special election, the clerk or recorder shall transmit the checked official register to the county clerk.

Amended by Chapter 228, 2008 General Session

**20A-4-306 Statewide canvass.**

- (1)
- (a) The state board of canvassers shall convene:
    - (i) on the fourth Monday of November, at noon; or
    - (ii) at noon on the day following the receipt by the lieutenant governor of the last of the returns of a statewide special election.
  - (b) The state auditor, the state treasurer, and the attorney general are the state board of canvassers.
  - (c) Attendance of all members of the state board of canvassers shall be required to constitute a quorum for conducting the canvass.
- (2)
- (a) The state board of canvassers shall:
    - (i) meet in the lieutenant governor's office; and
    - (ii) compute and determine the vote for officers and for and against any ballot propositions voted upon by the voters of the entire state or of two or more counties.
  - (b) The lieutenant governor, as secretary of the board shall file a report in his office that details:
    - (i) for each statewide officer and ballot proposition:
      - (A) the name of the statewide office or ballot proposition that appeared on the ballot;
      - (B) the candidates for each statewide office whose names appeared on the ballot, plus any recorded write-in candidates;



- (C) the number of votes from each county cast for each candidate and for and against each ballot proposition;
- (D) the total number of votes cast statewide for each candidate and for and against each ballot proposition; and
- (E) the total number of votes cast statewide; and
- (ii) for each officer or ballot proposition voted on in two or more counties:
  - (A) the name of each of those offices and ballot propositions that appeared on the ballot;
  - (B) the candidates for those offices, plus any recorded write-in candidates;
  - (C) the number of votes from each county cast for each candidate and for and against each ballot proposition; and
  - (D) the total number of votes cast for each candidate and for and against each ballot proposition.
- (c) The lieutenant governor shall:
  - (i) prepare certificates of election for:
    - (A) each successful candidate; and
    - (B) each of the presidential electors of the candidate for president who received a majority of the votes;
  - (ii) authenticate each certificate with his seal; and
  - (iii) deliver a certificate of election to:
    - (A) each candidate who had the highest number of votes for each office; and
    - (B) each of the presidential electors of the candidate for president who received a majority of the votes.
- (3) If the lieutenant governor has not received election returns from all counties on the fifth day before the day designated for the meeting of the state board of canvassers, the lieutenant governor shall:
  - (a) send a messenger to the clerk of the board of county canvassers of the delinquent county;
  - (b) instruct the messenger to demand a certified copy of the board of canvasser's report required by Section 20A-4-304 from the clerk; and
  - (c) pay the messenger the per diem provided by law as compensation.
- (4) The state board of canvassers may not withhold the declaration of the result or any certificate of election because of any defect or informality in the returns of any election if the board can determine from the returns, with reasonable certainty, what office is intended and who is elected to it.
- (5)
  - (a) At noon on the fourth Monday after the regular primary election, the lieutenant governor shall:
    - (i) canvass the returns for all multicounty candidates required to file with the office of the lieutenant governor; and
    - (ii) publish and file the results of the canvass in the lieutenant governor's office.
  - (b) Not later than the August 1 after the primary election, the lieutenant governor shall certify the results of the primary canvass to the county clerks.
- (6)
  - (a) At noon on the fourth Tuesday in March of a year in which a presidential election will be held, the lieutenant governor shall:
    - (i) canvass the returns of the presidential primary election; and
    - (ii) publish and file the results of the canvass in the lieutenant governor's office.
  - (b) The lieutenant governor shall certify the results of the presidential primary election canvass to each registered political party that participated in the primary not later than the April 15 after the primary election.

Amended by Chapter 433, 2019 General Session

## Part 4 Recounts and Election Contests

### 20A-4-401 Recounts -- Procedure.

- (1)
- (a) This section does not apply to a race conducted by instant runoff voting under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
  - (b) Except as provided in Subsection (1)(c), for a race between candidates, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is equal to or less than .25% of the total number of votes cast for all candidates in the race, that losing candidate may file a request for a recount in accordance with Subsection (1)(d).
  - (c) For a race between candidates where the total of all votes cast in the race is 400 or less, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is one vote, that losing candidate may file a request for a recount in accordance with Subsection (1)(d).
  - (d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall file the request:
    - (i) for a municipal primary election, with the municipal clerk, before 5 p.m. within three days after the canvass; or
    - (ii) for all other elections, before 5 p.m. within seven days after the canvass with:
      - (A) the municipal clerk, if the election is a municipal general election;
      - (B) the local district clerk, if the election is a local district election;
      - (C) the county clerk, for races voted on entirely within a single county; or
      - (D) the lieutenant governor, for statewide races and multicounty races.
  - (e) The election officer shall:
    - (i) supervise the recount;
    - (ii) recount all ballots cast for that race;
    - (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4, Disposition of Ballots;
    - (iv) for a race where only one candidate may win, declare elected the candidate who receives the highest number of votes on the recount; and
    - (v) for a race where multiple candidates may win, declare elected the applicable number of candidates who receive the highest number of votes on the recount.
- (2)
- (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of the total votes cast for or against the proposition, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass with the person described in Subsection (2)(c).
  - (b) For a ballot proposition or a bond proposition where the total of all votes cast for or against the proposition is 400 or less, if the difference between the number of votes cast for the proposition and the number of votes cast against the proposition is one vote, any 10 voters

who voted in the election where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass with the person described in Subsection (2)(c).

- (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall file the request with:
    - (i) the municipal clerk, if the election is a municipal election;
    - (ii) the local district clerk, if the election is a local district election;
    - (iii) the county clerk, for propositions voted on entirely within a single county; or
    - (iv) the lieutenant governor, for statewide propositions and multicounty propositions.
  - (d) The election officer shall:
    - (i) supervise the recount;
    - (ii) recount all ballots cast for that ballot proposition or bond proposition;
    - (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4, Disposition of Ballots; and
    - (iv) declare the ballot proposition or bond proposition to have "passed" or "failed" based upon the results of the recount.
  - (e) Proponents and opponents of the ballot proposition or bond proposition may designate representatives to witness the recount.
  - (f) The voters requesting the recount shall pay the costs of the recount.
- (3) Costs incurred by recount under Subsection (1) may not be assessed against the person requesting the recount.
- (4)
- (a) Upon completion of the recount, the election officer shall immediately convene the board of canvassers.
  - (b) The board of canvassers shall:
    - (i) canvass the election returns for the race or proposition that was the subject of the recount; and
    - (ii) with the assistance of the election officer, prepare and sign the report required by Section 20A-4-304 or 20A-4-306.
  - (c) If the recount is for a statewide or multicounty race or for a statewide proposition, the board of county canvassers shall prepare and transmit a separate report to the lieutenant governor as required by Subsection 20A-4-304 (7).
  - (d) The canvassers' report prepared as provided in this Subsection (4) is the official result of the race or proposition that is the subject of the recount.

Amended by Chapter 31, 2020 General Session

**20A-4-402 Election contests -- Grounds.**

- (1) The election or nomination of any person to any public office, and the declared result of the vote on any ballot proposition or bond proposition submitted to a vote of the people may be contested according to the procedures established in this part only:
  - (a) for malconduct, fraud, or corruption on the part of the judges of election at any polling place, or of any board of canvassers, or any judge or member of the board sufficient to change the result;
  - (b) when the person declared elected was not eligible for the office at the time of the election;
  - (c) when the person declared elected has:

- (i) given or offered to any registered voter, judge, or canvasser of the election any bribe or reward in money, property, or anything of value for the purpose of influencing the election; or
  - (ii) committed any other offense against the elective franchise;
  - (d) when illegal votes have been received or legal votes have been rejected at the polls sufficient to change the result;
  - (e) for any error of any board of canvassers or judges of election in counting the votes or declaring the result of the election, if the error would change the result;
  - (f) when the election result would change because a sufficient number of ballots containing uncorrected errors or omissions have been received at the polls;
  - (g) when the candidate declared elected is ineligible to serve in the office to which the candidate was elected;
  - (h) when an election judge or clerk was a party to malconduct, fraud, or corruption sufficient to change the result of the election; and
  - (i) for any other cause that shows that another person was legally elected.
- (2) Any irregularity or improper conduct by the election judges does not void an election unless the irregularity or improper conduct would result in the election of a person who did not receive the highest number of legal votes.
- (3) When any election held for any office is contested because of any irregularity or improper conduct on the part of a judge of any voting precinct, a court, upon proof of the irregularity or improper conduct may not set aside the election unless the irregularity or improper conduct would change the result for that office.

Amended by Chapter 105, 2005 General Session

**20A-4-403 Election contest -- Petition and response.**

- (1)
- (a) In contesting the results of all elections, except for primary elections and bond elections, a registered voter shall contest the right of any person declared elected to any office by filing a verified written complaint with the district court of the county in which he resides within 40 days after the canvass.
  - (b) The complaint shall include:
    - (i) the name of the party contesting the election;
    - (ii) a statement that the party is a registered voter in the jurisdiction in which the election was held;
    - (iii) the name of the person whose right to the office is contested;
    - (iv) the office to which that person was ostensibly elected;
    - (v) one or more of the grounds for an election contest specified in Section 20A-4-402;
    - (vi) the person who was purportedly elected to the office as respondent; and
    - (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.
  - (c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:
    - (i) illegal votes were given in one or more specified voting precincts to a person whose election is contested, which, if taken from him, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office; or

- (ii) that legal votes for another person were rejected, which, if counted, would raise the number of legal votes for that person above the number of legal votes cast for the person whose election is contested.
- (d)
  - (i) The court may not take or receive evidence of any of the votes described in Subsection (1)(c) unless the party contesting the election delivers to the opposite party, at least three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.
  - (ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.
- (2)
  - (a) In contesting the results of a primary election, when contesting the petition nominating an independent candidate, or when challenging any person, election officer, election official, board, or convention for failing to nominate a person, a registered voter shall contest the right of any person declared nominated to any office by filing a verified written complaint within 10 days after the date of the canvass for the primary election, after the date of filing of the petition, or after the date of the convention, respectively, with:
    - (i) the district court of the county in which he resides if he is contesting a nomination made only by voters from that county; or
    - (ii) the Utah Supreme Court, if he is contesting a nomination made by voters in more than one county.
  - (b) The complaint shall include:
    - (i) the name of the party contesting the nomination;
    - (ii) a statement that the contesting party is a registered voter in the jurisdiction in which the election was held;
    - (iii) the name of the person whose right to nomination is contested or the name of the person who failed to have their name placed in nomination;
    - (iv) the office to which that person was nominated or should have been nominated;
    - (v) one or more of the grounds for an election contest specified in Subsection (1);
    - (vi) the person who was purportedly nominated to the office as respondent; and
    - (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.
  - (c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:
    - (i) illegal votes were given to a person whose election is contested, which, if taken from him, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office; or
    - (ii) legal votes for another person were rejected, which, if counted, would raise the number of legal votes for that person above the number of legal votes cast for the person whose election is contested.
  - (d)
    - (i) The court may not take or receive evidence of any the votes described in Subsection (2)(c), unless the party contesting the election delivers to the opposite party, at least three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.
    - (ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.

- (3)
  - (a) In contesting the results of a bond election, a registered voter shall contest the validity of the declared results by filing a verified written complaint with the district court of the county in which he resides within 40 days after the date of the official finding entered under Section 11-14-207.
  - (b) The complaint shall include:
    - (i) the name of the party contesting the election;
    - (ii) a statement that the party is a registered voter in the jurisdiction in which the election was held;
    - (iii) the bond proposition that is the subject of the contest;
    - (iv) one or more of the grounds for an election contest specified in Section 20A-4-402; and
    - (v) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.
  - (c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:
    - (i) illegal votes were counted in one or more specified voting precincts which, if taken out of the count, would change the declared result of the vote on the proposition; or
    - (ii) legal votes were rejected in one or more specified voting precincts, which, if counted, would change the declared result of the vote on the proposition.
  - (d)
    - (i) The court may not take or receive evidence of any of the votes described in Subsection (3) (c) unless the party contesting the election delivers to the opposite party, at least three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.
    - (ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.
- (4) The court may not reject any statement of the grounds of contest or dismiss the proceedings because of lack of form, if the grounds of the contest are alleged with such certainty as will advise the defendant of the particular proceeding or cause for which the election is contested.
- (5)
  - (a) The petitioner shall serve a copy of the petition on the respondent.
  - (b)
    - (i) If the petitioner cannot obtain personal service of the petition on the respondent, the petitioner may serve the respondent by leaving a copy of the petition with the clerk of the court with which the petition was filed.
    - (ii) The clerk shall make diligent inquiry and attempt to inform the respondent that he has five days to answer the complaint.
  - (c) The respondent shall answer the petition within five days after the service.
  - (d) If the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the defendant shall set forth in the answer the name and address of all persons whom the defendant believes were properly or improperly admitted or denied the vote.
  - (e) If the answer contains a counterclaim, the petitioner shall file a reply within 10 days after service of the counterclaim.
- (6)
  - (a) The provisions of this Subsection (6) provide additional requirements that apply to municipal election contests that are in addition to the other requirements of this section governing election contest.

- (b) Municipal election contests shall be filed, tried, and determined in the district court of the county in which the municipality is located.
- (c)
  - (i) As a condition precedent to filing a municipal election contest, the petitioner shall file a written affidavit of intention to contest the election with the clerk of the court within seven days after the votes are canvassed.
  - (ii) The affidavit shall include:
    - (A) the petitioner's name;
    - (B) the fact that the petitioner is a qualified voter of the municipality;
    - (C) the respondent's name;
    - (D) the elective office contested;
    - (E) the time of election; and
    - (F) the grounds for the contest.
- (d)
  - (i) Before the district court takes jurisdiction of a municipal election contest, the petitioner shall file a bond with the clerk of the court with the sureties required by the court.
  - (ii) The bond shall name the respondent as obligee and be conditioned for the payment of all costs incurred by the respondent if the respondent prevails.

Amended by Chapter 238, 2007 General Session

**20A-4-404 Election contest -- Calendaring and disposition.**

- (1)
  - (a) Upon receipt of the petition, the clerk shall inform the chief judge of the court having jurisdiction.
  - (b) The chief judge shall issue an order:
    - (i) assigning the case to a district court judge, if the district court has jurisdiction; and
    - (ii) setting a date and time, not less than 10 nor more than 30 days from the date the petition was filed to hear and determine the contest.
  - (c) The clerk shall:
    - (i) issue a subpoena for the person whose right to the office is contested to appear at the time and place specified in the order; and
    - (ii) cause the subpoena to be served.
- (2) The court shall meet at the time and place designated to determine the contest.
- (3)
  - (a) If it is necessary for the court to inspect the ballots of any voting precinct in order to determine any election contest the judge may order the proper officer to produce them.
  - (b) The judge shall:
    - (i) open and inspect the ballots in open court in the presence of the parties or their attorneys; and
    - (ii) immediately after the inspection, seal them in an envelope and return them, by mail or otherwise, to their legal custodian.
- (4)
  - (a) If the petition, response, or counterclaim alleges an error in the canvass sufficient to change the result, the court may order and conduct a recount of the ballots or vote tabulation.
  - (b) The court may also require the production of any documents, records, and other evidence necessary to enable it to determine the legality or illegality of any vote cast or counted.
  - (c)

- (i) After all the evidence in the contest is submitted, the court shall enter its judgment, either confirming the election result or annulling and setting aside the election.
- (ii) If the court determines that a person other than the one declared elected received the highest number of legal votes, the court shall declare that person elected.

Enacted by Chapter 1, 1993 General Session

**20A-4-405 Election contests -- Costs.**

- (1) The court shall enter judgment for costs against the party contesting the election if:
  - (a) the proceedings are dismissed for:
    - (i) insufficiency of pleading or proof; or
    - (ii) want of prosecution; or
  - (b) the election is confirmed by the court.
- (2) The court shall enter judgment for costs against the party whose election was contested if the election is annulled and set aside.
- (3)
  - (a) Each party is liable for the costs of the officers and witnesses that appeared on his behalf.
  - (b) The party may pay, and the officers and witnesses may collect, those costs in the same manner as similar costs are paid and collected in other cases.

Enacted by Chapter 1, 1993 General Session

**20A-4-406 Election contests -- Appeal.**

- (1)
  - (a) Either party may appeal the district court's judgment to the Supreme Court as in other cases of appeal from the district court.
  - (b) When an appeal is taken, the district court may not stay execution or proceedings, except execution for costs.
- (2) Whenever an election is annulled or set aside by the judgment of a court and no appeal is taken within 10 days, the certificate of election, if any has been issued, is void, and the office is vacant.

Enacted by Chapter 1, 1993 General Session

**Part 5**  
**Offenses Involving Election Returns**

**20A-4-501 Election returns -- Forgery.**

- (1) It is unlawful for any person to:
  - (a) forge or counterfeit any election returns from any election purporting to have been held at any voting precinct where no election was in fact held;
  - (b) willfully substitute any forged or counterfeit election returns in the place of the true return for a voting precinct where any election was actually held; or
  - (c) commit or cause any fraud in any election in any manner.
- (2) A violation of this section is a third degree felony.



Amended by Chapter 253, 2013 General Session

**20A-4-502 Altering vote count or returns.**

- (1) It is unlawful for any person to:
  - (a) willfully add to or subtract from the votes actually cast at an election in any election returns; or
  - (b) alter any election returns.
- (2) Any person who violates this section is guilty of a third degree felony.

Amended by Chapter 253, 2013 General Session

**20A-4-504 Interfering with count.**

- (1) It is unlawful for any person to intentionally ascertain, or attempt to ascertain, the progress or state of the count before the ballot count is completed in the voting precinct, or before 8 p.m., whichever is later.
- (2) Any person who violates this section is guilty of a third degree felony.

Enacted by Chapter 1, 1993 General Session

**20A-4-505 Communicating about the count.**

- (1) It is unlawful for any poll worker to communicate in any manner, directly or indirectly, by word or sign, the progress of the count, the result so far, or any other information about the count.
- (2) Any person who violates this section is guilty of a third degree felony.

Amended by Chapter 75, 2007 General Session

**Part 6**  
**Municipal Alternate Voting Methods Pilot Project**

**20A-4-601 Definitions.**

As used in this part:

- (1) "Candidate amplifier" means the product of:
  - (a) two less than the total number of candidates in a given canvassing phase of a multi-candidate race; and
  - (b) .02%.
- (2) "Multi-candidate race" means a nonpartisan municipal race where:
  - (a) for the election of at-large officers, the number of candidates who qualify for the race exceeds the total number of seats to be filled; or
  - (b) for the election of an officer other than an at-large officer, more than two candidates qualify to run for one office.
- (3) "Participating municipality" means a municipality that is participating in the pilot project, in accordance with Subsection 20A-4-602(3).
- (4) "Pilot project" means the Municipal Alternate Voting Methods Pilot Project created in Section 20A-4-602.
- (5) "Recount threshold" means the sum of the candidate amplifier and the following:
  - (a) for a canvassing phase in which fewer than 100 valid votes are counted, 0.21%;

- (b) for a canvassing phase in which at least 100, but fewer than 500, valid votes are counted, 0.19%;
  - (c) for a canvassing phase in which at least 500, but fewer than 1,000, valid votes are counted, 0.17%;
  - (d) for a canvassing phase in which at least 1,000, but fewer than 5,000, valid votes are counted, 0.15%;
  - (e) for a canvassing phase in which at least 5,000, but fewer than 10,000, valid votes are counted, 0.13%; and
  - (f) for a canvassing phase in which 10,000 or more valid votes are counted, 0.11%.
- (6) "Valid" means that the ballot is marked in a manner that permits the vote to be counted during the applicable ballot-counting phase.

Enacted by Chapter 187, 2018 General Session

**20A-4-602 Municipal Alternate Voting Methods Pilot Project -- Creation -- Participation.**

- (1) There is created the Municipal Alternate Voting Methods Pilot Project.
- (2) The pilot project begins on January 1, 2019, and ends on January 1, 2026.
- (3)
  - (a) A municipality may participate in the pilot project, in accordance with the requirements of this section and all other applicable provisions of law, during any odd-numbered year that the pilot project is in effect, if, before the second Monday in May of the odd-numbered year, the legislative body of the municipality:
    - (i) votes to participate; and
    - (ii) provides written notice to the lieutenant governor and the county clerk stating that the municipality intends to participate in the pilot project for the year specified in the notice.
  - (b) The legislative body of a municipality that provides the notice of intent described in Subsection (3)(a) may withdraw the notice of intent, and not participate in the pilot project, if the legislative body of the municipality provides written notice of withdrawal to the lieutenant governor and the county clerk before the second Monday in May.
- (4) The lieutenant governor shall maintain, in a prominent place on the lieutenant governor's website, a current list of the municipalities that are participating in the pilot project.
- (5)
  - (a) An election officer of a participating municipality shall, in accordance with the provisions of this part, conduct a multi-candidate race during the municipal general election using instant runoff voting.
  - (b) Except as provided in Subsection 20A-4-603(9), an election officer of a participating municipality that will conduct a multi-candidate race under Subsection (5)(a) may not conduct a municipal primary election relating to that race.
  - (c) A municipality that has in effect an ordinance described in Subsection 20A-9-404(3) or (4) may not participate in the pilot project.
- (6) Except for an election described in Subsection 20A-4-603(9), an individual who files a declaration of candidacy or a nomination petition, for a candidate who will run in an election described in this part, shall file the declaration of candidacy or nomination petition during the office hours described in Section 10-3-301 and not later than the close of those office hours, no sooner than the second Tuesday in August and no later than the third Tuesday in August of an odd-numbered year.

Amended by Chapter 101, 2021 General Session

**20A-4-603 Instant runoff voting.**

- (1) In a multi-candidate race, the election officer for a participating municipality shall:
  - (a)
    - (i) conduct the first ballot-counting phase by counting the valid first preference votes for each candidate; and
    - (ii) if, after complying with Subsection (5), one of the candidates receives more than 50% of the valid first preference votes counted, declare that candidate elected;
  - (b) if, after counting the valid first preference votes for each candidate, and complying with Subsection (5), no candidate receives more than 50% of the valid first preference votes counted, conduct the second ballot-counting phase by:
    - (i) excluding from the multi-candidate race:
      - (A) the candidate who received the fewest valid first preference votes counted; or
      - (B) in the event of a tie for the fewest valid first preference votes counted, one of the tied candidates, determined by the tied election officer by lot, in accordance with Subsection (6);
    - (ii) adding, to the valid first preference votes counted for the remaining candidates, the valid second preference votes cast for the remaining candidates by the voters who cast a valid first preference vote for the excluded candidate; and
    - (iii) if, after adding the votes in accordance with Subsection (1)(b)(ii) and complying with Subsection (5), one candidate receives more than 50% of the valid votes counted, declaring that candidate elected; and
  - (c) if, after adding the valid second preference votes in accordance with Subsection (1)(b)(ii) and complying with Subsection (5), no candidate receives more than 50% of the valid votes counted, conduct subsequent ballot-counting phases by continuing the process described in Subsection (1)(b) until a candidate receives more than 50% of the valid votes counted, as follows:
    - (i) after complying with Subsection (5), excluding from consideration the candidate who has the fewest valid votes counted or, in the event of a tie for the fewest valid votes counted, excluding one of the tied candidates, by lot, in accordance with Subsection (6); and
    - (ii) adding the next valid preference vote cast by each voter whose vote was counted for the last excluded candidate to one of the remaining candidates, in the order of the next preference indicated by the voter.
- (2) The election officer shall declare elected the first candidate who receives more than 50% of the valid votes counted under the process described in Subsection (1).
- (3)
  - (a) A vote is valid for a particular phase of a multi-candidate race only if the voter indicates the voter's preference for that phase and all previous phases.
  - (b) A vote is not valid for a particular phase of a multi-candidate race, and for all subsequent phases, if the voter indicates the same rank for more than one candidate for that phase.
- (4) The election officer shall order a recount of the valid votes in the applicable ballot-counting phase if one candidate appears to have received at least 50% of the vote, and the difference between the number of votes counted for the candidate who received the most valid votes for the applicable ballot-counting phase and any other candidate in the race is equal to or less than the product of the following, rounded up to the nearest whole number:
  - (a) the total number of voters who cast a valid vote that is counted in the applicable ballot-counting phase of the race; and
  - (b) the recount threshold.

- (5) Before excluding a candidate from a multi-candidate race under Subsection (1), the election officer shall order a recount of the valid votes counted in the applicable ballot-counting phase if the difference between the number of votes counted for the candidate who received the fewest valid votes in the applicable ballot-counting phase of the race and any other candidate in the race is equal to or less than the product of the following, rounded up to the nearest whole number:
  - (a) the total number of voters who cast a valid vote counted in that ballot-counting phase; and
  - (b) the recount threshold.
- (6) For each ballot-counting phase after the first phase, if, after a recount is completed under Subsection (5), two or more candidates tie as having received the fewest valid votes counted at that point in the ballot count, the election officer shall eliminate one of those candidates from consideration, by lot, in the following manner:
  - (a) determine the names of the candidates who tie as having received the fewest valid votes for that ballot-counting phase;
  - (b) cast the lot in the presence of at least two election officials and any counting poll watchers who are present and desire to witness the casting of the lot; and
  - (c) sign a public document that:
    - (i) certifies the method used for casting the lot and the result of the lot; and
    - (ii) includes the name of each individual who witnessed the casting of the lot.
- (7) In a multi-candidate race for an at-large office, where the number of candidates who qualify for the race exceeds the total number of at-large seats to be filled for the office, the election officer shall count the votes by:
  - (a) except as provided in Subsection (8), counting votes in the same manner as described in Subsections (1) through (6), until a candidate is declared elected;
  - (b) repeating the process described in Subsection (7)(a) for all candidates that are not declared elected until another candidate is declared elected; and
  - (c) continuing the process described in Subsection (7)(b) until all at-large seats in the race are filled.
- (8) After a candidate is declared elected under Subsection (7), the election officer shall, in repeating the process described in Subsections (1) through (6) to declare the next candidate elected, add to the vote totals the next valid preference vote of each voter whose vote was counted for a candidate already declared elected.
- (9) An election officer for a participating municipality may choose to conduct a primary election by using instant runoff voting in the manner described in Subsections (1) through (6), except that:
  - (a) instead of determining whether a candidate receives more than 50% of the valid preference votes for a particular ballot-counting phase, the election officer shall proceed to a subsequent ballot-counting stage, and exclude the candidate who receives the fewest valid preference votes in that phase, until twice the number of seats to be filled in the race remain; and
  - (b) after complying with Subsection (9)(a), the election officer shall declare the remaining candidates nominated to participate in the municipal general election.

Amended by Chapter 305, 2019 General Session

**20A-4-604 Batch elimination.**

- (1) In any ballot count conducted under Section 20A-4-603, the election officer may exclude candidates through batch elimination by, instead of excluding only one candidate in a ballot-counting phase, excluding each candidate:

- (a) for which the number of remaining candidates with more valid votes than that candidate is greater than or equal to the number of offices to be filled; and
- (b)
  - (i) for which the number of valid votes counted for the candidate in the phase plus the number of votes counting for all candidates with fewer valid votes in the phase is less than the number of valid votes for the candidate with the next highest amount of valid votes in the phase; or
  - (ii) who has fewer valid votes in the phase than a candidate who is excluded under Subsection (1)(b)(i).
- (2) The requirements for a recount before excluding a candidate under Subsection 20A-4-603(5) do not apply to candidates who are excluded through batch elimination.

Enacted by Chapter 187, 2018 General Session

## **Chapter 5 Election Administration**

### **Part 1 Election Notices and Instructions**

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

- (1) On or before November 15 in the year before each regular general election year, the lieutenant governor shall prepare and transmit a written notice to each county clerk that:
  - (a) designates the offices to be filled at the next year's regular general election;
  - (b) identifies the dates for filing a declaration of candidacy, and for submitting and certifying nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407, and 20A-9-408 for those offices; and
  - (c) contains a description of any ballot propositions to be decided by the voters that have qualified for the ballot as of that date.
- (2)
  - (a) No later than seven business days after the day on which the lieutenant governor transmits the written notice described in Subsection (1), each county clerk shall provide notice, in accordance with Subsection (3):
    - (i) by posting notice in a conspicuous place most likely to give notice of the election to the voters in each voting precinct within the county;
    - (ii)
      - (A) by publishing notice in a newspaper of general circulation in the county;
      - (B) by posting one notice, and at least one additional notice per 2,000 population of the county, in places within the county that are most likely to give notice of the election to the voters in the county, subject to a maximum of 10 notices; or
      - (C) by mailing notice to each registered voter in the county;
    - (iii) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for seven days before the day of the election; and
    - (iv) by posting notice on the county's website for seven days before the day of the election.

- (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a)(i), showing a copy of the notice and the places where the notice was posted.
- (3) The notice described in Subsection (2) shall:
  - (a) designate the offices to be voted on in that election; and
  - (b) identify the dates for filing a declaration of candidacy for those offices.
- (4) Except as provided in Subsection (6), before each election, the election officer shall give printed notice of the following information:
  - (a) the date of election;
  - (b) the hours during which the polls will be open;
  - (c) the polling places for each voting precinct, early voting polling place, and election day voting center;
  - (d) the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the election officer will post on the website any changes to the location of a polling place and the location of any additional polling place;
  - (e) a phone number that a voter may call to obtain information regarding the location of a polling place; and
  - (f) the qualifications for persons to vote in the election.
- (5) The election officer shall provide the notice described in Subsection (4):
  - (a)
    - (i) by publishing the notice in a newspaper of general circulation in the jurisdiction to which the election pertains, at least two days before the day of the election;
    - (ii) at least two days before the day of the election, by posting one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction, subject to a maximum of 10 notices; or
    - (iii) by mailing the notice to each registered voter who resides in the jurisdiction to which the election pertains at least five days before the day of the election;
  - (b) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for two days before the day of the election; and
  - (c) if the jurisdiction has a website, by posting notice on the jurisdiction's website for two days before the day of the election.
- (6) Instead of including the information described in Subsection (4) in the notice, the election officer may give printed notice that:
  - (a) is entitled "Notice of Election";
  - (b) includes the following: "A [indicate election type] will be held in [indicate the jurisdiction] on [indicate date of election]. Information relating to the election, including polling places, polling place hours, and qualifications of voters may be obtained from the following sources:"; and
  - (c) specifies the following sources where an individual may view or obtain the information described in Subsection (4):
    - (i) if the jurisdiction has a website, the jurisdiction's website;
    - (ii) the physical address of the jurisdiction offices; and
    - (iii) a mailing address and telephone number.

Amended by Chapter 15, 2021 Special Session 1

**20A-5-102 Voting instructions.**

- (1) Each election officer shall:

- (a) print instructions for voters;
  - (b) ensure that the instructions are printed in English, and any other language required under the Voting Rights Act of 1965, as amended, in large clear type; and
  - (c) ensure that the instructions inform voters:
    - (i) about how to obtain ballots for voting;
    - (ii) about special political party affiliation requirements for voting in a regular primary election or presidential primary election;
    - (iii) about how to prepare ballots for deposit in the ballot box;
    - (iv) about how to record write-in votes;
    - (v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;
    - (vi) about how to obtain assistance in marking ballots;
    - (vii) about obtaining a new ballot if the voter's ballot is defaced;
    - (viii) that identification marks or the spoiling or defacing of a ballot will make it invalid;
    - (ix) about how to obtain and vote a provisional ballot;
    - (x) about whom to contact to report election fraud;
    - (xi) about applicable federal and state laws regarding:
      - (A) voting rights and the appropriate official to contact if the voter alleges his rights have been violated; and
      - (B) prohibitions on acts of fraud and misrepresentation;
    - (xii) about procedures governing mail-in registrants and first-time voters; and
    - (xiii) about the date of the election and the hours that the polls are open on election day.
- (2) Each election officer shall:
- (a) provide the election judges of each voting precinct with sufficient instruction cards to instruct voters in the preparation of their ballots;
  - (b) direct the election judges to post:
    - (i) general voting instructions in each voting booth; and
    - (ii) at least three instruction cards and at least one sample ballot elsewhere in and about the polling place.

Amended by Chapter 31, 2020 General Session

**20A-5-103 Constitutional amendments -- Posting.**

- (1) Whenever a constitutional amendment is submitted to a vote of the people for their approval or rejection, the county clerk shall:
  - (a) cause the original section of the constitution to be printed on cards in large clear type with the changes to it indicated by bracketing and interlining any language proposed to be repealed and underlining any new language proposed to be inserted; and
  - (b) place the question as it appears upon the official ballot after the original section.
- (2) If there is more than one amendment submitted, the clerk shall ensure that the proposed amendments are placed upon the cards in columns in the same order as they will appear upon the official ballot.
- (3) Each county clerk shall:
  - (a) provide the election judges for each voting precinct with two constitutional amendment cards; and
  - (b) direct the election judges to post the two constitutional amendment cards in and about the polling place.

Amended by Chapter 183, 1997 General Session

## **Part 2 Administration in General**

### **20A-5-204 Duplicate registration.**

- (1) Upon finding duplicate registration, the county clerk shall first check for errors in the record.
- (2) If duplicate registration does exist, the clerk shall:
  - (a) eliminate one registration entry; and
  - (b) change the date of voter registration on the voter's file to the most recent registration date.

Amended by Chapter 3, 1996 Special Session 2

Amended by Chapter 3, 1996 Special Session 2

### **20A-5-205 Delivery of official register.**

- (1) Before delivering the official register to the poll workers, the county clerk shall verify the accuracy and completeness of the official register.
- (2) The county clerk shall, before the polls open at an early voting center or any other polling place:
  - (a) deliver the official register to each polling place; and
  - (b) provide verification of the official register's accuracy and completeness.
- (3) This section does not prohibit a county clerk from updating an official register as necessary.

Amended by Chapter 31, 2020 General Session

### **20A-5-206 Change of precinct boundaries -- Revising list.**

- (1) Whenever the boundaries of any voting precinct are changed, or a new voting precinct is created, the county clerk shall ensure that the names of all voters residing within the territory affected by the change are updated in the official register.
- (2) Any registered voter whose name has been erroneously updated in the official register, or erroneously not updated in the official register, may vote in the voting precinct in which the voter resides if the voter uses a provisional ballot.

Amended by Chapter 31, 2020 General Session

## **Part 3 Duties of the County and Municipal Legislative Bodies**

### **20A-5-301 Combined voting precincts -- Municipalities.**

- (1)
  - (a) The municipal legislative body of a city of the first or second class may combine up to four regular county voting precincts into one municipal voting precinct for purposes of a municipal election if they designate the location and address of each of those combined voting precincts.
  - (b) The polling place shall be within the combined voting precinct or within 1/2 mile of the boundaries of the voting precinct.
- (2)



- (a) The municipal legislative body of a city of the third, fourth, or fifth class, a town, or a metro township may combine two or more regular county voting precincts into one municipal voting precinct for purposes of an election if it designates the location and address of that combined voting precinct.
- (b) If only two precincts are combined, the polling place shall be within the combined precinct or within 1/2 mile of the boundaries of the combined voting precinct.
- (c) If more than two precincts are combined, the polling place should be as near as practical to the middle of the combined precinct.

Amended by Chapter 176, 2016 General Session

**20A-5-302 Automated voting system.**

- (1)
  - (a) Any county or municipal legislative body or local district board may:
    - (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any automated voting system that meets the requirements of this section; and
    - (ii) use that system in any election, in all or a part of the voting precincts within its boundaries, or in combination with manual ballots.
  - (b) Nothing in this title shall be construed to require the use of electronic voting devices in local special elections, municipal primary elections, or municipal general elections.
- (2) Each automated voting system shall:
  - (a) provide for voting in secrecy, except in the case of voters who have received assistance as authorized by Section 20A-3a-208;
  - (b) permit each voter at any election to:
    - (i) vote for all persons and offices for whom and for which that voter is lawfully entitled to vote;
    - (ii) vote for as many persons for an office as that voter is entitled to vote; and
    - (iii) vote for or against any ballot proposition upon which that voter is entitled to vote;
  - (c) permit each voter, at presidential elections, by one mark, to vote for the candidates of that party for president, vice president, and for their presidential electors;
  - (d) at elections other than primary elections, permit each voter to vote for the nominees of one or more parties and for independent candidates;
  - (e) at primary elections:
    - (i) permit each voter to vote for candidates of the political party of the voter's choice; and
    - (ii) reject any votes cast for candidates of another party;
  - (f) prevent the voter from voting for the same person more than once for the same office;
  - (g) provide the opportunity for each voter to change the ballot and to correct any error before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub. L. No. 107-252;
  - (h) include automatic tabulating equipment that rejects choices recorded on a voter's ballot if the number of the voter's recorded choices is greater than the number which the voter is entitled to vote for the office or on the measure;
  - (i) be of durable construction, suitably designed so that it may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;
  - (j) when properly operated, record correctly and count accurately each vote cast;
  - (k) for voting equipment certified after January 1, 2005, produce a permanent paper record that:
    - (i) shall be available as an official record for any recount or election contest conducted with respect to an election where the voting equipment is used;
    - (ii)

- (A) shall be available for the voter's inspection prior to the voter leaving the polling place; and
  - (B) shall permit the voter to inspect the record of the voter's selections independently only if reasonably practicable commercial methods permitting independent inspection are available at the time of certification of the voting equipment by the lieutenant governor;
  - (iii) shall include, at a minimum, human readable printing that shows a record of the voter's selections;
  - (iv) may also include machine readable printing which may be the same as the human readable printing; and
  - (v) allows a watcher to observe the election process to ensure the integrity of the election process; and
  - (l) meet the requirements of Section 20A-5-802.
- (3) For the purposes of a recount or an election contest, if the permanent paper record contains a conflict or inconsistency between the human readable printing and the machine readable printing, the human readable printing shall supercede the machine readable printing when determining the intent of the voter.
- (4) Notwithstanding any other provisions of this section, the election officers shall ensure that the ballots to be counted by means of electronic or electromechanical devices are of a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Amended by Chapter 31, 2020 General Session

Amended by Chapter 49, 2020 General Session

**20A-5-303 Establishing, dividing, abolishing, and changing voting precincts -- Common polling places -- Combined voting precincts.**

- (1)
- (a) After receiving recommendations from the county clerk, the county legislative body may establish, divide, abolish, and change voting precincts.
  - (b) Within 30 days after the establishment, division, abolition, or change of a voting precinct under this section, the county legislative body shall file with the Utah Geospatial Resource Center, created under Section 63A-16-505, a notice describing the action taken and specifying the resulting boundaries of each voting precinct affected by the action.
- (2)
- (a) The county legislative body shall alter or divide voting precincts so that each voting precinct contains not more than 1,250 active voters.
  - (b) The county legislative body shall:
    - (i) identify those precincts that may reach the limit of active voters in a precinct under Subsection (2)(a) or that becomes too large to facilitate the election process; and
    - (ii) except as provided by Subsection (3), divide those precincts on or before January 1 of a general election year.
- (3) A county legislative body shall divide a precinct identified under Subsection (2)(b)(i) on or before January 31 of a regular general election year that immediately follows the calendar year in which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.
- (4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5), the county legislative body may not:
- (a) establish or abolish any voting precinct after January 1 of a regular general election year;

- (b) alter or change the boundaries of any voting precinct after January 1 of a regular general election year; or
  - (c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a year immediately preceding the year in which an enumeration is required by the United States Constitution and the day on which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.
- (5) A county legislative body may establish, divide, abolish, alter, or change a voting precinct on or before January 31 of a regular general election year that immediately follows the calendar year in which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.
- (6)
- (a) For the purpose of voting in an election, the county legislative body may establish a common polling place for two or more whole voting precincts.
  - (b) At least 90 days before the election, the county legislative body shall designate:
    - (i) the voting precincts that will vote at the common polling place; and
    - (ii) the location of the common polling place.
  - (c) A county may use one set of election judges for the common polling place under this Subsection (6).
- (7) Each county shall have at least two polling places open for voting on the date of the election.
- (8) Each common polling place shall have at least one voting device that is accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

## **Part 4**

### **Election Officer's Duties**

#### **20A-5-400.1 Contracting with an election officer to conduct elections -- Fees -- Contracts and interlocal agreements -- Private providers.**

- (1)
- (a) In accordance with this section, a local political subdivision may enter into a contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer to conduct an election.
  - (b) If the boundaries of a local political subdivision holding the election extend beyond a single local political subdivision, the local political subdivision may have more than one provider election officer conduct an election.
  - (c) Upon approval by the lieutenant governor, a municipality may enter into a contract or agreement under Subsection (1)(a) with any local political subdivision in the state, regardless of whether the municipality is located in, next to, or near, the local political subdivision, to conduct an election during which the municipality is participating in the Municipal Alternate Voting Methods Pilot Project.
  - (d) If a municipality enters into a contract or agreement, under Subsection (1)(c), with a local political subdivision other than a county within which the municipality exists, the municipality,

the local political subdivision, and the county within which the municipality exists shall enter into a cooperative agreement to ensure the proper functioning of the election.

- (2) A provider election officer shall conduct an election:
  - (a) under the direction of the contracting election officer; and
  - (b) in accordance with a contract or interlocal agreement.
- (3) A provider election officer shall establish fees for conducting an election for a contracting election officer that:
  - (a) are consistent with the contract or interlocal agreement; and
  - (b) do not exceed the actual costs incurred by the provider election officer.
- (4) The contract or interlocal agreement under this section may specify that a contracting election officer request, within a specified number of days before the election, that the provider election officer conduct the election to allow adequate preparations by the provider election officer.
- (5) An election officer conducting an election may appoint or employ an agent or professional service to assist in conducting the election.

Amended by Chapter 101, 2021 General Session

**20A-5-400.5 Election officer for bond and leeway elections.**

- (1) When a voted leeway or bond election is held on the regular general election date, the county clerk shall serve as the provider election officer to conduct that election.
- (2)
  - (a) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of the unincorporated county, the county clerk shall serve as the provider election officer to conduct that election subject to Subsection (3).
  - (b) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of a municipality, the municipal clerk for that municipality shall, except as provided in Subsection (3), serve as the provider election officer to conduct that election.
  - (c) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election extends beyond the boundaries of a single municipality:
    - (i) except as provided in Subsection (3), the municipal clerk shall serve as the provider election officer to conduct the election for those portions of the local political subdivision where the municipal general election or other election is being held; and
    - (ii) except as provided in Subsection (3), the county clerk shall serve as the provider election officer to conduct the election for the unincorporated county and for those portions of any municipality where no municipal general election or other election is being held.
- (3) When a voted leeway or bond election is held on a date when no other election, other than another voted leeway or bond election, is being held in the entire area comprising the local political subdivision calling the voted leeway or bond election:
  - (a) the clerk or chief executive officer of a local district or the business administrator or superintendent of the school district, as applicable, shall serve as the election officer to conduct the bond election for those portions of the local political subdivision in which no other

- election, other than another voted leeway or bond election, is being held, unless the local district or school district has contracted with a provider election officer; and
- (b) the county clerk, municipal clerk, or both, as determined by the local political subdivision holding the bond election, shall serve as the provider election officer to conduct the bond election for those portions of the local political subdivision in which another election, other than another voted leeway or bond election, is being held.
- (4) A provider election officer required by this section to conduct an election for a local political subdivision shall comply with Section 20A-5-400.1.

Amended by Chapter 415, 2013 General Session

**20A-5-401 Official register -- Preparation -- Contents.**

- (1)
- (a) Before the registration days for each regular general, municipal general, regular primary, municipal primary, or presidential primary election, each county clerk shall prepare an official register of all voters that will participate in the election.
  - (b) The county clerk shall ensure that the official register is prepared and contains the following for each registered voter:
    - (i) name;
    - (ii) party affiliation;
    - (iii) an entry field for a voter challenge, including the name of the individual making the challenge and the grounds for the challenge;
    - (iv) election name and date;
    - (v) date of birth;
    - (vi) place of current residence;
    - (vii) street address of current residence;
    - (viii) zip code;
    - (ix) identification and provisional ballot information as required under Subsection (1)(d); and
    - (x) space for the voter to sign the voter's name for the election.
  - (c) When preparing the official register for the presidential primary election, the county clerk shall include:
    - (i) an entry field to record the name of the political party whose ballot the voter voted; and
    - (ii) an entry field for the poll worker to record changes in the voter's party affiliation.
  - (d) When preparing the official register for any regular general election, municipal general election, statewide special election, local special election, regular primary election, municipal primary election, local district election, or election for federal office, the county clerk shall include:
    - (i) an entry field for the poll worker to record the type of identification provided by the voter;
    - (ii) a space for the poll worker to record the provisional envelope ballot number for voters who receive a provisional ballot; and
    - (iii) a space for the poll worker to record the type of identification that was provided by voters who receive a provisional ballot.
- (2)
- (a)
    - (i) For regular and municipal elections, primary elections, regular municipal elections, local district elections, and bond elections, the county clerk shall make an official register only for voting precincts affected by the primary, municipal, local district, or bond election.

- (ii) If a polling place to be used in a bond election serves both voters residing in the local political subdivision calling the bond election and voters residing outside of that local political subdivision, the official register shall designate whether each voter resides in or outside of the local political subdivision.
  - (iii) Each county clerk, with the assistance of the clerk of each affected local district, shall provide a detailed map or an indication on the registration list or other means to enable a poll worker to determine the voters entitled to vote at an election of local district officers.
- (b) Municipalities shall pay the costs of making the official register for municipal elections.

Amended by Chapter 31, 2020 General Session

**20A-5-403 Polling places -- Booths -- Ballot boxes -- Inspections -- Arrangements.**

- (1) Except as provided in Section 20A-7-609.5, each election officer shall:
- (a) designate polling places for each voting precinct in the jurisdiction; and
  - (b) obtain the approval of the county or municipal legislative body or local district governing board for those polling places.
- (2)
- (a) For each polling place, the election officer shall provide:
    - (i) an American flag;
    - (ii) a sufficient number of voting booths or compartments;
    - (iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and supplies necessary to enable a voter to vote;
    - (iv) the constitutional amendment cards required by Part 1, Election Notices and Instructions;
    - (v) the instructions required by Section 20A-5-102; and
    - (vi) a sign, to be prominently displayed in the polling place, indicating that valid voter identification is required for every voter before the voter may vote and listing the forms of identification that constitute valid voter identification.
  - (b) Each election officer shall ensure that:
    - (i) each voting booth is at a convenient height for writing, and is arranged so that the voter can prepare the voter's ballot screened from observation;
    - (ii) there are a sufficient number of voting booths or voting devices to accommodate the voters at that polling place; and
    - (iii) there is at least one voting booth or voting device that is configured to accommodate persons with disabilities.
  - (c) Each county clerk shall provide a ballot box for each polling place that is large enough to properly receive and hold the ballots to be cast.
- (3)
- (a) All polling places shall be physically inspected by each county clerk to ensure access by a person with a disability.
  - (b) Any issues concerning inaccessibility to polling places by a person with a disability discovered during the inspections referred to in Subsection (3)(a) or reported to the county clerk shall be:
    - (i) forwarded to the Office of the Lieutenant Governor; and
    - (ii) within six months of the time of the complaint, the issue of inaccessibility shall be either:
      - (A) remedied at the particular location by the county clerk;
      - (B) the county clerk shall designate an alternative accessible location for the particular precinct; or
      - (C) if no practical solution can be identified, file with the Office of the Lieutenant Governor a written explanation identifying the reasons compliance cannot reasonably be met.

- (4)
  - (a) The municipality in which the election is held shall pay the cost of conducting each municipal election, including the cost of printing and supplies.
  - (b)
    - (i) Costs assessed by a county clerk to a municipality under this section may not exceed the actual costs incurred by the county clerk.
    - (ii) The actual costs shall include:
      - (A) costs of or rental fees associated with the use of election equipment and supplies; and
      - (B) reasonable and necessary administrative costs.
- (5) The county clerk shall make detailed entries of all proceedings had under this chapter.
- (6)
  - (a) Each county clerk shall, to the extent possible, ensure that the amount of time that an individual waits in line before the individual can vote at a polling location in the county does not exceed 30 minutes.
  - (b) The lieutenant governor may require a county clerk to submit a line management plan before the next election if an individual waits in line at a polling location in the county longer than 30 minutes before the individual can vote.
  - (c) The lieutenant governor may consider extenuating circumstances in deciding whether to require the county clerk to submit a plan described in Subsection (6)(b).
  - (d) The lieutenant governor shall review each plan submitted under Subsection (6)(b) and consult with the county clerk submitting the plan to ensure, to the extent possible, that the amount of time an individual waits in line before the individual can vote at a polling location in the county does not exceed 30 minutes.

Amended by Chapter 20, 2020 Special Session 5

**20A-5-403.5 Ballot drop boxes.**

- (1) An election officer:
  - (a) may designate ballot drop boxes for the election officer's jurisdiction; and
  - (b) shall clearly mark each ballot drop box as an official ballot drop box for the election officer's jurisdiction.
- (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer shall, at least 19 days before the date of the election, provide notice of the location of each ballot drop box designated under Subsection (1):
  - (a)
    - (i) by publishing notice in at least one issue of a newspaper of general circulation in the jurisdiction holding the election;
    - (ii) by posting one notice, and at least one additional notice per 2,000 population of the jurisdiction holding the election, in places within the jurisdiction that are most likely to give notice to the residents in the jurisdiction, subject to a maximum of 10 notices; or
    - (iii) by mailing notice to each registered voter in the jurisdiction holding the election;
  - (b) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for 19 days before the day of the election; and
  - (c) by posting notice on the jurisdiction's website for 19 days before the day of the election.
- (3) Instead of including the location of ballot drop boxes, a notice required under Subsection (2) may specify the following sources where a voter may view or obtain a copy of all ballot drop box locations:
  - (a) the jurisdiction's website;

- (b) the physical address of the jurisdiction's offices; and
  - (c) a mailing address and telephone number.
- (4) The election officer shall include in the notice described in Subsection (2):
- (a) the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the election officer will post on the website the location of each ballot drop box, including any changes to the location of a ballot drop box and the location of additional ballot drop boxes; and
  - (b) a phone number that a voter may call to obtain information regarding the location of a ballot drop box.
- (5)
- (a) Except as provided in Section 20A-1-308, the election officer may, after the deadline described in Subsection (2):
    - (i) if necessary, change the location of a ballot drop box; or
    - (ii) if the election officer determines that the number of ballot drop boxes is insufficient due to the number of registered voters who are voting, designate additional ballot drop boxes.
  - (b) Except as provided in Section 20A-1-308, if an election officer changes the location of a ballot box or designates an additional ballot drop box location, the election officer shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or the additional ballot drop box location:
    - (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;
    - (ii) by posting the information on the website of the election officer, if available; and
    - (iii) by posting notice:
      - (A) for a change in the location of a ballot drop box, at the new location and, if possible, the old location; and
      - (B) for an additional ballot drop box location, at the additional ballot drop box location.
- (6) An election officer may, at any time, authorize two or more poll workers to remove a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

Amended by Chapter 15, 2021 Special Session 1

**20A-5-404 Election forms -- Preparation and contents.**

- (1)
- (a) For each election, the election officer shall prepare, for each polling place:
    - (i) forms for poll workers to record and verify security seals, ballots cast, and the number of voters who voted; and
    - (ii) an official register or pollbook.
  - (b) For each election, the election officer shall:
    - (i) provide a copy of each form to each of those precincts using paper ballots; and
    - (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting precincts using an automated voting system.
- (2) The election officer shall ensure that the forms described in Subsection (1)(a)(i) include:
- (a) a space for the judges to identify:
    - (i) the number of ballots voted;
    - (ii) the number of registered voters listed in the official register or pollbook; and
    - (iii) the total number of voters voting according to the official register or pollbook; and
  - (b) a certification, in substantially the following form:

"We, the undersigned, judges of an election held at \_\_\_\_\_ voting precinct, in \_\_\_\_\_ County, state of Utah, on \_\_\_\_\_(month\day\year), having first been sworn according



to law, certify that the information in this form is a true statement of the number and names of the individuals voting in the voting precinct at the election, and that the total number of individuals voting at the election was \_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Judges of Election".

- (3) The election officer shall ensure that the official register or pollbook:
  - (a) identifies the voting precinct number on the face of the official register or pollbook; and
  - (b) contains:
    - (i) a section to record individuals voting on election day; and
    - (ii) a section in which to record voters who are challenged.

Amended by Chapter 31, 2020 General Session

**20A-5-405 Election officer to provide ballots.**

- (1) An election officer shall:
  - (a) provide ballots for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;
  - (b) cause the name of every candidate whose nomination has been certified to or filed with the election officer in the manner provided by law to be included on each ballot;
  - (c) cause any ballot proposition that has qualified for the ballot as provided by law to be included on each ballot;
  - (d) ensure that the ballots are prepared and in the possession of the election officer before commencement of voting;
  - (e) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official ballot to inspect the ballots;
  - (f) cause sample ballots to be printed that are in the same form as official ballots and that contain the same information as official ballots but that are printed on different colored paper than official ballots or are identified by a watermark;
  - (g) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;
  - (h) make the sample ballots available for public inspection by:
    - (i) posting a copy of the sample ballot in the election officer's office at least seven days before commencement of voting;
    - (ii) mailing a copy of the sample ballot to:
      - (A) each candidate listed on the ballot; and
      - (B) the lieutenant governor;
    - (iii) publicizing a copy of the sample ballot:
      - (A) at least seven days before the day of the election, by posting one copy of the sample ballot, and at least one additional copy of the sample ballot per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in the jurisdiction, subject to a maximum of 10 notices; or

- (B) at least 10 days before the day of the election, by mailing a copy of the sample ballot to each registered voter who resides in the jurisdiction holding the election;
  - (iv) posting a copy of the sample ballot on the Utah Public Notice Website, created in Section 63A-16-601, for seven days before the day of the election; and
  - (v) if the jurisdiction has a website, posting a copy of the sample ballot on the jurisdiction's website for at least seven days before the day of the election;
  - (i) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and
  - (j) print and deliver, at the expense of the jurisdiction conducting the election, enough ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in each voting precinct.
- (2) Instead of posting the entire sample ballot under Subsection (1)(h)(iii)(A), the election officer may post a statement that:
- (a) is entitled, "sample ballot";
  - (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the upcoming [indicate type and date of election] may be obtained from the following sources:"; and
  - (c) specifies the following sources where an individual may view or obtain a copy of the sample ballot:
    - (i) if the jurisdiction has a website, the jurisdiction's website;
    - (ii) the physical address of the jurisdiction's offices; and
    - (iii) a mailing address and telephone number.
- (3)
- (a) Each election officer shall, without delay, correct any error discovered in any ballot, if the correction can be made without interfering with the timely distribution of the ballots.
  - (b)
    - (i) If the election officer discovers an error or omission in a manual ballot, and it is not possible to correct the error or omission, the election officer shall direct the poll workers to make the necessary corrections on the manual ballots before the ballots are distributed.
    - (ii) If the election officer discovers an error or omission in an electronic ballot and it is not possible to correct the error or omission by revising the electronic ballot, the election officer shall direct the poll workers to post notice of each error or omission with instructions on how to correct each error or omission in a prominent position at each polling booth.
  - (c)
    - (i) If the election officer refuses or fails to correct an error or omission in a ballot, a candidate or a candidate's agent may file a verified petition with the district court asserting that:
      - (A) an error or omission has occurred in:
        - (I) the publication of the name or description of a candidate;
        - (II) the preparation or display of an electronic ballot; or
        - (III) in the printing of sample or official manual ballots; and
      - (B) the election officer has failed to correct or provide for the correction of the error or omission.
    - (ii) The district court shall issue an order requiring correction of any error in a ballot or an order to show cause why the error should not be corrected if it appears to the court that the error or omission has occurred and the election officer has failed to correct or provide for the correction of the error or omission.
    - (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah Supreme Court within five days after the day on which the district court enters the decision.

Amended by Chapter 15, 2021 Special Session 1

**20A-5-406 Delivery of ballots.**

- (1) An election officer shall deliver manual ballots to the poll workers of each voting precinct in the election officer's jurisdiction in an amount sufficient to meet voting needs during the voting period.
- (2) For mechanical ballots, an election officer shall:
  - (a) deliver the voting devices and mechanical ballots before voting commences at the polling place;
  - (b) ensure that the voting devices, equipment, and mechanical ballots are properly secured before commencement of voting;
  - (c) when mechanical ballots or voting devices containing mechanical ballots are delivered to a polling location, ensure that security procedures, developed by the election officer, are followed to document chain of custody and to prevent unauthorized access; and
  - (d) repair or provide substitute voting devices, equipment, or electronic ballots, if available, if any poll worker reports that:
    - (i) the voting devices or equipment were not delivered on time;
    - (ii) the voting devices or equipment do not contain the appropriate electronic ballot information;
    - (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to have been tampered with;
    - (iv) the voting devices or equipment do not appear to be functioning properly; or
    - (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed or stolen.

Amended by Chapter 31, 2020 General Session

**20A-5-407 Election officer to provide ballot boxes.**

- (1) Except as provided in Subsection (3), an election officer shall:
  - (a) provide one ballot box with a lock and key for each polling place; and
  - (b) deliver the ballot boxes, locks, and keys to the polling place before the polls open.
- (2) An election officer for a municipality or local district may obtain ballot boxes from the county clerk's office.
- (3) If locks and keys are unavailable, the election officer shall ensure that the ballot box lid is secured by tape.

Amended by Chapter 31, 2020 General Session

**20A-5-408 Disposition of election returns.**

- (1) Each election officer shall produce the packages containing the election returns before the board of canvassers.
- (2) As soon as the returns are canvassed, the election officer shall file the election returns and papers produced before the board as required by Section 20A-4-202.

Amended by Chapter 31, 2020 General Session

**20A-5-409 Certification of candidates to county clerks.**

No later than August 31 of each regular general election year, the lieutenant governor shall certify to each county clerk the name of each candidate qualified to be printed on the regular general election ballot for that county clerk's county.

Amended by Chapter 327, 2011 General Session

**20A-5-410 Election officer to provide voting history information and status.**

- (1) As used in this section, "voting history record" means the information about the existence and status of absentee ballot requests required by this section.
- (2)
  - (a) Each election officer shall maintain, in the election officer's office, a voting history record of those voters registered to vote in the election officer's jurisdiction.
  - (b) Except as it relates to a voter whose voter registration record is classified as private under Subsection 63G-2-302(1)(k), the voting history record is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.
- (3) The election officer shall ensure that the voting history record for each voting precinct contains:
  - (a) for voting by mail:
    - (i) the date that the manual ballot was mailed to the voter; and
    - (ii) the date that the voted manual ballot was received by the election officer;
  - (b) for early voting:
    - (i) the name and address of each individual who participated in early voting; and
    - (ii) the date the individual voted; and
  - (c) for voting on election day, the name and address of each individual who voted on election day.
- (4)
  - (a) Notwithstanding the time limits for response to a request for records under Section 63G-2-204 or the time limits for a request for records established in any ordinance, the election officer shall ensure that the information required by this section is recorded and made available to the public no later than one business day after its receipt in the election officer's office.
  - (b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements established in any ordinance, the election officer shall make copies of the voting history record available to the public for the actual cost of production or copying.

Renumbered and Amended by Chapter 31, 2020 General Session

**Part 6  
Poll Workers**

**20A-5-601 Appointment of poll workers in elections where candidates are distinguished by registered political parties.**

- (1)
  - (a) This section governs appointment of poll workers in elections where candidates are distinguished by registered political parties.
  - (b) On or before March 1 of each even-numbered year, an election officer shall provide to the county chair of each registered political party a list of the number of poll workers that the party must nominate for each polling place.
  - (c) On or before April 1 of each even-numbered year, the county chair and secretary of each registered political party shall file a list with the election officer containing the names of

individuals in the county who are willing to serve as poll workers, who are qualified to serve as poll workers in accordance with this section, and who are competent and trustworthy.

- (d) The county chair and secretary shall submit names equal in number to the number required by the election officer, plus one.
- (2) Each election officer shall provide for the appointment of individuals to serve as poll workers at each election.
- (3)
  - (a) For each election, each election officer shall provide for the appointment of at least three registered voters, or one individual who is 16 or 17 years of age and two registered voters, one of whom is at least 21 years of age, from the list to serve as poll workers.
  - (b) An election officer may appoint additional poll workers, as needed.
- (4) For each set of three poll workers appointed for a polling place for an election, the election officer shall ensure that:
  - (a) two poll workers are appointed from the political party that cast the highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the jurisdiction holding the election at the last regular general election before the appointment of the poll workers; and
  - (b) one poll worker is appointed from the political party that cast the second highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the county, city, or local district, as applicable, at the last regular general election before the appointment of the poll workers.
- (5) The election officer shall provide for the appointment of any qualified county voter as a poll worker when:
  - (a) a political party fails to file the poll worker list by the filing deadline; or
  - (b) the list is incomplete.
- (6) A registered voter of the county may serve as a poll worker at any polling location in the county, municipality, or district, as applicable.
- (7) An election officer may not appoint a candidate's parent, sibling, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker in a polling place where the candidate appears on the ballot.
- (8) The election officer shall fill all poll worker vacancies.
- (9) If a conflict arises over the right to certify the poll worker lists for any political party, the election officer may decide between conflicting lists, but may only select names from a properly submitted list.
- (10) The clerk shall establish compensation for poll workers.
- (11) The election officer may appoint additional poll workers to serve in the polling place as needed.

Amended by Chapter 31, 2020 General Session

**20A-5-602 Appointment of poll workers in elections where candidates are not distinguished by registered political parties.**

- (1)
  - (a) This section governs appointment of poll workers in elections where candidates are not distinguished by registered political parties.
  - (b) An election officer shall appoint the poll worker at least 15 days before the date of the local election.
- (2)

- (a) The election officer shall appoint, or provide for the appointment of, at least three poll workers as follows:
  - (i) three registered voters; or
  - (ii) two registered voters, one of whom is at least 21 years old, and one individual who is 16 or 17 years old.
- (b) The election officer may appoint additional poll workers to serve in the polling place as needed.
- (3) The election officer may not appoint any candidate's parent, sibling, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker at a polling place where the candidate appears on the ballot.
- (4)
  - (a) The clerk shall compensate poll workers for their services.
  - (b) The clerk of a municipality or local district may not compensate poll workers at a rate higher than that paid by the county to the county's poll workers.

Amended by Chapter 31, 2020 General Session

**20A-5-603 Vacancies -- Removal of poll workers.**

- (1)
  - (a) If a poll worker or alternate is unable to serve, that poll worker or alternate shall immediately notify the election officer, who shall fill the vacancy as provided in this section.
  - (b) The election officer may fill a vacancy occurring under this section by appointing the alternate to serve or, if that is impossible, by appointing some other qualified person to fill the vacancy.
- (2) The election officer shall summarily remove any poll worker who:
  - (a) neglects the poll worker's duty;
  - (b) commits or encourages fraud in connection with any election;
  - (c) violates any election law;
  - (d) knowingly permits any person to violate any election law;
  - (e) has been convicted of a felony;
  - (f) commits any act that interferes or tends to interfere with a fair and honest election; or
  - (g) is incapable of performing the duties of a poll worker.

Amended by Chapter 31, 2020 General Session

**20A-5-605 Duties of poll workers.**

- (1) Poll workers shall:
  - (a) arrive at the polling place at a time determined by the election officer; and
  - (b) remain until the official election returns are prepared for delivery.
- (2) The election officer may designate the title and duties of each poll worker.
- (3) Upon arriving to open the polls, the poll workers shall:
  - (a) display the United States flag;
  - (b) examine the voting devices to see that they are in proper working order and that security devices have not been tampered with;
  - (c) place the voting devices, voting booths, and the ballot box in plain view of those poll workers and watchers that are present;
  - (d) check the ballots, supplies, records, and forms;
  - (e) if directed by the election officer:

- (i) make any necessary corrections to the official ballots before the ballots are distributed at the polls; and
  - (ii) post any necessary notice of errors in ballots before voting commences;
  - (iii) post the sample ballots, instructions to voters, and constitutional amendments, if any;
  - (f) open the ballot box in the presence of those assembled, turn the ballot box upside down to empty the ballot box of anything; and
  - (g) immediately before the polls open, lock the ballot box or, if locks and keys are not available, tape the ballot box securely.
- (4)
- (a) If any poll worker fails to appear on the morning of the election, or fails or refuses to act:
    - (i) at least six qualified electors who are present at the polling place at the hour designated by law for the opening of the polls shall fill the vacancy by appointing another qualified individual from the voting precinct who is a member of the same political party as the poll worker who is being replaced to act as a poll worker; or
    - (ii) the election officer shall appoint a qualified individual to act as a poll worker.
  - (b) If a majority of the poll workers are present, the poll workers shall open the polls, even though a poll worker has not arrived.
- (5)
- (a) If it is impossible or inconvenient to hold an election at the polling place designated, the poll workers, after having assembled at or as near as practicable to the designated place, and before receiving any vote, may move to the nearest convenient place for holding the election.
  - (b) If the poll workers move to a new polling place, the poll workers shall display a proclamation of the change and station a peace officer or some other proper individual at the original polling place to notify voters of the location of the new polling place.
- (6) If, for any reason, the official ballots are not ready for distribution at a polling place or, if the supply of ballots is exhausted before the polls are closed, the poll workers may use unofficial ballots, made as nearly as possible in the form of the official ballot, until the election officer provides additional ballots.
- (7) When it is time to open the polls, one of the poll workers shall announce that the polls are open as required by Section 20A-1-302, or in the case of early voting, Section 20A-3a-602.
- (8)
- (a) The poll workers shall comply with the voting procedures and requirements of Chapter 3a, Voting, in allowing people to vote.
  - (b) The poll workers may not allow an individual, other than election officials and those admitted to vote, within six feet of voting devices, voting booths, or the ballot box.
  - (c) Besides the poll workers and watchers, the poll workers may not allow more than four voters in excess of the number of voting booths provided within six feet of voting devices, voting booths, or the ballot box.
  - (d) If necessary, the poll workers shall instruct each voter permitted to use a voting device how to operate the voting device before the voter enters the voting booth.
  - (e)
    - (i) If the voter requests additional instructions after entering the voting booth, two poll workers may, if necessary, enter the booth and give the voter additional instructions.
    - (ii) In regular general elections and regular primary elections, the two poll workers who enter the voting booth to assist the voter shall be of different political parties.

Amended by Chapter 31, 2020 General Session

**20A-5-606 Closing the polls -- Preparation and delivery of election returns.**

The election judges shall close the polls and prepare and deliver the election returns as provided in Chapter 4, Election Returns and Election Contests.

Amended by Chapter 2, 1994 General Session

**Part 7**  
**Offenses Involving Election Administration**

**20A-5-701 Willful neglect of duty or corrupt conduct -- Penalty.**

- (1) It is unlawful for any poll worker to willfully neglect the poll worker's duty or to willfully act corruptly in discharging the poll worker's duty.
- (2) Any poll worker who violates this section is guilty of a third degree felony.

Amended by Chapter 253, 2013 General Session

**20A-5-702 Destroying or concealing ballots.**

- (1) It is unlawful for any person, or officer having charge of official ballots, to destroy, suppress, or conceal them, except authorized by this title.
- (2) Any person who violates this section is guilty of a third degree felony.

Amended by Chapter 253, 2013 General Session

**20A-5-703 Neglect or refusal to deliver ballots or returns.**

- (1) It is unlawful for any person or officer who has undertaken to deliver official ballots or election returns to any voting precinct or to any poll worker or election officer to neglect, refuse, or fail to do so.
- (2) Any person who violates this subsection is guilty of a class A misdemeanor and shall be imprisoned for not less than six months, and fined not less than \$250.

Amended by Chapter 75, 2007 General Session

**20A-5-705 Officer or watcher revealing vote.**

- (1) It is unlawful for any election official or watcher to reveal to any other person the name of any candidate for whom a voter has voted, or to communicate to another the election official's or watcher's opinion, belief, or impression as to how or for whom a voter has voted.
- (2) A person who violates this section is guilty of a class A misdemeanor.

Amended by Chapter 253, 2013 General Session

**20A-5-706 Damage, alteration, or theft of election equipment -- Penalty.**

- (1) It is unlawful for any person to intentionally or knowingly damage, modify, steal, tamper with, or destroy a voting device, voting equipment, or an automated voting system.
- (2) Any person who violates this section is guilty of a third degree felony.

Enacted by Chapter 326, 2006 General Session



## Part 8 Voting Equipment Selection and Certification

### **20A-5-801 Definitions.**

As used in this part:

- (1) "New voting equipment system" means voting equipment that is operated in a materially different way or that functions in a materially different way than the equipment being replaced.
- (2) "Voting equipment" means the following equipment used for an election:
  - (a) automatic tabulating equipment;
  - (b) a voting device; or
  - (c) a voting machine.

Amended by Chapter 31, 2020 General Session

### **20A-5-802 Certification of voting equipment.**

- (1) For the voting equipment used in the jurisdiction over which an election officer has authority, the election officer shall:
  - (a) before each election, use logic and accuracy tests to ensure that the voting equipment performs the voting equipment's functions accurately;
  - (b) develop and implement a procedure to protect the physical security of the voting equipment; and
  - (c) ensure that the voting equipment is certified by the lieutenant governor under Subsection (2) as having met the requirements of this section.
- (2)
  - (a) Except as provided in Subsection (2)(b)(ii):
    - (i) the lieutenant governor shall ensure that all voting equipment used in the state is independently tested using security testing protocols and standards that:
      - (A) are generally accepted in the industry at the time the lieutenant governor reviews the voting equipment for certification; and
      - (B) meet the requirements of Subsection (2)(a)(ii);
    - (ii) the testing protocols and standards described in Subsection (2)(a)(i) shall require that a voting system:
      - (A) is accurate and reliable;
      - (B) possesses established and maintained access controls;
      - (C) has not been fraudulently manipulated or tampered with;
      - (D) is able to identify fraudulent or erroneous changes to the voting equipment; and
      - (E) protects the secrecy of a voter's ballot; and
    - (iii) The lieutenant governor may comply with the requirements of Subsection (2)(a) by certifying voting equipment that has been certified by:
      - (A) the United States Election Assistance Commission; or
      - (B) a laboratory that has been accredited by the United States Election Assistance Commission to test voting equipment.
  - (b)
    - (i) Voting equipment used in the state may include technology that allows for ranked-choice voting.

- (ii) The lieutenant governor may, for voting equipment used for ranked-choice voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, certify voting equipment that has been successfully used within the United States or a territory of the United States for ranked-choice voting for a race for federal office.

Amended by Chapter 305, 2019 General Session

**20A-5-803 Voting Equipment Selection Committee.**

- (1) Before selecting or purchasing a new voting equipment system, the lieutenant governor shall:
  - (a) appoint a Voting Equipment Selection Committee; and
  - (b) ensure that the committee includes persons having experience in:
    - (i) election procedures and administration;
    - (ii) computer technology;
    - (iii) data security;
    - (iv) auditing; and
    - (v) access for persons with disabilities.
- (2) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses 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.
- (3) The lieutenant governor shall select a chair from the committee membership.
- (4) The lieutenant governor may fill any vacancies that occur on the committee.
- (5) The Office of the Lieutenant Governor shall provide staffing for the committee.
- (6) The Voting Equipment Selection Committee shall:
  - (a) evaluate new voting equipment systems proposed for purchase by the state; and
  - (b) provide information and recommendations to assist the lieutenant governor with the purchase of new voting equipment systems.
- (7) The lieutenant governor may designate individuals, including committee members, to inspect and review proprietary software as part of an evaluation of new voting equipment systems under consideration for purchase.
- (8)
  - (a) The Voting Equipment Selection Committee may establish requirements for a new voting equipment system purchased under Section 20A-5-804 through the Voting Equipment Grant Program.
  - (b) A requirement established under Subsection (8)(a) is not binding unless the recommendation:
    - (i) is consistent with the requirements described in Section 20A-5-804 for the Voting Equipment Grant Program; and
    - (ii) specifically states that the recommendation is for voting equipment purchased through the Voting Equipment Grant Program.
- (9) Before making any selection or purchase, the lieutenant governor shall provide for a period of public review and comment on new voting equipment systems under consideration for purchase by the state.

Renumbered and Amended by Chapter 32, 2017 General Session

**20A-5-804 Voting Equipment Grant Program -- Qualifications for receipt -- Matching funds -- Acceptable uses.**

- (1) As used in this section:
  - (a) "Program" means the Voting Equipment Grant Program created in this section.
  - (b) "Proportional reimbursement rate" means the dollar amount equal to the product of:
    - (i) the total amount of funds appropriated by the Legislature to the program; and
    - (ii) the quotient of:
      - (A) the total number of active voters in a county; and
      - (B) the total number of registered voters in the state.
- (2)
  - (a) There is created the Voting Equipment Grant Program as a grant program to assist counties in purchasing new voting equipment systems.
  - (b) The lieutenant governor shall administer the program using funds appropriated by the Legislature for the purpose of administering the program.
- (3)
  - (a) After January 1, 2018, a county may submit a proposal to the Office of the Lieutenant Governor to participate in and receive funds from the program.
  - (b) A proposal described in Subsection (3)(a) shall:
    - (i) describe the current condition of the voting equipment used by the county;
    - (ii) describe the county's need for a new voting equipment system;
    - (iii) describe how the county plans to comply with the requirements described in Subsection (4), including:
      - (A) a description of how the county plans to provide the matching funds described in Subsection (4)(b) if the proposal is accepted; and
      - (B) a schedule by which the requirements will be met; and
    - (iv) contain a detailed estimate of the gross cost of procuring a new voting equipment system.
- (4) A county that receives funds through a program grant:
  - (a) shall use the funds to purchase a new voting equipment system that:
    - (i) meets the requirements of Section 20A-5-802;
    - (ii) creates a secure and auditable paper record of each vote; and
    - (iii) complies with any additional binding requirement made under Subsection 20A-5-803(8) by the Voting Equipment Selection Committee;
  - (b) shall, for the purpose of purchasing a new voting equipment system, appropriate matching funds equal to or greater than the difference of:
    - (i) the amount described in Subsection (3)(b)(iv) in the proposal that the lieutenant governor accepts under Subsection (6)(b); and
    - (ii) the amount the lieutenant governor is required to disburse to the county under Subsection (7)(a);
  - (c) may not use funds disbursed under Subsection (6)(b)(i)(D) or appropriated under Subsection (4)(b) for a purpose or in a manner that is not authorized by this section;
  - (d) except as provided in Subsection (5), may not, after using a new voting equipment system in an election that was purchased under this section, use voting equipment that does not meet the requirements described in Subsection (4)(a); and
  - (e) shall purchase a new voting equipment system described under Subsection (4)(a) that provides the best value to the county with consideration for the new voting equipment system's:
    - (i) cost of maintenance;
    - (ii) estimated operational lifetime; and
    - (iii) cost of replacement.

- (5) A county that receives funds through the program may use voting equipment that does not comply with the requirements described in Subsection (4)(a)(ii) or (iii):
  - (a) to the extent that using the voting equipment is necessary to accommodate a person with a disability in accordance with the requirements described in Subsection 20A-3a-202(8)(b), 20A-3a-603(1)(c), 20A-5-303(8), or 20A-5-403(2)(b)(iii); or
  - (b) if the county purchased the voting equipment before receiving grant funds under Subsection (7)(a).
- (6) Upon receipt of a proposal described in Subsection (3), the lieutenant governor shall:
  - (a) review the proposal to ensure that:
    - (i) the proposal complies with the requirements described in Subsection (3); and
    - (ii) the cost estimate described in Subsection (3)(b)(iv) appears to be reasonable; and
  - (b)
    - (i) if the proposal complies with the requirements described in Subsection (3), the cost estimate appears to be reasonably accurate, and sufficient program funds are available:
      - (A) accept the proposal;
      - (B) notify the county clerk of the county that submitted the proposal that the proposal is accepted;
      - (C) notify the county clerk of the requirements described in Subsection (7); and
      - (D) disburse the funds described in Subsection (7)(a), in accordance with the requirements described in Subsection (7)(b), to the county that submitted the proposal; or
    - (ii) if the proposal does not comply with the requirements described in Subsection (3), the cost estimate does not appear to be reasonable, or sufficient program funds are not available:
      - (A) reject the proposal; and
      - (B) notify the county clerk of the county that submitted the proposal that the proposal is rejected, indicating the reason that the proposal is rejected.
- (7) The lieutenant governor:
  - (a) shall disburse funds under Subsection (6)(b)(i)(D) equal to the lesser of:
    - (i) 50% of the amount described in Subsection (3)(b)(iv) in the proposal that the lieutenant governor accepts under Subsection (6)(b); or
    - (ii) the proportional reimbursement rate; and
  - (b) may not disburse funds under Subsection (6)(b)(i)(D):
    - (i) until the county appropriates the matching funds described in Subsection (4)(b); or
    - (ii) if the disbursement would cause the county's total receipt of funds from the program to exceed the proportional reimbursement rate.

Amended by Chapter 31, 2020 General Session

## **Chapter 6 Ballot Form**

### **Part 1 General Requirements for All Ballots**

#### **20A-6-101 General requirements for manual ballots.**

- (1) An election officer shall ensure that manual ballots:

- (a) are printed using precisely the same quality and tint of plain white paper through which the printing or writing cannot be seen;
  - (b) are printed using precisely the same quality and kind of type;
  - (c) are printed using precisely the same quality and tint of plain black ink;
  - (d) are uniform in size for all the voting precincts within the election officer's jurisdiction; and
  - (e) include, on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601, a space for a write-in candidate immediately following the last candidate listed on that ticket.
- (2) Whenever the vote for candidates is to be limited to the voters of a particular political division, the election officer shall ensure that the names of those candidates are printed only upon those ballots provided to that political division.

Amended by Chapter 31, 2020 General Session

**20A-6-102 General requirements for machine counted ballots.**

- (1) An election officer shall ensure that ballots are printed:
- (a) to a size and arrangement that fits the construction of the ballot counting device; and
  - (b) in plain, clear type in black ink on clear white stock; or
  - (c) in plain, clear type in black ink on stock of different colors if it is necessary to:
    - (i) identify different ballots or parts of the ballot; or
    - (ii) differentiate between political parties.
- (2) For a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601, the election officer shall include a space on the ticket for a write-in candidate immediately following the last candidate listed on that ticket.
- (3) Notwithstanding any other provisions of this section, the election officer may authorize any ballots that are to be counted by means of electronic or electromechanical devices to be printed to a size, layout, texture, and in any type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Amended by Chapter 31, 2020 General Session

**20A-6-103 Internet voting pilot project.**

Notwithstanding any provision of this title to the contrary, a county may allow a covered voter, as defined in Section 20A-16-102, or a voter with a disability, as defined in 42 U.S.C. 12102(1), to register to vote, and vote electronically.

Amended by Chapter 206, 2014 General Session

**20A-6-105 Provisional ballot envelopes.**

- (1) Each election officer shall ensure that provisional ballot envelopes are printed in substantially the following form:

"AFFIRMATION

Are you a citizen of the United States of America? Yes No

Will you be 18 years old on or before election day? Yes No

If you checked "no" in response to either of the two above questions, do not complete this form.

Name of Voter \_\_\_\_\_

First

Middle

Last

Driver License or Identification Card Number \_\_\_\_\_

State of Issuance of Driver License or Identification Card Number \_\_\_\_\_

Date of Birth \_\_\_\_\_

Street Address of Principal Place of Residence \_\_\_\_\_

City	County	State	Zip Code
------	--------	-------	----------

Telephone Number (optional) \_\_\_\_\_

Email Address (optional) \_\_\_\_\_

Last four digits of Social Security Number \_\_\_\_\_

Last former address at which I was registered to vote (if known) \_\_\_\_\_

City	County	State	Zip Code
------	--------	-------	----------

Voting Precinct (if known) \_\_\_\_\_

I, (please print your full name) \_\_\_\_\_ do solemnly swear or

affirm:

That I am eligible to vote in this election; that I have not voted in this election in any other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to vote in this precinct; and

Subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of Utah, residing at the above address; and that I am at least 18 years old and have resided in Utah for the 30 days immediately before this election.

Signed

Dated \_\_\_\_\_

In accordance with Section 20A-3a-506, wilfully providing false information above is a class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

**PRIVACY INFORMATION**

Voter registration records contain some information that is available to the public, such as your name and address, some information that is available only to government entities, and some information that is available only to certain third parties in accordance with the requirements of law.

Your driver license number, identification card number, social security number, email address, full date of birth, and phone number are available only to government entities. Your year of birth is available to political parties, candidates for public office, certain third parties, and their contractors, employees, and volunteers, in accordance with the requirements of law.

You may request that all information on your voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers, by indicating here:

\_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers.

**REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

In addition to the protections provided above, you may request that all information on your voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form, and any required verification, as described in the following paragraphs.

A person may request that all information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees,

and volunteers, by submitting a withholding request form with this registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

A person may request that all information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order.

**CITIZENSHIP AFFIDAVIT**

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a citizen and that to the best of my knowledge and belief the information above is true and correct.

\_\_\_\_\_  
Signature of Applicant

In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered to vote if you know you are not entitled to register to vote is up to one year in jail and a fine of up to \$2,500."

(2) The provisional ballot envelope shall include:

- (a) a unique number;
- (b) a detachable part that includes the unique number;
- (c) a telephone number, internet address, or other indicator of a means, in accordance with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted; and
- (d) beginning May 1, 2022, an insert containing written instructions on how a voter may sign up to receive ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.

Amended by Chapter 100, 2021 General Session

**20A-6-105.5 Voter access to provisional ballot information.**

Each county clerk shall implement, through an internet website, toll-free telephone number, or other means, a system where an individual who voted a provisional ballot may, free of charge, determine if the voter's vote was counted, and, if the vote was not counted, the reason the vote was not counted.

Enacted by Chapter 34, 2003 General Session

**20A-6-106 Deadline for submission of ballot titles.**

Unless otherwise specifically provided for by statute, the certified ballot title of each ballot proposition, ballot question, or ballot issue shall be submitted to the election officer before 5 p.m. no later than 65 days before the date of the election at which the matter will be submitted to the voters.

Amended by Chapter 255, 2019 General Session

**20A-6-107 Numbering of ballot propositions and bond propositions -- Duties of election officer and lieutenant governor.**

- (1)
  - (a) Except as provided in Subsections (1)(b) and (1)(c), each ballot proposition shall be listed on the ballot under the heading "Proposition #\_\_\_", with the number of the ballot proposition placed in the blank.
  - (b) Each proposed amendment to the Utah Constitution shall be listed on the ballot under the heading "Constitutional Amendment \_\_\_", with a letter placed in the blank.
  - (c) Each bond proposition that has qualified for the ballot shall be listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.
- (2)
  - (a) When an election officer or other person given authority to prepare or number ballot propositions receives a ballot proposition that is eligible for inclusion on the ballot, they shall ask the lieutenant governor to assign a number to the ballot proposition.
  - (b)
    - (i) Upon request from an election officer or other person given authority to prepare or number ballot propositions, the lieutenant governor shall assign each ballot proposition a unique number, except as provided under Subsection (2)(b)(iii).
    - (ii) Ballot proposition numbers shall be assigned sequentially, in the order requests for ballot proposition numbers are received.
    - (iii) The same ballot proposition number may be assigned to multiple ballot propositions if:
      - (A) the sponsors of each ballot proposition agree, in writing, to share the number; and
      - (B) the ballot propositions sharing the same number are identical in their terms, purpose, and effect, with jurisdiction being the only significant difference between the ballot propositions.

Amended by Chapter 458, 2018 General Session

**Part 2**  
**Ballots for Regular Primary Elections**

**20A-6-203 Ballots for regular primary elections.**

- (1) The lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:
  - (a) develop ballots to be used in Utah's regular primary election;
  - (b) ensure that the ballots comply generally, where applicable, with the requirements of Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, and this section; and
  - (c) provide voting booths, election records and supplies, ballot boxes, and as applicable, voting devices, for each voting precinct as required by Section 20A-5-403.
- (2)
  - (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, and Sections 20A-5-403, 20A-6-401, and 20A-6-401.1, the lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties shall ensure that the ballots, voting booths, election records and supplies, and ballot boxes:



- (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all voters are authorized to vote for a party's candidate;
  - (ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;
  - (iii) minimize the possibility of spoiled ballots due to voter confusion; and
  - (iv) protect against fraud.
- (b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties shall:
- (i) mark ballots as being for a particular registered political party; and
  - (ii) instruct individuals counting the ballots to count only those votes for candidates from the registered political party whose ballot the voter received.

Amended by Chapter 31, 2020 General Session

**20A-6-203.5 Instant runoff voting ballot.**

If, in an election, at least one of the races is conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, the portion of the ballot relating to that race shall:

- (1) list each candidate who qualifies to be placed on the election ballot for that race;
- (2) opposite each candidate's name, include a place where a voter can indicate the voter's vote in order of preference for each candidate, as described in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project; and
- (3) provide the ability for a voter to enter a write-in candidate's name and indicate the voter's ordered preference for the write-in candidate.

Enacted by Chapter 187, 2018 General Session

**Part 3**  
**Regular General Election Ballots**

**20A-6-301 Manual ballots -- Regular general election.**

- (1) Each election officer shall ensure that:
  - (a) all manual ballots furnished for use at the regular general election contain:
    - (i) no captions or other endorsements except as provided in this section;
    - (ii) no symbols, markings, or other descriptions of a political party or group, except for a registered political party that has chosen to nominate its candidates in accordance with Section 20A-9-403; and
    - (iii) no indication that a candidate for elective office has been nominated by, or has been endorsed by, or is in any way affiliated with a political party or group, unless the candidate has been nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5);
  - (b) at the top of the ballot, the following endorsements are printed in 18 point bold type:
    - (i) "Official Ballot for \_\_\_\_ County, Utah";
    - (ii) the date of the election; and
    - (iii) the words "certified by the Clerk of \_\_\_\_\_ County" or, as applicable, the name of a combined office that includes the duties of a county clerk;

- (c) unaffiliated candidates, candidates not affiliated with a registered political party, and all other candidates for elective office who were not nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with the other candidates for the same office in accordance with Section 20A-6-305, without a party name or title;
  - (d) each ticket containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;
  - (e) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;
  - (f) the names of candidates are printed in capital letters, not less than one-eighth nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between lines or rules three-eighths of an inch apart; and
  - (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601:
    - (i) the ballot includes a space for a write-in candidate immediately following the last candidate listed on that ticket; or
    - (ii) for the offices of president and vice president and governor and lieutenant governor, the ballot includes two spaces for write-in candidates immediately following the last candidates on that ticket, one placed above the other, to enable the entry of two valid write-in candidates.
- (2) An election officer shall ensure that:
- (a) each individual nominated by any registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5), and no other individual, is placed on the ballot:
    - (i) under the registered political party's name, if any; or
    - (ii) under the title of the registered political party as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;
  - (b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;
  - (c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and
  - (d) the ballots contain no other names.
- (3) When the ballot contains a nonpartisan section, the election officer shall ensure that:
- (a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight point;
  - (b) the words designating the office are printed flush with the left-hand margin;
  - (c) the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for which the voter may vote)" extend to the extreme right of the column;
  - (d) the nonpartisan candidates are grouped according to the office for which they are candidates;
  - (e) the names in each group are placed in the order specified under Section 20A-6-305 with the surnames last; and
  - (f) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for which the voter may vote)," according to the number to be elected.
- (4) Each election officer shall ensure that:
- (a) proposed amendments to the Utah Constitution are listed on the ballot in accordance with Section 20A-6-107;
  - (b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section 20A-6-107;

- (c) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206; and
- (d) the judicial retention section of the ballot includes a statement at the beginning directing voters to the Judicial Performance Evaluation Commission's website in accordance with Subsection 20A-12-201(4).

Amended by Chapter 136, 2021 General Session

**20A-6-302 Manual ballots -- Placement of candidates' names.**

- (1) An election officer shall ensure, for manual ballots in regular general elections, that:
  - (a) each candidate is listed by party, if nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5);
  - (b) candidates' surnames are listed in alphabetical order on the ballots when two or more candidates' names are required to be listed on a ticket under the title of an office; and
  - (c) the names of candidates are placed on the ballot in the order specified under Section 20A-6-305.
- (2)
  - (a) When there is only one candidate for county attorney at the regular general election in counties that have three or fewer registered voters of the county who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of county attorney? Yes \_\_\_\_\_ No \_\_\_\_\_."
  - (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of county attorney.
  - (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.
  - (d) When the name of only one candidate for county attorney is printed on the ballot under authority of this Subsection (2), the county clerk may not count any write-in votes received for the office of county attorney.
  - (e) If no qualified individual files for the office of county attorney or if the candidate is not elected by the voters, the county legislative body shall appoint the county attorney as provided in Section 20A-1-509.2.
  - (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (2)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than one day before that year's primary election that:
    - (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
    - (ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.
- (3)
  - (a) When there is only one candidate for district attorney at the regular general election in a prosecution district that has three or fewer registered voters of the district who are licensed

active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes \_\_\_\_ No \_\_\_\_."

- (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of district attorney.
- (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.
- (d) When the name of only one candidate for district attorney is printed on the ballot under authority of this Subsection (3), the county clerk may not count any write-in votes received for the office of district attorney.
- (e) If no qualified individual files for the office of district attorney, or if the only candidate is not elected by the voters under this subsection, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section 20A-1-509.2.
- (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (3)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than one day before that year's primary election that:
  - (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
  - (ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

Amended by Chapter 31, 2020 General Session

### **20A-6-304 Regular general election -- Mechanical ballots.**

- (1) Each election officer shall ensure that:
  - (a) the format and content of a mechanical ballot is arranged in approximately the same order as manual ballots;
  - (b) the titles of offices and the names of candidates are displayed in vertical columns or in a series of separate displays;
  - (c) the mechanical ballot is of sufficient length to include, after the list of candidates:
    - (i) the names of candidates for judicial offices and any other nonpartisan offices; and
    - (ii) any ballot propositions submitted to the voters for their approval or rejection;
  - (d) the office titles are displayed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;
  - (e) the party designation of each candidate who has been nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is displayed adjacent to the candidate's name; and
  - (f) if possible, all candidates for one office are grouped in one column or upon one display screen.
- (2) Each election officer shall ensure that:
  - (a) proposed amendments to the Utah Constitution are displayed in accordance with Section 20A-6-107;

- (b) ballot propositions submitted to the voters are displayed in accordance with Section 20A-6-107;
- (c) bond propositions that have qualified for the ballot are displayed under the title assigned to each bond proposition under Section 11-14-206; and
- (d) the judicial retention section of the ballot includes a statement at the beginning directing voters to the Judicial Performance Evaluation Commission's website in accordance with Subsection 20A-12-201(4).

Amended by Chapter 136, 2021 General Session

**20A-6-305 Master ballot position list -- Random selection -- Procedures -- Publication -- Surname -- Exemptions -- Ballot order.**

- (1) As used in this section, "master ballot position list" means an official list of the 26 characters in the alphabet listed in random order and numbered from one to 26 as provided under Subsection (2).
- (2) The lieutenant governor shall:
  - (a) within 30 days after the candidate filing deadline in each even-numbered year, conduct a random selection to create a master ballot position list for all elections in accordance with procedures established under Subsection (2)(c);
  - (b) publish the master ballot position list on the lieutenant governor's election website no later than 15 days after creating the list; and
  - (c) establish written procedures for:
    - (i) the election official to use the master ballot position list; and
    - (ii) the lieutenant governor in:
      - (A) conducting the random selection in a fair manner; and
      - (B) providing a record of the random selection process used.
- (3) In accordance with the written procedures established under Subsection (2)(c)(i), an election officer shall use the master ballot position list for the current year to determine the order in which to list candidates on the ballot for an election held during the year.
- (4) To determine the order in which to list candidates on the ballot required under Subsection (3), the election officer shall apply the randomized alphabet using:
  - (a) the candidate's surname;
  - (b) for candidates with a surname that has the same spelling, the candidate's given name; and
  - (c) the surname of the president and the surname of the governor for an election for the offices of president and vice president and governor and lieutenant governor.
- (5) Subsections (1) through (4) do not apply to:
  - (a) an election for an office for which only one candidate is listed on the ballot; or
  - (b) a judicial retention election under Section 20A-12-201.
- (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall appear separately, in the following order:
  - (a) for federal office:
    - (i) president and vice president of the United States;
    - (ii) United States Senate office; and
    - (iii) United States House of Representatives office;
  - (b) for state office:
    - (i) governor and lieutenant governor;
    - (ii) attorney general;
    - (iii) state auditor;

- (iv) state treasurer;
  - (v) state Senate office;
  - (vi) state House of Representatives office; and
  - (vii) State Board of Education member;
  - (c) for county office:
    - (i) county executive office;
    - (ii) county legislative body member;
    - (iii) county assessor;
    - (iv) county or district attorney;
    - (v) county auditor;
    - (vi) county clerk;
    - (vii) county recorder;
    - (viii) county sheriff;
    - (ix) county surveyor;
    - (x) county treasurer; and
    - (xi) local school board member;
  - (d) for municipal office:
    - (i) mayor; and
    - (ii) city or town council member;
  - (e) elected planning and service district council member;
  - (f) judicial retention questions; and
  - (g) ballot propositions not described in Subsection (6)(f).
- (7)
- (a) A ticket for a race for a combined office shall appear on the ballot in the place of the earliest ballot ticket position that is reserved for an office that is subsumed in the combined office.
  - (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:
    - (i) each candidate in accordance with Subsections (1) through (4); and
    - (ii) except as otherwise provided in this title, the party name, initials, or title following each candidate's name.

Amended by Chapter 49, 2020 General Session

## **Part 4**

### **Ballot Form Requirements for Municipal Elections**

#### **20A-6-401 Ballots for municipal primary elections.**

- (1) Each election officer shall ensure that:
  - (a) the following endorsements are printed in 18 point bold type:
    - (i) "Official Primary Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";
    - (ii) the date of the election; and
    - (iii) a facsimile of the signature of the election officer and the election officer's title in eight point type;
  - (b) immediately below the election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;
  - (c) immediately below the horizontal rules, an "Instructions to Voters" section is printed in 10 point bold type that states: "To vote for a candidate, mark the space following the name(s) of

- the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;
- (d) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for which the voter may vote)" are printed to extend to the extreme right of the column in 10-point bold type, followed by a hair-line rule;
  - (e) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;
  - (f) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates; and
  - (g) the candidate groups are separated from each other by one light and one heavy line or rule.
- (2) A municipal primary ballot may not contain any space for write-in votes.

Amended by Chapter 31, 2020 General Session

**20A-6-401.1 Ballots for partisan municipal primary elections.**

- (1) An election officer shall ensure that:
- (a) all manual ballots furnished for use at the regular primary election:
    - (i) separate the candidates of one political party from those of the other political parties; and
    - (ii) contain no captions or other endorsements except as provided in this section;
  - (b) the names of all candidates from each party are listed on the same ballot in one or more columns under their party name and emblem;
  - (c) the political parties are printed on the ballot in the order specified under Section 20A-6-305;
  - (d) the following endorsements are printed in 18-point bold type:
    - (i) "Official Primary Ballot for \_\_\_\_ (name of municipality), Utah";
    - (ii) the date of the election; and
    - (iii) a facsimile of the signature of the election officer and the election officer's title in eight point type;
  - (e) after the facsimile signature, the political party emblem and the name of the political party are printed;
  - (f) after the party name and emblem, the ballot contains the following printed in not smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a candidate, mark the space following the name of the person for whom you wish to vote and in no other place. Do not vote for any candidate listed under more than one party or group designation.", followed by two one-point parallel horizontal rules;
  - (g) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for which the voter may vote)" are printed to extend to the extreme right of the column in 10-point bold type, followed by a hair-line rule;
  - (h) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;
  - (i) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates;
  - (j) the candidate groups are separated from each other by one light and one heavy line or rule; and
  - (k) the nonpartisan candidates are listed as follows:

- (i) immediately below the listing of the party candidates, the word "NONPARTISAN" is printed in reverse type in an 18 point solid rule that extends the full width of the type copy of the party listing above; and
  - (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the candidate's name, the voting square, and any other necessary information is printed in the same style and manner as for party candidates.
- (2) For mechanical ballots, the election officer may require that:
- (a) the ballot for a regular primary election consist of several groups of pages or display screens, so that a separate group can be used to list the names of candidates seeking nomination of each qualified political party, with additional groups used to list candidates for other nonpartisan offices;
  - (b) the separate groups of pages or display screens are identified by color or other suitable means; and
  - (c) the ballot contains instructions that direct the voter how to vote the ballot.

Amended by Chapter 31, 2020 General Session

**20A-6-402 Ballots for municipal general elections.**

- (1) Except as otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, for a manual ballot at a municipal general election, an election officer shall ensure that:
- (a) the names of the two candidates who received the highest number of votes for mayor in the municipal primary are placed upon the ballot;
  - (b) if no municipal primary election was held, the names of the candidates who filed declarations of candidacy for municipal offices are placed upon the ballot;
  - (c) for other offices:
    - (i) twice the number of candidates as there are positions to be filled are certified as eligible for election in the municipal general election from those candidates who received the greater number of votes in the primary election; and
    - (ii) the names of those candidates are placed upon the municipal general election ballot;
  - (d) the names of the candidates are placed on the ballot in the order specified under Section 20A-6-305;
  - (e) in an election in which a voter is authorized to cast a write-in vote and where a write-in candidate is qualified under Section 20A-9-601, a write-in area is placed upon the ballot that contains, for each office in which there is a qualified write-in candidate:
    - (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and
    - (ii) a square or other conforming area that is adjacent to or opposite the blank horizontal line to enable the voter to indicate the voter's vote;
  - (f) ballot propositions that have qualified for the ballot, including propositions submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are listed on the ballot in accordance with Section 20A-6-107; and
  - (g) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.
- (2) Except as otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, when using a mechanical ballot at municipal general elections, each election officer shall ensure that:
- (a) the following endorsements are displayed on the first portion of the ballot:
    - (i) "Official Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";



- (ii) the date of the election; and
  - (iii) a facsimile of the signature of the election officer and the election officer's title;
  - (b) immediately below the election officer's title, a distinct border or line separates the endorsements from the rest of the ballot;
  - (c) immediately below the border or line, an "Instructions to Voters" section is displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by another border or line;
  - (d) after the border or line, the designation of the office for which the candidates seek election is displayed, and the words, "Vote for one" or "Vote for up to \_\_\_\_\_ (the number of candidates for which the voter may vote)" are displayed, followed by a line or border;
  - (e) after the line or border, the names of the candidates are displayed in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;
  - (f) a voting square or position is located adjacent to the name of each candidate;
  - (g) following the name of the last candidate for each office in which a write-in candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the voter may enter the name of and vote for a valid write-in candidate for the office; and
  - (h) the candidate groups are separated from each other by a line or border.
- (3) When a municipality has chosen to nominate candidates by convention or committee, the election officer shall ensure that the party name is included with the candidate's name on the ballot.

Amended by Chapter 31, 2020 General Session

## **Chapter 7**

### **Issues Submitted to the Voters**

#### **Part 1**

#### **General Provisions**

#### **20A-7-101 Definitions.**

As used in this chapter:

- (1) "Budget officer" means:
  - (a) for a county, the person designated as budget officer in Section 17-19a-203;
  - (b) for a city, the person designated as budget officer in Subsection 10-6-106(4);
  - (c) for a town, the town council; or
  - (d) for a metro township, the person described in Subsection (1)(a) for the county in which the metro township is located.
- (2) "Certified" means that the county clerk has acknowledged a signature as being the signature of a registered voter.
- (3) "Circulation" means the process of submitting an initiative or referendum petition to legal voters for their signature.
- (4) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or town that is holding an election on a ballot proposition.

- (5) "Final fiscal impact statement" means a financial statement prepared after voters approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or 20A-7-502.5(2).
- (6) "Initial fiscal impact estimate" means:
  - (a) a financial statement prepared under Section 20A-7-202.5 after the filing of an application for an initiative petition; or
  - (b) a financial and legal statement prepared under Section 20A-7-502.5 or 20A-7-602.5 for an initiative or referendum petition.
- (7) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.
- (8) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law, and the signature sheets, all of which have been bound together as a unit.
- (9)
  - (a) "Land use law" means a law of general applicability, enacted based on the weighing of broad, competing policy considerations, that relates to the use of land, including land use regulation, a general plan, a land use development code, an annexation ordinance, the rezoning of a single property or multiple properties, or a comprehensive zoning ordinance or resolution.
  - (b) "Land use law" does not include a land use decision, as defined in Section 10-9a-103 or 17-27a-103.
- (10) "Legal signatures" means the number of signatures of legal voters that:
  - (a) meet the numerical requirements of this chapter; and
  - (b) have been obtained, certified, and verified as provided in this chapter.
- (11) "Legal voter" means a person who:
  - (a) is registered to vote; or
  - (b) becomes registered to vote before the county clerk certifies the signatures on an initiative or referendum petition.
- (12) "Legally referable to voters" means:
  - (a) for a proposed local initiative, that the proposed local initiative is legally referable to voters under Section 20A-7-502.7; or
  - (b) for a proposed local referendum, that the proposed local referendum is legally referable to voters under Section 20A-7-602.7.
- (13) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.
- (14) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum petition is circulated.
- (15)
  - (a) "Local law" includes:
    - (i) an ordinance;
    - (ii) a resolution;
    - (iii) a land use law;
    - (iv) a land use regulation, as defined in Section 10-9a-103; or
    - (v) other legislative action of a local legislative body.
  - (b) "Local law" does not include a land use decision, as defined in Section 10-9a-103.
- (16) "Local legislative body" means the legislative body of a county, city, town, or metro township.
- (17) "Local obligation law" means a local law passed by the local legislative body regarding a bond that was approved by a majority of qualified voters in an election.
- (18) "Local tax law" means a law, passed by a political subdivision with an annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.
- (19) "Measure" means a proposed constitutional amendment, an initiative, or referendum.

- (20) "Referendum" means a process by which a law passed by the Legislature or by a local legislative body is submitted or referred to the voters for their approval or rejection.
- (21) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted or referred to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.
- (22)
  - (a) "Signature" means a holographic signature.
  - (b) "Signature" does not mean an electronic signature.
- (23) "Signature sheets" means sheets in the form required by this chapter that are used to collect signatures in support of an initiative or referendum.
- (24) "Special local ballot proposition" means a local ballot proposition that is not a standard local ballot proposition.
- (25) "Sponsors" means the legal voters who support the initiative or referendum and who sign the application for petition copies.
- (26)
  - (a) "Standard local ballot proposition" means a local ballot proposition for an initiative or a referendum.
  - (b) "Standard local ballot proposition" does not include a property tax referendum described in Section 20A-7-613.
- (27) "Tax percentage difference" means the difference between the tax rate proposed by an initiative or an initiative petition and the current tax rate.
- (28) "Tax percentage increase" means a number calculated by dividing the tax percentage difference by the current tax rate and rounding the result to the nearest thousandth.
- (29) "Verified" means acknowledged by the person circulating the petition as required in Sections 20A-7-205 and 20A-7-305.

Amended by Chapter 80, 2021 General Session

**20A-7-102 Initiatives and referenda authorized -- Restrictions.**

By following the procedures and requirements of this chapter, Utah voters may, subject to the restrictions of Article VI, Sec. 1, Utah Constitution and this chapter:

- (1) initiate any desired legislation and cause it to be submitted to:
  - (a) the Legislature or to a vote of the people for approval or rejection if it is a proposed state law; or
  - (b) a local legislative body or to a vote of the people if it is a local law;
- (2) require any law passed by the Legislature, except those laws passed by a two-thirds vote of the members elected to each house of the Legislature, to be referred to the voters for their approval or rejection before the law takes effect; and
- (3) require any law or ordinance passed by a local legislative body to be referred to the voters for their approval or rejection before the law takes effect.

Amended by Chapter 272, 1994 General Session

**20A-7-103 Constitutional amendments and other questions submitted by the Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

- (1) The procedures contained in this section govern when the Legislature submits a proposed constitutional amendment or other question to the voters.

- (2) The lieutenant governor shall, not more than 60 days or less than 14 days before the date of the election, publish the full text of the amendment, question, or statute in at least one newspaper in every county of the state where a newspaper is published.
- (3) The legislative general counsel shall:
  - (a) entitle each proposed constitutional amendment "Constitutional Amendment \_\_\_" and assign it a letter according to the requirements of Section 20A-6-107;
  - (b) entitle each proposed question "Proposition Number \_\_\_" with the number assigned to the proposition under Section 20A-6-107 placed in the blank;
  - (c) draft and designate a ballot title for each proposed amendment or question submitted by the Legislature that summarizes the subject matter of the amendment or question; and
  - (d) deliver each number and title to the lieutenant governor.
- (4) The lieutenant governor shall certify the number and ballot title of each amendment or question to the county clerk of each county no later than 65 days before the date of the election.
- (5) The county clerk of each county shall:
  - (a) ensure that both the number and title of each amendment and question is printed on the sample ballots and official ballots; and
  - (b) publish them as provided by law.

Amended by Chapter 20, 2020 Special Session 5

**20A-7-104 Signature gatherers -- Payments -- Badges -- Information -- Requirement to provide initiative or referendum for review.**

- (1) A person may not pay a person to gather signatures under this chapter based on a rate per signature, on a rate per verified signature, or on the initiative or referendum qualifying for the ballot.
- (2) A person that pays a person to gather signatures under this section shall base the payment solely on an hourly rate.
- (3) A person may not accept payment made in violation of this section.
- (4) An individual who is paid to gather signatures for a petition described in this chapter shall, while gathering signatures, wear a badge on the front of the individual's torso that complies with the following, ensuring that the information on the badge is clearly visible to the individual from whom a signature is sought:
  - (a) the badge shall be printed in black ink on white cardstock and laminated; and
  - (b) the information on the badge shall be in at least 24-point type and include the following information:
    - (i) an identification number that is unique to the individual gathering signatures, assigned by:
      - (A) for a statewide initiative or referendum, the lieutenant governor; or
      - (B) for a local initiative or referendum, the local clerk;
    - (ii) the title of the initiative or referendum;
    - (iii) the words "Paid Signature Gatherer"; and
    - (iv) the name of the entity paying the signature gatherer.
- (5) Except as provided in Subsection (6)(b), an individual who gathers signatures under this chapter shall provide a paper document to each individual who signs the petition that:
  - (a) is printed in black ink on white paper, white cardstock, or a white sticker, in at least 12-point type; and
  - (b)
    - (i) for an initiative, includes the name of the initiative and the following statement:

"You may view the initiative, its fiscal impact, and information on removing your signature from the petition at [list a uniform resource locator that links directly to the information described in Section 20A-7-202.7 or 20A-7-502.6, as applicable]."; or

(ii) for a referendum, includes the name of the referendum and the following statement:

"You may view the referendum and information on removing your signature from the petition at [list a uniform resource locator that links directly to the information described in Section 20A-7-304.5 or 20A-7-604.5, as applicable]."

(6) An individual who gathers signatures under this chapter:

(a) shall, before collecting a signature from an individual, present to the individual a printed or digital copy of the initiative or referendum and wait for the individual to read the initiative or referendum; and

(b) is not required to provide the document described in Subsection (5) if, after the individual offers to provide the document, the individual who signs the petition declines to accept the document.

(7) A person who violates this section is guilty of a class B misdemeanor.

Enacted by Chapter 418, 2021 General Session

## Part 2 Statewide Initiatives

### **20A-7-201 Statewide initiatives -- Signature requirements -- Submission to the Legislature or to a vote of the people.**

(1)

(a) A person seeking to have an initiative submitted to the Legislature for approval or rejection shall obtain:

(i) legal signatures equal to 4% of the number of active voters in the state on January 1 immediately following the last regular general election; and

(ii) from at least 26 Utah State Senate districts, legal signatures equal to 4% of the number of active voters in that district on January 1 immediately following the last regular general election.

(b) If, at any time not less than 10 days before the beginning of the next annual general session of the Legislature, immediately after the application is filed under Section 20A-7-202 and specified on the petition under Section 20A-7-203 the lieutenant governor declares sufficient any initiative petition that is signed by enough voters to meet the requirements of this Subsection (1), the lieutenant governor shall deliver a copy of the petition and the cover sheet required by Subsection (1)(c) to the president of the Senate, the speaker of the House, and the director of the Office of Legislative Research and General Counsel.

(c) In delivering a copy of the petition, the lieutenant governor shall include a cover sheet that contains:

(i) the number of active voters in the state on January 1 immediately following the last regular general election;

(ii) the number of active voters in each Utah State Senate district on January 1 immediately following the last regular general election;

(iii) the total number of certified signatures received for the submitted initiative; and

- (iv) the total number of certified signatures received from each Utah State Senate district for the submitted initiative.
- (2)
- (a) A person seeking to have an initiative submitted to a vote of the people for approval or rejection shall obtain:
    - (i) legal signatures equal to 8% of the number of active voters in the state on January 1 immediately following the last regular general election; and
    - (ii) from at least 26 Utah State Senate districts, legal signatures equal to 8% of the number of active voters in that district on January 1 immediately following the last regular general election.
  - (b) If an initiative petition meets the requirements of this part and the lieutenant governor declares the initiative petition to be sufficient, the lieutenant governor shall submit the proposed law to a vote of the people at the next regular general election:
    - (i) immediately after the application is filed under Section 20A-7-202; and
    - (ii) specified on the petition under Section 20A-7-203.
- (3) The lieutenant governor shall provide the following information to any interested person:
- (a) the number of active voters in the state on January 1 immediately following the last regular general election; and
  - (b) for each Utah State Senate district, the number of active voters in that district on January 1 immediately following the last regular general election.

Amended by Chapter 217, 2019 General Session

**20A-7-202 Statewide initiative process -- Application procedures -- Time to gather signatures -- Grounds for rejection.**

- (1) Individuals wishing to circulate an initiative petition shall file an application with the lieutenant governor.
- (2) The application shall contain:
- (a) the name and residence address of at least five sponsors of the initiative petition;
  - (b) a statement indicating that each of the sponsors is registered to vote in Utah;
  - (c) the signature of each of the sponsors, attested to by a notary public;
  - (d) a copy of the proposed law that includes, in the following order:
    - (i) the title of the proposed law, that clearly expresses the subject of the law;
    - (ii) a description of all proposed sources of funding for the costs associated with the proposed law, including the proposed percentage of total funding from each source; and
    - (iii) the text of the proposed law;
  - (e) if the initiative petition proposes a tax increase, the following statement, "This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; and
  - (f) a statement indicating whether persons gathering signatures for the petition may be paid for gathering signatures.
- (3)
- (a) An individual's status as a resident, under Subsection (2), is determined in accordance with Section 20A-2-105.
  - (b) The application and the application's contents are public when filed with the lieutenant governor.

- (4) If the petition fails to qualify for the ballot of the election described in Subsection 20A-7-201(2) (b), the sponsors shall:
  - (a) submit a new application;
  - (b) obtain new signature sheets; and
  - (c) collect signatures again.
- (5) The lieutenant governor shall reject the application or application addendum filed under Subsection 20A-7-204.1(5) and not issue circulation sheets if:
  - (a) the law proposed by the initiative is patently unconstitutional;
  - (b) the law proposed by the initiative is nonsensical;
  - (c) the proposed law could not become law if passed;
  - (d) the proposed law contains more than one subject as evaluated in accordance with Subsection (6);
  - (e) the subject of the proposed law is not clearly expressed in the law's title; or
  - (f) the law proposed by the initiative is identical or substantially similar to a law proposed by an initiative for which signatures were submitted to the county clerks and lieutenant governor for certification within two years preceding the date on which the application for the new initiative is filed.
- (6) To evaluate whether the proposed law contains more than one subject under Subsection (5)(d), the lieutenant governor shall apply the same standard provided in Utah Constitution, Article VI, Section 22, which prohibits a bill from passing that contains more than one subject.

Amended by Chapter 140, 2021 General Session

**20A-7-202.5 Initial fiscal impact estimate -- Preparation of estimate -- Challenge to estimate.**

- (1) Within three working days after the day on which the lieutenant governor receives an application for an initiative petition, the lieutenant governor shall submit a copy of the application to the Office of the Legislative Fiscal Analyst.
- (2)
  - (a) The Office of the Legislative Fiscal Analyst shall prepare an unbiased, good faith initial fiscal impact estimate of the law proposed by the initiative, not exceeding 100 words plus 100 words per revenue source created or impacted by the proposed law, that contains:
    - (i) a description of the total estimated fiscal impact of the proposed law over the time period or time periods determined by the Office of the Legislative Fiscal Analyst to be most useful in understanding the estimated fiscal impact of the proposed law;
    - (ii) if the proposed law would increase taxes, decrease taxes, or impose a new tax, a dollar amount representing the total estimated increase or decrease for each type of tax affected under the proposed law, a dollar amount showing the estimated amount of a new tax, and a dollar amount representing the total estimated increase or decrease in taxes under the proposed law;
    - (iii) if the proposed law would increase a particular tax or tax rate, the tax percentage difference and the tax percentage increase for each tax or tax rate increased;
    - (iv) if the proposed law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt under the proposed law;
    - (v) a dollar amount representing the estimated cost or savings, if any, to state or local government entities under the proposed law;
    - (vi) if the proposed law would increase costs to state government, a listing of all sources of funding for the estimated costs; and

- (vii) a concise description and analysis titled "Funding Source," not to exceed 100 words for each funding source, of the funding source information described in Subsection 20A-7-202(2)(d)(ii).
- (b) If the proposed law is estimated to have no fiscal impact, the Office of the Legislative Fiscal Analyst shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The Office of the Legislative Fiscal Analyst estimates that the law proposed by this initiative would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."
- (3) Within 25 calendar days after the day on which the lieutenant governor delivers a copy of the application, the Office of the Legislative Fiscal Analyst shall:
  - (a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's office; and
  - (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in the initiative application.
- (4)
  - (a)
    - (i) Three or more of the sponsors of the petition may, within 20 calendar days after the day on which the Office of the Legislative Fiscal Analyst delivers the initial fiscal impact estimate to the lieutenant governor's office, file a petition with the appropriate court, alleging that the initial fiscal impact estimate, taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.
    - (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send notice of the petition to:
      - (A) any person or group that has filed an argument with the lieutenant governor's office for or against the measure that is the subject of the challenge; and
      - (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.
  - (b)
    - (i) There is a presumption that the initial fiscal impact estimate prepared by the Office of the Legislative Fiscal Analyst is based upon reasonable assumptions, uses reasonable data, and applies accepted analytical methods to present the estimated fiscal impact of the initiative.
    - (ii) The court may not revise the contents of, or direct the revision of, the initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing evidence that establishes that the initial fiscal estimate, taken as a whole, is an inaccurate statement of the estimated fiscal impact of the initiative.
    - (iii) The court may refer an issue related to the initial fiscal impact estimate to a master to examine the issue and make a report in accordance with Utah Rules of Civil Procedure, Rule 53.
  - (c) The court shall certify to the lieutenant governor a fiscal impact estimate for the measure that meets the requirements of this section.

Amended by Chapter 20, 2020 Special Session 5

**20A-7-202.7 Posting initiative information.**



- (1) Within one business day after the day on which the lieutenant governor receives the initial fiscal impact statement under Subsection 20A-7-202.5(3)(a), the lieutenant governor shall post the following information together in a conspicuous place on the lieutenant governor's website:
  - (a) the initiative petition;
  - (b) the initiative;
  - (c) the fiscal impact statement; and
  - (d) information describing how an individual may remove the individual's signature from the signature packet.
- (2) The lieutenant governor shall:
  - (a) promptly update the information described in Subsection (1) if the information changes; and
  - (b) maintain the information described in Subsection (1) on the lieutenant governor's website until the initiative fails to qualify for the ballot or is passed or defeated at an election.

Enacted by Chapter 418, 2021 General Session

**20A-7-203 Form of initiative petition and signature sheets.**

- (1)
  - (a) Each proposed initiative petition shall be printed in substantially the following form:

"INITIATIVE PETITION To the Honorable \_\_\_\_\_, Lieutenant Governor:

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular general election/session to be held/ beginning on \_\_\_\_\_(month\day\year);

Each signer says:

I have personally signed this petition;

The date next to my signature correctly reflects the date that I actually signed the petition;

I have personally reviewed the entire statement included with this packet;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

My residence and post office address are written correctly after my name.

**NOTICE TO SIGNERS:**

Public hearings to discuss this petition were held at: (list dates and locations of public hearings.)".
  - (b) If the initiative petition proposes a tax increase, the following statement shall appear, in at least 14-point, bold type, immediately following the information described in Subsection (1)(a):

"This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate.".
  - (c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the proposed law to each initiative petition.
- (2) Each signature sheet shall:
  - (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
  - (b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;
  - (c) include the title of the initiative printed below the horizontal line, in at least 14-point, bold type;
  - (d) include a table immediately below the title of the initiative, and beginning .5 inch from the left side of the paper, as follows:
    - (i) the first column shall be .5 inch wide and include three rows;

- (ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;
- (iii) the second row of the first column shall be .35 inch tall;
- (iv) the third row of the first column shall be .5 inch tall;
- (v) the second column shall be 2.75 inches wide;
- (vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;
- (vii) the second row of the second column shall be .5 inch tall;
- (viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;
- (ix) the fourth row of the second column shall be .5 inch tall;
- (x) the third column shall be 2.75 inches wide;
- (xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;
- (xii) the second row of the third column shall be .5 inch tall;
- (xiii) the third row of the third column shall be .35 inch tall and contain the words "Email Address (optional, to receive additional information)" in 10-point type;
- (xiv) the fourth row of the third column shall be .5 inch tall;
- (xv) the fourth column shall be one inch wide;
- (xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;
- (xvii) the second row of the fourth column shall be .5 inch tall;
- (xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;
- (xix) the fourth row of the third column shall be .5 inch tall; and
- (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following statement, "By signing this petition, you are stating that you have read and understand the law proposed by this petition." in 12-point type;
- (e) the table described in Subsection (2)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection (2)(f); and
- (f) at the bottom of the sheet, include in the following order:
  - (i) the words "Fiscal Impact of" followed by the title of the initiative, in at least 12-point, bold type;
  - (ii) except as provided in Subsection (4), the initial fiscal impact estimate's summary statement issued by the Office of the Legislative Fiscal Analyst in accordance with Subsection 20A-7-202.5(2)(a), including any update in accordance with Subsection 20A-7-204.1(5), in not less than 12-point type;
  - (iii) if the initiative petition proposes a tax increase, the following statement in 12-point, bold type:

"This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; and
  - (iv) the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign an initiative petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign an initiative petition when the individual knows that

the individual is not a registered voter and knows that the individual does not intend to become registered to vote before the certification of the petition names by the county clerk.

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

(3) The final page of each initiative packet shall contain the following printed or typed statement:

Verification of signature collector

State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

I am a resident of Utah and am at least 18 years old;

All the names that appear in this packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law proposed by the initiative;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law proposed by the initiative, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it.

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(Name)	(Residence Address)	(Date)
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(4) If the initial fiscal impact estimate described in Subsection (2)(i), as updated in accordance with Subsection 20A-7-204.1(5), exceeds 200 words, the Office of the Legislative Fiscal Analyst shall prepare a shorter summary statement, for the purpose of inclusion on a signature sheet, that does not exceed 200 words.

(5) If the forms described in this section are substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

(6) An individual's status as a resident, under Subsection (3), is determined in accordance with Section 20A-2-105.

Amended by Chapter 140, 2021 General Session

Amended by Chapter 418, 2021 General Session

Amended by Chapter 418, 2021 General Session, (Coordination Clause)

**20A-7-204 Circulation requirements -- Lieutenant governor to provide sponsors with materials.**

(1) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described in Subsection (2), circulate initiative packets that meet the form requirements of this part.

(2) The lieutenant governor shall furnish to the sponsors:

(a) a copy of the initiative petition, with any change submitted under Subsection 20A-7-204.1(5); and

- (b) a signature sheet.
- (3) The sponsors of the petition shall:
  - (a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and
  - (b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.
- (4)
  - (a) The sponsors or an agent of the sponsors may prepare the initiative for circulation by creating multiple initiative packets.
  - (b) The sponsors or an agent of the sponsors shall create the initiative packets by binding a copy of the initiative petition and no more than 50 signature sheets together at the top in a manner that the packets may be conveniently opened for signing.
  - (c) An initiative packet is not required to have a uniform number of signature sheets.
- (5)
  - (a) The sponsors or an agent of the sponsors shall, before gathering signatures:
    - (i) contact the lieutenant governor's office to receive a range of numbers that the sponsors may use to number signature packets; and
    - (ii) number each signature packet, sequentially, within the range of numbers provided by the lieutenant governor's office, starting with the lowest number in the range.
  - (b) The sponsors or an agent of the sponsors may not:
    - (i) number a signature packet in a manner not directed by the lieutenant governor's office; or
    - (ii) circulate or submit a signature packet that is not numbered in the manner directed by the lieutenant governor's office.
  - (c) The lieutenant governor shall keep a record of the number range provided under Subsection (5)(a).

Amended by Chapter 140, 2021 General Session

Amended by Chapter 418, 2021 General Session

Amended by Chapter 418, 2021 General Session, (Coordination Clause)

**20A-7-204.1 Public hearings to be held before initiative petitions are circulated -- Changes to an initiative and initial fiscal impact estimate.**

- (1)
  - (a) After issuance of the initial fiscal impact estimate by the Office of the Legislative Fiscal Analyst and before circulating initiative petitions for signature statewide, sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as follows:
    - (i) one in the Bear River region -- Box Elder, Cache, or Rich County;
    - (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington County;
    - (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;
    - (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne County;
    - (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;
    - (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and
    - (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber County.
  - (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of the public hearings in a first or second class county, but not in the same county.
  - (c) The sponsors may not hold a public hearing described in this section until the later of:
    - (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact estimate under Subsection 20A-7-202.5(3)(b); or

- (ii) if three or more sponsors file a petition challenging the accuracy of the initial fiscal impact statement under Section 20A-7-202.5, the day after the day on which the action is final.
- (2) The sponsors shall:
  - (a) before 5 p.m. at least three calendar days before the date of the public hearing, provide written notice of the public hearing to:
    - (i) the lieutenant governor for posting on the state's website; and
    - (ii) each state senator, state representative, and county commission or county council member who is elected in whole or in part from the region where the public hearing will be held; and
  - (b) publish written notice of the public hearing, including the time, date, and location of the public hearing, in each county in the region where the public hearing will be held:
    - (i)
      - (A) at least three calendar days before the day of the public hearing, in a newspaper of general circulation in the county;
      - (B) if there is no newspaper of general circulation in the county, at least three calendar days before the day of the public hearing, by posting one copy of the notice, and at least one additional copy of the notice per 2,000 population of the county, in places within the county that are most likely to give notice to the residents of the county; or
      - (C) at least seven days before the day of the public hearing, by mailing notice to each residence in the county;
    - (ii) on the Utah Public Notice Website created in Section 63A-16-601, for at least three calendar days before the day of the public hearing;
    - (iii) in accordance with Section 45-1-101, for at least three calendar days before the day of the public hearing; and
    - (iv) on the county's website for at least three calendar days before the day of the public hearing.
- (3) If the initiative petition proposes a tax increase, the written notice described in Subsection (2) shall include the following statement, in bold, in the same font and point size as the largest font and point size appearing in the notice:

"This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."
- (4)
  - (a) During the public hearing, the sponsors shall either:
    - (i) video tape or audio tape the public hearing and, when the hearing is complete, deposit the complete audio or video tape of the meeting with the lieutenant governor; or
    - (ii) take comprehensive minutes of the public hearing, detailing the names and titles of each speaker and summarizing each speaker's comments.
  - (b) The lieutenant governor shall make copies of the tapes or minutes available to the public.
  - (c) For each public hearing, the sponsors shall:
    - (i) during the entire time that the public hearing is held, post a copy of the initial fiscal impact statement in a conspicuous location at the entrance to the room where the sponsors hold the public hearing; and
    - (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to public hearing attendees, in a conspicuous location at the entrance to the room where the sponsors hold the public hearing.
- (5)
  - (a) Before 5 p.m. within 14 days after the day on which the sponsors conduct the seventh public hearing described in Subsection (1)(a), and before circulating an initiative petition for signatures, the sponsors of the initiative petition may change the text of the proposed law if:

- (i) a change to the text is:
    - (A) germane to the text of the proposed law filed with the lieutenant governor under Section 20A-7-202; and
    - (B) consistent with the requirements of Subsection 20A-7-202(5); and
  - (ii) each sponsor signs, attested to by a notary public, an application addendum to change the text of the proposed law.
- (b)
- (i) Within three working days after the day on which the lieutenant governor receives an application addendum to change the text of the proposed law in an initiative petition, the lieutenant governor shall submit a copy of the application addendum to the Office of the Legislative Fiscal Analyst.
  - (ii) The Office of the Legislative Fiscal Analyst shall update the initial fiscal impact estimate by following the procedures and requirements of Section 20A-7-202.5 to reflect a change to the text of the proposed law.

Amended by Chapter 84, 2021 General Session  
Amended by Chapter 345, 2021 General Session

**20A-7-205 Obtaining signatures -- Verification -- Removal of signature.**

- (1) A Utah voter may sign an initiative petition if the voter is a legal voter.
- (2)
  - (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:
    - (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;
    - (ii) verifies each signature sheet by completing the verification printed on the last page of each initiative packet; and
    - (iii) is informed that each signer is required to read and understand the law proposed by the initiative.
  - (b) An individual may not sign the verification printed on the last page of the initiative packet if the person signed a signature sheet in the initiative packet.
- (3)
  - (a) A voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:
    - (i) for an initiative packet received by the county clerk before December 1:
      - (A) 30 days after the day on which the voter signs the signature removal statement; or
      - (B) 90 days after the day on which the lieutenant governor posts the voter's name under Subsection 20A-7-207(2)(a); or
    - (ii) for an initiative packet received by the county clerk on or after December 1:
      - (A) 30 days after the day on which the voter signs the signature removal statement; or
      - (B) 45 days after the day on which the lieutenant governor posts the voter's name under Subsection 20A-7-207(2)(a).
  - (b)
    - (i) The statement shall include:
      - (A) the name of the voter;
      - (B) the resident address at which the voter is registered to vote;
      - (C) the signature of the voter; and
      - (D) the date of the signature described in Subsection (3)(b)(i)(C).

- (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.
- (c) A voter may not submit a statement by email or other electronic means.
- (d) In order for the signature to be removed, the county clerk must receive the statement before 5 p.m. no later than the applicable deadline described in Subsection (3)(a).
- (e) A person may only remove a signature from an initiative petition in accordance with this Subsection (3).
- (f) A county clerk shall analyze a signature, for purposes of removing a signature from an initiative petition, in accordance with Section 20A-7-206.3.

Amended by Chapter 140, 2021 General Session

**20A-7-206 Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.**

- (1)
  - (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified initiative packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:
    - (i) 30 days after the day on which the first individual signs the initiative packet;
    - (ii) 316 days after the day on which the application for the initiative petition is filed; or
    - (iii) the February 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-202.
  - (b) A person may not submit an initiative packet after the deadline described in Subsection (1)(a).
  - (c) Before delivering a packet to the county clerk under Subsection (1), the sponsors shall send an email to each individual who provides a legible, valid email address on the form described in Subsection 20A-7-203(2)(d) that includes the following:
    - (i) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature";
    - (ii) the body of the email shall include the following statement in 12-point type:
 

"You signed a petition for the following initiative:  
[insert title of initiative]  
To access a copy of the initiative petition, the initiative, the fiscal impact statement, and information on the deadline for removing your signature from the petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the lieutenant governor's website that includes the information referred to in the email]."
  - (d) When the sponsors submit the final signature packet to the county clerk, the sponsors shall submit to the county clerk the following written verification, completed and signed by each of the sponsors:
 

Verification of initiative sponsor  
State of Utah, County of \_\_\_\_\_  
I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:  
I am a sponsor of the initiative petition entitled \_\_\_\_\_;  
I sent, or caused to be sent, to each individual who provided a legible, valid email address on a signature packet submitted to the county clerk in relation to the initiative petition, the email described in Utah Code Subsection 20A-7-206(1)(c).

\_\_\_\_\_  
(Name) (Residence Address)

\_\_\_\_\_  
(Date)

- (e) Signatures gathered for the initiative petition are not valid if the sponsors do not comply with this Subsection (1).
- (2) The county clerk shall, within 21 days after the day on which the county clerk receives the packet:
  - (a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-206.3;
  - (b) certify on the petition whether each name is that of a registered voter;
  - (c) except as provided in Subsection (3), post the name and voter identification number of each registered voter certified under Subsection (2)(b) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor; and
  - (d) deliver the verified initiative packet to the lieutenant governor.
- (3)
  - (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-205(3), the county clerk shall:
    - (i) ensure that the voter's name and voter identification number are not included in the posting described in Subsection (2)(c); and
    - (ii) remove the voter's signature from the signature packets and signature packet totals.
  - (b) The county clerk shall comply with Subsection (3)(a) before the later of:
    - (i) the deadline described in Subsection (2); or
    - (ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-205(3).
- (4) The county clerk may not certify a signature under Subsection (2):
  - (a) on an initiative packet that is not verified in accordance with Section 20A-7-205; or
  - (b) that does not have a date of signature next to the signature.
- (5) A person may not retrieve an initiative packet from a county clerk, or make any alterations or corrections to an initiative packet, after the initiative packet is submitted to the county clerk.

Amended by Chapter 140, 2021 General Session

Amended by Chapter 418, 2021 General Session

**20A-7-206.1 Provisions relating only to process for submitting an initiative to the Legislature for approval or rejection.**

- (1) This section relates only to the process, described in Subsection 20A-7-201(1), for submitting an initiative to the Legislature for approval or rejection.
- (2) Notwithstanding Section 20A-7-205, in order to qualify an initiative petition for submission to the Legislature, the sponsors, or an agent of the sponsors, shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than November 15 before the next annual general session of the Legislature immediately after the application is filed under Section 20A-7-202.
- (3) Notwithstanding Section 20A-7-205, no later than December 15 before the annual general session of the Legislature, the county clerk shall, for an initiative for submission to the Legislature:
  - (a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-206.3;
  - (b) certify on the petition whether each name is that of a registered voter; and
  - (c) deliver the verified packets to the lieutenant governor.
- (4) The county clerk may not certify a signature under Subsection (3) on an initiative packet that is not verified in accordance with Section 20A-7-205.



- (5) A person may not retrieve an initiative packet from a county clerk, or make any alterations or corrections to an initiative packet, after the initiative packet is submitted to the county clerk.

Enacted by Chapter 140, 2021 General Session

**20A-7-206.3 Verification of petition signatures.**

(1) As used in this section:

(a) "Substantially similar name" means:

- (i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;
- (ii) the surname shown on the petition 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 shown on the petition 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 shown on the petition 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 shown on the petition that does not match a different initial or middle name shown on the official register.

(2) The county clerk shall use the following procedures in determining whether a signer is a registered voter:

(a) if a signer's name and address shown on the petition 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 county clerk shall declare the signature valid;

(b) if there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

- (i) the address on the petition 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 (2)(b)(i);

(c) if there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

- (i) the birth date or age on the petition 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 (2)(c)(i); and

(d) if a signature is not declared valid under Subsection (2)(a), (b), or (c), the county clerk shall declare the signature to be invalid.

(3) The county clerk shall use the following procedures in determining whether to remove a signature from a petition after receiving a timely, valid statement requesting removal of the signature:

- (a) if a 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 signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the petition;
- (b) if there is no exact match of an address and a name, the county clerk shall remove the signature from the petition if:
  - (i) the address on the statement and the petition matches the address of an individual on the official register with a substantially similar name; and
  - (ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);
- (c) if there is no match of an address and a substantially similar name, the county clerk shall remove the signature from the petition if:
  - (i) the birth date or age on the statement and petition match the birth date or age of an individual on the official register with a substantially similar name; and
  - (ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(c)(i); and
- (d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the county clerk may not remove the signature from the petition.

Amended by Chapter 210, 2019 General Session

**20A-7-207 Evaluation by the lieutenant governor.**

- (1) When the lieutenant governor receives an initiative packet from a county clerk, the lieutenant governor shall record the number of the initiative packet received.
- (2)
  - (a) The county clerk shall:
    - (i) post the names and voter identification numbers described in Subsection 20A-7-206(2)(c) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor:
      - (A) for an initiative packet received by the county clerk before December 1, for at least 90 days; or
      - (B) for an initiative packet received by the county clerk on or after December 1, for at least 45 days; and
    - (ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.
  - (b) The lieutenant governor:
    - (i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient or insufficient on April 30 before the regular general election described in Subsection 20A-7-201(2)(b); or
    - (ii) may declare the petition to be insufficient before the day described in Subsection (2)(b)(i) if:
      - (A) the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-201; or
      - (B) a requirement of this part has not been met.

- (c) If the total number of names certified under this Subsection (2) equals or exceeds the number of names required under Section 20A-7-201, and the requirements of this part are met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."
  - (d) If the total number of names certified under this Subsection (2) does not equal or exceed the number of names required under Section 20A-7-201 or a requirement of this part is not met, the lieutenant governor shall mark upon the front of the petition the word "insufficient."
  - (e) The lieutenant governor shall immediately notify any one of the sponsors of the lieutenant governor's finding.
- (3) After a petition is declared insufficient, a person may not submit additional signatures to qualify the petition for the ballot.
- (4)
- (a) If the lieutenant governor refuses to accept and file an initiative petition that a voter believes is legally sufficient, the voter may, no later than May 15, apply to the appropriate court for an extraordinary writ to compel the lieutenant governor to accept and file the initiative petition.
  - (b) If the court determines that the initiative petition is legally sufficient, the lieutenant governor shall file the petition, with a verified copy of the judgment attached to the petition, as of the date on which the petition was originally offered for filing in the lieutenant governor's office.
  - (c) If the court determines that a petition filed is not legally sufficient, the court may enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.
- (5) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Amended by Chapter 140, 2021 General Session

**20A-7-208 Disposition of initiative petitions by the Legislature.**

- (1)
- (a) Except as provided in Subsection (1)(b), when the lieutenant governor delivers an initiative petition to the Legislature, the law proposed by that initiative petition shall be either enacted or rejected without change or amendment by the Legislature.
  - (b) The speaker of the House and the president of the Senate may direct legislative staff to make technical corrections authorized by Section 36-12-12.
  - (c) If any law proposed by an initiative petition is enacted by the Legislature, the law is subject to referendum the same as other laws.
- (2) If any law proposed by a petition is not enacted by the Legislature, that proposed law shall be submitted to a vote of the people at the next regular general election if:
- (a) sufficient additional signatures to the petition are first obtained to bring the total number of signatures up to the number required by Subsection 20A-7-201(2); and
  - (b) those additional signatures are verified, certified by the county clerks, and declared sufficient by the lieutenant governor as provided in this part.

Amended by Chapter 275, 2019 General Session

**20A-7-209 Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.**

- (1) On or before June 5 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel.
- (2)

- (a) The Office of Legislative Research and General Counsel shall:
  - (i) entitle each state initiative that has qualified for the ballot "Proposition Number \_\_\_" and give it a number as assigned under Section 20A-6-107;
  - (ii) prepare an impartial ballot title for each initiative summarizing the contents of the measure; and
  - (iii) return each petition and ballot title to the lieutenant governor on or before June 26.
- (b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and may not exceed 100 words.
- (c) If the initiative proposes a tax increase, the Office of Legislative Research and General Counsel shall include the following statement, in bold, in the ballot title:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."
- (d) For each state initiative, the official ballot shall show, in the following order:
  - (i) the number of the initiative, determined in accordance with Section 20A-6-107;
  - (ii) the initial fiscal impact estimate prepared under Section 20A-7-202.5, as updated under Section 20A-7-204.1; and
  - (iii) the ballot title described in this section.
- (3) On or before June 27, the lieutenant governor shall mail a copy of the ballot title to any sponsor of the petition.
- (4)
  - (a)
    - (i) At least three of the sponsors of the petition may, on or before July 6, challenge the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the appropriate court.
    - (ii) After receipt of the challenge, the court shall direct the lieutenant governor to send notice of the challenge to:
      - (A) any person or group that has filed an argument for or against the measure that is the subject of the challenge; or
      - (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the individual designated to receive notice about any issues relating to the initiative.
  - (b)
    - (i) There is a presumption that the ballot title prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the initiative.
    - (ii) The court may not revise the wording of the ballot title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is patently false or biased.
  - (c) The court shall:
    - (i) examine the ballot title;
    - (ii) hear arguments; and
    - (iii) certify to the lieutenant governor a ballot title for the measure that meets the requirements of this section.
  - (d) The lieutenant governor shall certify the title verified by the court to the county clerks to be printed on the official ballot.

**20A-7-210 Form of ballot -- Manner of voting.**

- (1) A county clerk shall ensure that the information described in Subsection 20A-7-209(2)(d) is presented, in the order required, upon the official ballot with, immediately adjacent to the information, the words "For" and "Against," each word presented with an adjacent square in which the voter may indicate the voter's vote.
- (2) A voter desiring to vote in favor of enacting the law proposed by the initiative petition shall mark the square adjacent to the word "For," and a voter desiring to vote against enacting the law proposed by the initiative petition shall mark the square adjacent to the word "Against."

Amended by Chapter 275, 2019 General Session

**20A-7-211 Return and canvass -- Conflicting measures -- Law effective on proclamation.**

- (1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.
- (2) After the state board of canvassers completes its canvass, the lieutenant governor shall certify to the governor the vote for and against the law proposed by the initiative petition.
- (3)
  - (a) The governor shall immediately issue a proclamation that:
    - (i) gives the total number of votes cast in the state for and against each law proposed by an initiative petition; and
    - (ii) declares those laws proposed by an initiative petition that were approved by majority vote to be in full force and effect on the date described in Subsection 20A-7-212(2).
  - (b) When the governor believes that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, he shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.
  - (c) Within 10 days after the governor's proclamation, any qualified voter who signed the initiative petition proposing the law that is declared by the governor to be superseded by another measure approved at the same election may bring an action in the appropriate court to review the governor's decision.
- (4) Within 10 days after the day on which the court issues an order in an action described in Subsection (3)(c), the governor shall:
  - (a) proclaim all those measures approved by the people as law that the court has determined are not entirely in conflict; and
  - (b) of all those measures approved by the people as law that the court determines to be entirely in conflict, proclaim as law, regardless of the difference in majorities, the law that received the greatest number of affirmative votes, to be in full force and effect on the date described in Subsection 20A-7-212(2).

Amended by Chapter 206, 2019 General Session

**20A-7-212 Effective date.**

- (1) A proposed law submitted to the Legislature by initiative petition and passed by the Legislature takes effect 60 days after the last day of the session of the Legislature in which the law passed, unless:
  - (a) a later effective date is included in the proposed law; or

- (b) an earlier effective date is included in the proposed law and the proposed law passes the Legislature by a two-thirds vote of the members elected to each house of the Legislature.
- (2) A proposed law submitted to the people by initiative petition that is approved by the voters at an election takes effect:
  - (a) except as provided in Subsections (2)(b) through (e), on the day that is 60 days after the last day of the general session of the Legislature next following the election;
  - (b) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax increase:
    - (i) except as provided in Subsection (2)(b)(ii), January 1 of the year after the general session of the Legislature next following the election; or
    - (ii) at the beginning of the applicable taxable year that begins on or after January 1 of the year after the general session of the Legislature next following the election, for a tax described in:
      - (A) Title 59, Chapter 6, Mineral Production Tax Withholding;
      - (B) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
      - (C) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to Pay Corporate Franchise or Income Tax Act; or
      - (D) Title 59, Chapter 10, Individual Income Tax Act;
  - (c) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax decrease:
    - (i) except as provided in Subsection (2)(c)(ii), April 1 immediately following the election; or
    - (ii) for a tax described in Subsection (2)(b)(ii)(A) through (D), at the beginning of the applicable taxable year that begins on or after January 1 immediately following the election;
  - (d) except as provided in Subsection (2)(e), January 1 of the year after the general session of the Legislature next following the election, if the proposed law effectuates a change in a tax described in:
    - (i) Title 59, Chapter 2, Property Tax Act;
    - (ii) Title 59, Chapter 3, Tax Equivalent Property Act; or
    - (iii) Title 59, Chapter 4, Privilege Tax; or
  - (e) if the proposed law specifies a special effective date that is after the otherwise applicable effective date described in Subsections (2)(a) through (d), the date specified in the proposed law.
- (3)
  - (a) The governor may not veto a law adopted by the people.
  - (b) The Legislature may amend any initiative approved by the people at any legislative session.

Amended by Chapter 206, 2019 General Session

**20A-7-213 Misconduct of electors and officers -- Penalty.**

- (1) It is unlawful for any person to:
  - (a) sign any name other than the person's own to an initiative petition or a statement described in Subsection 20A-7-205(3);
  - (b) knowingly sign the person's name more than once for the same measure at one election;
  - (c) knowingly indicate on an initiative packet that a person who signed the packet signed the packet on a date other than the date that the person signed the packet;
  - (d) sign an initiative knowing the person is not a legal voter; or
  - (e) knowingly and willfully violate any provision of this part.
- (2) It is unlawful for any person to sign the verification for an initiative packet knowing that:
  - (a) the person does not meet the residency requirements of Section 20A-2-105;
  - (b) the signature date next to the person's name on the initiative packet is not the date that the person signed the packet;

- (c) the person has not witnessed the signatures of those persons whose names appear in the initiative packet; or
  - (d) one or more persons whose signatures appear in the initiative packet is either:
    - (i) not registered to vote in Utah; or
    - (ii) does not intend to become registered to vote in Utah.
- (3) It is unlawful for any person to:
- (a) pay a person to sign an initiative petition;
  - (b) pay a person to remove the person's signature from an initiative petition;
  - (c) accept payment to sign an initiative petition; or
  - (d) accept payment to have the person's name removed from an initiative petition.
- (4) Any person violating this section is guilty of a class A misdemeanor.

Amended by Chapter 210, 2019 General Session

**20A-7-214 Fiscal review -- Repeal, amendment, or resubmission.**

- (1) No later than 60 days after the date of an election in which the voters approve an initiative petition, the Office of the Legislative Fiscal Analyst shall:
- (a) for each initiative approved by the voters, prepare a final fiscal impact statement, using current financial information and containing the information required by Subsection 20A-7-202.5(2); and
  - (b) deliver a copy of the final fiscal impact statement to:
    - (i) the president of the Senate;
    - (ii) the minority leader of the Senate;
    - (iii) the speaker of the House of Representatives;
    - (iv) the minority leader of the House of Representatives; and
    - (v) the first five sponsors listed on the initiative application.
- (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25% or more, the Legislature shall review the final fiscal impact statement and may, in any legislative session following the election in which the voters approved the initiative petition:
- (a) repeal the law established by passage of the initiative;
  - (b) amend the law established by passage of the initiative; or
  - (c) pass a joint or concurrent resolution informing the voters that they may file an initiative petition to repeal the law enacted by the passage of the initiative.

Amended by Chapter 275, 2019 General Session

**Part 3**  
**Statewide Referenda**

**20A-7-301 Referendum -- Signature requirements -- Submission to voters.**

- (1)
- (a) A person seeking to have a law passed by the Legislature submitted to a vote of the people shall obtain:
    - (i) legal signatures equal to 8% of the number of active voters in the state on January 1 immediately following the last regular general election; and

- (ii) from at least 15 Senate districts, legal signatures equal to 8% of the number of active voters in that Senate district on January 1 immediately following the last regular general election.
- (b) When the lieutenant governor declares a referendum petition sufficient under this part, the governor shall issue an executive order that:
  - (i) directs that the referendum be submitted to the voters at the next regular general election; or
  - (ii) calls a special election according to the requirements of Section 20A-1-203 and directs that the referendum be submitted to the voters at that special election.
- (2) When a referendum petition has been declared sufficient, the law that is the subject of the petition does not take effect unless and until it is approved by a vote of the people at a regular general election or a statewide special election.
- (3) The lieutenant governor shall provide the following information to any interested person:
  - (a) the number of active voters in the state on January 1 immediately following the last regular general election; and
  - (b) for each county, the number of active voters in that Senate district on January 1 immediately following the last regular general election.

Amended by Chapter 140, 2021 General Session

**20A-7-302 Referendum process -- Application procedures.**

- (1) Individuals wishing to circulate a referendum petition shall file an application with the lieutenant governor before 5 p.m. within five calendar days after the day on which the legislative session at which the law passed ends.
- (2) The application shall contain:
  - (a) the name and residence address of at least five sponsors of the referendum petition;
  - (b) a statement indicating that each of the sponsors is registered to vote in Utah;
  - (c) a statement indicating whether persons gathering signatures for the petition may be paid for gathering signatures;
  - (d) the signature of each of the sponsors, attested to by a notary public; and
  - (e) a copy of the law.

Amended by Chapter 140, 2021 General Session

**20A-7-303 Form of referendum petition and signature sheets.**

- (1)
  - (a) Each proposed referendum petition shall be printed in substantially the following form:

"REFERENDUM PETITION To the Honorable \_\_\_\_\_, Lieutenant Governor:  
We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No. \_\_\_\_\_, entitled (title of act, and, if the petition is against less than the whole act, set forth here the part or parts on which the referendum is sought), passed by the Legislature of the state of Utah during the \_\_\_\_\_ Session, be referred to the people of Utah for their approval or rejection at a regular general election or a statewide special election;  
Each signer says:  
I have personally signed this petition;  
The date next to my signature correctly reflects the date that I actually signed the petition;  
I have personally reviewed the entire statement included with this packet;  
I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and



My residence and post office address are written correctly after my name."

- (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the law that is the subject of the referendum to each referendum petition.
- (2) Each signature sheet shall:
  - (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
  - (b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;
  - (c) include the title of the referendum printed below the horizontal line, in at least 14-point, bold type;
  - (d) include a table immediately below the title of the referendum, and beginning .5 inch from the left side of the paper, as follows:
    - (i) the first column shall be .5 inch wide and include three rows;
    - (ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;
    - (iii) the second row of the first column shall be .35 inch tall;
    - (iv) the third row of the first column shall be .5 inch tall;
    - (v) the second column shall be 2.75 inches wide;
    - (vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;
    - (vii) the second row of the second column shall be .5 inch tall;
    - (viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;
    - (ix) the fourth row of the second column shall be .5 inch tall;
    - (x) the third column shall be 2.75 inches wide;
    - (xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;
    - (xii) the second row of the third column shall be .5 inch tall;
    - (xiii) the third row of the third column shall be .35 inch tall and contain the words "Email Address (optional, to receive additional information)" in 10-point type;
    - (xiv) the fourth row of the third column shall be .5 inch tall;
    - (xv) the fourth column shall be one inch wide;
    - (xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;
    - (xvii) the second row of the fourth column shall be .5 inch tall;
    - (xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;
    - (xix) the fourth row of the third column shall be .5 inch tall; and
    - (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following words "By signing this petition, you are stating that you have read and understand the law that this petition seeks to overturn." in 12-point type;
  - (e) the table described in Subsection (2)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection (2)(f); and
  - (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign a referendum petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign a referendum petition when the individual knows

that the individual is not a registered voter and knows that the individual does not intend to become registered to vote before the certification of the petition names by the county clerk.

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

(3) The final page of each referendum packet shall contain the following printed or typed statement:

Verification of signature collector

State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

I am a Utah resident and am at least 18 years old;

All the names that appear in this packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to overturn;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law that the referendum seeks to overturn, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it.

\_\_\_\_\_  
(Name) (Residence Address) (Date).

(4) If the forms described in this section are substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

(5) An individual's status as a resident, under Subsection (3), is determined in accordance with Section 20A-2-105.

Amended by Chapter 140, 2021 General Session

Amended by Chapter 418, 2021 General Session, (Coordination Clause)

Amended by Chapter 418, 2021 General Session

**20A-7-304 Circulation requirements -- Lieutenant governor to provide sponsors with materials.**

(1) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described in Subsection (2), circulate referendum packets that meet the form requirements of this part.

(2) The lieutenant governor shall furnish to the sponsors:

(a) a copy of the referendum petition; and

(b) a signature sheet.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

- (b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.
- (4)
  - (a) The sponsors or an agent of the sponsors may prepare the referendum for circulation by creating multiple referendum packets.
  - (b) The sponsors or an agent of the sponsors shall create referendum packets by binding a copy of the referendum and no more than 50 signature sheets together at the top in a manner that the packets may be conveniently opened for signing.
  - (c) A referendum packet is not required to have a uniform number of signature sheets.
- (5)
  - (a) The sponsors or an agent of the sponsors shall, before gathering signatures:
    - (i) contact the lieutenant governor's office to receive a range of numbers that the sponsors may use to number signature packets; and
    - (ii) number each signature packet, sequentially, within the range of numbers provided by the lieutenant governor's office, starting with the lowest number in the range.
  - (b) The sponsors or an agent of the sponsors may not:
    - (i) number a signature packet in a manner not directed by the lieutenant governor's office; or
    - (ii) circulate or submit a signature packet that is not numbered in the manner directed by the lieutenant governor's office.
  - (c) The lieutenant governor shall keep a record of the number range provided under Subsection (5)(a).

Amended by Chapter 140, 2021 General Session

Amended by Chapter 418, 2021 General Session

Amended by Chapter 418, 2021 General Session, (Coordination Clause)

#### **20A-7-304.5 Posting referendum information.**

- (1) On the day on which the lieutenant governor complies with Subsection 20A-7-304(2), the lieutenant governor shall post the following information together in a conspicuous place on the lieutenant governor's website:
  - (a) the referendum petition;
  - (b) the referendum; and
  - (c) information describing how an individual may remove the individual's signature from the signature packet.
- (2) The lieutenant governor shall:
  - (a) promptly update the information described in Subsection (1) if the information changes; and
  - (b) maintain the information described in Subsection (1) on the lieutenant governor's website until the referendum fails to qualify for the ballot or is passed or defeated at an election.

Enacted by Chapter 418, 2021 General Session

#### **20A-7-305 Obtaining signatures -- Verification -- Removal of signature.**

- (1) A Utah voter may sign a referendum petition if the voter is a legal voter.
- (2)
  - (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:
    - (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;

- (ii) verifies each signature sheet by completing the verification printed on the last page of each referendum packet; and
- (iii) is informed that each signer is required to read and understand the law that the referendum seeks to overturn.
- (b) An individual may not sign the verification printed on the last page of the referendum packet if the person signed a signature sheet in the referendum packet.
- (3)
  - (a) A voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:
    - (i) 30 days after the day on which the voter signs the statement requesting removal; or
    - (ii) 45 days after the day on which the lieutenant governor posts the voter's name under Subsection 20A-7-307(2)(a).
  - (b)
    - (i) The statement shall include:
      - (A) the name of the voter;
      - (B) the resident address at which the voter is registered to vote;
      - (C) the signature of the voter; and
      - (D) the date of the signature described in Subsection (3)(b)(i)(C).
    - (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.
  - (c) A voter may not submit a statement by email or other electronic means.
  - (d) In order for the signature to be removed, the county clerk must receive the statement before 5 p.m. no later than 45 days after the day on which the lieutenant governor posts the voter's name under Subsection 20A-7-307(2)(a).
  - (e) A person may only remove a signature from a referendum petition in accordance with this Subsection (3).
  - (f) A county clerk shall analyze a signature, for purposes of removing a signature from a referendum petition, in accordance with Section 20A-7-206.3.

Amended by Chapter 140, 2021 General Session

**20A-7-306 Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.**

- (1)
  - (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:
    - (i) 30 days after the day on which the first individual signs the referendum packet; or
    - (ii) 40 days after the day on which the legislative session at which the law passed ends.
  - (b) A person may not submit a referendum packet after the deadline described in Subsection (1)(a).
- (2) No later than 21 days after the day on which the county clerk receives a verified referendum packet, the county clerk shall:
  - (a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-306.3;
  - (b) certify on the petition whether each name is that of a registered voter;

- (c) except as provided in Subsection (3), post the name and voter identification number of each registered voter certified under Subsection (2)(b) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor; and
  - (d) deliver the verified packet to the lieutenant governor.
- (3)
- (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-305(3), the county clerk shall:
    - (i) ensure that the voter's name and voter identification number are not included in the posting described in Subsection (2)(c); and
    - (ii) remove the voter's signature from the signature packets and signature packet totals.
  - (b) The county clerk shall comply with Subsection (3)(a) before the later of:
    - (i) the deadline described in Subsection (2); or
    - (ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-305(3).
- (4) The county clerk may not certify a signature under Subsection (2):
- (a) on an initiative packet that is not verified in accordance with Section 20A-7-305; or
  - (b) that does not have a date of signature next to the signature.
- (5) A person may not retrieve a referendum packet from a county clerk, or make any alterations or corrections to a referendum packet, after the referendum packet is submitted to the county clerk.

Amended by Chapter 140, 2021 General Session

Amended by Chapter 418, 2021 General Session

**20A-7-306.3 Verification of petition signatures.**

- (1) As used in this section:
- (a) "Substantially similar name" means:
    - (i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;
    - (ii) the surname shown on the petition 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 shown on the petition 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 shown on the petition 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 shown on the petition that does not match a different initial or middle name shown on the official register.
- (2) The county clerk shall use the following procedures in determining whether a signer is a registered voter:
- (a) When a signer's name and address shown on the petition 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 county clerk shall declare the signature valid.
- (b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:
- (i) the address on the petition matches the address of a person 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 person described in Subsection (2)(b)(i).
- (c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:
- (i) the birth date or age on the petition matches the birth date or age of a person 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 person described in Subsection (2)(c)(i).
- (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county clerk shall declare the signature to be invalid.
- (3) The county clerk shall use the following procedures in determining whether to remove a signature from a petition after receiving a timely, valid statement requesting removal of the signature:
- (a) if a 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 signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the petition;
  - (b) if there is no exact match of an address and a name, the county clerk shall remove the signature from the petition if:
    - (i) the address on the statement and the petition matches the address of an individual on the official register with a substantially similar name; and
    - (ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);
  - (c) if there is no match of an address and a substantially similar name, the county clerk shall remove the signature from the petition if:
    - (i) the birth date or age on the statement and petition match the birth date or age of an individual on the official register with a substantially similar name; and
    - (ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(c)(i); and
  - (d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the county clerk may not remove the signature from the petition.

Amended by Chapter 140, 2021 General Session

**20A-7-307 Evaluation by the lieutenant governor.**

- (1) When the lieutenant governor receives a referendum packet from a county clerk, the lieutenant governor shall record the number of the referendum packet received.
- (2)
  - (a) The county clerk shall:

- (i) post the names and voter identification numbers described in Subsection 20A-7-306(3)(c) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and
  - (ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.
- (b) The lieutenant governor:
- (i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient or insufficient 106 days after the end of the legislative session at which the law passed; or
  - (ii) may declare the petition to be insufficient before the day described in Subsection (2)(b)(i) if:
    - (A) the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-301; or
    - (B) a requirement of this part has not been met.
- (c) If the total number of names certified under this Subsection (2) equals or exceeds the number of names required under Section 20A-7-301, and the requirements of this part are met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."
- (d) If the total number of names certified under this Subsection (2) does not equal or exceed the number of names required under Section 20A-7-301 or a requirement of this part is not met, the lieutenant governor shall mark upon the front of the petition the word "insufficient."
- (e) The lieutenant governor shall immediately notify any one of the sponsors of the lieutenant governor's finding.
- (f) After a petition is declared insufficient, a person may not submit additional signatures to qualify the petition for the ballot.
- (3)
- (a) If the lieutenant governor refuses to accept and file a referendum that a voter believes is legally sufficient, the voter may, no later than 10 days after the day on which the lieutenant governor declares the petition insufficient, apply to the appropriate court for an extraordinary writ to compel the lieutenant governor to accept and file the referendum petition.
  - (b) If the court determines that the referendum petition is legally sufficient, the lieutenant governor shall file the petition, with a verified copy of the judgment attached to the referendum petition, as of the date on which the petition was originally offered for filing in the lieutenant governor's office.
  - (c) If the court determines that a petition filed is not legally sufficient, the court may enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.
- (4) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Amended by Chapter 140, 2021 General Session

**20A-7-308 Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.**

- (1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the lieutenant governor shall deliver a copy of the petition and the proposed law to the Office of Legislative Research and General Counsel.
- (2)
  - (a) The Office of Legislative Research and General Counsel shall:

- (i) entitle each state referendum that qualifies for the ballot "Proposition Number \_\_\_" and assign a number to the referendum in accordance with Section 20A-6-107;
  - (ii) prepare an impartial ballot title for the referendum summarizing the contents of the measure; and
  - (iii) submit the ballot title to the lieutenant governor within 15 days after the day on which the Office of Legislative Research and General Counsel receives the petition under Subsection (1).
- (b) The ballot title may be distinct from the title of the law that is the subject of the petition, and may not exceed 100 words.
- (c) For each state referendum, the official ballot shall show, in the following order:
  - (i) the number of the referendum, determined in accordance with Section 20A-6-107; and
  - (ii) the ballot title described in this section.
- (3) Immediately after the Office of Legislative Research and General Counsel submits the ballot title to the lieutenant governor, the lieutenant governor shall mail or email a copy of the ballot title to any of the sponsors of the petition.
- (4)
  - (a)
    - (i) At least three of the sponsors of the petition may, within 15 days after the day on which the lieutenant governor mails the ballot title, challenge the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the appropriate court.
    - (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send notice of the appeal to:
      - (A) any person or group that has filed an argument for or against the measure that is the subject of the challenge; and
      - (B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the referendum.
  - (b)
    - (i) There is a presumption that the ballot title prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the referendum.
    - (ii) The court may not revise the wording of the ballot title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is patently false or biased.
  - (c) The court shall:
    - (i) examine the ballot title;
    - (ii) hear arguments; and
    - (iii) enter an order consistent with the requirements of this section.
  - (d) The lieutenant governor shall, in accordance with the court's order, certify the ballot title to the county clerks to be printed on the official ballot.

Amended by Chapter 140, 2021 General Session

**20A-7-309 Form of ballot -- Manner of voting.**

- (1) A county clerk shall ensure that the number and ballot title certified by the lieutenant governor are presented upon the official ballot with, immediately adjacent to the number and ballot title, the words "For" and "Against," each word presented with an adjacent square in which a voter may indicate the voter's vote.



- (2)
  - (a)
    - (i) A voter desiring to vote in favor of the law that is the subject of the referendum shall mark the square adjacent to the word "For."
    - (ii) The law that is the subject of the referendum takes effect if a majority of voters mark "For."
  - (b)
    - (i) A voter desiring to vote against the law that is the subject of the referendum petition shall mark the square adjacent to the word "Against."
    - (ii) The law that is the subject of the referendum does not take effect if a majority of voters mark "Against."

Amended by Chapter 140, 2021 General Session

**20A-7-310 Return and canvass -- Conflicting measures.**

- (1) The votes on the law proposed by the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.
- (2) After the state board of canvassers completes its canvass, the lieutenant governor shall certify to the governor the vote for and against the law proposed by the referendum petition.
- (3)
  - (a) The governor shall immediately issue a proclamation that:
    - (i) gives the total number of votes cast in the state for and against each law proposed by a referendum petition; and
    - (ii) declares those laws proposed by a referendum petition that were approved by majority vote to be in full force and effect as the law of Utah on the effective date described in Section 20A-7-311.
  - (b) When the governor believes that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, the governor shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.
- (4)
  - (a) Within 10 days after the governor's proclamation, any qualified voter who signed the referendum petition proposing the law that is declared by the governor to be superseded by another measure approved at the same election may apply to the appropriate court to review the governor's decision.
  - (b) The court shall:
    - (i) consider the matter and decide whether the proposed laws are in conflict; and
    - (ii) enter an order consistent with the court's decision.
- (5) Within 10 days after the day on which the court enters an order described in Subsection (4)(b)(ii), the governor shall:
  - (a) proclaim all those measures approved by the people as law that the court determines are not in conflict; and
  - (b) of all those measures approved by the people as law that the court determines to be in conflict, proclaim as law the one that receives the greatest number of affirmative votes, regardless of difference in majorities.

Amended by Chapter 166, 2020 General Session

**20A-7-311 Temporary stay -- Effective date -- Effect of repeal by Legislature.**

- (1) If, at the time during the counting period described in Section 20A-7-307, the lieutenant governor determines that, at that point in time, an adequate number of signatures are certified to comply with the signature requirements, the lieutenant governor shall:
  - (a) issue an order temporarily staying the law from going into effect; and
  - (b) continue the process of certifying signatures and removing signatures as required by this part.
- (2) The temporary stay described in Subsection (1) remains in effect, regardless of whether a future count falls below the signature threshold, until the day on which:
  - (a) if the lieutenant governor declares the petition insufficient, five days after the day on which the lieutenant governor declares the petition insufficient; or
  - (b) if the lieutenant governor declares the petition sufficient, the day on which governor issues the proclamation described in Section 20A-7-310.
- (3) A proposed law submitted to the people by referendum petition that is approved by the voters at an election takes effect the later of:
  - (a) five days after the date of the official proclamation of the vote by the governor; or
  - (b) the effective date specified in the proposed law.
- (4) If, after the lieutenant governor issues a temporary stay order under Subsection (1)(a), the lieutenant governor declares the petition insufficient, the proposed law takes effect the later of:
  - (a) five days after the day on which the lieutenant governor declares the petition insufficient; or
  - (b) the effective date specified in the proposed law.
- (5)
  - (a) The governor may not veto a law adopted by the people.
  - (b) The Legislature may amend any laws approved by the people at any legislative session after the people approve the law.
- (6) If the Legislature repeals a law challenged by referendum petition under this part, the referendum petition is void and no further action on the referendum petition is required.

Amended by Chapter 140, 2021 General Session

**20A-7-312 Misconduct of electors and officers -- Penalty.**

- (1) It is unlawful for any person to:
  - (a) sign any name other than the person's own to a referendum petition;
  - (b) knowingly sign the person's name more than once for the same measure at one election;
  - (c) knowingly indicate on a referendum packet that a person who signed the packet signed the packet on a date other than the date that the person signed the packet;
  - (d) sign a referendum knowing the person is not a legal voter; or
  - (e) knowingly and willfully violate any provision of this part.
- (2) It is unlawful for any person to sign the verification for a referendum packet knowing that:
  - (a) the person does not meet the residency requirements of Section 20A-2-105;
  - (b) the signature date next to the person's name on the referendum packet is not the date that the person signed the packet;
  - (c) the person has not witnessed the signatures of those persons whose names appear in the referendum packet; or
  - (d) one or more persons whose signatures appear in the referendum packet is either:
    - (i) not registered to vote in Utah; or
    - (ii) does not intend to become registered to vote in Utah.
- (3) It is unlawful for any person to:
  - (a) pay a person to sign a referendum petition;
  - (b) pay a person to remove the person's signature from a referendum petition;

- (c) accept payment to sign a referendum petition; or
  - (d) accept payment to have the person's name removed from a referendum petition.
- (4) Any person violating this section is guilty of a class A misdemeanor.

Amended by Chapter 210, 2019 General Session

## **Part 4**

### **Local Initiatives and Referenda - General Provisions**

#### **20A-7-401.3 Voter participation areas.**

- (1)
- (a) Except as provided in Subsection (2):
    - (i) a metro township with a population of 65,000 or more, a city of the first or second class, or a county of the first or second class shall, no later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or county into eight contiguous and compact voter participation areas of substantially equal population; and
    - (ii) a metro township with a population of 10,000 or more, a city of the third or fourth class, or a county of the third or fourth class shall, no later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or county into four contiguous and compact voter participation areas of substantially equal population.
  - (b) A metro township, city, or county shall use the voter participation areas described in Subsection (1)(a) or (2)(b) for the purpose described in Sections 20A-7-501 and 20A-7-601.
- (2)
- (a) This section does not apply to a metro township with a population of less than 10,000, a county of the fifth or sixth class, a city of the fifth class, or a town.
  - (b) A metro township, city, or county that has established council districts that are not at-large districts may, regardless of the number of council districts that are not at-large districts, use the council districts as voter participation areas under this section.

Enacted by Chapter 203, 2019 General Session

#### **20A-7-401.5 Proposition information pamphlet.**

- (1)
- (a)
    - (i) Within 15 days after the day on which an eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602:
      - (A) the sponsors of the proposed initiative or referendum may submit a written argument in favor of the proposed initiative or referendum to the election officer of the county or municipality to which the petition relates; and
      - (B) the county or municipality to which the application relates may submit a written argument in favor of, or against, the proposed initiative or referendum to the county's or municipality's election officer.
    - (ii) If a county or municipality submits more than one written argument under Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving preference to a

written argument submitted by a member of a local legislative body if a majority of the local legislative body supports the written argument.

- (b) Within one business day after the day on which an election officer receives an argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as applicable.
  - (c) Within one business day after the date on which an election officer receives an argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the argument to the first three sponsors of the proposed initiative or referendum described in Subsection (1)(a)(i)(A).
  - (d) The sponsors of the proposed initiative or referendum may submit a revised version of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the county or municipality to which the petition relates within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602.
  - (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a county or municipality may submit a revised version of the written argument to the county's or municipality's election officer within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602.
- (2)
- (a) A written argument described in Subsection (1) may not exceed 500 words.
  - (b) Except as provided in Subsection (2)(c), a person may not modify a written argument described in Subsection (1)(d) or (e) after the written argument is submitted to the election officer.
  - (c) The election officer and the person that submits the written argument described in Subsection (1)(d) or (e) may jointly agree to modify the written argument to:
    - (i) correct factual, grammatical, or spelling errors; or
    - (ii) reduce the number of words to come into compliance with Subsection (2)(a).
  - (d) An election officer shall refuse to include a written argument in the proposition information pamphlet described in this section if the person who submits the argument:
    - (i) fails to negotiate, in good faith, to modify the argument in accordance with Subsection (2)(c); or
    - (ii) does not timely submit the written argument to the election officer.
  - (e) An election officer shall make a good faith effort to negotiate a modification described in Subsection (2)(c) in an expedited manner.
- (3) An election officer who receives a written argument described in Subsection (1) shall prepare a proposition information pamphlet for publication that includes:
- (a) a copy of the application for the proposed initiative or referendum;
  - (b) except as provided in Subsection (2)(d), immediately after the copy described in Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or referendum, if any;
  - (c) except as provided in Subsection (2)(d), immediately after the argument described in Subsection (3)(b), the argument prepared by the county or municipality, if any; and
  - (d) a copy of the initial fiscal impact statement and legal impact statement described in Section 20A-7-502.5 or 20A-7-602.5.
- (4)
- (a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter 2, Government Records Access and Management Act, until the earlier of when the election officer:

- (i) complies with Subsection (4)(b); or
  - (ii) publishes the proposition information pamphlet under Subsection (5) or (6).
- (b) Within 21 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502, or an application to circulate a referendum petition under Section 20A-7-602, the election officer shall provide a copy of the proposition information pamphlet to the sponsors of the initiative or referendum and each individual who submitted an argument included in the proposition information pamphlet.
- (5) An election officer for a municipality shall publish the proposition information pamphlet as follows:
- (a) within the later of 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification:
    - (i) by sending the proposition information pamphlet electronically to each individual in the municipality for whom the municipality has an email address, unless the individual has indicated that the municipality is prohibited from using the individual's email address for that purpose; and
    - (ii) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63A-16-601, and the home page of the municipality's website, if the municipality has a website, until:
      - (A) if the sponsors of the proposed initiative or referendum or an agent of the sponsors do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;
      - (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or
      - (C) the day after the date of the election at which the proposed initiative or referendum appears on the ballot; and
  - (b) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality's residents, including an Internet address, where a resident may view the proposition information pamphlet, in the next mailing, for which the municipality has not begun preparation, that falls on or after the later of:
    - (i) 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters; or
    - (ii) if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification.
- (6) An election officer for a county shall, within the later of 10 days after the day on which the county or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification, publish the proposition information pamphlet as follows:
- (a) by sending the proposition information pamphlet electronically to each individual in the county for whom the county has an email address obtained via voter registration; and
  - (b) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63A-16-601, and the home page of the county's website, until:

- (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;
- (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or
- (iii) the day after the date of the election at which the proposed initiative or referendum appears on the ballot.

Amended by Chapter 84, 2021 General Session  
Amended by Chapter 140, 2021 General Session  
Amended by Chapter 345, 2021 General Session

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

- (1) The county or municipality that is subject to a ballot proposition shall prepare a local voter information pamphlet that complies with the requirements of this part.
- (2)
  - (a) Within the time requirements described in Subsection (2)(c)(i), a municipality that is subject to a special local ballot proposition shall provide a notice that complies with the requirements of Subsection (2)(c)(ii) to the municipality's residents by:
    - (i) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality's residents, including the notice with a newsletter, utility bill, or other material;
    - (ii) posting the notice, until after the deadline described in Subsection (2)(d) has passed, on:
      - (A) the Utah Public Notice Website created in Section 63A-16-601; and
      - (B) the home page of the municipality's website, if the municipality has a website; and
    - (iii) sending the notice electronically to each individual in the municipality for whom the municipality has an email address.
  - (b) A county that is subject to a special local ballot proposition shall:
    - (i) send an electronic notice that complies with the requirements of Subsection (2)(c)(ii) to each individual in the county for whom the county has an email address; or
    - (ii) until after the deadline described in Subsection (2)(d) has passed, post a notice that complies with the requirements of Subsection (2)(c)(ii) on:
      - (A) the Utah Public Notice Website created in Section 63A-16-601; and
      - (B) the home page of the county's website.
  - (c) A municipality or county that mails, sends, or posts a notice under Subsection (2)(a) or (b) shall:
    - (i) mail, send, or post the notice:
      - (A) not less than 90 days before the date of the election at which a special local ballot proposition will be voted upon; or
      - (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable after the special local ballot proposition is approved to be voted upon in an election; and
    - (ii) ensure that the notice contains:
      - (A) the ballot title for the special local ballot proposition;
      - (B) instructions on how to file a request under Subsection (2)(d); and
      - (C) the deadline described in Subsection (2)(d).

- (d) To prepare a written argument for or against a special local ballot proposition, an eligible voter shall file a request with the election officer before 5 p.m. no later than 64 days before the day of the election at which the special local ballot proposition is to be voted on.
- (e) If more than one eligible voter requests the opportunity to prepare a written argument for or against a special local ballot proposition, the election officer shall make the final designation in accordance with the following order of priority:
  - (i) sponsors have priority in preparing an argument regarding a special local ballot proposition; and
  - (ii) members of the local legislative body have priority over others if a majority of the local legislative body supports the written argument.
- (f) The election officer shall grant a request described in Subsection (2)(d) or (e) no later than 60 days before the day of the election at which the ballot proposition is to be voted on.
- (g)
  - (i) A sponsor of a special local ballot proposition may prepare a written argument in favor of the special local ballot proposition.
  - (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot proposition who submits a request under Subsection (2)(d) may prepare a written argument against the special local ballot proposition.
- (h) An eligible voter who submits a written argument under this section in relation to a special local ballot proposition shall:
  - (i) ensure that the written argument does not exceed 500 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv);
  - (ii) list, at the end of the argument, at least one, but no more than five, names as sponsors;
  - (iii) submit the written argument to the election officer before 5 p.m. no later than 55 days before the election day on which the ballot proposition will be submitted to the voters;
  - (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's residential address; and
  - (v) submit with the written argument the eligible voter's name, residential address, postal address, email address if available, and phone number.
- (i) An election officer shall refuse to accept and publish an argument submitted after the deadline described in Subsection (2)(h)(iii).
- (3)
  - (a) An election officer who timely receives the written arguments in favor of and against a special local ballot proposition shall, within one business day after the day on which the election office receives both written arguments, send, via mail or email:
    - (i) a copy of the written argument in favor of the special local ballot proposition to the eligible voter who submitted the written argument against the special local ballot proposition; and
    - (ii) a copy of the written argument against the special local ballot proposition to the eligible voter who submitted the written argument in favor of the special local ballot proposition.
  - (b) The eligible voter who submitted a timely written argument in favor of the special local ballot proposition:
    - (i) may submit to the election officer a written rebuttal argument of the written argument against the special local ballot proposition;
    - (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv); and
    - (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days before the election day on which the special local ballot proposition will be submitted to the voters.

- (c) The eligible voter who submitted a timely written argument against the special local ballot proposition:
    - (i) may submit to the election officer a written rebuttal argument of the written argument in favor of the special local ballot proposition;
    - (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv); and
    - (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days before the election day on which the special local ballot proposition will be submitted to the voters.
  - (d) An election officer shall refuse to accept and publish a written rebuttal argument in relation to a special local ballot proposition that is submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).
- (4)
- (a) Except as provided in Subsection (4)(b), in relation to a special local ballot proposition:
    - (i) an eligible voter may not modify a written argument or a written rebuttal argument after the eligible voter submits the written argument or written rebuttal argument to the election officer; and
    - (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not modify a written argument or a written rebuttal argument.
  - (b) The election officer, and the eligible voter who submits a written argument or written rebuttal argument in relation to a special local ballot proposition, may jointly agree to modify a written argument or written rebuttal argument in order to:
    - (i) correct factual, grammatical, or spelling errors; and
    - (ii) reduce the number of words to come into compliance with the requirements of this section.
  - (c) An election officer shall refuse to accept and publish a written argument or written rebuttal argument in relation to a special local ballot proposition if the eligible voter who submits the written argument or written rebuttal argument fails to negotiate, in good faith, to modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).
- (5) In relation to a special local ballot proposition, an election officer may designate another eligible voter to take the place of an eligible voter described in this section if the original eligible voter is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the duties of an eligible voter described in this section.
- (6) Sponsors whose written argument in favor of a standard local ballot proposition is included in a proposition information pamphlet under Section 20A-7-401.5:
- (a) may, if a written argument against the standard local ballot proposition is included in the proposition information pamphlet, submit a written rebuttal argument to the election officer;
  - (b) shall ensure that the written rebuttal argument does not exceed 250 words in length; and
  - (c) shall submit the written rebuttal argument no later than 45 days before the election day on which the standard local ballot proposition will be submitted to the voters.
- (7)
- (a) A county or municipality that submitted a written argument against a standard local ballot proposition that is included in a proposition information pamphlet under Section 20A-7-401.5:
    - (i) may, if a written argument in favor of the standard local ballot proposition is included in the proposition information pamphlet, submit a written rebuttal argument to the election officer;
    - (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length; and
    - (iii) shall submit the written rebuttal argument no later than 45 days before the election day on which the ballot proposition will be submitted to the voters.



- (b) If a county or municipality submits more than one written rebuttal argument under Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments, giving preference to a written rebuttal argument submitted by a member of a local legislative body.
- (8)
- (a) An election officer shall refuse to accept and publish a written rebuttal argument that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).
  - (b) Before an election officer publishes a local voter information pamphlet under this section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.
  - (c) An election officer who receives a written rebuttal argument described in this section may not, before publishing the local voter information pamphlet described in this section, disclose the written rebuttal argument, or any information contained in the written rebuttal argument, to any person who may in any way be involved in preparing an opposing rebuttal argument.
- (9)
- (a) Except as provided in Subsection (9)(b), a person may not modify a written rebuttal argument after the written rebuttal argument is submitted to the election officer.
  - (b) The election officer, and the person who submits a written rebuttal argument, may jointly agree to modify a written rebuttal argument in order to:
    - (i) correct factual, grammatical, or spelling errors; or
    - (ii) reduce the number of words to come into compliance with the requirements of this section.
  - (c) An election officer shall refuse to accept and publish a written rebuttal argument if the person who submits the written rebuttal argument:
    - (i) fails to negotiate, in good faith, to modify the written rebuttal argument in accordance with Subsection (9)(b); or
    - (ii) does not timely submit the written rebuttal argument to the election officer.
  - (d) An election officer shall make a good faith effort to negotiate a modification described in Subsection (9)(b) in an expedited manner.
- (10) An election officer may designate another person to take the place of a person who submits a written rebuttal argument in relation to a standard local ballot proposition if the person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the person's duties.
- (11)
- (a) The local voter information pamphlet shall include a copy of the initial fiscal impact estimate and the legal impact statement prepared for each initiative under Section 20A-7-502.5.
  - (b) If the initiative proposes a tax increase, the local voter information pamphlet shall include the following statement in bold type:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."
- (12)
- (a) In preparing the local voter information pamphlet, the election officer shall:
    - (i) ensure that the written arguments are printed on the same sheet of paper upon which the ballot proposition is also printed;
    - (ii) ensure that the following statement is printed on the front cover or the heading of the first page of the printed written arguments:

"The arguments for or against a ballot proposition are the opinions of the authors.";
    - (iii) pay for the printing and binding of the local voter information pamphlet; and

- (iv) not less than 15 days before, but not more than 45 days before, the election at which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered voter entitled to vote on the ballot proposition:
  - (A) a voter information pamphlet; or
  - (B) the notice described in Subsection (12)(c).
- (b)
  - (i) If the language of the ballot proposition exceeds 500 words in length, the election officer may summarize the ballot proposition in 500 words or less.
  - (ii) The summary shall state where a complete copy of the ballot proposition is available for public review.
- (c)
  - (i) The election officer may distribute a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail.
  - (ii) The notice described in Subsection (12)(c)(i) shall include:
    - (A) the address of the Statewide Electronic Voter Information Website authorized by Section 20A-7-801; and
    - (B) the phone number a voter may call to request delivery of a voter information pamphlet by mail or carrier.

Amended by Chapter 84, 2021 General Session  
Amended by Chapter 345, 2021 General Session

**20A-7-405 Public meeting.**

- (1) A county or municipality may not discuss a proposed initiative, an initiative, a proposed referendum, or a referendum at a public meeting unless the county or municipality complies with the requirements of this section.
- (2) The legislative body of a county or municipality may hold a public meeting to discuss a proposed initiative, an initiative, a proposed referendum, or a referendum if the legislative body:
  - (a) allows equal time, within a reasonable limit, for presentations on both sides of the proposed initiative, initiative, proposed referendum, or referendum;
  - (b) provides interested parties an opportunity to present oral testimony within reasonable time limits; and
  - (c) holds the public meeting:
    - (i) during the legislative body's normal meeting time; or
    - (ii) for a meeting time other than the legislative body's normal meeting time, beginning at or after 6 p.m.
- (3) This section does not prohibit a working group meeting from being held before 6 p.m.

Enacted by Chapter 203, 2019 General Session

**20A-7-406 Informational materials.**

The lieutenant governor shall create and publish to the lieutenant governor's website instructions on how a person may:

- (1) qualify a local initiative for the ballot under Part 5, Local Initiatives - Procedures; or
- (2) qualify a local referendum for the ballot under Part 6, Local Referenda - Procedures.

Enacted by Chapter 203, 2019 General Session

## Part 5 Local Initiatives - Procedures

### **20A-7-501 Initiatives -- Signature requirements -- Time requirements.**

- (1) As used in this section:
  - (a) "Number of active voters" means the number of active voters in the county, city, or town on the immediately preceding January 1.
  - (b) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).
- (2) An eligible voter seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection shall obtain legal signatures equal to:
  - (a) for a county of the first class:
    - (i) 7.75% of the number of active voters in the county; and
    - (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75% of the county's voter participation areas;
  - (b) for a metro township with a population of 100,000 or more, or a city of the first class:
    - (i) 7.5% of the number of active voters in the metro township or city; and
    - (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
  - (c) for a county of the second class:
    - (i) 8% of the number of active voters in the county; and
    - (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of the county's voter participation areas;
  - (d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:
    - (i) 8.25% of the number of active voters in the metro township or city; and
    - (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
  - (e) for a county of the third class:
    - (i) 9.5% of the number of active voters in the county; and
    - (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75% of the county's voter participation areas;
  - (f) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:
    - (i) 10% of the number of active voters in the metro township or city; and
    - (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
  - (g) for a county of the fourth class:
    - (i) 11.5% of the number of active voters in the county; and
    - (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the county's voter participation areas;
  - (h) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:
    - (i) 11.5% of the number of active voters in the metro township or city; and
    - (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

- (i) for a metro township with a population of 1,000 or more but less than 10,000, a city of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro township, city, or county; or
  - (j) for a metro township with a population of less than 1,000, a town, or a county of the sixth class, 35% of the number of active voters in the metro township, town, or county.
- (3) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by this section, the clerk or recorder shall deliver the proposed law to the local legislative body at the local legislative body's next meeting.
- (4)
- (a) The local legislative body shall either adopt or reject the proposed law without change or amendment within 30 days after the day on which the local legislative body receives the proposed law under Subsection (3).
  - (b) The local legislative body may:
    - (i) adopt the proposed law and refer the proposed law to the people;
    - (ii) adopt the proposed law without referring the proposed law to the people; or
    - (iii) reject the proposed law.
  - (c) If the local legislative body adopts the proposed law but does not refer the proposed law to the people, the proposed law is subject to referendum as with other local laws.
  - (d)
    - (i) If a county legislative body rejects a proposed law, or takes no action on a proposed law, the county clerk shall submit the proposed law to the voters of the county at the next regular general election immediately after the petition for the proposed law is filed under Section 20A-7-502.
    - (ii) If a local legislative body of a municipality rejects a proposed law, or takes no action on a proposed law, the municipal recorder or clerk shall submit the proposed law to the voters of the municipality at the next municipal general election immediately after the petition is filed under Section 20A-7-502.
  - (e)
    - (i) If a local legislative body rejects a proposed law, or takes no action on a proposed law, the local legislative body may adopt a competing local law.
    - (ii) The local legislative body shall prepare and adopt the competing local law within the 30-day period described in Subsection (4)(a).
    - (iii) If a local legislative body adopts a competing local law, the clerk or recorder shall refer the competing local law to the voters of the county or municipality at the same election at which the initiative proposal is submitted under Subsection (4)(d).
  - (f) If conflicting local laws are submitted to the people at the same election and two or more of the conflicting measures are approved by the people, the measure that receives the greatest number of affirmative votes shall control all conflicts.

Amended by Chapter 203, 2019 General Session

**20A-7-502 Local initiative process -- Application procedures.**

- (1) Individuals wishing to circulate an initiative petition shall file an application with the local clerk.
- (2) The application shall contain:
  - (a) the name and residence address of at least five sponsors of the initiative petition;
  - (b) a statement indicating that each of the sponsors is registered to vote in Utah;
  - (c) the signature of each of the sponsors, acknowledged by a notary public;
  - (d) a copy of the proposed law that includes:

- (i) the title of the proposed law that clearly expresses the subject of the law;
  - (ii) a description of all proposed sources of funding for the costs associated with the proposed law, including the proposed percentage of total funding from each source; and
  - (iii) the text of the proposed law;
  - (e) if the initiative petition proposes a tax increase, the following statement, "This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; and
  - (f) a statement indicating whether persons gathering signatures for the petition may be paid for gathering signatures.
- (3) A proposed law submitted under this section may not contain more than one subject to the same extent a bill may not pass containing more than one subject as provided in Utah Constitution, Article VI, Section 22.

Amended by Chapter 140, 2021 General Session

**20A-7-502.5 Initial fiscal and legal impact estimate -- Preparation of estimate.**

- (1) Within three business days after the day on which the local clerk receives an application for an initiative petition, the local clerk shall submit a copy of the proposed law to the county, city, or town's budget officer.
- (2)
- (a) The budget officer, together with legal counsel, shall prepare an unbiased, good faith estimate of the fiscal and legal impact of the law proposed by the initiative that contains:
    - (i) a dollar amount representing the total estimated fiscal impact of the proposed law;
    - (ii) if the proposed law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax affected under the proposed law and a dollar amount representing the total estimated increase or decrease in taxes under the proposed law;
    - (iii) if the proposed law would increase taxes, the tax percentage difference and the tax percentage increase;
    - (iv) if the proposed law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt under the proposed law;
    - (v) a listing of all sources of funding for the estimated costs associated with the proposed law showing each source of funding and the percentage of total funding provided from each source;
    - (vi) a dollar amount representing the estimated costs or savings, if any, to state and local government entities under the proposed law;
    - (vii) the proposed law's legal impact, including:
      - (A) any significant effects on a person's vested property rights;
      - (B) any significant effects on other laws or ordinances;
      - (C) any significant legal liability the city, county, or town may incur; and
      - (D) any other significant legal impact as determined by the budget officer and the legal counsel; and
    - (viii) a concise explanation, not exceeding 100 words, of the above information and of the estimated fiscal impact, if any, under the proposed law.
  - (b)

- (i) If the proposed law is estimated to have no fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact statement in substantially the following form:  
"The (title of the local budget officer) estimates that the law proposed by this initiative would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."
  - (ii) If the proposed law is estimated to have a fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact estimate in substantially the following form:  
"The (title of the local budget officer) estimates that the law proposed by this initiative would result in a total fiscal expense/savings of \$\_\_\_\_\_, which includes a (type of tax or taxes) tax increase/decrease of \$\_\_\_\_\_ and a \$\_\_\_\_\_ increase/decrease in public debt."
  - (iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise difficult to reasonably express in a summary statement, the local budget officer may include in the summary statement a brief explanation that identifies those factors affecting the variability or difficulty of the estimate.
  - (iv) If the proposed law would increase taxes, the local budget officer shall include a summary statement in the initial fiscal impact statement in substantially the following form:  
"This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."
- (3) The budget officer shall prepare an unbiased, good faith estimate of the cost of printing and distributing information related to the initiative petition in the voter information pamphlet as required by Section 20A-7-402.
- (4) Within 20 calendar days after the day on which the local clerk submits a copy of the proposed law under Subsection (1), the budget officer shall:
- (a) deliver a copy of the initial fiscal impact estimate, including the legal impact estimate, to the local clerk's office; and
  - (b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate, to the first three sponsors named in the application.

Amended by Chapter 203, 2019 General Session

**20A-7-502.6 Posting initiative information.**

- (1) Within one business day after the day on which the local clerk's office receives the initial fiscal impact estimate under Subsection 20A-7-502.5(4)(a), the local clerk shall post the following information together in a conspicuous place on the local clerk's website:
- (a) the initiative petition;
  - (b) the initiative;
  - (c) the fiscal impact estimate; and
  - (d) information describing how an individual may remove the individual's signature from the signature packet.
- (2) The local clerk shall:
- (a) promptly update the information described in Subsection (1) if the information changes; and
  - (b) maintain the information described in Subsection (1) on the local clerk's website until the initiative fails to qualify for the ballot or is passed or defeated at an election.

Enacted by Chapter 418, 2021 General Session

**20A-7-502.7 Referability to voters.**

- (1) Within 20 days after the day on which an eligible voter files an application to circulate an initiative petition under Section 20A-7-502, counsel for the county, city, town, or metro township to which the initiative pertains shall:
  - (a) review the proposed law in the initiative application to determine whether the law is legally referable to voters; and
  - (b) notify the first three sponsors, in writing, whether the proposed law is:
    - (i) legally referable to voters; or
    - (ii) rejected as not legally referable to voters.
- (2) A proposed law in an initiative application is legally referable to voters unless:
  - (a) the proposed law is patently unconstitutional;
  - (b) the proposed law is nonsensical;
  - (c) the proposed law is administrative, rather than legislative, in nature;
  - (d) the proposed law could not become law if passed;
  - (e) the proposed law contains more than one subject as evaluated in accordance with Subsection 20A-7-502(3);
  - (f) the subject of the proposed law is not clearly expressed in the law's title;
  - (g) the proposed law is identical or substantially similar to a legally referable proposed law sought by an initiative application submitted to the local clerk, under Section 20A-7-502, within two years before the day on which the application for the current proposed initiative is filed; or
  - (h) the application for the proposed law was not timely filed or does not comply with the requirements of this part.
- (3) After the end of the 20-day period described in Subsection (1), a county, city, town, or metro township may not:
  - (a) reject a proposed initiative as not legally referable to voters; or
  - (b) bring a legal action, other than to appeal a court decision, challenging a proposed initiative on the grounds that the proposed initiative is not legally referable to voters.
- (4) If a county, city, town, or metro township rejects a proposed initiative, a sponsor of the proposed initiative may, within 10 days after the day on which a sponsor is notified under Subsection (1)(b), appeal the decision to:
  - (a) district court; or
  - (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.
- (5) If, on appeal, the court determines that the law proposed in the initiative petition is legally referable to voters, the local clerk shall comply with Subsection 20A-7-504(2) within five days after the day on which the determination, and any appeal of the determination, is final.

Amended by Chapter 418, 2021 General Session

**20A-7-503 Form of initiative petitions and signature sheets.**

- (1)
  - (a) Each proposed initiative petition shall be printed in substantially the following form:

"INITIATIVE PETITION To the Honorable \_\_\_\_\_, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to: the legislative body for its approval or rejection at its next meeting; and the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes no action on it.

Each signer says:

I have personally signed this petition;

The date next to my signature correctly reflects the date that I actually signed the petition;

I have personally reviewed the entire statement included with this packet;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

My residence and post office address are written correctly after my name."

(b) If the initiative petition proposes a tax increase, the following statement shall appear, in at least 14-point, bold type, immediately following the information described in Subsection (1)(a):

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

(c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the proposed law to each initiative petition.

(2) Each signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;

(c) include the title of the initiative printed below the horizontal line, in at least 14-point, bold type;

(d) include a table immediately below the title of the initiative, and beginning .5 inch from the left side of the paper, as follows:

(i) the first column shall be .5 inch wide and include three rows;

(ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;

(iii) the second row of the first column shall be .35 inch tall;

(iv) the third row of the first column shall be .5 inch tall;

(v) the second column shall be 2.75 inches wide;

(vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

(vii) the second row of the second column shall be .5 inch tall;

(viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;

(ix) the fourth row of the second column shall be .5 inch tall;

(x) the third column shall be 2.75 inches wide;

(xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;

(xii) the second row of the third column shall be .5 inch tall;

(xiii) the third row of the third column shall be .35 inch tall and contain the words "Email Address (optional, to receive additional information)" in 10-point type;

(xiv) the fourth row of the third column shall be .5 inch tall;

(xv) the fourth column shall be one inch wide;

(xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;

(xvii) the second row of the fourth column shall be .5 inch tall;

(xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;

(xix) the fourth row of the third column shall be .5 inch tall; and



- (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following words "By signing this petition, you are stating that you have read and understand the law proposed by this petition." in 12-point type;
- (e) the table described in Subsection (2)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection (2)(f); and
- (f) at the bottom of the sheet, include in the following order:
  - (i) the words "Fiscal impact of" followed by the title of the initiative, in at least 12-point, bold type;
  - (ii) the initial fiscal impact estimate's summary statement issued by the budget officer in accordance with Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and distributing information related to the initiative petition in accordance with Subsection 20A-7-502.5(3), in not less than 12-point, bold type;
  - (iii) if the initiative petition proposes a tax increase, the following statement in 12-point, bold type:

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

- (iv) the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign an initiative petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign an initiative petition when the individual knows that the individual is not a registered voter and knows that the individual does not intend to become registered to vote before the certification of the petition names by the county clerk.

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

- (3) The final page of each initiative packet shall contain the following printed or typed statement:

Verification of signature collector

State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

I am a resident of Utah and am at least 18 years old;

All the names that appear in this packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law proposed by the initiative;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law proposed by the initiative, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

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(Name) (Residence Address)

(Date)

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it.

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(Name) (Residence Address) (Date)".

- (4) If the forms described in this section are substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.
- (5) An individual's status as a resident, under Subsection (3), is determined in accordance with Section 20A-2-105.

Amended by Chapter 140, 2021 General Session  
Amended by Chapter 418, 2021 General Session  
Amended by Chapter 418, 2021 General Session, (Coordination Clause)

**20A-7-504 Circulation requirements -- Local clerk to provide sponsors with materials.**

- (1) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described in Subsections (2) and 20A-7-401.5(4)(b), circulate initiative packets that meet the form requirements of this part.
- (2) Within five days after the day on which a county, city, town, metro township, or court determines, in accordance with Section 20A-7-502.7, that a law proposed in an initiative petition is legally referable to voters, the local clerk shall furnish to the sponsors:
  - (a) a copy of the initiative petition; and
  - (b) a signature sheet.
- (3) The sponsors of the petition shall:
  - (a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and
  - (b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.
- (4)
  - (a) The sponsors or an agent of the sponsors may prepare the initiative for circulation by creating multiple initiative packets.
  - (b) The sponsors or an agent of the sponsors shall create initiative packets by binding a copy of the initiative petition and no more than 50 signature sheets together at the top in a manner that the packets may be conveniently opened for signing.
  - (c) An initiative packet is not required to have a uniform number of signature sheets.
  - (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).
- (5)
  - (a) The sponsors or an agent of the sponsors shall, before gathering signatures:
    - (i) contact the county clerk to receive a range of numbers that the sponsors may use to number signature packets; and
    - (ii) number each signature packet, sequentially, within the range of numbers provided by the county clerk, starting with the lowest number in the range.
  - (b) The sponsors or an agent of the sponsors may not:
    - (i) number a signature packet in a manner not directed by the county clerk; or
    - (ii) circulate or submit a signature packet that is not numbered in the manner directed by the county clerk.

(c) The county clerk shall keep a record of the number range provided under Subsection (5)(a).

Amended by Chapter 140, 2021 General Session

Amended by Chapter 418, 2021 General Session, (Coordination Clause)

Amended by Chapter 418, 2021 General Session

**20A-7-505 Obtaining signatures -- Verification -- Removal of signature.**

- (1) A Utah voter may sign a local initiative petition if the voter is a legal voter and resides in the local jurisdiction.
- (2)
  - (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:
    - (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;
    - (ii) verifies each signature sheet by completing the verification printed on the last page of each initiative packet; and
    - (iii) is informed that each signer is required to read and understand the law proposed by the initiative.
  - (b) An individual may not sign the verification printed on the last page of the initiative packet if the individual signed a signature sheet in the initiative packet.
- (3)
  - (a) A voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:
    - (i) 30 days after the day on which the voter signs the signature removal statement;
    - (ii) 90 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-507(2)(a);
    - (iii) 316 days after the day on which the application is filed; or
    - (iv)
      - (A) for a county initiative, April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502; or
      - (B) for a municipal initiative, April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502.
  - (b)
    - (i) The statement shall include:
      - (A) the name of the voter;
      - (B) the resident address at which the voter is registered to vote;
      - (C) the signature of the voter; and
      - (D) the date of the signature described in Subsection (3)(b)(i)(C).
    - (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.
  - (c) A voter may not submit a statement by email or other electronic means.
  - (d) In order for the signature to be removed, the county clerk must receive the statement before 5 p.m. no later than the applicable deadline described in Subsection (3)(a).
  - (e) A person may only remove a signature from an initiative petition in accordance with this Subsection (3).
  - (f) A county clerk shall analyze a signature, for purposes of removing a signature from an initiative petition, in accordance with Section 20A-7-506.3.

Amended by Chapter 140, 2021 General Session

**20A-7-506 Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to local clerk.**

- (1)
  - (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified initiative packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:
    - (i) 30 days after the day on which the first individual signs the initiative packet;
    - (ii) 316 days after the day on which the application is filed; or
    - (iii)
      - (A) for a county initiative, April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502; or
      - (B) for a municipal initiative, April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502.
  - (b) A person may not submit an initiative packet after the deadline established in Subsection (1) (a).
  - (c) Before delivering a packet to the county clerk under Subsection (1), the sponsors shall send an email to each individual who provides a legible, valid email address on the form described in Subsection 20A-7-503(2)(d) that includes the following:
    - (i) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature";
    - (ii) the body of the email shall include the following statement in 12-point type:
 

"You signed a petition for the following initiative:  
[insert title of initiative]  
To access a copy of the initiative petition, the initiative, the fiscal impact statement, and information on the deadline for removing your signature from the petition, please visit the following link: [insert a uniform resource locator that takes the individual directly to the page on the county clerk's website that includes the information referred to in the email]."
  - (d) When the sponsors submit the final signature packet to the county clerk, the sponsors shall submit to the county clerk the following written verification, completed and signed by each of the sponsors:
 

Verification of initiative sponsor  
State of Utah, County of \_\_\_\_\_  
I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:  
I am a sponsor of the initiative petition entitled \_\_\_\_\_;  
I sent, or caused to be sent, to each individual who provided a legible, valid email address on a signature packet submitted to the county clerk in relation to the initiative petition, the email described in Utah Code Subsection 20A-7-506(1)(c).

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(Name) (Residence Address) (Date)

- (e) Signatures gathered for the initiative petition are not valid if the sponsors do not comply with this Subsection (1).
- (2) The county clerk shall, within 21 days after the day on which the county clerk receives the packet:
  - (a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-506.3;
  - (b) certify on the petition whether each name is that of a registered voter;

- (c) except as provided in Subsection (3), post the name and voter identification number of each registered voter certified under Subsection (2)(b) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor; and
  - (d) deliver the verified initiative packet to the local clerk.
- (3)
- (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-505(3), the county clerk shall:
    - (i) ensure that the voter's name and voter identification number are not included in the posting described in Subsection (2)(c); and
    - (ii) remove the voter's signature from the signature packets and signature packet totals.
  - (b) The county clerk shall comply with Subsection (3)(a) before the later of:
    - (i) the deadline described in Subsection (2); or
    - (ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-505(3).
  - (c) The local clerk shall post a link in a conspicuous location on the local government's website to the posting described in Subsection (2)(c) during the period of time described in Subsection 20A-7-507(2)(a)(i).
- (4) The county clerk may not certify a signature under Subsection (2) on an initiative packet that is not verified in accordance with Section 20A-7-505.
- (5) A person may not retrieve an initiative packet from a county clerk, or make any alterations or corrections to an initiative packet, after the initiative packet is submitted to the county clerk.

Amended by Chapter 140, 2021 General Session

Amended by Chapter 418, 2021 General Session

### **20A-7-506.3 Verification of petition signatures.**

- (1) As used in this section:
- (a) "Substantially similar name" means:
    - (i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;
    - (ii) the surname shown on the petition 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 shown on the petition 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 shown on the petition 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 mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.
- (2) The county clerk shall use the following procedures in determining whether a signer is a registered voter:
- (a) When a signer's name and address shown on the petition 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 county clerk shall declare the signature valid.
- (b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:
- (i) the address on the petition 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 (2)(b)(i).
- (c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:
- (i) the birth date or age on the petition 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 (2)(c)(i).
- (d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the county clerk shall declare the signature to be invalid.
- (3) The county clerk shall use the following procedures in determining whether to remove a signature from a petition after receiving a timely, valid statement requesting removal of the signature:
- (a) if a 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 signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the petition;
  - (b) if there is no exact match of an address and a name, the county clerk shall remove the signature from the petition if:
    - (i) the address on the statement and the petition matches the address of an individual on the official register with a substantially similar name; and
    - (ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);
  - (c) if there is no match of an address and a substantially similar name, the county clerk shall remove the signature from the petition if:
    - (i) the birth date or age on the statement and petition match the birth date or age of an individual on the official register with a substantially similar name; and
    - (ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(c)(i); and
  - (d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the county clerk may not remove the signature from the petition.

Amended by Chapter 140, 2021 General Session

**20A-7-507 Evaluation by the local clerk.**

- (1) When a local clerk receives an initiative packet from a county clerk, the local clerk shall record the number of the initiative packet received.
- (2)
  - (a) The county clerk shall:

- (i) post the names and voter identification numbers described in Subsection 20A-7-506(2)(c) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 90 days; and
  - (ii) update on the local government's website the number of signatures certified as of the date of the update.
- (b) The local clerk:
- (i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient or insufficient no later than 21 days after the day of the applicable deadline described in Subsection 20A-7-506(1)(a); or
  - (ii) may declare the petition to be insufficient before the day described in Subsection (2)(b)(i) if:
    - (A) the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-501; or
    - (B) a requirement of this part has not been met.
- (c) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section 20A-7-501 and the requirements of this part are met, the local clerk shall mark upon the front of the petition the word "sufficient."
- (d) If the total number of certified names from each verified signature sheet does not equal or exceed the number of names required by Section 20A-7-501 or a requirement of this part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."
- (e) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.
- (f) After a petition is declared insufficient, a person may not submit additional signatures to qualify the petition for the ballot.
- (3) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the initiative petition in the presence of any sponsor.
- (4) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Amended by Chapter 140, 2021 General Session

**20A-7-508 Ballot title -- Duties of local clerk and local attorney.**

- (1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.
- (2) The local attorney shall:
- (a) entitle each county or municipal initiative that has qualified for the ballot "Proposition Number \_\_\_" and give it a number as assigned under Section 20A-6-107;
  - (b) prepare a proposed ballot title for the initiative;
  - (c) file the proposed ballot title and the numbered initiative titles with the local clerk within 20 days after the day on which an eligible voter submits the initiative petition to the local clerk; and
  - (d) promptly provide notice of the filing of the proposed ballot title to:
    - (i) the sponsors of the petition; and
    - (ii) the local legislative body for the jurisdiction where the initiative petition was circulated.
- (3)
- (a) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.
  - (b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial statement of the purpose of the measure.

- (c) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.
- (d) If the initiative proposes a tax increase, the local attorney shall include the following statement, in bold, in the ballot title:
  - "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."
- (4)
  - (a) Within five calendar days after the date the local attorney files a proposed ballot title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative petition was circulated and the sponsors of the petition may file written comments in response to the proposed ballot title with the local clerk.
  - (b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:
    - (i) review any written comments filed in accordance with Subsection (4)(a);
    - (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
    - (iii) return the petition and file the ballot title with the local clerk.
  - (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall be printed on the official ballot.
- (5) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the initiative petition was circulated.
- (6)
  - (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed to the appropriate court by:
    - (i) at least three sponsors of the initiative petition; or
    - (ii) a majority of the local legislative body for the jurisdiction where the initiative petition was circulated.
  - (b) The court:
    - (i) shall examine the measures and consider arguments; and
    - (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of this section.
  - (c) The local clerk shall print the title certified by the court on the official ballot.

Amended by Chapter 140, 2021 General Session

**20A-7-509 Form of ballot -- Manner of voting.**

- (1) The local clerk shall ensure that the number and ballot title are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the voter may indicate the voter's vote.
- (2) Voters desiring to vote in favor of enacting the law proposed by the initiative petition shall mark the square adjacent to the word "For," and voters desiring to vote against enacting the law proposed by the initiative petition shall mark the square adjacent to the word "Against."

Amended by Chapter 203, 2019 General Session

**20A-7-510 Return and canvass -- Conflicting measures -- Law effective on proclamation.**



- (1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.
- (2) After the local board of canvassers completes the canvass, the local clerk shall certify to the local legislative body the vote for and against the law proposed by the initiative petition.
- (3)
  - (a) The local legislative body shall immediately issue a proclamation that:
    - (i) gives the total number of votes cast in the local jurisdiction for and against each law proposed by an initiative petition; and
    - (ii) declares those laws proposed by an initiative petition that were approved by majority vote to be in full force and effect as the law of the local jurisdiction.
  - (b) When the local legislative body determines that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, the local legislative body shall proclaim that measure to be law that received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.
  - (c)
    - (i) Within 10 days after the day on which the local legislative body issues the proclamation, any qualified voter who signed the initiative petition proposing the law that is declared by the local legislative body to be superseded by another measure approved at the same election may bring an action in the appropriate court to review the decision.
    - (ii) The court shall:
      - (A) consider the matter and decide whether the proposed laws are entirely in conflict; and
      - (B) issue an order, consistent with the court's decision, to the local legislative body.
- (4) Within 10 days after the day on which the court enters an order under Subsection (3)(c)(ii), the local legislative body shall:
  - (a) proclaim as law all measures approved by the people that the court determines are not in conflict; and
  - (b) for the measures approved by the people as law that the court determines to be in conflict, proclaim as law the measure that received the greatest number of affirmative votes, regardless of the difference in majorities.

Amended by Chapter 140, 2021 General Session

**20A-7-511 Effective date.**

- (1)
  - (a) Any proposed law submitted to the people by initiative petition that is approved by the voters at any election takes effect on the date specified in the initiative petition.
  - (b) If the initiative petition does not specify an effective date, a law approved by the voters at any election takes effect five days after the date of the official proclamation of the vote by the county legislative body.
- (2) The local legislative body may amend any laws approved by the people at any meeting after the law has taken effect.

Enacted by Chapter 272, 1994 General Session

**20A-7-512 Misconduct of electors and officers -- Penalty.**

- (1) It is unlawful for any individual to:
  - (a) sign any name other than the individual's own name to any initiative petition;

- (b) sign an initiative knowing the individual is not a legal voter; or
  - (c) knowingly and willfully violate any provision of this part.
- (2) It is unlawful for any individual to sign the verification for an initiative packet knowing that:
- (a) the individual does not meet the residency requirements of Section 20A-2-105;
  - (b) the individual has not witnessed the signatures of the individuals whose names appear in the initiative packet; or
  - (c) one or more individuals whose signatures appear in the initiative packet is either:
    - (i) not registered to vote in Utah; or
    - (ii) does not intend to become registered to vote in Utah.
- (3) An individual who violates this part is guilty of a class A misdemeanor.

Amended by Chapter 203, 2019 General Session

**20A-7-513 Fiscal review -- Repeal, amendment, or resubmission.**

- (1) No later than 60 days after the date of an election in which the voters approve an initiative petition, the budget officer shall:
- (a) for each initiative approved by the voters, prepare a final fiscal impact statement, using current financial information and containing the information required by Subsection 20A-7-502.5(2), except for the information required by Subsection 20A-7-502.5(2)(a)(vii); and
  - (b) deliver a copy of the final fiscal impact statement to:
    - (i) the local legislative body of the jurisdiction where the initiative was circulated;
    - (ii) the local clerk; and
    - (iii) the first three sponsors listed on the initiative application.
- (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25% or more, the local legislative body shall review the final fiscal impact statement and may, by a majority vote:
- (a) repeal the law established by passage of the initiative;
  - (b) amend the law established by the passage of the initiative; or
  - (c) pass a resolution informing the voters that they may file an initiative petition to repeal the law enacted by the passage of the initiative.

Amended by Chapter 203, 2019 General Session

**Part 6**  
**Local Referenda - Procedures**

**20A-7-601 Referenda -- General signature requirements -- Signature requirements for land use laws and subjurisdictional laws -- Time requirements.**

- (1) As used in this section:
- (a) "Number of active voters" means the number of active voters in the county, city, or town on the immediately preceding January 1.
  - (b) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.
  - (c)
    - (i) "Subjurisdictional law" means a local law or local obligation law passed by a local legislative body that imposes a tax or other payment obligation on property in an area that does not

include all precincts and subprecincts under the jurisdiction of the county, city, town, or metro township.

(ii) "Subjurisdictional law" does not include a land use law.

(d) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).

(2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) for a county of the first class:

(i) 7.75% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a metro township with a population of 100,000 or more, or a city of the first class:

(i) 7.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(c) for a county of the second class:

(i) 8% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of the county's voter participation areas;

(d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:

(i) 8.25% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(e) for a county of the third class:

(i) 9.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75% of the county's voter participation areas;

(f) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:

(i) 10% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(g) for a county of the fourth class:

(i) 11.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the county's voter participation areas;

(h) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:

(i) 11.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(i) for a metro township with a population of 1,000 or more but less than 10,000, a city of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro township, city, or county; or

(j) for a metro township with a population of less than 1,000, a town, or a county of the sixth class, 35% of the number of active voters in the metro township, town, or county.

- (3) Except as provided in Subsection (4), an eligible voter seeking to have a land use law or local obligation law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:
- (a) for a county of the first, second, third, or fourth class:
    - (i) 16% of the number of active voters in the county; and
    - (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;
  - (b) for a county of the fifth or sixth class:
    - (i) 16% of the number of active voters in the county; and
    - (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;
  - (c) for a metro township with a population of 100,000 or more, or a city of the first class:
    - (i) 15% of the number of active voters in the metro township or city; and
    - (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
  - (d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:
    - (i) 16% of the number of active voters in the metro township or city; and
    - (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
  - (e) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:
    - (i) 27.5% of the number of active voters in the metro township or city; and
    - (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
  - (f) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:
    - (i) 29% of the number of active voters in the metro township or city; and
    - (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;
  - (g) for a metro township with a population of 1,000 or more but less than 10,000, or a city of the fifth class, 35% of the number of active voters in the metro township or city; or
  - (h) for a metro township with a population of less than 1,000 or a town, 40% of the number of active voters in the metro township or town.
- (4) A person seeking to have a subjurisdictional law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures of the residents in the subjurisdiction equal to:
- (a) 10% of the number of active voters in the subjurisdiction if the number of active voters exceeds 25,000;
  - (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 25,000 but is more than 10,000;
  - (c) 15% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 10,000 but is more than 2,500;
  - (d) 20% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 2,500 but is more than 500;
  - (e) 25% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 500 but is more than 250; and

- (f) 30% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 250.
- (5) Sponsors of any referendum petition challenging, under Subsection (2), (3), or (4), any local law passed by a local legislative body shall file the application before 5 p.m. within seven days after the day on which the local law was passed.
- (6) Nothing in this section authorizes a local legislative body to impose a tax or other payment obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.

Amended by Chapter 140, 2021 General Session

**20A-7-602 Local referendum process -- Application procedures.**

- (1) Individuals wishing to circulate a referendum petition shall file an application with the local clerk.
- (2) The application shall contain:
  - (a) the name and residence address of at least five sponsors of the referendum petition;
  - (b) a statement indicating that each of the sponsors is registered to vote in Utah;
  - (c) a statement indicating whether persons gathering signatures for the petition may be paid for gathering signatures;
  - (d) the signature of each of the sponsors, acknowledged by a notary public; and
  - (e)
    - (i) if the referendum challenges an ordinance or resolution, one copy of the law; or
    - (ii) if the referendum challenges a local law that is not an ordinance or resolution, a written description of the local law, including the result of the vote on the local law.

Amended by Chapter 140, 2021 General Session

**20A-7-602.5 Initial fiscal and legal impact estimate -- Preparation of estimate.**

- (1) Within three business days after the day on which the local clerk receives an application for a referendum petition, the local clerk shall submit a copy of the application to the county, city, or town's budget officer.
- (2)
  - (a) The budget officer, together with legal counsel, shall prepare an unbiased, good faith estimate of the fiscal and legal impact of repealing the law the referendum proposes to repeal that contains:
    - (i) a dollar amount representing the total estimated fiscal impact of repealing the law;
    - (ii) if repealing the law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax that would be impacted by the law's repeal and a dollar amount representing the total estimated increase or decrease in taxes that would result from the law's repeal;
    - (iii) if repealing the law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt that would result;
    - (iv) a listing of all sources of funding for the estimated costs that would be associated with the law's repeal, showing each source of funding and the percentage of total funding that would be provided from each source;
    - (v) a dollar amount representing the estimated costs or savings, if any, to state and local government entities if the law were repealed;
    - (vi) the legal impacts that would result from repealing the law, including:
      - (A) any significant effects on a person's vested property rights;

- (B) any significant effects on other laws or ordinances;
  - (C) any significant legal liability the city, county, or town may incur; and
  - (D) any other significant legal impact as determined by the budget officer and the legal counsel; and
- (vii) a concise explanation, not exceeding 100 words, of the above information and of the estimated fiscal impact, if any, if the law were repealed.
- (b)
- (i) If repealing the law would have no fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact statement in substantially the following form:  
"The (title of the local budget officer) estimates that repealing the law this referendum proposes to repeal would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."
  - (ii) If repealing the law is estimated to have a fiscal impact, the local budget officer shall include a summary statement describing the fiscal impact.
  - (iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise difficult to reasonably express in a summary statement, the local budget officer may include in the summary statement a brief explanation that identifies those factors impacting the variability or difficulty of the estimate.
- (3) Within 20 calendar days after the day on which the local clerk submits a copy of the application under Subsection (1), the budget officer shall:
- (a) deliver a copy of the initial fiscal impact estimate, including the legal impact estimate, to the local clerk's office; and
  - (b) deliver a copy of the initial fiscal impact estimate, including the legal impact estimate, to the first three sponsors named in the application.

Amended by Chapter 203, 2019 General Session

**20A-7-602.7 Referability to voters of local law other than land use law.**

- (1) Within 20 days after the day on which an eligible voter files an application to circulate a referendum petition under Section 20A-7-602 for a local law other than a land use law, counsel for the county, city, town, or metro township to which the referendum pertains shall:
- (a) review the application to determine whether the proposed referendum is legally referable to voters; and
  - (b) notify the first three sponsors, in writing, whether the proposed referendum is:
    - (i) legally referable to voters; or
    - (ii) rejected as not legally referable to voters.
- (2) For a local law other than a land use law, a proposed referendum is legally referable to voters unless:
- (a) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;
  - (b) the proposed referendum challenges more than one law passed by the local legislative body; or
  - (c) the application for the proposed referendum was not timely filed or does not comply with the requirements of this part.
- (3) After the end of the 20-day period described in Subsection (1), a county, city, town, or metro township may not, for a local law other than a land use law:
- (a) reject a proposed referendum as not legally referable to voters; or

- (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.
- (4)
  - (a) If, under Subsection (1)(b)(ii), a county, city, town, or metro township rejects a proposed referendum concerning a local law other than a land use law, a sponsor of the proposed referendum may, within 10 days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:
    - (i) the Supreme Court, by means of an extraordinary writ, if possible; or
    - (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under Subsection (4)(a)(i).
  - (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a) terminates the referendum.
- (5) If, on a challenge or appeal, the court determines that the proposed referendum described in Subsection (4) is legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(2) within five days after the day on which the determination, and any challenge or appeal of the determination, is final.

Amended by Chapter 418, 2021 General Session

**20A-7-602.8 Referability to voters of local land use law.**

- (1) Within 20 days after the day on which an eligible voter files an application to circulate a referendum petition under Section 20A-7-602 for a land use law, counsel for the county, city, town, or metro township to which the referendum pertains shall:
  - (a) review the application to determine whether the proposed referendum is legally referable to voters; and
  - (b) notify the first three sponsors, in writing, whether the proposed referendum is:
    - (i) legally referable to voters; or
    - (ii) rejected as not legally referable to voters.
- (2) For a land use law, a proposed referendum is legally referable to voters unless:
  - (a) the proposed referendum challenges an action that is administrative, rather than legislative, in nature;
  - (b) the proposed referendum challenges a land use decision, rather than a land use regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;
  - (c) the proposed referendum challenges more than one law passed by the local legislative body; or
  - (d) the application for the proposed referendum was not timely filed or does not comply with the requirements of this part.
- (3) After the end of the 20-day period described in Subsection (1), a county, city, town, or metro township may not, for a land use law:
  - (a) reject a proposed referendum as not legally referable to voters; or
  - (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a proposed referendum on the grounds that the proposed referendum is not legally referable to voters.
- (4)
  - (a) If a county, city, town, or metro township rejects a proposed referendum concerning a land use law, a sponsor of the proposed referendum may, within seven days after the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision to:
    - (i) the Supreme Court, by means of an extraordinary writ, if possible; or

- (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ under Subsection (4)(a)(i).
- (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a) terminates the referendum.
- (5) If, on challenge or appeal, the court determines that the proposed referendum is legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(2) within five days after the day on which the determination, and any challenge or appeal of the determination, is final.

Amended by Chapter 418, 2021 General Session

**20A-7-603 Form of referendum petition and signature sheets.**

- (1)
  - (a) Each proposed referendum petition shall be printed in substantially the following form:

"REFERENDUM PETITION To the Honorable \_\_\_\_\_, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully order that (description of local law or portion of local law being challenged), passed by the \_\_\_\_\_ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on \_\_\_\_\_(month\day\year);

Each signer says:

I have personally signed this petition;

The date next to my signature correctly reflects the date that I actually signed the petition;

I have personally reviewed the entire statement included with this packet;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

My residence and post office address are written correctly after my name."
  - (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the law that is the subject of the referendum to each referendum petition.
- (2) Each signature sheet shall:
  - (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
  - (b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;
  - (c) include the title of the referendum printed below the horizontal line, in at least 14-point type;
  - (d) include a table immediately below the title of the referendum, and beginning .5 inch from the left side of the paper, as follows:
    - (i) the first column shall be .5 inch wide and include three rows;
    - (ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;
    - (iii) the second row of the first column shall be .35 inch tall;
    - (iv) the third row of the first column shall be .5 inch tall;
    - (v) the second column shall be 2.75 inches wide;
    - (vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;
    - (vii) the second row of the second column shall be .5 inch tall;
    - (viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;



- (ix) the fourth row of the second column shall be .5 inch tall;
- (x) the third column shall be 2.75 inches wide;
- (xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;
- (xii) the second row of the third column shall be .5 inch tall;
- (xiii) the third row of the third column shall be .35 inch tall and contain the words "Email Address (optional, to receive additional information)" in 10-point type;
- (xiv) the fourth row of the third column shall be .5 inch tall;
- (xv) the fourth column shall be one inch wide;
- (xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;
- (xvii) the second row of the fourth column shall be .5 inch tall;
- (xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;
- (xix) the fourth row of the third column shall be .5 inch tall; and
- (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following words, "By signing this petition, you are stating that you have read and understand the law that this petition seeks to overturn." in 12-point type;
- (e) the table described in Subsection (2)(d) shall be repeated, leaving sufficient room at the bottom of the sheet or the information described in Subsection (2)(f); and
- (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign a referendum petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same measure, or to sign a referendum petition when the individual knows that the individual is not a registered voter and knows that the individual does not intend to become registered to vote before the certification of the petition names by the county clerk.

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

- (3) The final page of each referendum packet shall contain the following printed or typed statement:

Verification of signature collector

State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

I am a resident of Utah and am at least 18 years old;

All the names that appear in this packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to overturn;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law that the referendum seeks to overturn, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

---

(Name) (Residence Address) (Date)

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it.

---

(Name)  
(Residence Address) (Date)".

- (4) If the forms described in this section are substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.
- (5) An individual's status as a resident, under Subsection (3), is determined in accordance with Section 20A-2-105.

Amended by Chapter 140, 2021 General Session

Amended by Chapter 418, 2021 General Session, (Coordination Clause)

Amended by Chapter 418, 2021 General Session

**20A-7-604 Circulation requirements -- Local clerk to provide sponsors with materials.**

- (1) In order to obtain the necessary number of signatures required by this part, the sponsors or an agent of the sponsors shall, after the sponsors receive the documents described in Subsections (2) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form requirements of this part.
- (2) Within five days after the day on which a county, city, town, metro township, or court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is legally referable to voters, the local clerk shall furnish to the sponsors:
- (a) a copy of the referendum petition; and
  - (b) a signature sheet.
- (3) The sponsors of the petition shall:
- (a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and
  - (b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.
- (4)
- (a) The sponsors or an agent of the sponsors may prepare the referendum for circulation by creating multiple referendum packets.
  - (b) The sponsors or an agent of the sponsors shall create referendum packets by binding a copy of the referendum petition and no more than 50 signature sheets together at the top in a manner that the packets may be conveniently opened for signing.
  - (c) A referendum packet is not required to have a uniform number of signature sheets.
  - (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).
- (5)
- (a) The sponsors or an agent of the sponsors shall, before gathering signatures:
    - (i) contact the county clerk to receive a range of numbers that the sponsors may use to number signature packets; and

- (ii) number each signature packet, sequentially, within the range of numbers provided by the county clerk, starting with the lowest number in the range.
- (b) The sponsors or an agent of the sponsors may not:
  - (i) number a signature packet in a manner not directed by the county clerk; or
  - (ii) circulate or submit a signature packet that is not numbered in the manner directed by the county clerk.
- (c) The county clerk shall keep a record of the number range provided under Subsection (5)(a).

Amended by Chapter 140, 2021 General Session

Amended by Chapter 418, 2021 General Session, (Coordination Clause)

Amended by Chapter 418, 2021 General Session

**20A-7-604.5 Posting referendum information.**

- (1) On the day on which the local clerk complies with Subsection 20A-7-604(2), the local clerk shall post the following information together in a conspicuous place on the local clerk's website:
  - (a) the referendum petition;
  - (b) the referendum; and
  - (c) information describing how an individual may remove the individual's signature from the signature packet.
- (2) The local clerk shall:
  - (a) promptly update the information described in Subsection (1) if the information changes; and
  - (b) maintain the information described in Subsection (1) on the local clerk's website until the referendum fails to qualify for the ballot or is passed or defeated at an election.

Enacted by Chapter 418, 2021 General Session

**20A-7-605 Obtaining signatures -- Verification -- Removal of signature.**

- (1) A Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.
- (2)
  - (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:
    - (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;
    - (ii) verifies each signature sheet by completing the verification printed on the last page of each referendum packet; and
    - (iii) is informed that each signer is required to read and understand the law that the referendum seeks to overturn.
  - (b) An individual may not sign the verification printed on the last page of the referendum packet if the individual signed a signature sheet in the referendum packet.
- (3)
  - (a) A voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed no later than the earlier of:
    - (i) 30 days after the day on which the voter signs the statement requesting removal; or
    - (ii) 45 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-607(2)(a).
  - (b)
    - (i) The statement shall include:

- (A) the name of the voter;
  - (B) the resident address at which the voter is registered to vote;
  - (C) the signature of the voter; and
  - (D) the date of the signature described in Subsection (3)(b)(i)(C).
- (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.
- (c) A voter may not submit a statement by email or other electronic means.
  - (d) In order for the signature to be removed, the county clerk must receive the statement before 5 p.m. no later than 45 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-607(2)(a).
  - (e) A person may only remove a signature from a referendum petition in accordance with this Subsection (3).
  - (f) A county clerk shall analyze a signature, for purposes of removing a signature from a referendum petition, in accordance with Section 20A-7-606.3.

Amended by Chapter 140, 2021 General Session

**20A-7-606 Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to local clerk.**

- (1)
  - (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:
    - (i) 30 days after the day on which the first individual signs the referendum packet; or
    - (ii) 45 days after the day on which the sponsors receive the items described in Subsection 20A-7-604(2) from the local clerk.
  - (b) A person may not submit a referendum packet after the deadline described in Subsection (1)(a).
- (2) No later than 21 days after the day on which a county clerk receives a verified referendum packet under Subsection (1)(a), the county clerk shall:
  - (a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-606.3;
  - (b) certify on the petition whether each name is that of a registered voter;
  - (c) provide the name and voter identification number of each registered voter certified under Subsection (2)(b); and
  - (d) deliver the verified packet to the local clerk.
- (3)
  - (a) If the county clerk timely receives a statement requesting signature removal under Subsection 20A-7-605(3), the county clerk shall:
    - (i) ensure that the voter's name and voter identification number are not included in the posting described in Subsection 20A-7-607(2)(a); and
    - (ii) remove the voter's signature from the signature packets and signature packet totals.
  - (b) The county clerk shall comply with Subsection (3)(a) before the later of:
    - (i) the deadline described in Subsection (2); or
    - (ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection 20A-7-605(3).

- (c) The local clerk shall post a link in a conspicuous location on the local government's website to the posting described in Subsection 20A-7-607(2)(a) during the period of time described in Subsection 20A-7-607(2)(a)(i).
- (4) The county clerk may not certify a signature under Subsection (2):
  - (a) on a referendum packet that is not verified in accordance with Section 20A-7-605; or
  - (b) that does not have a date of signature next to the signature.
- (5) A person may not retrieve a referendum packet from a county clerk, or make any alterations or corrections to a referendum packet, after the referendum packet is submitted to the county clerk.

Amended by Chapter 140, 2021 General Session

Amended by Chapter 418, 2021 General Session

### **20A-7-606.3 Verification of petition signatures.**

- (1) As used in this section:
  - (a) "Substantially similar name" means:
    - (i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;
    - (ii) the surname shown on the petition 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 shown on the petition 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 shown on the petition 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 mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.
- (2) The county clerk shall use the following procedures in determining whether a signer is a registered voter:
  - (a) When a signer's name and address shown on the petition 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 county clerk shall declare the signature valid.
  - (b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:
    - (i) the address on the petition 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 (2)(b)(i).
  - (c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:
    - (i) the birth date or age on the petition 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 (2)(c)(i).
- (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county clerk shall declare the signature to be invalid.
- (3) The county clerk shall use the following procedures in determining whether to remove a signature from a petition after receiving a timely, valid statement requesting removal of the signature:
  - (a) if a 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 signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the petition;
  - (b) if there is no exact match of an address and a name, the county clerk shall remove the signature from the petition if:
    - (i) the address on the statement and the petition matches the address of an individual on the official register with a substantially similar name; and
    - (ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);
  - (c) if there is no match of an address and a substantially similar name, the county clerk shall remove the signature from the petition if:
    - (i) the birth date or age on the statement and petition match the birth date or age of an individual on the official register with a substantially similar name; and
    - (ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(c)(i); and
  - (d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the county clerk may not remove the signature from the petition.

Amended by Chapter 140, 2021 General Session

**20A-7-607 Evaluation by the local clerk -- Determination of election for vote on referendum.**

- (1) When the local clerk receives a referendum packet from a county clerk, the local clerk shall record the number of the referendum packet received.
- (2)
  - (a) The county clerk shall:
    - (i) post the names and voter identification numbers described in Subsection 20A-7-606(3)(c) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and
    - (ii) update on the local clerk's website the number of signatures certified as of the date of the update.
  - (b) The local clerk:
    - (i) shall, except as provided in Subsection (2)(b)(ii), declare the petition to be sufficient or insufficient no later than 111 days after the day of the deadline, described in Subsection 20A-7-606(1), to submit a referendum packet to the county clerk; or
    - (ii) may declare the petition to be insufficient before the day described in Subsection (2)(b)(i) if:
      - (A) the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerk, plus the number of signatures on timely and

- lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601; or
- (B) a requirement of this part has not been met.
- (c) If the total number of names certified under this Subsection (2) equals or exceeds the number of names required under Section 20A-7-601, and the requirements of this part are met, the local clerk shall mark upon the front of the petition the word "sufficient";
- (d) If the total number of names certified under this Subsection (2) does not equal or exceed the number of names required under Section 20A-7-601 or a requirement of this part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."
- (e) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.
- (f) After a petition is declared insufficient, a person may not submit additional signatures to qualify the petition for the ballot.
- (3)
- (a) If the local clerk refuses to accept and file any referendum petition, any voter may apply to a court for an extraordinary writ to compel the local clerk to do so within 10 days after the refusal.
- (b) If the court determines that the referendum petition is legally sufficient, the local clerk shall file the petition, with a verified copy of the judgment attached to the petition, as of the date on which the petition was originally offered for filing in the local clerk's office.
- (c) If the court determines that any petition filed is not legally sufficient, the court may enjoin the local clerk and all other officers from:
- (i) certifying or printing the ballot title and numbers of that measure on the official ballot for the next election; or
- (ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing, or mailing the ballot title and numbers of that measure under Section 20A-7-609.5.
- (4) A petition determined to be sufficient in accordance with this section is qualified for the ballot.
- (5)
- (a) Except as provided in Subsection (6)(b) or (c), if a referendum relates to legislative action taken after April 15, the election officer may not place the referendum on an election ballot until a primary election, a general election, or a special election the following year.
- (b) The election officer may place a referendum described in Subsection (6)(a) on the ballot for a special, primary, or general election held during the year that the legislative action was taken if the following agree, in writing, on a timeline to place the referendum on that ballot:
- (i) the local clerk;
- (ii) the county clerk; and
- (iii) the attorney for the county or municipality that took the legislative action.
- (c) For a referendum on a land use law, if, before August 30, the local clerk or a court determines that the total number of certified names equals or exceeds the number of signatures required in Section 20A-7-601, the election officer shall place the referendum on the election ballot for:
- (i) the next general election; or
- (ii) another election, if the following agree, in writing, on a timeline to place the referendum on that ballot:
- (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;
- (B) the local clerk;
- (C) the county clerk; and
- (D) the attorney for the county or municipality that took the legislative action.

Amended by Chapter 80, 2021 General Session

Amended by Chapter 140, 2021 General Session

**20A-7-608 Ballot title -- Duties of local clerk and local attorney.**

- (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.
- (2) The local attorney shall:
  - (a) entitle each county or municipal referendum that qualifies for the ballot "Proposition Number \_\_\_" and give the referendum a number assigned in accordance with Section 20A-6-107;
  - (b) prepare a proposed ballot title for the referendum;
  - (c) file the proposed ballot title and the numbered referendum title with the local clerk within 20 days after the day on which an eligible voter submits the referendum petition to the local clerk; and
  - (d) promptly provide notice of the filing of the proposed ballot title to:
    - (i) the sponsors of the petition; and
    - (ii) the local legislative body for the jurisdiction where the referendum petition was circulated.
- (3)
  - (a) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall express, in not exceeding 100 words, the purpose of the measure.
  - (b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial statement of the purpose of the measure.
  - (c) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.
- (4)
  - (a) Within five calendar days after the day on which the local attorney files a proposed ballot title under Subsection (2)(c), the local legislative body for the jurisdiction where the referendum petition was circulated and the sponsors of the petition may file written comments in response to the proposed ballot title with the local clerk.
  - (b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:
    - (i) review any written comments filed in accordance with Subsection (4)(a);
    - (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
    - (iii) return the petition and file the ballot title with the local clerk.
  - (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall be printed on the official ballot.
- (5) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the referendum petition was circulated.
- (6)
  - (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed to the appropriate court by:
    - (i) at least three sponsors of the referendum petition; or
    - (ii) a majority of the local legislative body for the jurisdiction where the referendum petition was circulated.
  - (b) The court:
    - (i) shall examine the measures and consider the arguments; and
    - (ii) may issue an order to the local clerk that includes a ballot title for the measure that fulfills the intent of this section.



(c) The local clerk shall print the title, as directed by the court, on the official ballot.

Amended by Chapter 140, 2021 General Session

**20A-7-609 Form of ballot -- Manner of voting.**

- (1) The local clerk shall ensure that the number and ballot title are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the elector may indicate the elector's vote.
- (2)
  - (a) Except as provided in Subsection (2)(c)(i) or Section 20A-7-609.5, and unless the county legislative body calls a special election, the county clerk shall ensure that county referenda that have qualified for the ballot appear on the next regular general election ballot.
  - (b) Except as provided in Subsection (2)(c)(ii) or Section 20A-7-609.5, and unless the municipal legislative body calls a special election, the municipal recorder or clerk shall ensure that municipal referenda that have qualified for the ballot appear on the next regular municipal election ballot.
  - (c)
    - (i) Except as provided in Section 20A-7-609.5, if a local law passes after January 30 of the year in which there is a regular general election, the county clerk shall ensure that a county referendum that has qualified for the ballot appears on the ballot at the second regular general election immediately following the passage of the local law unless the county legislative body calls a special election.
    - (ii) Except as provided in Section 20A-7-609.5, if a local law passes after January 30 of the year in which there is a municipal general election, the municipal recorder or clerk shall ensure that a municipal referendum that has qualified for the ballot appears on the ballot at the second municipal general election immediately following the passage of the local law unless the municipal legislative body calls a special election.
- (3)
  - (a)
    - (i) A voter desiring to vote in favor of the law that is the subject of the referendum shall mark the square adjacent to the word "For."
    - (ii) The law that is the subject of the referendum is effective if a majority of voters mark "For."
  - (b)
    - (i) A voter desiring to vote against the law that is the subject of the referendum petition shall mark the square following the word "Against."
    - (ii) The law that is the subject of the referendum is not effective if a majority of voters mark "Against."

Amended by Chapter 396, 2014 General Session

**20A-7-609.5 Election on referendum challenging local tax law conducted entirely by mail.**

- (1) An election officer may administer an election on a referendum challenging a local tax law entirely by mail.
- (2) For purposes of an election conducted under this section, the election officer shall:
  - (a) designate as the election day the day that is 30 days after the day on which the election officer complies with Subsection (2)(b); and

- (b) within 30 days after the day on which the referendum described in Subsection (1) qualifies for the ballot, mail to each registered voter within the voting precincts to which the local tax law applies:
  - (i) a manual ballot;
  - (ii) a statement that there will be no polling place for the election;
  - (iii) a statement specifying the election day described in Subsection (2)(a);
  - (iv) a business reply mail envelope;
  - (v) instructions for returning the ballot that include an express notice about any relevant deadlines that the voter must meet in order for the voter's vote to be counted;
  - (vi) a warning, on a separate page of colored paper in boldface print, indicating that if the voter fails to follow the instructions included with the manual ballot, the voter will be unable to vote in that election because there will be no polling place for the election; and
  - (vii)
    - (A) a copy of the proposition information pamphlet relating to the referendum if a proposition information pamphlet relating to the referendum was published under Section 20A-7-401.5; or
    - (B) a website address where an individual may view a copy of the proposition information pamphlet described in Subsection (2)(b)(vii)(A).
- (3) An election officer who administers an election under this section shall:
  - (a)
    - (i) obtain, in person, the signatures of each voter within that voting precinct before the election; or
    - (ii) obtain the signature of each voter within the voting precinct from the county clerk; and
  - (b) maintain the signatures on file in the election officer's office.
- (4)
  - (a) Upon receiving a returned manual ballot under this section, the election officer shall compare the signature on each return envelope with the voter's signature that is maintained on file and verify that the signatures are the same.
  - (b) If the election officer questions the authenticity of the signature on the return envelope, the election officer shall immediately contact the voter to verify the signature.
  - (c) If there is not a signature on the return envelope or if the election officer determines that the signature on the return envelope does not match the voter's signature that is maintained on file, the election officer shall:
    - (i) disqualify the ballot; and
    - (ii) notify the voter of the disqualification and the reason for the disqualification.

Amended by Chapter 31, 2020 General Session

**20A-7-610 Return and canvass -- Conflicting measures -- Law effective on proclamation.**

- (1) The votes on the proposed law that is the subject of the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.
- (2) After the local board of canvassers completes the canvass, the local clerk shall certify to the local legislative body the vote for and against the proposed law that is the subject of the referendum petition.
- (3)
  - (a) The local legislative body shall immediately issue a proclamation that:
    - (i) gives the total number of votes cast in the local jurisdiction for and against each proposed law that is the subject of a referendum petition; and

- (ii) in accordance with Section 20A-7-611, declares those laws that are the subject of a referendum petition that were approved by majority vote to be in full force and effect as the law of the local jurisdiction.
- (b) When the local legislative body determines that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, the local legislative body shall proclaim that measure to be law that received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.
- (4)
  - (a) Within 10 days after the day on which the local legislative body issues the proclamation, any qualified voter residing in the jurisdiction for a law that is declared by the local legislative body to be superseded by another measure approved at the same election may bring an action in the appropriate court to review the decision.
  - (b) The court shall:
    - (i) consider the matter and decide whether the proposed laws are entirely in conflict; and
    - (ii) issue an order, consistent with the court's decision, to the local legislative body.
- (5) Within 10 days after the day on which the court enters an order under Subsection (4)(b)(ii), the local legislative body shall:
  - (a) proclaim as law all measures approved by the people that the court determines are not in conflict; and
  - (b) for the measures approved by the people as law that the court determines to be in conflict, proclaim as law the measure that received the greatest number of affirmative votes, regardless of the difference in majorities.

Amended by Chapter 140, 2021 General Session

**20A-7-611 Temporary stay -- Effective date -- Effect of repeal by local legislative body.**

- (1) Any proposed law submitted to the people by referendum petition that is rejected by the voters at any election is repealed as of the date of the election.
- (2) If, at the time during the process described in Subsection 20A-7-307(2), the local clerk determines that, at that point in time, an adequate number of signatures are certified to comply with the signature requirements, the local clerk shall:
  - (a) issue an order temporarily staying the law from going into effect; and
  - (b) continue the process of certifying signatures and removing signatures as required by this part.
- (3) The temporary stay described in Subsection (2) remains in effect, regardless of whether a future count falls below the signature threshold, until the day on which:
  - (a) if the local clerk declares the petition insufficient, five days after the day on which the local clerk declares the petition insufficient; or
  - (b) if the local clerk declares the petition sufficient, the day on which the local legislative body issues the proclamation described in Section 20A-7-610.
- (4) A proposed law submitted to the people by referendum petition that is approved by the voters at an election takes effect the later of:
  - (a) five days after the date of the official proclamation of the vote by the local legislative body; or
  - (b) the effective date specified in the proposed law.
- (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local clerk declares the petition insufficient, the proposed law takes effect the later of:
  - (a) five days after the day on which the local clerk declares the petition insufficient; or
  - (b) the effective date specified in the proposed law.

- (6)
  - (a) A law adopted by the people under this part is not subject to veto.
  - (b) The local legislative body may amend any laws approved by the people under this part after the people approve the law.
- (7) If the local legislative body repeals a law challenged by referendum petition under this part, the referendum petition is void and no further action on the referendum petition is required.

Amended by Chapter 140, 2021 General Session

**20A-7-612 Misconduct of electors and officers -- Penalty.**

- (1) It is unlawful for an individual to:
  - (a) sign any name other than the individual's own name to any referendum petition;
  - (b) sign a referendum knowing that the individual is not a legal voter;
  - (c) in connection with circulating a referendum petition, represent that a document is an official government document if the individual knows or has reason to know that the document is not an official government document; or
  - (d) knowingly and willfully violate any provision of this part.
- (2) It is unlawful for an individual to sign the verification for a referendum packet knowing that:
  - (a) the individual does not meet the residency requirements of Section 20A-2-105;
  - (b) the individual has not witnessed the signatures of the individuals whose names appear in the referendum packet; or
  - (c) one or more individuals whose signatures appear in the referendum packet:
    - (i) is either:
      - (A) not registered to vote in Utah; or
      - (B) does not intend to become registered to vote in Utah; or
    - (ii) appears next to an inaccurate date of signature.
- (3) An individual who violates this part is guilty of a class A misdemeanor.
- (4) The county attorney or municipal attorney shall prosecute any violation of this section.

Amended by Chapter 203, 2019 General Session

**20A-7-613 Property tax referendum petition.**

- (1) As used in this section, "certified tax rate" means the same as that term is defined in Section 59-2-924.
- (2) Except as provided in this section, the requirements of this part apply to a referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that exceeds the certified tax rate.
- (3) Notwithstanding Subsection 20A-7-606(1), the sponsors or an agent of the sponsors shall deliver a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:
  - (a) 30 days after the day on which the first individual signs the packet; or
  - (b) 40 days after the day on which the local clerk complies with Subsection 20A-7-604(2).
- (4) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall take the actions required in Subsections 20A-7-606(2) and (3) within 10 working days after the day on which the county clerk receives the signed and verified referendum packet as described in Subsection (3).
- (5) The local clerk shall take the actions required by Section 20A-7-607 within two working days after the day on which the local clerk receives the referendum packets from the county clerk.

- (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot title within two working days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.
- (7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot under this section shall appear on the ballot for the earlier of the next regular general election or the next municipal general election unless a special election is called.
- (8) The election officer shall mail manual ballots on a referendum under this section the later of:
  - (a) the time provided in Section 20A-3a-202 or 20A-16-403; or
  - (b) the time that ballots are prepared for mailing under this section.
- (9) Section 20A-7-402 does not apply to a referendum described in this section.
- (10)
  - (a) If a majority of voters does not vote against imposing the tax at a rate calculated to generate the increased revenue budgeted, adopted, and approved by the taxing entity's legislative body:
    - (i) the certified tax rate for the fiscal year during which the referendum petition is filed is its most recent certified tax rate; and
    - (ii) the proposed increased revenues for purposes of establishing the certified tax rate for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed increased revenues budgeted, adopted, and approved by the taxing entity's legislative body before the filing of the referendum petition.
  - (b) If a majority of voters votes against imposing a tax at the rate established by the vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the taxing entity's most recent certified tax rate.
  - (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not required to comply with the notice and public hearing requirements of Section 59-2-919 if the taxing entity complies with those notice and public hearing requirements before the referendum petition is filed.
- (11) The ballot title shall, at a minimum, include in substantially this form the following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as budgeted, adopted, and approved by the [name of the taxing entity].".
- (12) A taxing entity shall pay the county the costs incurred by the county that are directly related to meeting the requirements of this section and that the county would not have incurred but for compliance with this section.
- (13)
  - (a) An election officer shall include on a ballot a referendum that has not yet qualified for placement on the ballot, if:
    - (i) sponsors file an application for a referendum described in this section;
    - (ii) the ballot will be used for the election for which the sponsors are attempting to qualify the referendum; and
    - (iii) the deadline for qualifying the referendum for placement on the ballot occurs after the day on which the ballot will be printed.
  - (b) If an election officer includes on a ballot a referendum described in Subsection (13)(a), the ballot title shall comply with Subsection (11).
  - (c) If an election officer includes on a ballot a referendum described in Subsection (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the voters by any practicable method that the referendum has not qualified for the ballot and that votes cast in relation to the referendum will not be counted.

Amended by Chapter 140, 2021 General Session

## **Part 7**

### **Voter Information Pamphlet**

#### **20A-7-701 Voter information pamphlet to be prepared.**

- (1) The lieutenant governor shall cause to be prepared a voter information pamphlet designed to inform the voters of the state of the content, effect, operation, fiscal impact, and the supporting and opposing arguments of any measure submitted to the voters by the Legislature or by a statewide initiative or referendum petition.
- (2) The pamphlet shall also include a separate section prepared, analyzed, and submitted by the Judicial Council describing the judicial selection and retention process.
- (3) Voter information pamphlets prepared in association with a local initiative or a local referendum shall be prepared in accordance with the procedures and requirements of Section 20A-7-402.

Amended by Chapter 20, 2020 Special Session 5

#### **20A-7-702 Voter information pamphlet -- Form -- Contents.**

- (1) The voter information pamphlet shall contain the following items in this order:
  - (a) a cover title page;
  - (b) an introduction to the pamphlet by the lieutenant governor;
  - (c) a table of contents;
  - (d) a list of all candidates for constitutional offices;
  - (e) a list of candidates for each legislative district;
  - (f) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before 5 p.m. on the first business day in August before the date of the election;
  - (g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:
    - (i) a copy of the number and ballot title of the measure;
    - (ii) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;
    - (iii) the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel;
    - (iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;
    - (v) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets;
    - (vi) for each initiative qualified for the ballot:
      - (A) a copy of the measure as certified by the lieutenant governor and a copy of the fiscal impact estimate prepared according to Section 20A-7-202.5; and
      - (B) if the initiative proposes a tax increase, the following statement in bold type:

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

- (vii) for each referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets, as applicable;
- (h) a description provided by the Judicial Performance Evaluation Commission of the selection and retention process for judges, including, in the following order:
  - (i) a description of the judicial selection process;
  - (ii) a description of the judicial performance evaluation process;
  - (iii) a description of the judicial retention election process;
  - (iv) a list of the criteria of the judicial performance evaluation and the minimum performance standards;
  - (v) the names of the judges standing for retention election; and
  - (vi) for each judge:
    - (A) a list of the counties in which the judge is subject to retention election;
    - (B) a short biography of professional qualifications and a recent photograph;
    - (C) a narrative concerning the judge's performance;
    - (D) for each standard of performance, a statement identifying whether or not the judge met the standard and, if not, the manner in which the judge failed to meet the standard;
    - (E) a statement identifying whether or not the Judicial Performance Evaluation Commission recommends the judge be retained or declines to make a recommendation and the number of votes for and against the commission's recommendation;
    - (F) any statement provided by a judge who is not recommended for retention by the Judicial Performance Evaluation Commission under Section 78A-12-203;
    - (G) in a bar graph, the average of responses to each survey category, displayed with an identification of the minimum acceptable score as set by Section 78A-12-205 and the average score of all judges of the same court level; and
    - (H) a website address that contains the Judicial Performance Evaluation Commission's report on the judge's performance evaluation;
- (i) for each judge, a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article VIII, Section 13, during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;
- (j) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;
- (k) voter registration information, including information on how to obtain a ballot;
- (l) a list of all county clerks' offices and phone numbers;
- (m) the address of the Statewide Electronic Voter Information Website, with a statement indicating that the election officer will post on the website any changes to the location of a polling place and the location of any additional polling place;
- (n) a phone number that a voter may call to obtain information regarding the location of a polling place; and

(o) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, \_\_\_\_\_ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on \_\_\_\_ (date of election), and that this pamphlet is complete and correct according to law.

SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this \_\_\_\_ day of \_\_\_\_ (month), \_\_\_\_ (year)

(signed) \_\_\_\_\_  
Lieutenant Governor"

- (2) No earlier than 75 days, and no later than 15 days, before the day on which voting commences, the lieutenant governor shall make all information provided in the voter information pamphlet available on the Statewide Electronic Voter Information Website Program described in Section 20A-7-801.
- (3) The lieutenant governor may distribute a voter information pamphlet at a location frequented by a person who cannot easily access the Statewide Electronic Voter Information Website authorized by Section 20A-7-801.

Amended by Chapter 20, 2020 Special Session 5

**20A-7-703 Impartial analysis of measure -- Determination of fiscal effects.**

- (1) The director of the Office of Legislative Research and General Counsel, after the approval of the legislative general counsel as to legal sufficiency, shall:
  - (a) prepare an impartial analysis of each measure submitted to the voters by the Legislature or by initiative or referendum petition; and
  - (b) submit the impartial analysis to the lieutenant governor no later than the day that falls 90 days before the date of the election in which the measure will appear on the ballot.
- (2) The director shall ensure that the impartial analysis:
  - (a) is not more than 1,000 words long;
  - (b) is prepared in clear and concise language that will easily be understood by the average voter;
  - (c) avoids the use of technical terms as much as possible;
  - (d) shows the effect of the measure on existing law;
  - (e) identifies any potential conflicts with the United States or Utah Constitutions raised by the measure;
  - (f) fairly describes the operation of the measure;
  - (g) identifies the measure's fiscal effects over the time period or time periods determined by the director to be most useful in understanding the estimated fiscal impact of the proposed law; and
  - (h) identifies the amount of any increase or decrease in revenue or cost to state or local government.
- (3) The director shall analyze the measure as it is proposed to be adopted without considering any implementing legislation, unless the implementing legislation has been enacted and will become effective upon the adoption of the measure by the voters.
- (4)
  - (a) In determining the fiscal effects of a measure, the director shall confer with the legislative fiscal analyst.



- (b) The director shall consider any measure that requires implementing legislation in order to take effect to have no financial effect, unless implementing legislation has been enacted that will become effective upon adoption of the measure by the voters.
- (5) If the director requests the assistance of any state department, agency, or official in preparing the director's analysis, that department, agency, or official shall assist the director.

Amended by Chapter 277, 2020 General Session

**20A-7-704 Initiative measures -- Arguments for and against -- Voters' requests for argument -- Ballot arguments.**

- (1)
  - (a) Before 5 p.m. no later than July 1 of the regular general election year, a sponsor of any initiative petition that has been declared sufficient by the lieutenant governor may deliver to the lieutenant governor a written notice that the sponsor intends to submit a written argument for adoption of the measure.
  - (b) If two or more sponsors timely submit a notice described in Subsection (1)(a), the lieutenant governor shall designate one of the sponsors to submit the argument for the sponsor's side of the measure.
- (2)
  - (a) Before 5 p.m. no later than July 1 of the regular general election year, a member of the Legislature may deliver to the speaker of the House and the president of the Senate a written notice that the legislator intends to submit a written argument against adoption of an initiative petition that has been declared sufficient by the lieutenant governor.
  - (b) If two or more legislators timely submit a notice described in Subsection (2)(a), the speaker of the House and the president of the Senate shall, no later than July 5, jointly designate one of the legislators to submit the argument to the lieutenant governor.
- (3) The sponsors and the legislators submitting arguments shall ensure that each argument:
  - (a) does not exceed 500 words in length, not counting the information described in Subsection (5); and
  - (b) is delivered to the lieutenant governor before 5 p.m. no later than July 10.
- (4)
  - (a) If an argument for or against a measure to be submitted to the voters by initiative petition has not been filed within the time required under Subsection (3)(b):
    - (i) the Office of the Lieutenant Governor shall immediately:
      - (A) send an electronic notice that complies with the requirements of Subsection (4)(b) to each individual in the state for whom the Office of the Lieutenant Governor has an email address; or
      - (B) post a notice that complies with the requirements of Subsection (4)(b) on the home page of the lieutenant governor's website;
    - (ii) any voter may, before 5 p.m. no later than July 15, deliver written notice to the lieutenant governor that the voter intends to submit a written argument for the side on which no argument has been filed; and
    - (iii) if two or more voters timely submit the notice described in Subsection (4)(a)(ii) in relation to the same side of a measure, the lieutenant governor shall designate one of the voters to write the argument.
  - (b) A notice described in Subsection (4)(a)(i) shall contain:
    - (i) the ballot title for the measure;
    - (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and

- (iii) the deadlines described in Subsections (4)(a)(ii) and (4)(c).
- (c) Any argument prepared under this Subsection (4) shall be submitted to the lieutenant governor before 5 p.m. no later than July 20.
- (5) The lieutenant governor may not accept a ballot argument submitted under this section unless the argument lists:
  - (a) the name and address of the individual submitting the argument, if the argument is submitted by an individual voter; or
  - (b) the name and address of the organization and the names and addresses of at least two of the organization's principal officers, if the argument is submitted on behalf of an organization.
- (6)
  - (a) Except as provided in Subsection (6)(c) or (d), the authors may not amend or change the arguments after they are submitted to the lieutenant governor.
  - (b) Except as provided in Subsection (6)(c) or (d), the lieutenant governor may not alter the arguments in any way.
  - (c) The lieutenant governor and the authors of an argument described in this section may jointly modify the argument after the argument is submitted if:
    - (i) the lieutenant governor and the authors jointly agree that changes to:
      - (A) the argument must be made to correct spelling or grammatical errors; or
      - (B) properly characterize the position of a state entity, if the argument mischaracterizes the position of a state entity; and
    - (ii) the argument has not yet been submitted for typesetting.
  - (d) If, after the lieutenant governor determines that an argument described in this section mischaracterizes the position of a state entity, the lieutenant governor and the authors of the argument cannot jointly agree on a change to the argument, the lieutenant governor:
    - (i) shall publish the argument with the mischaracterization; and
    - (ii) may, immediately following the argument, publish a brief description of the position of the state entity.

Amended by Chapter 217, 2019 General Session

Amended by Chapter 255, 2019 General Session

**20A-7-705 Measures to be submitted to voters and referendum measures -- Preparation of argument of adoption.**

- (1)
  - (a) Whenever the Legislature submits any measure to the voters or whenever an act of the Legislature is referred to the voters by referendum petition, the presiding officer of the house of origin of the measure shall appoint the sponsor of the measure or act and one member of either house who voted with the majority to pass the act or submit the measure to draft an argument for the adoption of the measure.
  - (b)
    - (i) The argument may not exceed 500 words in length, not counting the information described in Subsection (4)(e).
    - (ii) If the sponsor of the measure or act desires separate arguments to be written in favor by each person appointed, separate arguments may be written but the combined length of the two arguments may not exceed 500 words, not counting the information described in Subsection (4)(e).
- (2)

- (a) If a measure or act submitted to the voters by the Legislature or by referendum petition was not adopted unanimously by the Legislature, the presiding officer of each house shall, at the same time as appointments to an argument in its favor are made, appoint one member who voted against the measure or act from their house to write an argument against the measure or act.
- (b)
  - (i) The argument may not exceed 500 words, not counting the information described in Subsection (4)(e).
  - (ii) If those members appointed to write an argument against the measure or act desire separate arguments to be written in opposition to the measure or act by each person appointed, separate arguments may be written, but the combined length of the two arguments may not exceed 500 words, not counting the information described in Subsection (4)(e).
- (3)
  - (a) The legislators appointed by the presiding officer of the Senate or House of Representatives to submit arguments shall submit the arguments to the lieutenant governor not later than the day that falls 150 days before the date of the election.
  - (b) Except as provided in Subsection (3)(d), the authors may not amend or change the arguments after they are submitted to the lieutenant governor.
  - (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the arguments in any way.
  - (d) The lieutenant governor and the authors of an argument may jointly modify an argument after it is submitted if:
    - (i) they jointly agree that changes to the argument must be made to correct spelling or grammatical errors; and
    - (ii) the argument has not yet been submitted for typesetting.
- (4)
  - (a) If an argument for or an argument against a measure submitted to the voters by the Legislature or by referendum petition has not been filed by a member of the Legislature within the time required by this section:
    - (i) the lieutenant governor shall immediately:
      - (A) send an electronic notice that complies with the requirements of Subsection (4)(b) to each individual in the state for whom the Office of the Lieutenant Governor has an email address; or
      - (B) post a notice that complies with the requirements of Subsection (4)(b) on the home page of the lieutenant governor's website; and
    - (ii) any voter may, before 5 p.m. no later than seven days after the day on which the lieutenant governor provides the notice described in Subsection (4)(a)(i), submit a written request to the presiding officer of the house in which the measure originated for permission to prepare and file an argument for the side on which no argument has been filed by a member of the Legislature.
  - (b) A notice described in Subsection (4)(a)(i) shall contain:
    - (i) the ballot title for the measure;
    - (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and
    - (iii) the deadlines described in Subsections (4)(a)(ii) and (4)(d).
  - (c)
    - (i) The presiding officer of the house of origin shall grant permission unless two or more voters timely request permission to submit arguments on the same side of a measure.

- (ii) If two or more voters timely request permission to submit arguments on the same side of a measure, the presiding officer shall, no later than four calendar days after the day of the deadline described in Subsection (4)(a)(ii), designate one of the voters to write the argument.
- (d) Any argument prepared under this Subsection (4) shall be submitted to the lieutenant governor before 5 p.m. no later than seven days after the day on which the presiding officer grants permission to submit the argument.
- (e) The lieutenant governor may not accept a ballot argument submitted under this section unless the ballot argument lists:
  - (i) the name and address of the individual submitting the argument, if the argument is submitted by an individual voter; or
  - (ii) the name and address of the organization and the names and addresses of at least two of the organization's principal officers, if the argument is submitted on behalf of an organization.
- (f) Except as provided in Subsection (4)(h), the authors may not amend or change the arguments after they are submitted to the lieutenant governor.
- (g) Except as provided in Subsection (4)(h), the lieutenant governor may not alter the arguments in any way.
- (h) The lieutenant governor and the authors of an argument may jointly modify an argument after it is submitted if:
  - (i) they jointly agree that changes to the argument must be made to:
    - (A) correct spelling or grammatical errors; or
    - (B) properly characterize the position of a state entity, if the argument mischaracterizes the position of a state entity; and
  - (ii) the argument has not yet been submitted for typesetting.
- (i) If, after the lieutenant governor determines that an argument described in this section mischaracterizes the position of a state entity, the lieutenant governor and the authors of the argument cannot jointly agree on a change to the argument, the lieutenant governor:
  - (i) shall publish the argument with the mischaracterization; and
  - (ii) may, immediately following the argument, publish a brief description of the position of the state entity.

Amended by Chapter 217, 2019 General Session

Amended by Chapter 255, 2019 General Session

**20A-7-706 Copies of arguments to be sent to opposing authors -- Rebuttal arguments.**

- (1) When the lieutenant governor has received the arguments for and against a measure to be submitted to the voters, the lieutenant governor shall immediately send copies of the arguments in favor of the measure to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor.
- (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words, not counting the information described in Subsection 20A-7-705(4)(e).
- (3)
  - (a) The rebuttal arguments shall be filed with the lieutenant governor:
    - (i) for constitutional amendments and referendum petitions, before 5 p.m. no later than 120 days before the date of the election; and
    - (ii) for initiatives, before 5 p.m. no later than July 30.

- (b) Except as provided in Subsection (3)(d), the authors may not amend or change the rebuttal arguments after they are submitted to the lieutenant governor.
- (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the arguments in any way.
- (d) The lieutenant governor and the authors of a rebuttal argument may jointly modify a rebuttal argument after it is submitted if:
  - (i) they jointly agree that changes to the rebuttal argument must be made to correct spelling or grammatical errors; and
  - (ii) the rebuttal argument has not yet been submitted for typesetting.
- (4) The lieutenant governor shall ensure that:
  - (a) rebuttal arguments are printed in the same manner as the direct arguments; and
  - (b) each rebuttal argument follows immediately after the direct argument which it seeks to rebut.

Amended by Chapter 255, 2019 General Session

## **Part 8**

### **Statewide Electronic Voter Information Website**

#### **20A-7-801 Statewide Electronic Voter Information Website Program -- Duties of the lieutenant governor -- Content -- Duties of local election officials -- Deadlines -- Frequently asked voter questions -- Other elections.**

- (1) There is established the Statewide Electronic Voter Information Website Program administered by the lieutenant governor in cooperation with the county clerks for general elections and municipal authorities for municipal elections.
- (2) In accordance with this section, and as resources become available, the lieutenant governor, in cooperation with county clerks, shall develop, establish, and maintain a state-provided Internet website designed to help inform the voters of the state of:
  - (a) the offices and candidates up for election;
  - (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments of ballot propositions submitted to the voters; and
  - (c) the status of a voter's trackable ballot, in accordance with Section 20A-3a-401.5, accessible only by the voter.
- (3) Except as provided under Subsection (6), the website shall include:
  - (a) all information currently provided in the Utah voter information pamphlet under Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and submitted by the Judicial Performance Evaluation Commission describing the judicial selection and retention process;
  - (b) on the homepage of the website, a link to the Judicial Performance Evaluation Commission's website, [judges.utah.gov](http://judges.utah.gov);
  - (c) a link to the retention recommendation made by the Judicial Performance Evaluation Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial Performance Evaluation, for each judicial appointee to a court that is subject to a retention election, in accordance with Section 20A-12-201, for the upcoming general election;
  - (d) all information submitted by election officers under Subsection (4) on local office races, local office candidates, and local ballot propositions;

- (e) a list that contains the name of a political subdivision that operates an election day voting center under Section 20A-3a-703 and the location of the election day voting center;
  - (f) other information determined appropriate by the lieutenant governor that is currently being provided by law, rule, or ordinance in relation to candidates and ballot questions;
  - (g) any differences in voting method, time, or location designated by the lieutenant governor under Subsection 20A-1-308(2); and
  - (h) an online ballot tracking system by which a voter can view the status of the voter's trackable ballot, in accordance with Section 20A-3a-401.5, including:
    - (i) when a ballot has been mailed to the voter;
    - (ii) when an election official has received the voter's ballot; and
    - (iii) when the voter's ballot has been counted.
- (4)
- (a) An election official shall submit the following information for each ballot under the election official's direct responsibility under this title:
    - (i) a list of all candidates for each office;
    - (ii) if submitted by the candidate to the election official's office before 5 p.m. no later than 45 days before the primary election or before 5 p.m. no later than 60 days before the general election:
      - (A) a statement of qualifications, not exceeding 200 words in length, for each candidate;
      - (B) the following current biographical information if desired by the candidate, current:
        - (I) age;
        - (II) occupation;
        - (III) city of residence;
        - (IV) years of residence in current city; and
        - (V) email address; and
      - (C) a single web address where voters may access more information about the candidate and the candidate's views; and
    - (iii) factual information pertaining to all ballot propositions submitted to the voters, including:
      - (A) a copy of the number and ballot title of each ballot proposition;
      - (B) the final vote cast for each ballot proposition, if any, by a legislative body if the vote was required to place the ballot proposition on the ballot;
      - (C) a complete copy of the text of each ballot proposition, with all new language underlined and all deleted language placed within brackets; and
      - (D) other factual information determined helpful by the election official.
  - (b) The information under Subsection (4)(a) shall be submitted to the lieutenant governor no later than one business day after the deadline under Subsection (4)(a) for each general election year and each municipal election year.
  - (c) The lieutenant governor shall:
    - (i) review the information submitted under this section, to determine compliance under this section, prior to placing it on the website;
    - (ii) refuse to post information submitted under this section on the website if it is not in compliance with the provisions of this section; and
    - (iii) organize, format, and arrange the information submitted under this section for the website.
  - (d) The lieutenant governor may refuse to include information the lieutenant governor determines is not in keeping with:
    - (i) Utah voter needs;
    - (ii) public decency; or
    - (iii) the purposes, organization, or uniformity of the website.

- (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with Subsection (5).
- (5)
- (a) A person whose information is refused under Subsection (4), and who is aggrieved by the determination, may appeal by submitting a written notice of appeal to the lieutenant governor before 5 p.m. within 10 business days after the date of the determination. A notice of appeal submitted under this Subsection (5)(a) shall contain:
    - (i) a listing of each objection to the lieutenant governor's determination; and
    - (ii) the basis for each objection.
  - (b) The lieutenant governor shall review the notice of appeal and shall issue a written response within 10 business days after the day on which the notice of appeal is submitted.
  - (c) An appeal of the response of the lieutenant governor shall be made to the district court, which shall review the matter de novo.
- (6)
- (a) The lieutenant governor shall ensure that each voter will be able to conveniently enter the voter's address information on the website to retrieve information on which offices, candidates, and ballot propositions will be on the voter's ballot at the next general election or municipal election.
  - (b) The information on the website will anticipate and answer frequent voter questions including the following:
    - (i) what offices are up in the current year for which the voter may cast a vote;
    - (ii) who is running for what office and who is the incumbent, if any;
    - (iii) what address each candidate may be reached at and how the candidate may be contacted;
    - (iv) for partisan races only, what, if any, is each candidate's party affiliation;
    - (v) what qualifications have been submitted by each candidate;
    - (vi) where additional information on each candidate may be obtained;
    - (vii) what ballot propositions will be on the ballot; and
    - (viii) what judges are up for retention election.
  - (7) The lieutenant governor shall ensure that each voter may conveniently enter the voter's name, date of birth, and address information on the website to retrieve information on the status of the voter's ballot if the voter's ballot is trackable under Section 20A-3a-401.5.
  - (8) As resources are made available and in cooperation with the county clerks, the lieutenant governor may expand the electronic voter information website program to include the same information as provided under this section for special elections and primary elections.

Amended by Chapter 100, 2021 General Session

## **Chapter 8**

### **Political Party Formation and Procedures**

#### **Part 1**

#### **Formation of Political Parties Recognized by the State**

#### **20A-8-101 Definitions.**

As used in this chapter:

- (1) "Continuing political party" means an organization of voters that:

- (a) participated in the last regular general election; and
  - (b) in at least one of the last two regular general elections, polled a total vote for any of its candidates for any office equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives in the same regular general election.
- (2) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the county political party, are members of the registered political party.
- (3) "Newly registered political party" means a statewide organization of voters that has complied with the petition and organizing procedures of this chapter to become a registered political party.
- (4) "Registered political party" means an organization of voters that:
- (a)
    - (i) participated in the last regular general election; and
    - (ii) in at least one of the last two regular general elections, polled a total vote for any of its candidates for any office equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives in the same regular general election; or
  - (b) has complied with the petition and organizing procedures of this chapter.
- (5) "State political party" means, for each registered political party, all of the persons in Utah who, under definitions established by the state political party, are members of the registered political party.

Amended by Chapter 292, 2012 General Session

**20A-8-102 Organization of newly registered political parties -- Rights.**

- (1) Any organization of voters whose organization did not participate in the last regular general election, or whose organization polled a total vote equivalent to less than 2% of the total vote cast for all candidates for the United States House of Representatives for any of its candidates in both of the last two regular general elections shall comply with the requirements of this chapter to become a registered political party.
- (2)
  - (a) Unless an organization of registered voters is a registered political party under this chapter, it may not place the names of candidates representing that organization upon the primary and regular general election ballots under the common organization name.
  - (b) Nothing in this subsection prohibits an organization of voters from qualifying candidates as independent candidates or as write-in candidates.

Amended by Chapter 292, 2012 General Session

**20A-8-103 Petition procedures -- Criminal penalty.**

- (1) As used in this section, the proposed name or emblem of a registered political party is "distinguishable" if a reasonable person of average intelligence will be able to perceive a difference between the proposed name or emblem and any name or emblem currently being used by another registered political party.
- (2) To become a registered political party, an organization of registered voters that is not a continuing political party shall:
- (a) circulate a petition seeking registered political party status beginning no earlier than the date of the statewide canvass held after the last regular general election and ending before 5



p.m. no later than November 30 of the year before the year in which the next regular general election will be held;

- (b) file a petition with the lieutenant governor that is signed, with a holographic signature, by at least 2,000 registered voters before 5 p.m. no later than November 30 of the year in which a regular general election will be held; and
- (c) file, with the petition described in Subsection (2)(b), a document certifying:
  - (i) the identity of one or more registered political parties whose members may vote for the organization's candidates;
  - (ii) whether unaffiliated voters may vote for the organization's candidates; and
  - (iii) whether, for the next election, the organization intends to nominate the organization's candidates in accordance with the provisions of Section 20A-9-406.

(3) The petition shall:

- (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;
- (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;
- (c) contain the name of the political party and the words "Political Party Registration Petition" printed directly below the horizontal line;
- (d) contain the word "Warning" printed directly under the words described in Subsection (3)(c);
- (e) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to knowingly sign a political party registration petition signature sheet with any name other than the individual's own name or more than once for the same party or if the individual is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor.";

- (f) contain the following statement directly under the statement described in Subsection (3)(e):  
 "POLITICAL PARTY REGISTRATION PETITION To the Honorable \_\_\_\_\_, Lieutenant Governor:

We, the undersigned citizens of Utah, seek registered political party status for \_\_\_\_\_ (name);

Each signer says:

I have personally signed this petition with a holographic signature;

I am registered to vote in Utah or will register to vote in Utah before the petition is submitted to the lieutenant governor;

I am or desire to become a member of the political party; and

My street address is written correctly after my name.";

- (g) be vertically divided into columns as follows:
  - (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;
  - (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";
  - (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of Registered Voter";
  - (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
  - (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and
  - (vi) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be certified as a valid signature if you

change your address before petition signatures are certified or if the information you provide does not match your voter registration records.";

- (h) have a final page bound to one or more signature sheets that are bound together that contains the following printed statement:

"Verification

State of Utah, County of \_\_\_\_\_

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

I am a Utah resident and am at least 18 years old;

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

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

---

(Signature) (Residence Address) (Date)"; and

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

- (i) identifies the political party's name, which may not exceed four words, and the emblem of the party;
- (ii) states the process that the organization will follow to organize and adopt a constitution and bylaws; and
- (iii) is signed by a filing officer, who agrees to receive communications on behalf of the organization.

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

- (a) is at least 18 years old;
- (b) meets the residency requirements of Section 20A-2-105; and
- (c) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.

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

- (6) The lieutenant governor shall:

- (a) determine whether the required number of voters appears on the petition;
- (b) review the proposed name and emblem to determine if they are "distinguishable" from the names and emblems of other registered political parties; and
- (c) certify the lieutenant governor's findings to the filing officer described in Subsection (3)(i)(iii) within 30 days of the filing of the petition.

- (7)

- (a) If the lieutenant governor determines that the petition meets the requirements of this section, and that the proposed name and emblem are distinguishable, the lieutenant governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the prospective political party.
- (b) If the lieutenant governor finds that the name, emblem, or both are not distinguishable from the names and emblems of other registered political parties, the lieutenant governor shall notify the filing officer that the filing officer has seven days to submit a new name or emblem to the lieutenant governor.

- (8) A registered political party may not change its name or emblem during the regular general election cycle.
- (9)
- (a) It is unlawful for an individual to:
    - (i) knowingly sign a political party registration petition:
      - (A) with any name other than the individual's own name;
      - (B) more than once for the same political party; or
      - (C) if the individual is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor; or
    - (ii) sign the verification of a political party registration petition signature sheet if the individual:
      - (A) does not meet the residency requirements of Section 20A-2-105;
      - (B) has not witnessed the signing by those individuals whose names appear on the political party registration petition signature sheet; or
      - (C) knows that an individual whose signature appears on the political party registration petition signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.
  - (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.

Amended by Chapter 255, 2019 General Session

**20A-8-106 Organization as a political party -- Certification procedures.**

- (1) Before 5 p.m. no later than March 1 of the regular general election year, the prospective political party's officers or governing board shall file the names of the party officers or governing board with the lieutenant governor.
- (2) After reviewing the information and determining that all proper procedures have been completed, the lieutenant governor shall:
  - (a) issue a certificate naming the organization as a registered political party in Utah and designating its official name; and
  - (b) inform each county clerk that the organization is a registered political party in Utah.
- (3) All election officers and state officials shall consider the organization to be and shall treat the organization as a registered political party.
- (4) The newly registered political party shall comply with all the provisions of Utah law governing political parties.
- (5)
  - (a) If the newly registered political party does not hold a national party convention, the governing board of the political party may designate the names of the party's candidates for the offices of President and Vice President of the United States and the names of the party's presidential electors to the lieutenant governor before 5 p.m. no later than August 15.
  - (b) If the party chooses to designate names, the governing board shall certify those names.

Amended by Chapter 255, 2019 General Session

**Part 4**  
**Political Party Procedures**

**20A-8-401 Registered political parties -- Bylaws -- Report name of midterm vacancy candidate.**

- (1)
- (a) Each new or unregistered state political party that seeks to become a registered political party under the authority of this chapter shall file a copy of the party's proposed constitution and bylaws at the time the party files the party's registration information.
  - (b) Each registered state political party shall file revised copies of the party's constitution or bylaws with the lieutenant governor before 5 p.m. within 15 days after the day on which the constitution or bylaws are adopted or amended.
- (2) Each state political party, each new political party seeking registration, and each unregistered political party seeking registration shall ensure that the party's constitution or bylaws contain:
- (a) provisions establishing party organization, structure, membership, and governance that include:
    - (i) a description of the position, selection process, qualifications, duties, and terms of each party officer and committees defined by constitution and bylaws;
    - (ii) a provision requiring a designated party officer to serve as liaison with:
      - (A) the lieutenant governor on all matters relating to the political party's relationship with the state; and
      - (B) each county legislative body on matters relating to the political party's relationship with a county;
    - (iii) a description of the requirements for participation in party processes;
    - (iv) the dates, times, and quorum of any regularly scheduled party meetings, conventions, or other conclaves; and
    - (v) a mechanism for making the names of delegates, candidates, and elected party officers available to the public shortly after they are selected;
  - (b) a procedure for selecting party officers that allows active participation by party members;
  - (c) a procedure for selecting party candidates at the federal, state, and county levels that allows active participation by party members;
  - (d)
    - (i) a procedure for selecting electors who are pledged to cast their votes in the electoral college for the party's candidates for president and vice president of the United States; and
    - (ii) a procedure for filling vacancies in the office of presidential elector because of death, refusal to act, failure to attend, ineligibility, or any other cause;
  - (e) a procedure for filling vacancies in the office of representative or senator or a county office, as described in Section 20A-1-508, because of death, resignation, or ineligibility;
  - (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;
  - (g) a procedure for replacing party candidates who die, acquire a disability that prevents the candidate from continuing the candidacy, or are disqualified before a primary or regular general election;
  - (h) provisions governing the deposit and expenditure of party funds, and governing the accounting for, reporting, and audit of party financial transactions;
  - (i) provisions governing access to party records;
  - (j) a procedure for amending the constitution or bylaws that allows active participation by party members or their representatives;
  - (k) a process for resolving grievances against the political party; and
  - (l) if desired by the political party, a process for consulting with, and obtaining the opinion of, the political party's Utah Senate and Utah House members about:
    - (i) the performance of the two United States Senators from Utah, including specifically:

- (A) their views and actions regarding the defense of state's rights and federalism; and
  - (B) their performance in representing Utah's interests;
  - (ii) the members' opinion about, or rating of, and support or opposition to the policy positions of any candidates for United States Senate from Utah, including incumbents, including specifically:
    - (A) their views and actions regarding the defense of state's rights and federalism; and
    - (B) their performance in representing Utah's interests; and
  - (iii) the members' collective or individual endorsement or rating of a particular candidate for United States Senate from Utah.
- (3) If, in accordance with a political party's constitution or bylaws, a person files a declaration or otherwise notifies the party of the person's candidacy as a legislative office candidate or state office candidate, as defined in Section 20A-11-101, to be appointed and fill a midterm vacancy in the office of representative or senator in the Legislature, as described in Section 20A-1-503, or in a state office as described in Section 20A-1-504, the party shall forward a copy of that declaration or notification to the lieutenant governor before 5 p.m. no later than the day following the day on which the party receives the declaration or notification.

Amended by Chapter 255, 2019 General Session

**20A-8-402 Political party officers -- Submission of names of officers to the lieutenant governor.**

- (1) Each state political party shall:
- (a) designate a party officer to act as liaison with:
    - (i) the lieutenant governor's office; and
    - (ii) each county legislative body; and
  - (b) before 5 p.m. no later than seven days after the day on which the party makes a change in the party liaison, submit the name of the new liaison to the lieutenant governor.
- (2) Each state political party and each county political party shall:
- (a) submit the name, address, and phone number of each officer to the lieutenant governor within seven days after the officers are selected; and
  - (b) before 5 p.m. no later than seven days after the day on which the party makes a change in party officers, submit the name, address, and phone number of each new officer to the lieutenant governor.

Amended by Chapter 255, 2019 General Session

**20A-8-402.5 Notification of political convention dates.**

- (1) Before 5 p.m. no later than February 15 of each even-numbered year, a registered political party shall notify the lieutenant governor of the dates of each political convention that will be held by the registered political party that year.
- (2) If, after providing the notice described in Subsection (1), a registered political party changes the date of a political convention, the registered political party shall notify the lieutenant governor of the change before 5 p.m. no later than one business day after the day on which the registered political party makes the change.

Amended by Chapter 255, 2019 General Session

**20A-8-403 Political parties -- Certification.**

When this title requires that a registered political party certify information to the lieutenant governor, the registered political party has met that requirement if the information is signed by the registered political party's designated liaison or the registered political party's chair.

Enacted by Chapter 182, 1997 General Session

**20A-8-404 Use of public meeting buildings by political parties.**

- (1) The legislative body of a county, municipality, or school district shall make all meeting facilities in buildings under its control available to registered political parties, without discrimination, to be used for political party activities if:
  - (a) the political party requests the use of the meeting facility before 5 p.m. no later than 30 calendar days before the day on which the use by the political party will take place; and
  - (b) the meeting facility is not already scheduled for another purpose at the time of the proposed use.
- (2) Subject to the requirements of Subsection (3), when a legislative body makes a meeting facility available under Subsection (1), it may establish terms and conditions for use of that meeting facility.
- (3) The charge imposed for the use of a meeting facility described in Subsection (1) by a registered political party may not exceed the actual cost of:
  - (a) custodial services for cleaning the meeting facility after the use by the political party; and
  - (b) any service requested by the political party and provided by the meeting facility.
- (4) An entity described in Subsection (1) shall, to the extent possible, avoid scheduling an event in a government building for the same evening as an announced party caucus meeting.
- (5) This section does not apply to a publicly owned or operated convention center, sports arena, or other facility at which conventions, conferences, and other gatherings are held and whose primary business or function is to host such conventions, conferences, and other gatherings.

Amended by Chapter 255, 2019 General Session

**Chapter 9**  
**Candidate Qualifications and Nominating Procedures**

**Part 1**  
**General Requirements**

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

As used in this chapter:

- (1)
  - (a) "Candidates for elective office" means persons who file a declaration of candidacy under Section 20A-9-202 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office.
  - (b) "Candidates for elective office" does not mean candidates for:
    - (i) justice or judge of court of record or not of record;
    - (ii) presidential elector;
    - (iii) any political party offices; and

- (iv) municipal or local district offices.
- (2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.
- (3) "Continuing political party" means the same as that term is defined in Section 20A-8-101.
- (4)
  - (a) "County office" means an elective office where the officeholder is selected by voters entirely within one county.
  - (b) "County office" does not mean:
    - (i) the office of justice or judge of any court of record or not of record;
    - (ii) the office of presidential elector;
    - (iii) any political party offices;
    - (iv) any municipal or local district offices; and
    - (v) the office of United States Senator and United States Representative.
- (5) "Federal office" means an elective office for United States Senator and United States Representative.
- (6) "Filing officer" means:
  - (a) the lieutenant governor, for:
    - (i) the office of United States Senator and United States Representative; and
    - (ii) all constitutional offices;
  - (b) for the office of a state senator or state representative, the lieutenant governor or the applicable clerk described in Subsection (6)(c) or (d);
  - (c) the county clerk, for county offices and local school district offices;
  - (d) the county clerk in the filer's county of residence, for multicounty offices;
  - (e) the city or town clerk, for municipal offices; or
  - (f) the local district clerk, for local district offices.
- (7) "Local district office" means an elected office in a local district.
- (8) "Local government office" includes county offices, municipal offices, and local district offices and other elective offices selected by the voters from a political division entirely within one county.
- (9)
  - (a) "Multicounty office" means an elective office where the officeholder is selected by the voters from more than one county.
  - (b) "Multicounty office" does not mean:
    - (i) a county office;
    - (ii) a federal office;
    - (iii) the office of justice or judge of any court of record or not of record;
    - (iv) the office of presidential elector;
    - (v) any political party offices; or
    - (vi) any municipal or local district offices.
- (10) "Municipal office" means an elective office in a municipality.
- (11)
  - (a) "Political division" means a geographic unit from which an officeholder is elected and that an officeholder represents.
  - (b) "Political division" includes a county, a city, a town, a local district, a school district, a legislative district, and a county prosecution district.
- (12) "Qualified political party" means a registered political party that:
  - (a)

- (i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or
- (ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;
- (b) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;
- (c) permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:
  - (i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or
  - (ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and
- (d)
  - (i) if the registered political party is a continuing political party, no later than 5 p.m. on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406; or
  - (ii) if the registered political party is not a continuing political party, certifies at the time that the registered political party files the petition described in Section 20A-8-103 that, for the next election, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406.

Amended by Chapter 344, 2020 General Session

## Part 2 Candidate Qualifications and Declarations of Candidacy

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

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



- (i) An individual may file a declaration of candidacy for, or be a candidate for, president or vice president of the United States and another office, if the individual resigns the individual's candidacy for the other office after the individual is officially nominated for president or vice president of the United States.
  - (ii) An individual may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.
  - (iii) An individual may file a declaration of candidacy for lieutenant governor even if the individual filed a declaration of candidacy for another office in the same election year if the individual withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.
- (3)
- (a) Except for a candidate for president or vice president of the United States, before the filing officer may accept any declaration of candidacy, the filing officer shall:
    - (i) read to the individual the constitutional and statutory qualification requirements for the office that the individual is seeking;
    - (ii) require the individual to state whether the individual meets the requirements described in Subsection (3)(a)(i);
    - (iii) if the declaration of candidacy is for a county office, inform the individual that an individual who holds a county elected office may not, at the same time, hold a municipal elected office; and
    - (iv) if the declaration of candidacy is for a legislative office, inform the individual that Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit or trust, under authority of the United States or Utah, from being a member of the Legislature.
  - (b) Before accepting a declaration of candidacy for the office of county attorney, the county clerk shall ensure that the individual filing that declaration of candidacy is:
    - (i) a United States citizen;
    - (ii) an attorney licensed to practice law in the state who is an active member in good standing of the Utah State Bar;
    - (iii) a registered voter in the county in which the individual is seeking office; and
    - (iv) a current resident of the county in which the individual is seeking office and either has been a resident of that county for at least one year or was appointed and is currently serving as county attorney and became a resident of the county within 30 days after appointment to the office.
  - (c) Before accepting a declaration of candidacy for the office of district attorney, the county clerk shall ensure that, as of the date of the election, the individual filing that declaration of candidacy is:
    - (i) a United States citizen;
    - (ii) an attorney licensed to practice law in the state who is an active member in good standing of the Utah State Bar;
    - (iii) a registered voter in the prosecution district in which the individual is seeking office; and
    - (iv) a current resident of the prosecution district in which the individual is seeking office and either will have been a resident of that prosecution district for at least one year as of the date of the election or was appointed and is currently serving as district attorney and became a resident of the prosecution district within 30 days after receiving appointment to the office.
  - (d) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall ensure that the individual filing the declaration:
    - (i) is a United States citizen;

- (ii) is a registered voter in the county in which the individual seeks office;
  - (iii)
    - (A) has successfully met the standards and training requirements established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or
    - (B) has met the waiver requirements in Section 53-6-206;
  - (iv) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and
  - (v) as of the date of the election, will have been a resident of the county in which the individual seeks office for at least one year.
- (e) Before accepting a declaration of candidacy for the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state legislator, or State Board of Education member, the filing officer shall ensure that the individual filing the declaration of candidacy also makes the conflict of interest disclosure described in Section 20A-11-1603.
- (4) If an individual who files a declaration of candidacy does not meet the qualification requirements for the office the individual is seeking, the filing officer may not accept the individual's declaration of candidacy.
- (5) If an individual who files a declaration of candidacy meets the requirements described in Subsection (3), the filing officer shall:
- (a) inform the individual that:
    - (i) the individual's name will appear on the ballot as the individual's name is written on the individual's declaration of candidacy;
    - (ii) the individual may be required to comply with state or local campaign finance disclosure laws; and
    - (iii) the individual is required to file a financial statement before the individual's political convention under:
      - (A) Section 20A-11-204 for a candidate for constitutional office;
      - (B) Section 20A-11-303 for a candidate for the Legislature; or
      - (C) local campaign finance disclosure laws, if applicable;
  - (b) except for a presidential candidate, provide the individual with a copy of the current campaign financial disclosure laws for the office the individual is seeking and inform the individual that failure to comply will result in disqualification as a candidate and removal of the individual's name from the ballot;
  - (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the individual of the submission deadline under Subsection 20A-7-801(4)(a);
  - (d) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:
    - (i) signing the pledge is voluntary; and
    - (ii) signed pledges shall be filed with the filing officer;
  - (e) accept the individual's declaration of candidacy; and
  - (f) if the individual has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the individual is a member.
- (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
- (a) accept the candidate's pledge; and
  - (b) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.

- (7)
- (a) Except for a candidate for president or vice president of the United States, the form of the declaration of candidacy shall:
- (i) be substantially as follows:
- "State of Utah, County of \_\_\_\_\_
- I, \_\_\_\_\_, declare my candidacy for the office of \_\_\_\_\_, seeking the nomination of the \_\_\_\_\_ party. I do solemnly swear, under penalty of perjury, that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_ Phone No. \_\_\_\_\_; I will not knowingly violate any law governing campaigns and elections; if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is \_\_\_\_\_.
- 
- Subscribed and sworn before me this \_\_\_\_\_(month\day\year).
- Notary Public (or other officer qualified to administer oath)."; and
- (ii) require the candidate to state, in the sworn statement described in Subsection (7)(a)(i):
- (A) the registered political party of which the candidate is a member; or
- (B) that the candidate is not a member of a registered political party.
- (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.
- (8)
- (a) Except for a candidate for president or vice president of the United States, the fee for filing a declaration of candidacy is:
- (i) \$50 for candidates for the local school district board; and
- (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office for all other federal, state, and county offices.
- (b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:
- (i) who is disqualified; or
- (ii) who the filing officer determines has filed improperly.
- (c)
- (i) The county clerk shall immediately pay to the county treasurer all fees received from candidates.
- (ii) The lieutenant governor shall:
- (A) apportion to and pay to the county treasurers of the various counties all fees received for filing of nomination certificates or acceptances; and
- (B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor from the congressional district that the total vote of that county for all candidates for representative in Congress bears to the total vote of all counties within the congressional district for all candidates for representative in Congress.
- (d)
- (i) A person who is unable to pay the filing fee may file a declaration of candidacy without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer, a financial statement filed at the time the affidavit is submitted.
- (ii) A person who is able to pay the filing fee may not claim impecuniosity.

(iii)

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

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

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

"Affidavit of Impecuniosity  
 Individual Name \_\_\_\_\_ Address \_\_\_\_\_  
 Phone Number \_\_\_\_\_  
 I, \_\_\_\_\_ (name), do solemnly [swear] [affirm], under penalty of law for false statements, that, owing to my poverty, I am unable to pay the filing fee required by law.  
 Date \_\_\_\_\_  
 Signature \_\_\_\_\_ Affiant  
 Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)  
 \_\_\_\_\_ (signature)

Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_".

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

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

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

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

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

Amended by Chapter 20, 2021 General Session  
Amended by Chapter 183, 2021 General Session

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

(1)

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

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

(ii) pay the filing fee.

- (b) Unless expressly provided otherwise in this title, for a registered political party that is not a qualified political party, the deadline for filing a declaration of candidacy for an elective office that is to be filled at the next regular general election is 5 p.m. on the first Monday after the third Saturday in April.
  - (c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file a declaration of candidacy with the filing officer if:
    - (i) the individual is located outside of the state during the entire filing period;
    - (ii) the designated agent appears in person before the filing officer;
    - (iii) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other; and
    - (iv) the individual provides the filing officer with an email address to which the filing officer may send the individual the copies described in Subsection 20A-9-201(5).
  - (d) Each county clerk who receives a declaration of candidacy from a candidate for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the lieutenant governor within one business day after the candidate files the declaration of candidacy.
  - (e) Each day during the filing period, each county clerk shall notify the lieutenant governor electronically or by telephone of candidates who have filed a declaration of candidacy with the county clerk.
  - (f) Each individual seeking the office of lieutenant governor, the office of district attorney, or the office of president or vice president of the United States shall comply with the specific declaration of candidacy requirements established by this section.
- (2)
- (a) Each individual intending to become a candidate for the office of district attorney within a multicounty prosecution district that is to be filled at the next regular general election shall:
    - (i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the prosecution district on or after January 1 of the regular general election year, and before the individual circulates nomination petitions under Section 20A-9-405; and
    - (ii) pay the filing fee.
  - (b) The designated clerk shall provide to the county clerk of each county in the prosecution district a certified copy of each declaration of candidacy filed for the office of district attorney.
- (3)
- (a) Before the deadline described in Subsection (1)(b), each lieutenant governor candidate shall:
    - (i) file a declaration of candidacy with the lieutenant governor;
    - (ii) pay the filing fee; and
    - (iii) submit a letter from a candidate for governor who has received certification for the primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate as a joint-ticket running mate.
  - (b)
    - (i) A candidate for lieutenant governor who fails to timely file is disqualified.
    - (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to replace the disqualified candidate.
- (4) Before 5 p.m. no later than August 31, each registered political party shall:
- (a) certify the names of the political party's candidates for president and vice president of the United States to the lieutenant governor; or
  - (b) provide written authorization for the lieutenant governor to accept the certification of candidates for president and vice president of the United States from the national office of the registered political party.

- (5)
- (a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the clerk or lieutenant governor before 5 p.m. on the last business day that is at least 10 days before the deadline described in Subsection 20A-9-409(4)(c).
  - (b) If an objection is made, the clerk or lieutenant governor shall:
    - (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
    - (ii) decide any objection within 48 hours after it is filed.
  - (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by amending the declaration or petition before 5 p.m. within three days after the day on which the objection is sustained or by filing a new declaration before 5 p.m. within three days after the day on which the objection is sustained.
  - (d)
    - (i) The clerk's or lieutenant governor's decision upon objections to form is final.
    - (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable by a district court if prompt application is made to the court.
    - (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.
- (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk.
- (7)
- (a) Except for a candidate who is certified by a registered political party under Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later than August 31 of a general election year, each individual running as a candidate for vice president of the United States shall:
    - (i) file a declaration of candidacy, in person or via a designated agent, on a form developed by the lieutenant governor, that:
      - (A) contains the individual's name, address, and telephone number;
      - (B) states that the individual meets the qualifications for the office of vice president of the United States;
      - (C) names the presidential candidate, who has qualified for the general election ballot, with which the individual is running as a joint-ticket running mate;
      - (D) states that the individual agrees to be the running mate of the presidential candidate described in Subsection (7)(a)(i)(C); and
      - (E) contains any other necessary information identified by the lieutenant governor;
    - (ii) pay the filing fee; and
    - (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C) that names the individual as a joint-ticket running mate as a vice presidential candidate.
  - (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of candidacy.
  - (c) A vice presidential candidate who fails to meet the requirements described in this Subsection (7) may not appear on the general election ballot.
- (8) An individual filing a declaration of candidacy for president or vice president of the United States shall pay a filing fee of \$500.

Amended by Chapter 183, 2021 General Session

**20A-9-202.5 Declaration of candidacy -- Presidential primary election.**

- (1) As used in this section:

- (a) "Presidential candidate" means a person seeking nomination for President of the United States from a Utah registered political party.
  - (b) "Utah registered political party" means a political party that has complied with the requirements of Chapter 8, Political Party Formation and Procedures, to become a political party officially recognized by the state.
- (2) Each presidential candidate, or the candidate's designated agent, shall file a declaration of candidacy with the lieutenant governor as provided in Section 20A-9-803, for participation in the presidential primary election.

Amended by Chapter 433, 2019 General Session

**20A-9-203 Declarations of candidacy -- Municipal general elections.**

- (1) An individual may become a candidate for any municipal office if:
- (a) the individual is a registered voter; and
  - (b)
    - (i) the individual has resided within the municipality in which the individual seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or
    - (ii) the territory in which the individual resides was annexed into the municipality, the individual has resided within the annexed territory or the municipality the 12 consecutive months immediately before the date of the election.
- (2)
- (a) For purposes of determining whether an individual meets the residency requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months before the election, the municipality is considered to have been incorporated 12 months before the date of the election.
  - (b) In addition to the requirements of Subsection (1), each candidate for a municipal council position shall, if elected from a district, be a resident of the council district from which the candidate is elected.
  - (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent individual, an individual convicted of a felony, or an individual convicted of treason or a crime against the elective franchise may not hold office in this state until the right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.
- (3)
- (a) An individual seeking to become a candidate for a municipal office shall, regardless of the nomination method by which the individual is seeking to become a candidate:
    - (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a declaration of candidacy, in person with the city recorder or town clerk, during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year; and
    - (ii) pay the filing fee, if one is required by municipal ordinance.
  - (b) Subject to Subsection (5)(b), an individual may designate an agent to file a declaration of candidacy with the city recorder or town clerk if:
    - (i) the individual is located outside of the state during the entire filing period;
    - (ii) the designated agent appears in person before the city recorder or town clerk;
    - (iii) the individual communicates with the city recorder or town clerk using an electronic device that allows the individual and city recorder or town clerk to see and hear each other; and

- (iv) the individual provides the city recorder or town clerk with an email address to which the city recorder or town clerk may send the individual the copies described in Subsection (4).
- (c) Any resident of a municipality may nominate a candidate for a municipal office by:
  - (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support of the nomination petition of the lesser of at least:
    - (A) 25 registered voters who reside in the municipality; or
    - (B) 20% of the registered voters who reside in the municipality; and
  - (ii) paying the filing fee, if one is required by municipal ordinance.
- (4)
  - (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:
    - (i) read to the prospective candidate or individual filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking;
    - (ii) require the candidate or individual filing the petition to state whether the candidate meets the requirements described in Subsection (4)(a)(i); and
    - (iii) inform the candidate or the individual filing the petition that an individual who holds a municipal elected office may not, at the same time, hold a county elected office.
  - (b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.
  - (c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall:
    - (i) inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy;
    - (ii) provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;
    - (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);
    - (iv) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:
      - (A) signing the pledge is voluntary; and
      - (B) signed pledges shall be filed with the filing officer; and
    - (v) accept the declaration of candidacy or nomination petition.
  - (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
    - (i) accept the candidate's pledge; and
    - (ii) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.
- (5)
  - (a) The declaration of candidacy shall be in substantially the following form:
 

"I, (print name) \_\_\_\_\_, being first sworn and under penalty of perjury, say that I reside at \_\_\_\_\_ Street, City of \_\_\_\_\_, County of \_\_\_\_\_, state of Utah, Zip Code \_\_\_\_\_, Telephone Number (if any) \_\_\_\_\_; that I am a registered voter; and that I am a candidate for the office of \_\_\_\_\_ (stating the term). I will meet the legal qualifications required of candidates for this office. If filing via a designated agent, I attest that I will be out of the state of Utah during the entire



candidate filing period. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots. (Signed) \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this \_\_\_\_\_(month \day\year).

(Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)."

- (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may not sign the form described in Subsection (5)(a).
- (c)
- (i) A nomination petition shall be in substantially the following form:  
 "NOMINATION PETITION  
 The undersigned residents of (name of municipality), being registered voters, nominate (name of nominee) for the office of (name of office) for the (length of term of office)."
- (ii) The remainder of the petition shall contain lines and columns for the signatures of individuals signing the petition and each individual's address and phone number.
- (6) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two-year or four-year term, the clerk shall consider the nomination to be for the four-year term.
- (7)
- (a) The clerk shall verify with the county clerk that all candidates are registered voters.
- (b) Any candidate who is not registered to vote is disqualified and the clerk may not print the candidate's name on the ballot.
- (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:
- (a) publicize a list of the names of the candidates as they will appear on the ballot:
- (i)
- (A) by publishing the list in at least two successive publications of a newspaper of general circulation in the municipality;
- (B) by posting one copy of the list, and at least one additional copy of the list per 2,000 population of the municipality, in places within the municipality that are most likely to give notice to the voters in the municipality, subject to a maximum of 10 lists; or
- (C) by mailing the list to each registered voter in the municipality;
- (ii) by posting the list on the Utah Public Notice Website, created in Section 63A-16-601, for seven days; and
- (iii) if the municipality has a website, by posting the list on the municipality's website for seven days; and
- (b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.
- (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of candidacy or nomination petition filed under this section after the candidate filing period ends.
- (10)
- (a) A declaration of candidacy or nomination petition that an individual files under this section is valid unless a person files a written objection with the clerk before 5 p.m. within 10 days after the last day for filing.
- (b) If a person files an objection, the clerk shall:
- (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
- (ii) decide any objection within 48 hours after the objection is filed.

- (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days after the day on which the clerk sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, or by filing a new declaration of candidacy.
  - (d)
    - (i) The clerk's decision upon objections to form is final.
    - (ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.
    - (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.
- (11) A candidate who qualifies for the ballot under this section may withdraw as a candidate by filing a written affidavit with the municipal clerk.

Amended by Chapter 15, 2021 Special Session 1

**20A-9-203.5 Requirement to post candidate information on website.**

The clerk of a county or a municipality shall, within three business days after the day on which the clerk accepts a declaration of candidacy, post the following information on the website of the county or municipality:

- (1) the name and campaign contact information of the candidate; and
- (2) the office that the candidate is seeking.

Enacted by Chapter 48, 2016 General Session

**20A-9-204 Inducements not to become candidate.**

- (1)
  - (a) It is unlawful for any person to pay or reward, or promise to pay or reward, another in any manner or form for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.
  - (b) It is unlawful for any person to solicit any payment, promise, or reward from another for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.
- (2) Any person who violates this section is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1994 General Session

**20A-9-206 Fair campaign practices -- Voluntary pledge -- Pledge is a public record -- Retention requirements.**

- (1) Each person seeking to become a candidate for any elective office that is to be filled at the next election shall be provided with a copy of the pledge of fair campaign practices.
- (2) The pledge shall be in the following form:

**"PLEDGE OF FAIR CAMPAIGN PRACTICES**

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of Utah has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their right to a free election, and that the will of the people may be fully and clearly expressed on the issues.

**THEREFORE:**

I SHALL conduct my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing, without fear or favor, the record and policies of my opponents that I believe merit criticism.

I SHALL NOT use, nor shall I permit the use of, scurrilous attacks on any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of, defamation, libel, or slander against any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of, any other criticism of any candidate or the candidate's immediate family that I do not believe to be truthful, provable, and relevant to my campaign.

I SHALL NOT use, nor shall I permit the use of, any practice that tends to corrupt or undermine our American system of free elections, or that hinders or prevents the free expression of the will of the voters, including practices intended to hinder or prevent any eligible person from registering to vote or voting.

I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees or volunteers.

I SHALL immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods in violation of the letter or spirit of this pledge. I shall accept responsibility to take firm action against any subordinate who violates any provision of this pledge or the laws governing elections.

I SHALL defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of Utah, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices."

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- (3) The filing officer shall print, or cause to be printed, blank forms of the pledge to be distributed to persons filing a declaration of candidacy.
- (4) A pledge that is submitted for filing by a candidate is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.
- (5) The filing officer shall:
  - (a) accept all signed pledges that are submitted for filing; and
  - (b) retain each filed pledge for public inspection for 30 calendar days after the election.
- (6) A candidate may not be required to subscribe to, endorse, or sign the pledge of fair campaign practices.

Amended by Chapter 202, 2009 General Session

## **Part 4 Primary Elections**

### **20A-9-401 Primary elections.**

- (1) This part shall be construed liberally so as to ensure full opportunity for persons to become candidates and for voters to express their choice.

- (2) This part may not be construed to govern or regulate the internal procedures of a registered political party.

Enacted by Chapter 1, 1994 General Session

**20A-9-402 General requirements for all primary elections.**

- (1) Except as provided in Subsection (2), the lieutenant governor, county clerks, and election judges shall follow the procedures and requirements of this title in administering primary elections.
- (2) If there is any conflict between any provision of this part and any other sections in Title 20A, Election Code, this part takes precedence.

Amended by Chapter 3, 1996 Special Session 2

Amended by Chapter 3, 1996 Special Session 2

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

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

- (ii) An organization that is seeking to become a registered political party under Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered political party files the petition described in Section 20A-8-103.
- (3)
- (a) Except as provided in Subsection (3)(e), an individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the individual is certified by the appropriate filing officer as having submitted a set of nomination petitions that was:
    - (i) circulated and completed in accordance with Section 20A-9-405; and
    - (ii) signed by at least 2% of the registered political party's members who reside in the political division of the office that the individual seeks.
  - (b)
    - (i) A candidate for elective office shall submit nomination petitions to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March.
    - (ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.
  - (c)
    - (i) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting the aggregate number of individuals residing in each elective office's political division who have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.
    - (ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.
  - (d) The filing officer shall:
    - (i) verify signatures on nomination petitions in a transparent and orderly manner, no later than 14 days after the day on which a candidate submits the signatures to the filing officer;
    - (ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline described in Subsection 20A-9-202(1)(b);
    - (iii) consider active and inactive voters eligible to sign nomination petitions;
    - (iv) consider an individual who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the individual's party membership on the individual's voter registration form; and
    - (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection (3)(f).
  - (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).
  - (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, may make rules that:
    - (i) provide for the use of statistical sampling procedures that:
      - (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

- (B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and
- (ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.
- (g) The county clerk shall:
  - (i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;
  - (ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and
  - (iii) determine the order of the local board of education candidates' names on the ballot in accordance with Section 20A-6-305.
- (4)
  - (a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant governor shall provide to the county clerks:
    - (i) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; and
    - (ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude the unopposed candidates from the primary election ballot.
  - (b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary election ballot.
  - (c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially the following form:
 

"Notice is given that a primary election will be held Tuesday, June \_\_\_\_\_, \_\_\_\_\_(year), to nominate party candidates for the parties and candidates for nonpartisan local school board positions listed on the primary ballot. The polling place for voting precinct \_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk."
- (5)
  - (a) A candidate who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:
    - (i) nominated for that office by the candidate's registered political party; or
    - (ii) for a nonpartisan local school board position, nominated for that office.
  - (b) If two or more candidates are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of the candidates' party for those positions.
  - (c)
    - (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:
      - (A) no individual other than the candidate receives a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office; or
      - (B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3) for the regular primary election

of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.

- (ii) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary election ballot.
- (6)
  - (a) When a tie vote occurs in any primary election for any national, state, 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 and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.
  - (b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.
- (7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.
- (8) An individual may not file a declaration of candidacy for a registered political party of which the individual is not a member, except to the extent that the registered political party permits otherwise under the registered political party's bylaws.

Amended by Chapter 22, 2020 General Session

#### **20A-9-404 Municipal primary elections.**

- (1)
  - (a) Except as otherwise provided in this section or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all municipalities shall be nominated at a municipal primary election.
  - (b) Municipal primary elections shall be held:
    - (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first Monday in the August before the regular municipal election; and
    - (ii) whenever possible, at the same polling places as the regular municipal election.
- (2) Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, if the number of candidates for a particular municipal office does not exceed twice the number of individuals needed to fill that office, a primary election for that office may not be held and the candidates are considered nominated.
- (3)
  - (a) For purposes of this Subsection (3), "convention" means an organized assembly of voters or delegates.
  - (b)
    - (i) By ordinance adopted before the May 1 that falls before a regular municipal election, any third, fourth, or fifth class city or town may exempt itself from a primary election by providing that the nomination of candidates for municipal office to be voted upon at a municipal election be nominated by a municipal party convention or committee.
    - (ii) The municipal party convention or committee described in Subsection (3)(b)(i) shall be held on or before May 30 of an odd-numbered year.

(iii) Any primary election exemption ordinance adopted under this Subsection (3) remains in effect until repealed by ordinance.

(c)

(i) A convention or committee may not nominate more than one candidate for each of the municipal offices to be voted upon at the municipal election.

(ii) A convention or committee may not nominate an individual who has accepted the nomination of a different convention or committee.

(iii) A municipal party may not have more than one group of candidates placed upon the ballot and may not group the same candidates on different tickets by the same party under a different name or emblem.

(d)

(i) On or before May 31 of an odd-numbered year, a convention or committee shall prepare and submit to the filing officer a certificate of nomination for each individual nominated.

(ii) The certificate of nomination shall:

(A) contain the name of the office for which each individual is nominated, the name, post office address, and, if in a city, the street number of residence and place of business, if any, of each individual nominated;

(B) designate in not more than five words the party that the convention or committee represents;

(C) contain a copy of the resolution passed at the convention that authorized the committee to make the nomination;

(D) contain a statement certifying that the name of the candidate nominated by the political party will not appear on the ballot as a candidate for any other political party;

(E) be signed by the presiding officer and secretary of the convention or committee; and

(F) contain a statement identifying the residence and post office address of the presiding officer and secretary and certifying that the presiding officer and secretary were officers of the convention or committee and that the certificates are true to the best of their knowledge and belief.

(iii) A candidate nominated by a municipal party convention or committee shall file a declaration with the filing officer in accordance with Subsection 20A-9-203(3) that includes:

(A) the name of the municipal party or convention that nominated the candidate; and

(B) the office for which the convention or committee nominated the candidate.

(e) A committee appointed at a convention, if authorized by an enabling resolution, may also make nominations or fill vacancies in nominations made at a convention if the committee makes the nomination before the deadline for a write-in candidate to file a declaration of candidacy under Section 20A-9-601.

(f) The election ballot shall substantially comply with the form prescribed in Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall be included with the candidate's name.

(4)

(a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the May 1 that falls before the regular municipal election that:

(i) exempts the city or town from the other methods of nominating candidates to municipal office provided in this section; and

(ii) provides for a municipal partisan convention method of nominating candidates as provided in this Subsection (4).

(b)



- (i) Any party that was a registered political party at the last regular general election or regular municipal election is a municipal political party under this section.
- (ii) Any political party may qualify as a municipal political party by presenting a petition to the city recorder that:
  - (A) is signed, with a holographic signature, by registered voters within the municipality equal to at least 20% of the number of votes cast for all candidates for mayor in the last municipal election at which a mayor was elected;
  - (B) is filed with the city recorder or town clerk before 5 p.m. no later than the day before the day on which the municipal party holds a convention to nominate a candidate under this Subsection (4);
  - (C) is substantially similar to the form of the signature sheets described in Section 20A-7-303; and
  - (D) contains the name of the municipal political party using not more than five words.
- (c)
  - (i) If the number of candidates for a particular office does not exceed twice the number of offices to be filled at the regular municipal election, no primary election for that office shall be held and the candidates are considered to be nominated.
  - (ii) If the number of candidates for a particular office exceeds twice the number of offices to be filled at the regular municipal election, those candidates for municipal office shall be nominated at a municipal primary election.
- (d) The clerk shall ensure that the partisan municipal primary ballot is similar to the ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.
- (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the blank ballot box.
- (f) Immediately after the canvass, the election judges shall, without examination, destroy the tickets deposited in the blank ballot box.

Amended by Chapter 142, 2019 General Session

Amended by Chapter 142, 2019 General Session, (Coordination Clause)

Amended by Chapter 255, 2019 General Session

**20A-9-405 Nomination petitions for regular primary elections.**

- (1) This section shall apply to the form and circulation of nomination petitions for regular primary elections described in Subsection 20A-9-403(3)(a).
- (2) A candidate for elective office, and the agents of the candidate, may not circulate nomination petitions until the candidate has submitted a declaration of candidacy in accordance with Subsection 20A-9-202(1).
- (3) The nomination petitions shall be in substantially the following form:
  - (a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;
  - (b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for purposes of binding;
  - (c) the petition shall be headed by a caption stating the purpose of the petition and the name of the proposed candidate;
  - (d) the petition shall feature the word "Warning" followed by the following statement in no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination signature sheet with any name other than the person's own name or more than once for the same candidate or if the person is not registered to vote in this state"

and does not intend to become registered to vote in this state before signatures are certified by a filing officer.";

- (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively numbered one through 10;
  - (f) the signature portion of the petition shall be divided into columns headed by the following titles:
    - (i) Registered Voter's Printed Name;
    - (ii) Signature of Registered Voter;
    - (iii) Party Affiliation of Registered Voter;
    - (iv) Birth Date or Age (Optional);
    - (v) Street Address, City, Zip Code; and
    - (vi) Date of Signature; and
  - (g) a photograph of the candidate may appear on the nomination petition.
- (4) If one or more nomination petitions are bound together, a page shall be bound to the nomination petition(s) that features the following printed verification statement to be signed and dated by the petition circulator:
- "Verification  
State of Utah, County of \_\_\_\_\_  
I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:  
I am a Utah resident and am at least 18 years old;  
All the names that appear on the signature sheets bound to this page were, to the best of my knowledge, signed by the persons who professed to be the persons whose names appear on the signature sheets, and each of them signed the person's name on the signature sheets in my presence;  
I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah or will register to vote in Utah before the county clerk certifies the signatures on the signature sheet."
- (5) The lieutenant governor shall prepare and make public model nomination petition forms and associated instructions.
  - (6) A nomination petition circulator must be at least 18 years old and a resident of the state, but may affiliate with any political party.
  - (7) It is unlawful for any person to:
    - (a) knowingly sign the nomination petition sheet described in Subsection (3):
      - (i) with any name other than the person's own name;
      - (ii) more than once for the same candidate; or
      - (iii) if the person is not registered to vote in this state and does not intend to become registered to vote in this state prior to 5 p.m. on the final day in March;
    - (b) sign the verification of a certificate of nomination signature sheet described in Subsection (4) if the person:
      - (i) does not meet the residency requirements of Section 20A-2-105;
      - (ii) has not witnessed the signing by those persons whose names appear on the certificate of nomination signature sheet; or
      - (iii) knows that a person whose signature appears on the certificate of nomination signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state;
    - (c) pay compensation to any person to sign a nomination petition; or

- (d) pay compensation to any person to circulate a nomination petition, if the compensation is based directly on the number of signatures submitted to a filing officer rather than on the number of signatures verified or on some other basis.
- (8) Any person violating Subsection (7) is guilty of a class A misdemeanor.
- (9) Withdrawal of petition signatures shall not be permitted.

Amended by Chapter 281, 2018 General Session

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

The following provisions apply to a qualified political party:

- (1) the qualified political party shall, no later than 5 p.m. on November 30 of each odd-numbered year, certify to the lieutenant governor the identity of one or more registered political parties whose members may vote for the qualified political party's candidates and whether unaffiliated voters may vote for the qualified political party's candidates;
- (2) the following provisions do not apply to a nomination for the qualified political party:
  - (a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a);
  - (b) Subsection 20A-9-403(5)(c); and
  - (c) Section 20A-9-405;
- (3) an individual may only seek the nomination of the qualified political party by using a method described in Section 20A-9-407, Section 20A-9-408, or both;
- (4) the qualified political party shall comply with the provisions of Sections 20A-9-407, 20A-9-408, and 20A-9-409;
- (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), each election officer shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated by a qualified political party:
  - (a) under the qualified political party's name , if any; or
  - (b) under the title of the qualified registered political party as designated by the qualified political party in the certification described in Subsection (1), or, if none is designated, then under some suitable title;
- (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for ballots in regular general elections, that each candidate who is nominated by the qualified political party is listed by party;
- (7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that the party designation of each candidate who is nominated by the qualified political party is displayed adjacent to the candidate's name on a mechanical ballot;
- (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also includes an individual who files a declaration of candidacy under Section 20A-9-407 or 20A-9-408 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office;
- (9) an individual who is nominated by, or seeking the nomination of, the qualified political party is not required to comply with Subsection 20A-9-201(1)(c);
- (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled to have each of the qualified political party's candidates for elective office appear on the primary ballot of the qualified political party with an indication that each candidate is a candidate for the qualified political party;
- (11) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include on the list provided by the lieutenant governor to the county clerks:

- (a) the names of all candidates of the qualified political party for federal, constitutional, multicounty, and county offices; and
  - (b) the names of unopposed candidates for elective office who have been nominated by the qualified political party and instruct the county clerks to exclude such candidates from the primary-election ballot;
- (12) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an elective office in the regular primary election of the qualified political party is nominated by the party for that office without appearing on the primary ballot; and
- (13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section 20A-9-405, the qualified political party is entitled to have the names of its candidates for elective office featured with party affiliation on the ballot at a regular general election.

Amended by Chapter 22, 2020 General Session

Amended by Chapter 31, 2020 General Session

Amended by Chapter 49, 2020 General Session

**20A-9-407 Convention process to seek the nomination of a qualified political party.**

- (1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of a qualified political party for an elective office through the qualified political party's convention process.
- (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as described in Section 20A-9-408.5.
- (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election, shall:
- (a) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy in person with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
  - (b) pay the filing fee.
- (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:
- (a) file a declaration of candidacy with the county clerk designated in the interlocal agreement creating the prosecution district on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
  - (b) pay the filing fee.
- (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall, before the deadline described in Subsection 20A-9-202(1)(b), file a declaration of candidacy and submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.
- (6)

- (a) A qualified political party that nominates a candidate under this section shall certify the name of the candidate to the lieutenant governor before the deadline described in Subsection 20A-9-202(1)(b).
  - (b) The lieutenant governor shall include, in the primary ballot certification or, for a race where a primary is not held because the candidate is unopposed, in the general election ballot certification, the name of each candidate nominated by a qualified political party under this section.
- (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.

Amended by Chapter 4, 2019 Special Session 1

**20A-9-408 Signature-gathering process to seek the nomination of a qualified political party.**

- (1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of the qualified political party for an elective office through the signature-gathering process described in this section.
- (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as described in Section 20A-9-408.5.
- (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election shall:
  - (a) within the period beginning on January 1 before the next regular general election and ending at 5 p.m. on the third Thursday in March of the same year, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:
    - (i) the name of the member who will attempt to become a candidate for a registered political party under this section;
    - (ii) the name of the registered political party for which the member is seeking nomination;
    - (iii) the office for which the member is seeking to become a candidate;
    - (iv) the address and telephone number of the member; and
    - (v) other information required by the lieutenant governor;
  - (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
  - (c) pay the filing fee.
- (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:
  - (a) on or after January 1 before the next regular general election, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:
    - (i) the name of the member who will attempt to become a candidate for a registered political party under this section;

- (ii) the name of the registered political party for which the member is seeking nomination;
  - (iii) the office for which the member is seeking to become a candidate;
  - (iv) the address and telephone number of the member; and
  - (v) other information required by the lieutenant governor;
  - (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
  - (c) pay the filing fee.
- (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall, before the deadline described in Subsection 20A-9-202(1)(b), file a declaration of candidacy and submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.
- (6) The lieutenant governor shall ensure that the certification described in Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party under this section.
- (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.
- (8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:
- (a) complying with the requirements described in this section; and
  - (b) collecting signatures, on a form approved by the lieutenant governor, during the period beginning on January 1 of an even-numbered year and ending at 5 p.m. 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:
    - (i) for a statewide race, 28,000 signatures of registered voters in the state who are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
    - (ii) for a congressional district race, 7,000 signatures of registered voters who are residents of the congressional district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
    - (iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
    - (iv) for a state House district race, 1,000 signatures of registered voters who are residents of the state House district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;
    - (v) for a State Board of Education race, the lesser of:
      - (A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; or
      - (B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and
    - (vi) for a county office race, signatures of 3% of the registered voters who are residents of the area permitted to vote for the county office and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election.
- (9)

- (a) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, the member shall:
  - (i) collect the signatures on a form approved by the lieutenant governor, using the same circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and
  - (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination.
- (b) An individual may not gather signatures under this section until after the individual files a notice of intent to gather signatures for candidacy described in this section.
- (c) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:
  - (i) required to comply with the reporting requirements that a candidate for office is required to comply with; and
  - (ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection (9)(c)(i).
- (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the election officer shall, no later than the earlier of 14 days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:
  - (i) check the name of each individual who completes the verification for a signature packet to determine whether each individual is a resident of Utah and is at least 18 years old;
  - (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney;
  - (iii) determine whether each signer is a registered voter who is qualified to sign the petition, using the same method, described in Section 20A-7-206.3, used to verify a signature on a petition; and
  - (iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.
- (e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the election officer shall, no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate, notify the qualified political party and the lieutenant governor of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.
- (f) Upon receipt of a notice of intent to gather signatures for candidacy described in this section, the lieutenant governor shall post the notice of intent to gather signatures for candidacy on the lieutenant governor's website in the same location that the lieutenant governor posts a declaration of candidacy.

Amended by Chapter 4, 2019 Special Session 1

**20A-9-408.5 Declaration of candidacy form for qualified political party.**

- The declaration of candidacy form described in Sections 20A-9-407 and 20A-9-408 shall:
- (1) be substantially as follows:

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

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

- (2) direct the candidate to state, in the sworn statement described in Subsection (1):
  - (a) the registered political party of which the candidate is a member; or
  - (b) that the candidate is not a member of a registered political party; and
- (3) direct the candidate to indicate whether the candidate is seeking the nomination using:
  - (a) the convention process described in Section 20A-9-407;
  - (b) the signature-gathering process described in Section 20A-9-408; or
  - (c) both processes described in Subsections (3)(a) and (b).

Amended by Chapter 183, 2021 General Session

**20A-9-409 Primary election provisions relating to qualified political party.**

- (1) The regular primary election is held on the date specified in Section 20A-1-201.5.
- (2)
  - (a) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and does not have a candidate qualify as a candidate for that office under Section 20A-9-408, may, but is not required to, participate in the primary election for that office.
  - (b) A qualified political party that has only one candidate qualify as a candidate for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407, may, but is not required to, participate in the primary election for that office.
  - (c) A qualified political party that nominates one or more candidates for an elective office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that office under Section 20A-9-408 shall participate in the primary election for that office.
  - (d) A qualified political party that has two or more candidates qualify as candidates for an elective office under Section 20A-9-408 and does not nominate a candidate for that office under Section 20A-9-407 shall participate in the primary election for that office.
- (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section 17-52a-201 or 17-52a-202, a qualified political party shall participate in the primary election for a county commission office if:
  - (a) there is more than one:
    - (i) open position as defined in Section 17-52a-201; or
    - (ii) midterm vacancy as defined in Section 17-52a-201; and



- (b) the number of candidates nominated under Section 20A-9-407 or qualified under Section 20A-9-408 for the respective open positions or midterm vacancies exceeds the number of respective open positions or midterm vacancies.
- (4)
- (a) As used in this Subsection (4), a candidate is "unopposed" if:
    - (i) no individual other than the candidate receives a certification, from the appropriate filing officer, for the regular primary election ballot of the candidate's registered political party for a particular elective office; or
    - (ii) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification, from the appropriate filing officer, for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.
  - (b) Before the deadline described in Subsection (4)(c), the lieutenant governor shall:
    - (i) provide to the county clerks:
      - (A) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications from the appropriate filing officer, along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; and
      - (B) a list of unopposed candidates for elective office who have been nominated by a registered political party; and
    - (ii) instruct the county clerks to exclude unopposed candidates from the primary election ballot.
  - (c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after the third Saturday in April.

Amended by Chapter 4, 2019 Special Session 1

**20A-9-410 Rulemaking authority.**

The director of elections, within the Office of the Lieutenant Governor, shall make rules, in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, relating to procedures for complying with, and verifying compliance with, the candidate nominating process described in this part.

Enacted by Chapter 17, 2014 General Session

**20A-9-411 Signing multiple nomination petitions.**

- (1) An individual who signs a petition, described in Section 20A-9-403 or 20A-9-408, to nominate a candidate may not sign a petition to nominate another candidate for the same office.
- (2) If an individual signs more than one petition in violation of Subsection (1), the election officer may only count the signature on the first petition that the election officer reviews for that office.

Enacted by Chapter 296, 2015 General Session

**Part 5**  
**Candidates not Affiliated with a Party**

**20A-9-501 Candidates not affiliated with a party -- General requirements.**

- (1)
  - (a) Candidates for public office who do not wish to affiliate with a registered political party may obtain a position on the ballot by following the procedures and requirements of this part.
  - (b) Upon compliance with the provisions of this part, the unaffiliated candidate is entitled to all the rights and subject to all the penalties of candidates selected by a registered political party.
- (2) A candidate who has filed a declaration of candidacy may not file a certificate of nomination as an unaffiliated candidate in the same year.
- (3) The courts shall construe this part liberally so as to give unaffiliated candidates for public office every reasonable opportunity to make their candidacy effective.

Amended by Chapter 21, 1994 General Session

**20A-9-502 Certificate of nomination -- Contents -- Circulation -- Verification -- Criminal penalty.**

(1) The candidate shall:

(a) prepare a certificate of nomination in substantially the following form:

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

I, \_\_\_\_\_, declare my intention of becoming an unaffiliated candidate for the political group designated as \_\_\_\_ for the office of \_\_\_\_\_. I do solemnly swear that I can qualify to hold that office both legally and constitutionally if selected, and that I reside at \_\_\_\_\_ Street, in the city of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_, zip code \_\_\_\_\_, phone \_\_\_\_\_, and that I am providing, or have provided, the required number of holographic signatures of registered voters required by law; that as a candidate at the next election I will not knowingly violate any election or campaign law; that, if filing via a designated agent for an office other than president of the United States, I will be out of the state of Utah during the entire candidate filing period; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot.

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

\_\_\_\_\_  
Notary Public (or other officer qualified to administer oaths)";

(b) bind signature sheets to the certificate that:

- (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;
- (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate Certificate of Nomination Petition" printed directly below the horizontal line;
- (iv) contain the word "Warning" printed directly under the words described in Subsection (1)(b)(iii);
- (v) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination signature sheet with any name other than the person's own name or more than once for the same candidate or if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures.";

(vi) contain the following statement directly under the statement described in Subsection (1)(b)(v):

"Each signer says:

I have personally signed this petition with a holographic signature; I am registered to vote in Utah or intend to become registered to vote in Utah before the county clerk certifies my signature; and My street address is written correctly after my name.";

(vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in Subsection (1)(b)(vi); and

(viii) be vertically divided into columns as follows:

(A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

(B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of Registered Voter";

(D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

(E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and

(F) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records.

If you choose not to provide it, your signature may not be certified as a valid signature if you change your address before petition signatures are certified or if the information you provide does not match your voter registration records."; and

(c) bind a final page to one or more signature sheets that are bound together that contains, except as provided by Subsection (3), the following printed statement:

"Verification

State of Utah, County of \_\_\_\_\_

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

I am a Utah resident and am at least 18 years old;

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

I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah or will register to vote in Utah before the county clerk certifies the signatures on the signature sheet.

---

(Signature) (Residence Address) (Date)".

(2) An agent designated to file a certificate of nomination under Subsection 20A-9-503(1)(b) may not sign the form described in Subsection (1)(a).

- (3)
- (a) The candidate shall circulate the nomination petition and ensure that the person in whose presence each signature sheet is signed:
    - (i) is at least 18 years old;
    - (ii) except as provided by Subsection (3)(b), meets the residency requirements of Section 20A-2-105; and
    - (iii) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.

- (b) A person who is not a resident may sign the verification on a petition for an unaffiliated candidate for the office of president of the United States.
  - (c) A person may not sign the verification if the person signed a signature sheet bound to the verification.
- (4)
- (a) It is unlawful for any person to:
    - (i) knowingly sign a certificate of nomination signature sheet:
      - (A) with any name other than the person's own name;
      - (B) more than once for the same candidate; or
      - (C) if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures; or
    - (ii) sign the verification of a certificate of nomination signature sheet if the person:
      - (A) except as provided by Subsection (3)(b), does not meet the residency requirements of Section 20A-2-105;
      - (B) has not witnessed the signing by those persons whose names appear on the certificate of nomination signature sheet; or
      - (C) knows that a person whose signature appears on the certificate of nomination signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.
  - (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.
- (5)
- (a) The candidate shall submit the petition and signature sheets to the county clerk for certification when the petition has been completed by:
    - (i) at least 1,000 registered voters residing within the state when the nomination is for an office to be filled by the voters of the entire state; or
    - (ii) at least 300 registered voters residing within a political division or at least 5% of the registered voters residing within a political division, whichever is less, when the nomination is for an office to be filled by the voters of any political division smaller than the state.
  - (b) In reviewing the petition, the county clerk shall count and certify only those persons who signed the petition with a holographic signature who:
    - (i) are registered voters within the political division that the candidate seeks to represent; and
    - (ii) did not sign any other certificate of nomination for that office.
  - (c) The candidate may supplement or amend the certificate of nomination at any time on or before the filing deadline.

Amended by Chapter 11, 2018 General Session

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

- (1)
- (a) Except as provided in Subsection (1)(b), after the certificate of nomination has been certified, executed, and acknowledged by the county clerk, the candidate shall:
    - (i) between the second Friday in March and the close of normal office hours on the third Thursday in March of the year in which the regular general election will be held:
      - (A) file the petition in person with the lieutenant governor, if the office the candidate seeks is a constitutional office or a federal office, or the county clerk, if the office the candidate seeks is a county office; and
      - (B) pay the filing fee; or
    - (ii) not later than the close of normal office hours on June 15 of any odd-numbered year:

- (A) file the petition in person with the municipal clerk, if the candidate seeks an office in a city or town, or the local district clerk, if the candidate seeks an office in a local district; and
  - (B) pay the filing fee.
- (b)
- (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a declaration of candidacy for president of the United States.
  - (ii) Subject to Subsections (3)(c) and 20A-9-502(2), an individual may designate an agent to file a declaration of candidacy with the appropriate filing officer if:
    - (A) the individual is located outside of the state during the entire filing period;
    - (B) the designated agent appears in person before the filing officer; and
    - (C) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other.
- (2)
- (a) At the time of filing, and before accepting the petition, the filing officer shall read the constitutional and statutory requirements for candidacy to the candidate.
  - (b) If the candidate states that he does not meet the requirements, the filing officer may not accept the petition.
- (3)
- (a) An individual filing a certificate of nomination for president or vice president of the United States under this section shall pay a filing fee of \$500.
  - (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for president or vice president of the United States:
    - (i) may file the certificate of nomination between the second Friday in March and the close of normal office hours on August 15 of the year in which the regular general election will be held; and
    - (ii) may use a designated agent to file the certificate of nomination.
  - (c) An agent designated under Subsection (1)(b)(ii) or described in Subsection (3)(b)(ii) may not sign the certificate of nomination form.

Amended by Chapter 22, 2020 General Session

**20A-9-504 Unaffiliated candidates -- Governor and president of the United States.**

- (1)
- (a) Each unaffiliated candidate for governor shall, before 5 p.m. no later than July 1 of the regular general election year, select a running mate to file as an unaffiliated candidate for the office of lieutenant governor.
  - (b) The unaffiliated lieutenant governor candidate shall, before 5 p.m. no later than July 1 of the regular general election year, file as an unaffiliated candidate by following the procedures and requirements of this part.
- (2)
- (a) Each unaffiliated candidate for president of the United States shall, before 5 p.m. no later than August 15 of a regular general election year, select a running mate to file as an unaffiliated candidate for the office of vice president of the United States.
  - (b) Before 5 p.m. no later than August 15 of a regular general election year, the unaffiliated candidate for vice president of the United States described in Subsection (2)(a) shall comply with the requirements of Subsection 20A-9-202(7).

Amended by Chapter 255, 2019 General Session

**Part 6  
Write-in Candidates**

**20A-9-601 Qualifying as a write-in candidate.**

- (1)
  - (a) Except as provided in Subsection (1)(b), an individual who wishes to become a valid write-in candidate shall file a declaration of candidacy in person, or through a designated agent for a candidate for president or vice president of the United States, with the appropriate filing officer before 5 p.m. no later than 65 days before the regular general election or a municipal general election in which the individual intends to be a write-in candidate.
  - (b)
    - (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a declaration of candidacy for president of the United States.
    - (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a declaration of candidacy with the appropriate filing officer if:
      - (A) the individual is located outside of the state during the entire filing period;
      - (B) the designated agent appears in person before the filing officer; and
      - (C) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other.

- (2)
  - (a) The form of the declaration of candidacy for a write-in candidate for all offices, except president or vice president of the United States, is substantially as follows:
 

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

I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of \_\_\_\_\_ for the \_\_\_\_\_ district (if applicable). I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate any law governing campaigns and elections; if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and rejection of any votes cast for me. The mailing address that I designate for receiving official election notices is \_\_\_\_\_.

---

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

- (b) The form of the declaration of candidacy for a write-in candidate for president of the United States is substantially as follows:
 

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

I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of the president of the United States. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_, State \_\_\_\_\_, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate any law governing campaigns and elections. The mailing address that I designate

for receiving official election notices is \_\_\_\_\_. I designate \_\_\_\_\_ as my vice presidential candidate.

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

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

- (c) A declaration of candidacy for a write-in candidate for vice president of the United States shall be in substantially the same form as a declaration of candidacy described in Subsection 20A-9-202(7).
  - (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in Subsection (2)(a) or (b).
- (3)
- (a) The filing officer shall:
    - (i) read to the candidate the constitutional and statutory requirements for the office;
    - (ii) ask the candidate whether the candidate meets the requirements; and
    - (iii) if the declaration of candidacy is for a legislative office, inform the individual that Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit or trust, under authority of the United States or Utah, from being a member of the Legislature.
  - (b) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.
- (4)
- (a) Except as provided in Subsection (4)(b), a write-in candidate is subject to Subsection 20A-9-201(8).
  - (b) A write-in candidate for president of the United States is subject to Subsection 20A-9-201(8) (d) or 20A-9-803(1)(d), as applicable.
- (5) By November 1 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of all write-in candidates who filed their declaration of candidacy with the lieutenant governor.

Amended by Chapter 142, 2019 General Session

Amended by Chapter 255, 2019 General Session

Amended by Chapter 279, 2019 General Session

**20A-9-602 Write-in candidacy and voting prohibited in certain circumstances.**

In elections for county attorney or district attorney that meet the requirements of Subsections 20A-6-302(2) and (3), a person may not file a declaration of candidacy as a write-in candidate under this part and the county clerk may not count any write-in votes received for the office of county or district attorney.

Amended by Chapter 317, 2013 General Session

**Part 7  
Party Candidates**

**20A-9-701 Certification of party candidates to county clerks -- Display on ballot.**

- (1) No later than August 31 of each regular general election year, the lieutenant governor shall certify to each county clerk, for offices to be voted upon at the regular general election in that county clerk's county:
  - (a) the names of each candidate nominated under Subsection 20A-9-202(4) or Subsection 20A-9-403(5); and
  - (b) the names of the candidates for president and vice president that are certified by the registered political party as the party's nominees.
- (2) The names shall be certified by the lieutenant governor and shall be displayed on the ballot as they are provided on the candidate's declaration of candidacy. No other names may appear on the ballot as affiliated with, endorsed by, or nominated by any other registered political party, political party, or other political group.

Amended by Chapter 296, 2015 General Session

## **Part 8 Presidential Primary Election**

### **20A-9-801 Definitions.**

As used in this part, "registered political party" means a political party that has complied with the requirements of Chapter 8, Political Party Formation and Procedures, to become a political party officially recognized by the state.

Amended by Chapter 433, 2019 General Session

### **20A-9-802 Presidential primary election established -- Other ballot items prohibited.**

- (1)
  - (a) There is established a presidential primary election held on the first Tuesday in March in the year in which a presidential election will be held.
  - (b) Except as otherwise specifically provided in this chapter, county clerks shall administer the presidential primary election according to the provisions of this title, including:
    - (i) Chapter 1, General Provisions;
    - (ii) Chapter 2, Voter Registration;
    - (iii) Chapter 3a, Voting;
    - (iv) Chapter 4, Election Returns and Election Contests;
    - (v) Chapter 5, Election Administration; and
    - (vi) Chapter 6, Ballot Form.
  - (c)
    - (i) The county clerks shall ensure that the ballot voted by the voters at the presidential primary election contains only the names of candidates for President of the United States who have qualified as provided in this part.
    - (ii) The county clerks may not present any other items to the voters to be voted upon at this election.
- (2) Registered political parties, and candidates for President of the United States who are affiliated with a registered political party, may participate in the presidential primary election established by this part.



- (3) As a condition for using the state's election system, each registered political party wishing to participate in the presidential primary election held under this section shall:
- (a) declare the political party's intent to participate in the presidential primary election;
  - (b) identify one or more registered political parties whose members may vote for the registered political party's candidates and whether individuals identified as unaffiliated with a political party may vote for the registered political party's candidates; and
  - (c) certify that information to the lieutenant governor no later than 5 p.m. on August 10 of the year before the year in which the presidential primary election will be held.

Amended by Chapter 433, 2019 General Session

**20A-9-802.5 Presidential primary required.**

- (1) A presidential primary election shall be held under this part each year in which a presidential election will be held.
- (2) A registered political party that wishes to nominate a presidential candidate for the general election may participate in a presidential primary election conducted under this part.
- (3) The Legislature shall appropriate sufficient funds to administer each presidential primary election conducted under this part.

Renumbered and Amended by Chapter 433, 2019 General Session

**20A-9-803 Declaration of candidacy -- Filing fee -- Form.**

- (1) Candidates for president of the United States who are affiliated with a registered political party that has elected to participate in the presidential primary election and who wish to participate in the primary election shall:
  - (a) file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor between August 15 of the year before the primary election will be held and 5 p.m. on December 1 of the year before the primary election will be held;
  - (b) identify the registered political party whose nomination the candidate is seeking;
  - (c) provide a letter from the registered political party certifying that the candidate may participate as a candidate for that party in that party's presidential primary election; and
  - (d) pay the filing fee of \$500.
- (2) The lieutenant governor shall develop a declaration of candidacy form for presidential candidates participating in the primary.
- (3) An agent designated to file a declaration of candidacy may not sign the form described in Subsection (2).

Amended by Chapter 433, 2019 General Session

**20A-9-805 Closed primary -- Determining party affiliation -- Changing party affiliation.**

- (1) If a registered political party has restricted voting for its presidential candidates as authorized by Subsection 20A-9-802(3)(b), the lieutenant governor shall direct the county clerks and other election officials to allow only those voters meeting the registered political party's criteria to vote for that party's presidential candidates.
- (2)
  - (a) For each individual who registers to vote, the county clerk shall:
    - (i) record the party affiliation designated by the individual on the voter registration form as the individual's party affiliation; or

- (ii) if no political party affiliation is designated by the individual on the voter registration form, record the individual's party affiliation as "unaffiliated."
- (b) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of Section 20A-2-107 or Section 20A-9-808.

Amended by Chapter 433, 2019 General Session

**20A-9-806 Ballots.**

- (1) The lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:
  - (a) develop manual ballots, mechanical ballots, return envelopes and provisional ballot envelopes to be used in a presidential primary election;
  - (b) ensure that the ballots, return envelopes, and provisional ballot envelopes comply generally with the requirements of Chapter 6, Part 1, General Requirements for All Ballots; and
  - (c) provide voting booths, election records and supplies, and ballot boxes for each voting precinct as required by Section 20A-5-403.
- (2)
  - (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Chapter 6, Part 1, General Requirements for All Ballots, and Section 20A-5-403, the lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties shall ensure that the ballots, return envelopes, provisional ballot envelopes, voting booths, election records and supplies, and ballot boxes:
    - (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;
    - (ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;
    - (iii) minimize the possibility of spoiled ballots due to voter confusion; and
    - (iv) protect against fraud.
  - (b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties shall:
    - (i) mark ballots as being for a particular registered political party; and
    - (ii) instruct persons counting the ballots to count only those votes for candidates from the registered political party whose ballot the voter received.
  - (c) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties may:
    - (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use different colored ballots for each registered political party;
    - (ii) place ballots for each registered political party in different voting booths and direct voters to the particular voting booth for the political party whose ballot they are voting; or
    - (iii) consider other means of accomplishing the objectives described in Subsection (2)(a).

Amended by Chapter 31, 2020 General Session

**20A-9-807 Combining voting precincts.**

- (1) The county legislative body may combine voting precincts for the presidential primary election by following the procedures and requirements of Section 20A-5-303.
- (2) The county legislative body may not combine voting precincts if the voting precincts are in different congressional districts as established by Section 20A-13-102.

Amended by Chapter 433, 2019 General Session

**20A-9-808 Voting.**

Voting in a presidential primary election shall be conducted in accordance with the procedures of Section 20A-3a-203.

Amended by Chapter 31, 2020 General Session

**20A-9-809 Counting votes -- Canvass -- Certification of results to parties.**

- (1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and retained, returns canvassed, and recounts and election contests conducted as provided in Chapter 4, Election Returns and Election Contests.
- (2) After the canvass is complete and the report is prepared, the lieutenant governor shall transmit a copy of the report to each registered political party that participated in the presidential primary election.

Amended by Chapter 433, 2019 General Session

**Chapter 11  
Campaign and Financial Reporting Requirements**

**Part 1  
General Provisions**

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

As used in this chapter:

- (1)
  - (a) "Address" means the number and street where an individual resides or where a reporting entity has its principal office.
  - (b) "Address" does not include a post office box.
- (2) "Agent of a reporting entity" means:
  - (a) a person acting on behalf of a reporting entity at the direction of the reporting entity;
  - (b) a person employed by a reporting entity in the reporting entity's capacity as a reporting entity;
  - (c) the personal campaign committee of a candidate or officeholder;
  - (d) a member of the personal campaign committee of a candidate or officeholder in the member's capacity as a member of the personal campaign committee of the candidate or officeholder;
  - or
  - (e) a political consultant of a reporting entity.
- (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other ballot propositions submitted to the voters that are authorized by the Utah Code Annotated 1953.
- (4) "Candidate" means any person who:
  - (a) files a declaration of candidacy for a public office; or
  - (b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

- (5) "Chief election officer" means:
- (a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, state school board candidates, judges, and labor organizations, as defined in Section 20A-11-1501; and
  - (b) the county clerk for local school board candidates.
- (6)
- (a) "Contribution" means any of the following when done for political purposes:
    - (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;
    - (ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;
    - (iii) any transfer of funds from another reporting entity to the filing entity;
    - (iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;
    - (v) remuneration from:
      - (A) any organization or its directly affiliated organization that has a registered lobbyist; or
      - (B) any agency or subdivision of the state, including school districts;
    - (vi) a loan made by a candidate deposited to the candidate's own campaign; and
    - (vii) in-kind contributions.
  - (b) "Contribution" does not include:
    - (i) services provided by individuals volunteering a portion or all of their time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person;
    - (ii) money lent to the filing entity by a financial institution in the ordinary course of business; or
    - (iii) goods or services provided for the benefit of a political entity at less than fair market value that are not authorized by or coordinated with the political entity.
- (7) "Coordinated with" means that goods or services provided for the benefit of a political entity are provided:
- (a) with the political entity's prior knowledge, if the political entity does not object;
  - (b) by agreement with the political entity;
  - (c) in coordination with the political entity; or
  - (d) using official logos, slogans, and similar elements belonging to a political entity.
- (8)
- (a) "Corporation" means a domestic or foreign, profit or nonprofit, business organization that is registered as a corporation or is authorized to do business in a state and makes any expenditure from corporate funds for:
    - (i) the purpose of expressly advocating for political purposes; or
    - (ii) the purpose of expressly advocating the approval or the defeat of any ballot proposition.
  - (b) "Corporation" does not mean:
    - (i) a business organization's political action committee or political issues committee; or
    - (ii) a business entity organized as a partnership or a sole proprietorship.
- (9) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the political party, are members of the registered political party.
- (10) "County political party officer" means a person whose name is required to be submitted by a county political party to the lieutenant governor in accordance with Section 20A-8-402.

(11) "Detailed listing" means:

(a) for each contribution or public service assistance:

- (i) the name and address of the individual or source making the contribution or public service assistance, except to the extent that the name or address of the individual or source is unknown;
- (ii) the amount or value of the contribution or public service assistance; and
- (iii) the date the contribution or public service assistance was made; and

(b) for each expenditure:

- (i) the amount of the expenditure;
- (ii) the goods or services acquired by the expenditure; and
- (iii) the date the expenditure was made.

(12)

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

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

(13) "Election" means each:

- (a) regular general election;
- (b) regular primary election; and
- (c) special election at which candidates are eliminated and selected.

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

- (a) has at least a value of \$10,000;
- (b) clearly identifies a candidate or judge; and
- (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly identified candidate's or judge's election date.

(15)

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

- (i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;
- (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
- (iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;
- (iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;
- (v) a transfer of funds between the filing entity and a candidate's personal campaign committee;
- (vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value; or
- (vii) an independent expenditure, as defined in Section 20A-11-1702.

(b) "Expenditure" does not include:

- (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;
  - (ii) money lent to a reporting entity by a financial institution in the ordinary course of business;
- or

- (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.
- (16) "Federal office" means the office of president of the United States, United States Senator, or United States Representative.
- (17) "Filing entity" means the reporting entity that is required to file a financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- (18) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- (19) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation.
- (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal Incorporation, by which a geographical area becomes legally recognized as a city, town, or metro township.
- (21) "Incorporation election" means the election conducted under Section 10-2a-210 or 10-2a-404.
- (22) "Incorporation petition" means a petition described in Section 10-2a-208.
- (23) "Individual" means a natural person.
- (24) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity.
- (25) "Interim report" means a report identifying the contributions received and expenditures made since the last report.
- (26) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.
- (27) "Legislative office candidate" means a person who:
  - (a) files a declaration of candidacy for the office of state senator or state representative;
  - (b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or
  - (c) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a legislative office.
- (28) "Loan" means any of the following provided by a person that benefits a filing entity if the person expects repayment or reimbursement:
  - (a) an expenditure made using any form of payment;
  - (b) money or funds received by the filing entity;
  - (c) the provision of a good or service with an agreement or understanding that payment or reimbursement will be delayed; or
  - (d) use of any line of credit.
- (29) "Major political party" means either of the two registered political parties that have the greatest number of members elected to the two houses of the Legislature.
- (30) "Officeholder" means a person who holds a public office.
- (31) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.
- (32) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, and labor organizations, as defined in Section 20A-11-1501.

- (33) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.
- (34) "Personal use expenditure" has the same meaning as provided under Section 20A-11-104.
- (35)
- (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:
    - (i) solicit or receive contributions from any other person, group, or entity for political purposes; or
    - (ii) make expenditures to expressly advocate for any person to refrain from voting or to vote for or against any candidate or person seeking election to a municipal or county office.
  - (b) "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.
  - (c) "Political action committee" does not mean:
    - (i) a party committee;
    - (ii) any entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public;
    - (iii) an individual;
    - (iv) individuals who are related and who make contributions from a joint checking account;
    - (v) a corporation, except a corporation a major purpose of which is to act as a political action committee; or
    - (vi) a personal campaign committee.
- (36)
- (a) "Political consultant" means a person who is paid by a reporting entity, or paid by another person on behalf of and with the knowledge of the reporting entity, to provide political advice to the reporting entity.
  - (b) "Political consultant" includes a circumstance described in Subsection (36)(a), where the person:
    - (i) has already been paid, with money or other consideration;
    - (ii) expects to be paid in the future, with money or other consideration; or
    - (iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration.
- (37) "Political convention" means a county or state political convention held by a registered political party to select candidates.
- (38) "Political entity" means a candidate, a political party, a political action committee, or a political issues committee.
- (39)
- (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:
    - (i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;
    - (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or
    - (iii) make expenditures to assist in qualifying or placing a ballot proposition on the ballot or to assist in keeping a ballot proposition off the ballot.

- (b) "Political issues committee" does not mean:
  - (i) a registered political party or a party committee;
  - (ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;
  - (iii) an individual;
  - (iv) individuals who are related and who make contributions from a joint checking account;
  - (v) a corporation, except a corporation a major purpose of which is to act as a political issues committee; or
  - (vi) a group of individuals who:
    - (A) associate together for the purpose of challenging or supporting a single ballot proposition, ordinance, or other governmental action by a county, city, town, local district, special service district, or other local political subdivision of the state;
    - (B) have a common liberty, property, or financial interest that is directly impacted by the ballot proposition, ordinance, or other governmental action;
    - (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A), via a legal entity;
    - (D) do not receive funds for challenging or supporting the ballot proposition, ordinance, or other governmental action from a person other than an individual in the group; and
    - (E) do not expend a total of more than \$5,000 for the purpose described in Subsection (39)(b)(vi)(A).

(40)

- (a) "Political issues contribution" means any of the following:
  - (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;
  - (ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;
  - (iii) any transfer of funds received by a political issues committee from a reporting entity;
  - (iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and
  - (v) goods or services provided to or for the benefit of a political issues committee at less than fair market value.
- (b) "Political issues contribution" does not include:
  - (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or
  - (ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

(41)

- (a) "Political issues expenditure" means any of the following when made by a political issues committee or on behalf of a political issues committee by an agent of the reporting entity:
  - (i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of:
    - (A) a ballot proposition; or
    - (B) an incorporation petition or incorporation election;
  - (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the express purpose of influencing the approval or the defeat of:
    - (A) a ballot proposition; or
    - (B) an incorporation petition or incorporation election;



- (iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;
  - (iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or
  - (v) goods or services provided to or for the benefit of another reporting entity at less than fair market value.
- (b) "Political issues expenditure" does not include:
- (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or
  - (ii) money lent to a political issues committee by a financial institution in the ordinary course of business.
- (42) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:
- (a) candidate or a person seeking a municipal or county office at any caucus, political convention, or election; or
  - (b) judge standing for retention at any election.
- (43)
- (a) "Poll" means the survey of a person regarding the person's opinion or knowledge of an individual who has filed a declaration of candidacy for public office, or of a ballot proposition that has legally qualified for placement on the ballot, which is conducted in person or by telephone, facsimile, Internet, postal mail, or email.
  - (b) "Poll" does not include:
    - (i) a ballot; or
    - (ii) an interview of a focus group that is conducted, in person, by one individual, if:
      - (A) the focus group consists of more than three, and less than thirteen, individuals; and
      - (B) all individuals in the focus group are present during the interview.
- (44) "Primary election" means any regular primary election held under the election laws.
- (45) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.
- (46) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.
- (47)
- (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:
    - (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or
    - (ii) goods or services provided at less than fair market value to or for the benefit of the officeholder.
  - (b) "Public service assistance" does not include:
    - (i) anything provided by the state;
    - (ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder;

- (iii) money lent to an officeholder by a financial institution in the ordinary course of business;
  - (iv) news coverage or any publication by the news media; or
  - (v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder.
- (48) "Receipts" means contributions and public service assistance.
- (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.
- (50) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.
- (51) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.
- (52) "Registered political party" means an organization of voters that:
- (a) participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or
  - (b) has complied with the petition and organizing procedures of Chapter 8, Political Party Formation and Procedures.
- (53)
- (a) "Remuneration" means a payment:
    - (i) made to a legislator for the period the Legislature is in session; and
    - (ii) that is approximately equivalent to an amount a legislator would have earned during the period the Legislature is in session in the legislator's ordinary course of business.
  - (b) "Remuneration" does not mean anything of economic value given to a legislator by:
    - (i) the legislator's primary employer in the ordinary course of business; or
    - (ii) a person or entity in the ordinary course of business:
      - (A) because of the legislator's ownership interest in the entity; or
      - (B) for services rendered by the legislator on behalf of the person or entity.
- (54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section 20A-11-1501.
- (55) "School board office" means the office of state school board.
- (56)
- (a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.
  - (b) "Source" means, for political action committees and corporations, the political action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation.
- (57) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.
- (58) "State office candidate" means a person who:
- (a) files a declaration of candidacy for a state office; or
  - (b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a state office.
- (59) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

(60) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Amended by Chapter 20, 2021 General Session

**20A-11-101.3 Detailed listing and report requirements -- Rulemaking authority.**

(1) As used in this section:

(a) "Advertising" includes:

- (i) website development and maintenance;
- (ii) social media;
- (iii) television, newspaper, or radio; or
- (iv) a convention booth.

(b) "Association expense" means a membership fee for:

- (i) a political association; or
- (ii) an association related to an activity of a candidate or an officeholder.

(c) "Campaign Expense" includes:

- (i) district mapping;
- (ii) voter data;
- (iii) a phone bank;
- (iv) fund-raising expenses;
- (v) campaign assistance or consulting;
- (vi) campaign technology;
- (vii) campaign management;
- (viii) campaign interns; or
- (ix) food, and related expenses, purchased:
  - (A) for a campaign event; or
  - (B) for consumption by a candidate or campaign staff while conducting work relating to a campaign.

(d) "Donations" includes giving to a charitable organization.

(e) "Loans" includes repaying loans.

(f) "Office expense" includes:

- (i) an email server;
- (ii) phones;
- (iii) phone service;
- (iv) computers;
- (v) printers;
- (vi) furniture;
- (vii) tools and hardware; or
- (viii) food, and related expenses, purchased for consumption during an officeholder activity.

(g) "Political support" includes contributions made to other candidates or political action committees.

(h) "Supplies" includes:

- (i) signs;
- (ii) sign holders;
- (iii) parade supplies;
- (iv) t-shirts;
- (v) other campaign goods;

- (vi) repair or replacement of clothing that is damaged while the candidate or officeholder is engaged in an activity of a candidate or an officeholder;
- (vii) printed materials; or
- (viii) postage.
- (i) "Travel expenses" includes:
  - (i) political conference registration;
  - (ii) airfare;
  - (iii) hotels;
  - (iv) food, and related expenses, purchased for consumption during travel;
  - (v) vehicle mileage reimbursement; or
  - (vi) incidental expenses while traveling.
- (2) As it relates to an expenditure, a detailed listing includes identifying the expenditure as falling within one of the following categories:
  - (a) advertising;
  - (b) association expense;
  - (c) campaign expense;
  - (d) constituent services;
  - (e) donations;
  - (f) loans;
  - (g) office;
  - (h) political support;
  - (i) return of a contribution;
  - (j) signature gathering;
  - (k) supplies;
  - (l) travel expenses; or
  - (m) other expenditures that do not fall within a category described in Subsections (2)(a) through (l), followed by a description of the expenditure.
- (3) The director of elections, within the Lieutenant Governor's Office, may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in relation to the form, type, and level of detail required in a detailed listing or a financial disclosure form.

Amended by Chapter 20, 2021 General Session

**20A-11-101.5 Disclosure of actual source or recipient required.**

- (1) As used in this section, "transactional intermediary" means a person, including a credit card company, a financial institution, or a money transfer service, that pays or transfers money to a person on behalf of another person.
- (2) When, under this chapter, a person makes a detailed listing, discloses or reports the source of a contribution, discloses or reports the person or entity to whom a disbursement is made, or discloses or reports the identity of a donor, the person:
  - (a) shall reveal the actual source of the contribution, the actual person or entity to whom the disbursement is ultimately made, or the actual identity of the donor; and
  - (b) may not merely list, disclose, or report the transactional intermediary.

Enacted by Chapter 18, 2014 General Session

**20A-11-101.7 Concealing contributor's identity.**

A person is guilty of a class B misdemeanor if the person conspires with another to make a contribution through one or more persons with the intent that:

- (1) the contribution will ultimately be made to a filing entity specified by the original contributor or a designee of the original contributor; and
- (2) by making the contribution through one or more persons, the original contributor's identity will not be disclosed in a manner that would be required by law.

Enacted by Chapter 39, 2017 General Session

**20A-11-103 Notice of pending interim and summary reports -- Form of submission -- Public availability -- Notice of reporting and filing requirements.**

- (1)
  - (a) Except as provided under Subsection (1)(b), 10 days before an interim report or summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections, the chief election officer shall inform the filing entity by electronic mail unless postal mail is requested:
    - (i) that the financial statement is due;
    - (ii) of the date that the financial statement is due; and
    - (iii) of the penalty for failing to file the financial statement.
  - (b) The chief election officer is not required to provide notice:
    - (i) to a candidate or political party of the financial statement that is due before the candidate's or political party's political convention;
    - (ii) of a financial statement due in connection with a public hearing for an initiative under the requirements of Section 20A-7-204.1; or
    - (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.
- (2) A filing entity shall electronically file a financial statement via electronic mail or the Internet according to specifications established by the chief election officer.
- (3)
  - (a) A financial statement is considered timely filed if the financial statement is received by the chief election officer's office before midnight, Mountain Time, at the end of the day on which the financial statement is due.
  - (b) For a county clerk's office that is not open until midnight at the end of the day on which a financial statement is due, the county clerk shall permit a candidate to file the financial statement via email or another electronic means designated by the county clerk.
  - (c) A chief election officer may extend the time in which a filing entity is required to file a financial statement if a filing entity notifies the chief election officer of the existence of an extenuating circumstance that is outside the control of the filing entity.
- (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the lieutenant governor shall:
  - (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
  - (b) post an electronic copy or the contents of each financial statement in a searchable format on a website established by the lieutenant governor:
    - (i) for campaign finance statements submitted to the lieutenant governor under the requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after the date of receipt of the campaign finance statement; or
    - (ii) for a summary report or interim report filed under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the date the summary report or interim report is electronically filed.

- (5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5, elects to provide campaign finance disclosure on its own website, rather than through the lieutenant governor, the website established by the lieutenant governor shall contain a link or other access point to the municipality or county website.
- (6) Between January 1 and January 15 of each year, the chief election officer shall provide notice, by postal mail or email, to each filing entity for which the chief election officer has a physical or email address, of the reporting and filing requirements described in this chapter.

Amended by Chapter 16, 2016 General Session

**20A-11-104 Personal use expenditure -- Authorized and prohibited uses of campaign funds -- Enforcement -- Penalties.**

- (1)
  - (a) As used in this chapter, "personal use expenditure" means an expenditure that:
    - (i)
      - (A) is not excluded from the definition of personal use expenditure by Subsection (2); and
      - (B) primarily furthers a personal interest of a candidate or officeholder or a candidate's or officeholder's family, which interest is not connected with the performance of an activity as a candidate or an activity or duty of an officeholder; or
    - (ii) would likely cause the candidate or officeholder to recognize the expenditure as taxable income under federal or state law.
  - (b) "Personal use expenditure" includes:
    - (i) a mortgage, rent, utility, or vehicle payment;
    - (ii) a household food item or supply;
    - (iii) a clothing expense, except:
      - (A) clothing bearing the candidate's name or campaign slogan or logo that is used in the candidate's campaign; or
      - (B) repair or replacement of clothing that is damaged while the candidate or officeholder is engaged in an activity of a candidate or officeholder;
    - (iv) an admission to a sporting, artistic, or recreational event or other form of entertainment;
    - (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
    - (vi) a salary payment made to:
      - (A) a candidate or officeholder; or
      - (B) a person who has not provided a bona fide service to a candidate or officeholder;
    - (vii) a vacation;
    - (viii) a vehicle expense;
    - (ix) a meal expense;
    - (x) a travel expense;
    - (xi) a payment of an administrative, civil, or criminal penalty;
    - (xii) a satisfaction of a personal debt;
    - (xiii) a personal service, including the service of an attorney, accountant, physician, or other professional person;
    - (xiv) a membership fee for a professional or service organization; and
    - (xv) a payment in excess of the fair market value of the item or service purchased.
- (2) As used in this chapter, "personal use expenditure" does not include an expenditure made:
  - (a) for a political purpose;
  - (b) for candidacy for public office;
  - (c) to fulfill a duty or activity of an officeholder;

- (d) for a donation to a registered political party;
- (e) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;
- (f) to return all or a portion of a contribution to a contributor;
- (g) for the following items, if made in connection with the candidacy for public office or an activity or duty of an officeholder:
  - (i)
    - (A) a mileage allowance at the rate established by the Division of Finance under Section 63A-3-107; or
    - (B) for motor fuel or special fuel, as defined in Section 59-13-102;
  - (ii) a food expense, including food or beverages:
    - (A) served at a campaign event;
    - (B) served at a charitable event;
    - (C) consumed, or provided to others, by a candidate while the candidate is engaged in campaigning;
    - (D) consumed, or provided to others, by an officeholder while the officeholder is acting in the capacity of an officeholder; or
    - (E) provided as a gift to an individual who works on a candidate's campaign or who assists an officeholder in the officeholder's capacity as an officeholder;
  - (iii) a travel expense of a candidate, if the primary purpose of the travel is related to the candidate's campaign, including airfare, car rental, other transportation, hotel, or other expenses incidental to the travel;
  - (iv) a travel expense of an individual assisting a candidate, if the primary purpose of the travel by the individual is to assist the candidate with the candidate's campaign, including an expense described in Subsection (2)(g)(iii);
  - (v) a travel expense of an officeholder, if the primary purpose of the travel is related to an activity or duty of the officeholder, including an expense described in Subsection (2)(g)(iii);
  - (vi) a travel expense of an individual assisting an officeholder, if the primary purpose of the travel by the individual is to assist the officeholder in an activity or duty of an officeholder, including an expense described in Subsection (2)(g)(iii);
  - (vii) a payment for a service provided by an attorney or accountant;
  - (viii) a tuition payment or registration fee for participation in a meeting or conference;
  - (ix) a gift;
  - (x) a payment for the following items in connection with an office space:
    - (A) rent;
    - (B) utilities;
    - (C) a supply; or
    - (D) furnishing;
  - (xi) a booth at a meeting or event;
  - (xii) educational material; or
  - (xiii) an item purchased for a purpose related to a campaign or to an activity or duty of an officeholder;
- (h) to purchase or mail informational material, a survey, or a greeting card;
- (i) for a donation to a charitable organization, as defined by Section 13-22-2, including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section 13-22-2;

- (j) to repay a loan a candidate makes from the candidate's personal account to the candidate's campaign account;
  - (k) to pay membership dues to a national organization whose primary purpose is to address general public policy;
  - (l) for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the candidate's or officeholder's community;
  - (m) for one or more guests of an officeholder or candidate to attend an event, meeting, or conference described in this Subsection (2), including related travel expenses and other expenses, if attendance by the guest is for a primary purpose described in Subsection (2)(g)(iv) or (vi); or
  - (n) to pay childcare expenses of:
    - (i) a candidate while the candidate is engaging in campaign activity; or
    - (ii) an officeholder while the officeholder is engaging in the duties of an officeholder.
- (3)
- (a) The lieutenant governor shall enforce this chapter prohibiting a personal use expenditure by:
    - (i) evaluating a financial statement to identify a personal use expenditure; and
    - (ii) commencing an informal adjudicative proceeding in accordance with Title 63G, Chapter 4, Administrative Procedures Act, if the lieutenant governor has probable cause to believe a candidate or officeholder has made a personal use expenditure.
  - (b) Following the proceeding, the lieutenant governor may issue a signed order requiring a candidate or officeholder who has made a personal use expenditure to:
    - (i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the lieutenant governor; and
    - (ii) deposit the amount of the personal use expenditure in the campaign account from which the personal use expenditure was disbursed.
  - (c) The lieutenant governor shall deposit money received under Subsection (3)(b)(i) in the General Fund.

Amended by Chapter 20, 2021 General Session

**20A-11-105 Deadline for payment of fine.**

A person against whom the lieutenant governor imposes a fine under this chapter shall pay the fine before 5 p.m. within 30 days after the day on which the lieutenant governor imposes the fine.

Amended by Chapter 255, 2019 General Session

**Part 2**  
**State Office Candidates - Campaign Organization**  
**and Financial Reporting Requirements**

**20A-11-201 State office -- Separate bank account for campaign funds -- No personal use -- State office candidate reporting deadline -- Report other accounts -- Anonymous contributions.**

(1)



- (a) Each state office candidate or the candidate's personal campaign committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution.
  - (b) A state office candidate or a candidate's personal campaign committee may not use money deposited in a campaign account for:
    - (i) a personal use expenditure; or
    - (ii) an expenditure prohibited by law.
  - (c) Each state officeholder or the state officeholder's personal campaign committee shall deposit each contribution and public service assistance received in one or more separate campaign accounts in a financial institution.
  - (d) A state officeholder or a state officeholder's personal campaign committee may not use money deposited in a campaign account for:
    - (i) a personal use expenditure; or
    - (ii) an expenditure prohibited by law.
- (2)
- (a) A state office candidate or the candidate's personal campaign committee may not deposit or mingle any contributions received into a personal or business account.
  - (b) A state officeholder or the state officeholder's personal campaign committee may not deposit or mingle any contributions or public service assistance received into a personal or business account.
- (3) If a person who is no longer a state office candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-203 until the statement of dissolution and final summary report required by Section 20A-11-205 are filed with the lieutenant governor.
- (4)
- (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is no longer a state office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former state office candidate to recognize the money as taxable income under federal tax law.
  - (b) A person who is no longer a state office candidate may transfer the money in a campaign account in a manner that would cause the former state office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.
- (5)
- (a) As used in this Subsection (5), "received" means the same as that term is defined in Subsection 20A-11-204(1)(b).
  - (b) Each state office candidate shall report to the lieutenant governor each contribution received by the state office candidate:
    - (i) except as provided in Subsection (5)(b)(ii), within 31 days after the day on which the contribution is received; or
    - (ii) within seven business days after the day on which the contribution is received, if:
      - (A) the state office candidate is contested in a convention and the contribution is received within 30 days before the day on which the convention is held;
      - (B) the state office candidate is contested in a primary election and the contribution is received within 30 days before the day on which the primary election is held; or
      - (C) the state office candidate is contested in a general election and the contribution is received within 30 days before the day on which the general election is held.

- (c) Except as provided in Subsection (5)(d), for each contribution that a state office candidate fails to report within the time period described in Subsection (5)(b), the lieutenant governor shall impose a fine against the state office candidate in an amount equal to:
  - (i) 10% of the amount of the contribution, if the state office candidate reports the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends; or
  - (ii) 20% of the amount of the contribution, if the state office candidate fails to report the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends.
- (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and issue a warning to the state office candidate if:
  - (i) the contribution that the state office candidate fails to report is paid by the state office candidate from the state office candidate's personal funds;
  - (ii) the state office candidate has not previously violated Subsection (5)(c) in relation to a contribution paid by the state office candidate from the state office candidate's personal funds; and
  - (iii) the lieutenant governor determines that the failure to timely report the contribution is due to the state office candidate not understanding that the reporting requirement includes a contribution paid by a state office candidate from the state office candidate's personal funds.
- (e) The lieutenant governor shall:
  - (i) deposit money received under Subsection (5)(c) into the General Fund; and
  - (ii) report on the lieutenant governor's website, in the location where reports relating to each state office candidate are available for public access:
    - (A) each fine imposed by the lieutenant governor against the state office candidate;
    - (B) the amount of the fine;
    - (C) the amount of the contribution to which the fine relates; and
    - (D) the date of the contribution.
- (6)
  - (a) As used in this Subsection (6), "account" means an account in a financial institution:
    - (i) that is not described in Subsection (1)(a); and
    - (ii) into which or from which a person who, as a candidate for an office, other than the state office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a state office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
  - (b) A state office candidate shall include on any financial statement filed in accordance with this part:
    - (i) a contribution deposited in an account:
      - (A) since the last campaign finance statement was filed; or
      - (B) that has not been reported under a statute or ordinance that governs the account; or
    - (ii) an expenditure made from an account:
      - (A) since the last campaign finance statement was filed; or
      - (B) that has not been reported under a statute or ordinance that governs the account.
- (7) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse the amount of the contribution to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

Amended by Chapter 20, 2021 General Session

**20A-11-202 State office candidate -- Personal campaign committee required -- Candidate as a political action committee officer.**

- (1)
  - (a)
    - (i) Each state office candidate shall select no more than one personal campaign committee, consisting of one or more persons, to receive contributions, make expenditures, and file reports connected with the candidate's campaign.
    - (ii) A state office candidate may serve as his own campaign committee.
    - (iii) A state office candidate may be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.
  - (b) Except for expenses made by a registered political party to benefit a party's candidates generally, a state office candidate or other person acting in concert with or with the knowledge of the state office candidate may not receive any contributions or make any expenditures on behalf of a state office candidate other than through:
    - (i) a personal campaign committee established under this section; and
    - (ii) a political action committee established under Part 6, Political Action Committee Registration and Financial Reporting Requirements.
- (2)
  - (a) The state office candidate shall file a written statement signed by the candidate or authorized member of the candidate's personal campaign committee with the lieutenant governor that:
    - (i) informs the lieutenant governor that the state office candidate's personal campaign committee has been selected; and
    - (ii) provides the name and address of each member and the secretary of the committee.
  - (b) A state office candidate or the candidate's personal campaign committee may not make any expenditures on behalf of the candidate until the statement has been filed.
  - (c) A state office candidate may revoke the selection of any member of the campaign committee by:
    - (i) revoking that person's appointment or election in writing;
    - (ii) personally serving the written revocation on the member whose selection is revoked; and
    - (iii) filing a copy of the written revocation with the lieutenant governor.
  - (d)
    - (i) The state office candidate may select a replacement to fill any vacancy on the campaign committee.
    - (ii) The state office candidate shall file that replacement's name and address with the lieutenant governor.
- (3) A member of a state office candidate's personal campaign committee may not make an expenditure of more than \$1,000 unless the state office candidate or the secretary of the personal campaign committee authorizes the expenditure in writing.
- (4) A state office candidate or the candidate's personal campaign committee may not make any expenditures prohibited by law.

Amended by Chapter 347, 2011 General Session

**20A-11-203 State office candidate -- Financial reporting requirements -- Year-end summary report.**

- (1)
  - (a) Each state office candidate shall file a summary report by January 10 of the year after the regular general election year.

- (b) In addition to the requirements of Subsection (1)(a), a former state office candidate that has not filed the statement of dissolution and final summary report required under Section 20A-11-205 shall continue to file a summary report on January 10 of each year.
- (2)
  - (a) Each summary report shall include the following information as of December 31 of the previous year:
    - (i) the net balance of the last financial statement, if any;
    - (ii) a single figure equal to the total amount of receipts reported on all interim reports, if any;
    - (iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the previous year;
    - (iv) a detailed listing of each contribution received since the last summary report that has not been reported in detail on an interim report;
    - (v) for each nonmonetary contribution:
      - (A) the fair market value of the contribution with that information provided by the contributor; and
      - (B) a specific description of the contribution;
    - (vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;
    - (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
    - (viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures; and
    - (ix) the name of a political action committee for which the state office candidate is designated as an officer who has primary decision-making authority under Section 20A-11-601.
  - (b) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.
  - (c) A check or negotiable instrument received by a state office candidate or a state office candidate's personal campaign committee on or before December 31 of the previous year shall be included in the summary report.
- (3) An authorized member of the state office candidate's personal campaign committee or the state office candidate shall certify in the summary report that, to the best of the person's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Amended by Chapter 74, 2019 General Session

**20A-11-204 State office candidate and state officeholder -- Financial reporting requirements -- Interim reports.**

- (1) As used in this section:
  - (a) "Campaign account" means a separate campaign account required under Subsection 20A-11-201(1)(a) or (c).
  - (b) "Received" means:
    - (i) for a cash contribution, that the cash is given to a state office candidate or a member of the state office candidate's personal campaign committee;
    - (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated;
    - (iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:

- (A) the day on which the state office candidate or a member of the state office candidate's personal campaign committee becomes aware of the deposit and the source of the deposit;
  - (B) the day on which the state office candidate or a member of the state office candidate's personal campaign committee receives notice of the deposit and the source of the deposit by mail, email, text, or similar means; or
  - (C) 31 days after the day on which the direct deposit occurs; or
  - (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the state office candidate.
- (2) Except as provided in Subsection (3), each state office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:
- (a)
    - (i) seven days before the candidate's political convention; or
    - (ii) for an unaffiliated candidate, the fourth Saturday in March;
  - (b) seven days before the regular primary election date;
  - (c) September 30; and
  - (d) seven days before the regular general election date.
- (3) If a state office candidate is a state office candidate seeking appointment for a midterm vacancy, the state office candidate:
- (a) shall file an interim report:
    - (i)
      - (A) no later than seven days before the day on which the political party of the party for which the state office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-504; and
      - (B) two days before the day on which the political party of the party for which the state office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Subsection 20A-1-504(1)(b)(i); or
    - (ii) if a state office candidate decides to seek the appointment with less than seven days before the party meets, or the political party schedules the meeting to declare a nominee less than seven days before the day of the meeting, no later than 5 p.m. on the last day of business before the day on which the party meets; and
  - (b) is not required to file an interim report at the times described in Subsection (1).
- (4) Each interim report shall include the following information:
- (a) the net balance of the last summary report, if any;
  - (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
  - (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
  - (d) a detailed listing of:
    - (i) for a state office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or
    - (ii) for a state officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
  - (e) for each nonmonetary contribution:
    - (i) the fair market value of the contribution with that information provided by the contributor; and
    - (ii) a specific description of the contribution;

- (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
  - (g) for each nonmonetary expenditure, the fair market value of the expenditure;
  - (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
  - (i) a summary page in the form required by the lieutenant governor that identifies:
    - (i) beginning balance;
    - (ii) total contributions and public service assistance received during the period since the last statement;
    - (iii) total contributions and public service assistance received to date;
    - (iv) total expenditures during the period since the last statement; and
    - (v) total expenditures to date; and
  - (j) the name of a political action committee for which the state office candidate or state officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.
- (5)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.
  - (b) Any negotiable instrument or check received by a state office candidate or state officeholder more than five days before the required filing date of a report required by this section shall be included in the interim report.

Amended by Chapter 20, 2021 General Session

**20A-11-205 State office candidate -- Financial reporting requirements -- Termination of duty to report.**

- (1) Each state office candidate and the candidate's personal campaign committee is active and subject to interim reporting requirements until:
  - (a) the candidate withdraws or is eliminated in a convention or primary; or
  - (b) if seeking appointment as a midterm vacancy state office candidate:
    - (i) the political party liaison fails to forward the person's name to the governor; or
    - (ii) the governor fails to appoint the person to fill the vacancy.
- (2) Each state office candidate and the candidate's personal campaign committee is active and subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the lieutenant governor stating that:
  - (a) the state office candidate or the personal campaign committee is no longer receiving contributions and is no longer making expenditures;
  - (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-201 is zero; and
  - (c) a final summary report in the form required by Section 20A-11-203 showing a zero balance is attached to the statement of dissolution.
- (3) A statement of dissolution and a final summary report may be filed at any time.
- (4) Each state office candidate and the candidate's personal campaign committee shall continue to file the year-end summary report required by Section 20A-11-203 until the statement of dissolution and final summary report required by this section are filed with the lieutenant governor.

Amended by Chapter 170, 2013 General Session

**20A-11-206 State office candidate -- Failure to file reports -- Penalties.**

- (1) A state office candidate who fails to file a financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
- (2) If a state office candidate fails to file an interim report described in Subsections 20A-11-204(2)(b) through (d), the lieutenant governor may send an electronic notice to the state office candidate and the political party of which the state office candidate is a member, if any, that states:
  - (a) that the state office candidate failed to timely file the report; and
  - (b) that, if the state office candidate fails to file the report within 24 hours after the deadline for filing the report, the state office candidate will be disqualified and the political party will not be permitted to replace the candidate.
- (3)
  - (a) The lieutenant governor shall disqualify a state office candidate and inform the county clerk and other appropriate election officials that the state office candidate is disqualified if the state office candidate fails to file an interim report described in Subsections 20A-11-204(2)(b) through (d) within 24 hours after the deadline for filing the report.
  - (b) The political party of a state office candidate who is disqualified under Subsection (3)(a) may not replace the state office candidate.
- (4)
  - (a) If a state office candidate is disqualified under Subsection (3)(a), the election official shall:
    - (i) remove the state office candidate's name from the ballot; or
    - (ii) if removing the state office candidate's name from the ballot is not practicable, inform the voters by any practicable method that the state office candidate has been disqualified and that votes cast for the state office candidate will not be counted.
  - (b) An election official may fulfill the requirement described in Subsection (4)(a) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to a public website that will inform the voter whether a candidate on the ballot is disqualified.
- (5) A state office candidate is not disqualified if:
  - (a) the state office candidate timely files the reports described in Subsections 20A-11-204(2)(b) through (d) no later than 24 hours after the applicable deadlines for filing the reports;
  - (b) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
  - (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in an amended report or the next scheduled report.
- (6)
  - (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:
    - (i) each state office candidate that is required to file a summary report has filed one; and
    - (ii) each summary report contains the information required by this part.
  - (b) If it appears that any state office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the state office candidate of the violation or written

complaint and direct the state office candidate to file a summary report correcting the problem.

(c)

- (i) It is unlawful for a state office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor described in this Subsection (6).
- (ii) Each state office candidate who violates Subsection (6)(c)(i) is guilty of a class B misdemeanor.
- (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the attorney general.
- (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a state office candidate who violates Subsection (6)(c)(i).

Amended by Chapter 20, 2021 General Session

### **Part 3**

#### **Candidates for Legislative Office - Campaign Organization and Financial Reporting Requirements**

#### **20A-11-301 Legislative office -- Campaign finance requirements -- Candidate as a political action committee officer -- No personal use -- Contribution reporting deadline -- Report other accounts -- Anonymous contributions.**

(1)

(a)

- (i) Each legislative office candidate shall deposit each contribution received in one or more separate accounts in a financial institution that are dedicated only to that purpose.
- (ii) A legislative office candidate may:
  - (A) receive a contribution from a political action committee registered under Section 20A-11-601; and
  - (B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.
- (b) A legislative office candidate or the candidate's personal campaign committee may not use money deposited in an account described in Subsection (1)(a)(i) for:
  - (i) a personal use expenditure; or
  - (ii) an expenditure prohibited by law.

(c)

- (i) Each legislative officeholder shall deposit each contribution and public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose.
- (ii) A legislative officeholder may:
  - (A) receive a contribution or public service assistance from a political action committee registered under Section 20A-11-601; and
  - (B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.



- (d) A legislative officeholder or the legislative officeholder's personal campaign committee may not use money deposited in an account described in Subsection (1)(c)(i) for:
  - (i) a personal use expenditure; or
  - (ii) an expenditure prohibited by law.
- (2)
  - (a) A legislative office candidate may not deposit or mingle any contributions received into a personal or business account.
  - (b) A legislative officeholder may not deposit or mingle any contributions or public service assistance received into a personal or business account.
- (3) If a person who is no longer a legislative candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-302 until the statement of dissolution and final summary report required by Section 20A-11-304 are filed with the lieutenant governor.
- (4)
  - (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is no longer a legislative office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former legislative office candidate to recognize the money as taxable income under federal tax law.
  - (b) A person who is no longer a legislative office candidate may transfer the money in a campaign account in a manner that would cause the former legislative office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.
- (5)
  - (a) As used in this Subsection (5), "received" means the same as that term is defined in Subsection 20A-11-303(1)(b).
  - (b) Each legislative office candidate shall report to the lieutenant governor each contribution received by the legislative office candidate:
    - (i) except as provided in Subsection (5)(b)(ii), within 31 days after the day on which the contribution is received; or
    - (ii) within seven business days after the day on which the contribution is received, if:
      - (A) the legislative office candidate is contested in a convention and the contribution is received within 30 days before the day on which the convention is held;
      - (B) the legislative office candidate is contested in a primary election and the contribution is received within 30 days before the day on which the primary election is held; or
      - (C) the legislative office candidate is contested in a general election and the contribution is received within 30 days before the day on which the general election is held.
  - (c) Except as provided in Subsection (5)(d), for each contribution that a legislative office candidate fails to report within the time period described in Subsection (5)(b), the lieutenant governor shall impose a fine against the legislative office candidate in an amount equal to:
    - (i) 10% of the amount of the contribution, if the legislative office candidate reports the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends; or
    - (ii) 20% of the amount of the contribution, if the legislative office candidate fails to report the contribution within 60 days after the day on which the time period described in Subsection (5)(b) ends.
  - (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and issue a warning to the legislative office candidate if:

- (i) the contribution that the legislative office candidate fails to report is paid by the legislative office candidate from the legislative office candidate's personal funds;
  - (ii) the legislative office candidate has not previously violated Subsection (5)(c) in relation to a contribution paid by the legislative office candidate from the legislative office candidate's personal funds; and
  - (iii) the lieutenant governor determines that the failure to timely report the contribution is due to the legislative office candidate not understanding that the reporting requirement includes a contribution paid by a legislative office candidate from the legislative office candidate's personal funds.
- (e) The lieutenant governor shall:
- (i) deposit money received under Subsection (5)(c) into the General Fund; and
  - (ii) report on the lieutenant governor's website, in the location where reports relating to each legislative office candidate are available for public access:
    - (A) each fine imposed by the lieutenant governor against the legislative office candidate;
    - (B) the amount of the fine;
    - (C) the amount of the contribution to which the fine relates; and
    - (D) the date of the contribution.
- (6) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a legislative office candidate shall disburse the amount of the contribution to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- (7)
- (a) As used in this Subsection (7), "account" means an account in a financial institution:
    - (i) that is not described in Subsection (1)(a)(i); and
    - (ii) into which or from which a person who, as a candidate for an office, other than a legislative office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a legislative office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
  - (b) A legislative office candidate shall include on any financial statement filed in accordance with this part:
    - (i) a contribution deposited in an account:
      - (A) since the last campaign finance statement was filed; or
      - (B) that has not been reported under a statute or ordinance that governs the account; or
    - (ii) an expenditure made from an account:
      - (A) since the last campaign finance statement was filed; or
      - (B) that has not been reported under a statute or ordinance that governs the account.

Amended by Chapter 20, 2021 General Session

**20A-11-302 Legislative office candidate -- Financial reporting requirements -- Year-end summary report.**

- (1)
  - (a) Each legislative office candidate shall file a summary report by January 10 of the year after the regular general election year.
  - (b) In addition to the requirements of Subsection (1)(a), a former legislative office candidate that has not filed the statement of dissolution and final summary report required under Section 20A-11-304 shall continue to file a summary report on January 10 of each year.
- (2)

- (a) Each summary report shall include the following information as of December 31 of the previous year:
  - (i) the net balance of the last financial statement, if any;
  - (ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the calendar year in which the summary report is due;
  - (iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the previous year;
  - (iv) a detailed listing of each contribution received since the last summary report that has not been reported in detail on an interim report;
  - (v) for each nonmonetary contribution:
    - (A) the fair market value of the contribution with that information provided by the contributor; and
    - (B) a specific description of the contribution;
  - (vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;
  - (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
  - (viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures; and
  - (ix) the name of a political action committee for which the legislative office candidate is designated as an officer who has primary decision-making authority under Section 20A-11-601.
- (b) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.
- (c) A check or negotiable instrument received by a legislative office candidate on or before December 31 of the previous year shall be included in the summary report.
- (3) The legislative office candidate shall certify in the summary report that to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Amended by Chapter 74, 2019 General Session

**20A-11-303 Legislative office candidate and legislative officeholder -- Financial reporting requirements -- Interim reports.**

- (1) As used in this section:
  - (a) "Campaign account" means a separate campaign account required under Subsection 20A-11-301(1)(a)(i) or (c)(i).
  - (b) "Received" means:
    - (i) for a cash contribution, that the cash is given to a legislative office candidate or a member of the legislative office candidate's personal campaign committee;
    - (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated;
    - (iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:
      - (A) the day on which the legislative office candidate or a member of the legislative office candidate's personal campaign committee becomes aware of the deposit and the source of the deposit;

- (B) the day on which the legislative office candidate or a member of the legislative office candidate's personal campaign committee receives notice of the deposit and the source of the deposit by mail, email, text, or similar means; or
  - (C) 31 days after the day on which the direct deposit occurs; or
  - (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the legislative office candidate.
- (2) Except as provided in Subsection (3), each legislative office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:
- (a)
    - (i) seven days before the candidate's political convention; or
    - (ii) for an unaffiliated candidate, the fourth Saturday in March;
  - (b) seven days before the regular primary election date;
  - (c) September 30; and
  - (d) seven days before the regular general election date.
- (3) If a legislative office candidate is a legislative office candidate seeking appointment for a midterm vacancy, the legislative office candidate:
- (a) shall file an interim report:
    - (i)
      - (A) seven days before the day on which the political party of the party for which the legislative office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-503; and
      - (B) two days before the day on which the political party of the party for which the legislative office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-503; or
    - (ii) if the legislative office candidate decides to seek the appointment with less than seven days before the party meets, or the political party schedules the meeting to declare a nominee less than seven days before the day of the meeting, two days before the day on which the party meets; and
  - (b) is not required to file an interim report at the times described in Subsection (2)(a).
- (4) Each interim report shall include the following information:
- (a) the net balance of the last summary report, if any;
  - (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
  - (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
  - (d) a detailed listing of:
    - (i) for a legislative office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or
    - (ii) for a legislative officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
  - (e) for each nonmonetary contribution:
    - (i) the fair market value of the contribution with that information provided by the contributor; and
    - (ii) a specific description of the contribution;
  - (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
  - (g) for each nonmonetary expenditure, the fair market value of the expenditure;

- (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
  - (i) a summary page in the form required by the lieutenant governor that identifies:
    - (i) beginning balance;
    - (ii) total contributions and public service assistance received during the period since the last statement;
    - (iii) total contributions and public service assistance received to date;
    - (iv) total expenditures during the period since the last statement; and
    - (v) total expenditures to date; and
  - (j) the name of a political action committee for which the legislative office candidate or legislative officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.
- (5)
- (a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.
  - (b) Any negotiable instrument or check received by a legislative office candidate or legislative officeholder more than five days before the required filing date of a report required by this section shall be included in the interim report.

Amended by Chapter 20, 2021 General Session

**20A-11-304 Legislative office candidate -- Financial reporting requirements -- Termination of duty to report.**

- (1) Each legislative office candidate is subject to interim reporting requirements until:
  - (a) the candidate withdraws or is eliminated in a convention or primary; or
  - (b) if seeking appointment as a midterm vacancy legislative office candidate:
    - (i) the political party liaison fails to forward the person's name to the governor; or
    - (ii) the governor fails to appoint the person to fill the vacancy.
- (2) Each legislative office candidate is subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the lieutenant governor stating that:
  - (a) the legislative office candidate is no longer receiving contributions and is no longer making expenditures;
  - (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-301 is zero; and
  - (c) a final summary report in the form required by Section 20A-11-302 showing a zero balance is attached to the statement of dissolution.
- (3) A statement of dissolution and a final summary report may be filed at any time.
- (4) Each legislative office candidate shall continue to file the year-end summary report required by Section 20A-11-302 until the statement of dissolution and final summary report required by this section are filed with the lieutenant governor.

Amended by Chapter 170, 2013 General Session

**20A-11-305 Legislative office candidate -- Failure to file report -- Penalties.**

- (1) A legislative office candidate who fails to file a financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

- (2) If a legislative office candidate fails to file an interim report described in Subsections 20A-11-303(2)(b) through (d), the lieutenant governor may send an electronic notice to the legislative office candidate and the political party of which the legislative office candidate is a member, if any, that states:
- (a) that the legislative office candidate failed to timely file the report; and
  - (b) that, if the legislative office candidate fails to file the report within 24 hours after the deadline for filing the report, the legislative office candidate will be disqualified and the political party will not be permitted to replace the candidate.
- (3)
- (a) The lieutenant governor shall disqualify a legislative office candidate and inform the county clerk and other appropriate election officials that the legislative office candidate is disqualified if the legislative office candidate fails to file an interim report described in Subsections 20A-11-303(2)(b) through (d) within 24 hours after the deadline for filing the report.
  - (b) The political party of a legislative office candidate who is disqualified under Subsection (3)(a) may not replace the legislative office candidate.
- (4)
- (a) If a legislative office candidate is disqualified under Subsection (3)(a), the election officer shall:
    - (i) remove the legislative office candidate's name from the ballot; or
    - (ii) if removing the legislative office candidate's name from the ballot is not practicable, inform the voters by any practicable method that the legislative office candidate has been disqualified and that votes cast for the legislative office candidate will not be counted.
  - (b) An election official may fulfill the requirement described in Subsection (4)(a) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to a public website that will inform the voter whether a candidate on the ballot is disqualified.
- (5) A legislative office candidate is not disqualified if:
- (a) the legislative office candidate files the reports described in Subsections 20A-11-303(2)(b) through (d) no later than 24 hours after the applicable deadlines for filing the reports;
  - (b) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
  - (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in an amended report or the next scheduled report.
- (6)
- (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:
    - (i) each legislative office candidate that is required to file a summary report has filed one; and
    - (ii) each summary report contains the information required by this part.
  - (b) If it appears that any legislative office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the legislative office candidate of the violation or written complaint and direct the legislative office candidate to file a summary report correcting the problem.
  - (c)

- (i) It is unlawful for a legislative office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor described in this Subsection (6).
- (ii) Each legislative office candidate who violates Subsection (6)(c)(i) is guilty of a class B misdemeanor.
- (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the attorney general.
- (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a legislative office candidate who violates Subsection (6)(c)(i).

Amended by Chapter 20, 2021 General Session

## **Part 4**

### **Officeholder Financial Reporting Requirements**

#### **20A-11-401 Officeholder financial reporting requirements -- Year-end summary report -- Officeholder as a political action committee officer -- Anonymous contribution or public service assistance.**

- (1)
  - (a) Each officeholder shall file a summary report by January 10 of each year.
  - (b) An officeholder that is required to file a summary report both as an officeholder and as a candidate for office under the requirements of this chapter may file a single summary report as a candidate and an officeholder, provided that the combined report meets the requirements of:
    - (i) this section; and
    - (ii) the section that provides the requirements for the summary report filed by the officeholder in the officeholder's capacity of a candidate for office.
- (2)
  - (a) Each summary report shall include the following information as of December 31 of the previous year:
    - (i) the net balance of the last summary report, if any;
    - (ii) a single figure equal to the total amount of receipts received since the last summary report, if any;
    - (iii) a single figure equal to the total amount of expenditures made since the last summary report, if any;
    - (iv) a detailed listing of each contribution and public service assistance received since the last summary report;
    - (v) for each nonmonetary contribution:
      - (A) the fair market value of the contribution with that information provided by the contributor; and
      - (B) a specific description of the contribution;
    - (vi) a detailed listing of each expenditure made since the last summary report;
    - (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
    - (viii) a net balance for the year consisting of the net balance from the last summary report plus all receipts minus all expenditures; and

- (ix) the name of a political action committee for which the officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.
- (b) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.
- (3) The summary report shall contain a paragraph signed by the officeholder certifying that, to the best of the officeholder's knowledge, all receipts and all expenditures have been reported as of December 31 of the last calendar year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.
- (4) An officeholder may:
  - (a) receive public service assistance from a political action committee registered under Section 20A-11-601; and
  - (b) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.
- (5) Within 31 days after receiving a contribution or public service assistance that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, an officeholder shall disburse the amount of the contribution or public service assistance to:
  - (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
  - (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

Amended by Chapter 83, 2018 General Session

**20A-11-402 Officeholder financial reporting requirements -- Statement of dissolution.**

- (1) An officeholder or former officeholder is active and subject to reporting requirements until the officeholder or former officeholder has filed a statement of dissolution with the lieutenant governor stating that:
  - (a) the officeholder or former officeholder is no longer receiving contributions or public service assistance and is no longer making expenditures;
  - (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required by Section 20A-11-201, 20A-11-301, or 20A-11-1301 is zero; and
  - (c) a final summary report in the form required by Section 20A-11-401 showing a zero balance is attached to the statement of dissolution.
- (2) A statement of dissolution and a final summary report may be filed at any time.
- (3)
  - (a) Each officeholder shall report to the lieutenant governor each contribution or public service assistance received by the state officeholder within 31 days after the day on which the officeholder receives the contribution or public service assistance.
  - (b) For each contribution or public service assistance that an officeholder fails to report within the time period described in Subsection (3)(a), the lieutenant governor shall impose a fine against the officeholder in an amount equal to:
    - (i) 10% of the amount of the contribution or public service assistance if the officeholder reports the contribution or public service assistance within 60 days after the day on which the time period described in Subsection (3)(a) ends; or
    - (ii) 20% of the amount of the contribution or public service assistance if the officeholder fails to report the contribution or public service assistance within 60 days after the day on which the time period described in Subsection (3)(a) ends.



- (c) Each officeholder or former officeholder shall continue to file the year-end summary report required by Section 20A-11-401 until the statement of dissolution and final summary report required by this section are filed with the lieutenant governor.
- (4) An officeholder or former officeholder may not use a contribution or public service assistance deposited in an account in accordance with this chapter for:
  - (a) a personal use expenditure; or
  - (b) an expenditure prohibited by law.
- (5)
  - (a) Except as provided in Subsection (5)(b), a former officeholder may not expend or transfer the money in a campaign account in a manner that would cause the former officeholder to recognize the money as taxable income under federal tax law.
  - (b) A former officeholder may transfer the money in a campaign account in a manner that would cause the former officeholder to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

Amended by Chapter 74, 2019 General Session

**20A-11-403 Failure to file -- Penalties.**

- (1) Within 60 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:
  - (a) each officeholder that is required to file a summary report has filed one; and
  - (b) each summary report contains the information required by this part.
- (2) If it appears that any officeholder has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, if the lieutenant governor determines that a violation has occurred:
  - (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and
  - (b) within five days of discovery of a violation or receipt of a written complaint, notify the officeholder of the violation or written complaint and direct the officeholder to file a summary report correcting the problem.
- (3)
  - (a) It is unlawful for any officeholder to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor under this section.
  - (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B misdemeanor.
  - (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney general.
  - (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant governor shall impose a civil fine of \$100 against an officeholder who violates Subsection (3)(a).

Amended by Chapter 20, 2021 General Session

**Part 5**  
**Political Party Registration and Financial Reporting Requirements**

**20A-11-505.5 Political party financial reporting requirements -- General requirements.**

Nothing in this part requires a registered political party to report contributions and expenditures made to benefit federal candidates and filed with the Federal Election Commission.

Enacted by Chapter 355, 1997 General Session

**20A-11-505.7 Separate account for contributions for registered political party -- Anonymous contributions to registered political party or county political party.**

- (1) A registered political party shall deposit a contribution received in one or more separate campaign accounts in a financial institution.
- (2) A registered political party may not deposit or mingle a contribution received into a personal or business account.
- (3) A registered political party or county political party may not expend a contribution for political purposes or a political issues expenditure if the contribution:
  - (a) is cash or a negotiable instrument;
  - (b) exceeds \$50; and
  - (c) is from an unknown source.

Amended by Chapter 21, 2015 General Session

**20A-11-506 Political party financial reporting requirements -- Year-end summary report.**

- (1) The party committee of each registered political party shall file a summary report by January 10 of each year.
- (2)
  - (a) Each summary report shall include the following information as of December 31 of the previous year:
    - (i) the net balance of the last summary report, if any;
    - (ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the previous year;
    - (iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the previous year;
    - (iv) a detailed listing of each contribution received since the last summary report that has not been reported in detail on an interim report;
    - (v) for each nonmonetary contribution, the fair market value of the contribution;
    - (vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;
    - (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
    - (viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.
  - (b)
    - (i) For all individual contributions of \$50 or less, a single aggregate figure may be reported without separate detailed listings.
    - (ii) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.
  - (c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.
- (3) The summary report shall contain a paragraph signed by the treasurer of the party committee certifying that, to the best of the treasurer's knowledge, all receipts and all expenditures have

been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Amended by Chapter 74, 2019 General Session

**20A-11-507 Political party financial reporting requirements -- Interim reports.**

- (1) The party committee of each registered political party shall file an interim report at the following times in any year in which there is a regular general election:
  - (a) seven days before the registered political party's political convention;
  - (b) seven days before the regular primary election date;
  - (c) September 30; and
  - (d) seven days before the general election date.
- (2) Each interim report shall include the following information:
  - (a) the net balance of the last financial statement, if any;
  - (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
  - (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
  - (d) a detailed listing of each contribution received since the last summary report that has not been reported in detail on a prior interim report;
  - (e) for each nonmonetary contribution, the fair market value of the contribution;
  - (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
  - (g) for each nonmonetary expenditure, the fair market value of the expenditure;
  - (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report; and
  - (i) a summary page in the form required by the lieutenant governor that identifies:
    - (i) beginning balance;
    - (ii) total contributions during the period since the last statement;
    - (iii) total contributions to date;
    - (iv) total expenditures during the period since the last statement; and
    - (v) total expenditures to date.
- (3)
  - (a) For all individual contributions of \$50 or less, a single aggregate figure may be reported without separate detailed listings.
  - (b) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.
- (4) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.

Amended by Chapter 74, 2019 General Session

**20A-11-508 Political party reporting requirements -- Criminal penalties -- Fines.**

- (1)
  - (a) Each registered political party that fails to file a financial statement by the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

- (b) Each registered political party that fails to file an interim report described in Subsections 20A-11-507(1)(b) through (d) is guilty of a class B misdemeanor.
- (c) The lieutenant governor shall report all violations of Subsection (1)(b) to the attorney general.
- (2) Within 60 days after a deadline for the filing of a summary report required by this part, the lieutenant governor shall review each filed report to ensure that:
  - (a) each political party that is required to file a report has filed one; and
  - (b) each report contains the information required by this part.
- (3) If it appears that any political party has failed to file a report required by law, if it appears that a filed report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the political party of the violation or written complaint and direct the political party to file a summary report correcting the problem.
- (4)
  - (a) It is unlawful for any political party to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor under this section.
  - (b) Each political party who violates Subsection (4)(a) is guilty of a class B misdemeanor.
  - (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.
  - (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall impose a civil fine of \$1,000 against a political party that violates Subsection (4)(a).

Amended by Chapter 22, 2020 General Session

**20A-11-509 Separate account for contributions for county political party.**

- (1) A county political party officer shall deposit a contribution received in one or more separate campaign accounts in a financial institution.
- (2) A county political party officer may not deposit or mingle a contribution received into a personal or business account.

Enacted by Chapter 396, 2011 General Session

**20A-11-510 County political party financial reporting requirements -- Year-end summary report.**

- (1) A county political party officer of a county political party that has received contributions totaling at least \$750, or disbursed expenditures totaling at least \$750, during a calendar year shall file a summary report by January 10 of the following year.
- (2)
  - (a) Each summary report shall include the following information as of December 31 of the previous year:
    - (i) the net balance of the last summary report, if any;
    - (ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, filed during the previous year;
    - (iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the previous year;
    - (iv) a detailed listing of each contribution received since the last summary report that has not been reported in detail on an interim report;
    - (v) for each nonmonetary contribution, the fair market value of the contribution;

- (vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;
  - (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and
  - (viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.
- (b)
- (i) For all individual contributions of \$50 or less, a single aggregate figure may be reported without separate detailed listings.
  - (ii) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.
- (c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.
- (3) The county political party officer shall certify in the summary report that, to the best of the officer's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Amended by Chapter 74, 2019 General Session

**20A-11-511 County political party financial reporting requirements -- Interim reports.**

- (1)
- (a) A county political party officer of a county political party that has received contributions totaling at least \$750, or disbursed expenditures totaling at least \$750, during a calendar year shall file an interim report at the following times in any year in which there is a regular general election:
    - (i) seven days before the county political party's convention;
    - (ii) seven days before the regular primary election date;
    - (iii) September 30; and
    - (iv) seven days before the general election date.
  - (b) A county political party officer need not file an interim report if it received no contributions or made no expenditures during the reporting period.
- (2) Each interim report shall include the following information:
- (a) the net balance of the last financial statement, if any;
  - (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
  - (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
  - (d) a detailed listing of each contribution received since the last summary report that has not been reported in detail on a prior interim report;
  - (e) for each nonmonetary contribution, the fair market value of the contribution;
  - (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
  - (g) for each nonmonetary expenditure, the fair market value of the expenditure;
  - (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report; and
  - (i) a summary page in the form required by the lieutenant governor that identifies:
    - (i) beginning balance;

- (ii) total contributions during the period since the last statement;
  - (iii) total contributions to date;
  - (iv) total expenditures during the period since the last statement; and
  - (v) total expenditures to date.
- (3)
- (a) For all individual contributions of \$50 or less, a single aggregate figure may be reported without separate detailed listings.
  - (b) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.
- (4) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.

Amended by Chapter 74, 2019 General Session

**20A-11-512 County political party -- Criminal penalties -- Fines.**

- (1) A county political party that fails to file an interim report described in Subsections 20A-11-511(1)(a)(i) through (iv) before the deadline is subject to a fine in accordance with Section 20A-11-1005, which the chief election officer shall deposit in the General Fund.
- (2) Within 60 days after a deadline for the filing of the January 10 statement required by Section 20A-11-510, the lieutenant governor shall review each filed statement to ensure that:
- (a) a county political party officer who is required to file a statement has filed one; and
  - (b) each statement contains the information required by Section 20A-11-510.
- (3) If it appears that any county political party officer has failed to file a financial statement before the deadline, if it appears that a filed financial statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any financial statement, the lieutenant governor shall, within five days after the day on which the lieutenant governor discovers the violation or receives the written complaint, notify the county political party officer of the violation or written complaint and direct the county political party officer to file a financial statement correcting the problem.
- (4)
- (a) A county political party that fails to file or amend a financial statement within seven days after the day on which the county political party receives notice from the lieutenant governor under this section is subject to a fine of the lesser of:
    - (i) 10% of the total contributions received, and the total expenditures made, by the county political party during the reporting period for the financial statement that the county political party failed to file or amend; or
    - (ii) \$1,000.
  - (b) The chief election officer shall deposit a fine collected under Subsection (4)(a) into the General Fund.

Amended by Chapter 22, 2020 General Session

**20A-11-513 Termination of duty to report.**

- (1) A registered political party or county political party is subject to year-end summary reporting requirements until the registered political party or county political party has filed a statement of dissolution with the lieutenant governor stating that:
- (a) the political party is no longer receiving contributions and is no longer making expenditures;
  - (b) the ending balance on the last summary report filed is zero; and

- (c) a final summary report in the form required by this part showing a zero balance is filed with the statement of dissolution.
- (2) A statement of dissolution and a final summary report may be filed at any time.
- (3) A registered political party or county political party shall continue to file the year-end summary report required by this part until the statement of dissolution and final summary report required by this section are filed with the lieutenant governor.

Enacted by Chapter 396, 2011 General Session

## Part 6

### Political Action Committee Registration and Financial Reporting Requirements

#### **20A-11-601 Political action committees -- Registration -- Name or acronym used by political action committee -- Criminal penalty for providing false information or accepting unlawful contribution.**

- (1)
  - (a) A political action committee shall file an initial statement of organization with the lieutenant governor's office no later than 5 p.m. seven days after the day on which the political action committee:
    - (i) receives contributions totaling at least \$750; or
    - (ii) distributes expenditures for political purposes totaling at least \$750.
  - (b) Unless the political action committee has filed a notice of dissolution under Subsection (7), after filing an initial statement of organization, a political action committee shall file an updated statement of organization with the lieutenant governor's office each year after the year in which the political action committee files an initial statement of organization:
    - (i) before 5 p.m. on January 10; or
    - (ii) electronically, before midnight on January 10.
  - (c) After filing an initial statement of organization, a political action committee shall, before January 10 each year after the year in which the political action committee files an initial statement of organization, file an updated statement of organization with the lieutenant governor's office.
- (2) A statement of organization described in Subsection (1) shall include:
  - (a) the full name of the political action committee, a second name, if any, and an acronym, if any;
  - (b) the address and phone number of the political action committee;
  - (c) the name, address, telephone number, title, and occupation of:
    - (i) the two officers described in Subsection (5) and the treasurer of the political action committee;
    - (ii) all other officers, advisory members, and governing board members of the political action committee; and
    - (iii) each individual or entity represented by, or affiliated with, the political action committee; and
  - (d) other relevant information requested by the lieutenant governor.
- (3)
  - (a) A political action committee may not use a name or acronym:
    - (i) other than a name or acronym disclosed in the political action committee's latest statement of organization;

- (ii) that is the same, or deceptively similar to, the name or acronym of another political action committee; or
  - (iii) that is likely to mislead a potential donor regarding the individuals or entities represented by, or affiliated with, the political action committee.
- (b) Within seven days after the day on which a political action committee files an initial statement of organization, the lieutenant governor's office shall:
- (i) review the statement and determine whether a name or acronym used by the political action committee violates Subsection (3)(a)(ii) or (iii); and
  - (ii) if the lieutenant governor's office determines that a name or acronym used by the political action committee violates Subsection (3)(a)(ii) or (iii), order, in writing, that the political action committee:
    - (A) immediately cease and desist use of the name or acronym; and
    - (B) within seven days after the day of the order, file an updated statement of organization with a name and acronym that does not violate Subsection (3)(a)(ii) or (iii).
- (c) If, beginning on May 14, 2019, a political action committee is using a name or acronym that is the same, or deceptively similar to, the name or acronym of another political action committee, the lieutenant governor shall determine which political action committee has been using the name the longest and shall order, in writing, any other political action committee using the same, or a deceptively similar, name or acronym to:
- (i) immediately cease and desist use of the name or acronym; and
  - (ii) within seven days after the day of the order, file an updated statement of organization with a name and acronym that does not violate Subsection (3)(a)(ii) or (iii).
- (d) If a political action committee uses a name or acronym other than a name or acronym disclosed in the political action committee's latest statement of organization:
- (i) the lieutenant governor shall order, in writing, that the political action committee cease and desist use of the name or acronym; and
  - (ii) the political action committee shall immediately comply with the order described in Subsection (3)(d)(i).
- (4)
- (a) The lieutenant governor may, in addition to any other penalty provided by law, impose a \$100 fine against a political action committee that:
    - (i) fails to timely file a complete and accurate statement of organization or subsequent statement of organization; or
    - (ii) fails to comply with an order described in Subsection (3).
  - (b) The attorney general, or a political action committee that is harmed by the action of a political action committee in violation of this section, may bring an action for an injunction against the violating political action committee, or an officer of the violating political action committee, to enforce the provisions of this section.
  - (c) A political action committee may bring an action for damages against another political action committee that uses a name or acronym that is the same, or deceptively similar to, the name or acronym of the political action committee bringing the action.
- (5)
- (a) Each political action committee shall designate two officers who have primary decision-making authority for the political action committee.
  - (b) An individual may not exercise primary decision-making authority for a political action committee if the individual is not designated under Subsection (5)(a).
- (6) A political action committee shall deposit each contribution received in one or more separate accounts in a financial institution that are dedicated only to that purpose.



- (7)
- (a) A registered political action committee that intends to permanently cease operations shall file a notice of dissolution with the lieutenant governor's office.
  - (b) A notice of dissolution filed by a political action committee does not exempt the political action committee from complying with the financial reporting requirements described in this chapter in relation to all contributions received, and all expenditures made, before, at, or after dissolution.
  - (c) A political action committee shall, before filing a notice of dissolution, dispose of any money remaining in an account described in Subsection (1)(c) by:
    - (i) returning the money to the donors;
    - (ii) donating the money to the campaign account of a candidate or officeholder;
    - (iii) donating the money to another political action committee;
    - (iv) donating the money to a political party;
    - (v) donating the money to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code; or
    - (vi) making another lawful expenditure of the money for a political purpose.
  - (d) A political action committee shall report all money donated or expended under Subsection (4)(c) in a financial report to the lieutenant governor, in accordance with the financial reporting requirements described in this chapter.
- (8)
- (a) Unless the political action committee has filed a notice of dissolution under Subsection (7), a political action committee shall file, with the lieutenant governor's office, notice of any change of an officer described in Subsection (5)(a).
  - (b) A political action committee may not accept a contribution from a political issues committee, but may donate money to a political issues committee.
  - (c) A political action committee shall:
    - (i) file a notice of a change of a primary officer described in Subsection (5)(a) before 5 p.m. within 10 days after the day on which the change occurs; and
    - (ii) include in the notice of change the name and title of the officer being replaced, and the name, address, occupation, and title of the new officer.
- (9)
- (a) A person is guilty of providing false information in relation to a political action committee if the person intentionally or knowingly gives false or misleading material information in a statement of organization or the notice of change of primary officer.
  - (b) Each primary officer designated in Subsection (5)(a) or (8)(c) is guilty of accepting an unlawful contribution if the political action committee knowingly or recklessly accepts a contribution from a corporation that:
    - (i) was organized less than 90 days before the date of the general election; and
    - (ii) at the time the political action committee accepts the contribution, has failed to file a statement of organization with the lieutenant governor's office as required by Section 20A-11-704.
  - (c) A violation of this Subsection (9) is a third degree felony.

Amended by Chapter 22, 2020 General Session

**20A-11-602 Political action committees -- Financial reporting.**

(1)

- (a) Each registered political action committee that has received contributions totaling at least \$750, or disbursed expenditures totaling at least \$750, during a calendar year shall file a verified financial statement with the lieutenant governor's office:
    - (i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;
    - (ii) seven days before the state political convention of each major political party;
    - (iii) seven days before the county political convention of a political party, if the political action committee makes an expenditure on or before the day described in Subsection (1)(b)(ii) in relation to a candidate that the party may nominate at the convention;
    - (iv) seven days before the regular primary election date;
    - (v) on September 30; and
    - (vi) seven days before:
      - (A) the municipal general election; and
      - (B) the regular general election.
  - (b) The registered political action committee shall report:
    - (i) a detailed listing of all contributions received and expenditures made since the last statement; and
    - (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all contributions and expenditures as of five days before the required filing date of the financial statement.
  - (c) The registered political action committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.
- (2)
- (a) The verified financial statement shall include:
    - (i) the name and address of any individual who makes a contribution to the reporting political action committee, if known, and the amount of the contribution;
    - (ii) the identification of any publicly identified class of individuals that makes a contribution to the reporting political action committee, if known, and the amount of the contribution;
    - (iii) the name and address of any political action committee, group, or entity, if known, that makes a contribution to the reporting political action committee, and the amount of the contribution;
    - (iv) for each nonmonetary contribution, the fair market value of the contribution;
    - (v) the name and address of each reporting entity that received an expenditure from the reporting political action committee, and the amount of each expenditure;
    - (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
    - (vii) the total amount of contributions received and expenditures disbursed by the reporting political action committee;
    - (viii) a statement by the political action committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial report is accurate; and
    - (ix) a summary page in the form required by the lieutenant governor that identifies:
      - (A) beginning balance;
      - (B) total contributions during the period since the last statement;
      - (C) total contributions to date;
      - (D) total expenditures during the period since the last statement; and
      - (E) total expenditures to date.
  - (b)
    - (i) Contributions received by a political action committee that have a value of \$50 or less need not be reported individually, but shall be listed on the report as an aggregate total.

- (ii) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.
- (c) A political action committee is not required to report an independent expenditure under Part 17, Independent Expenditures, if, in the financial statement described in this section, the political action committee:
  - (i) includes the independent expenditure;
  - (ii) identifies the independent expenditure as an independent expenditure; and
  - (iii) provides the information, described in Section 20A-11-1704, in relation to the independent expenditure.
- (3) A group or entity may not divide or separate into units, sections, or smaller groups for the purpose of avoiding the financial reporting requirements of this chapter, and substance shall prevail over form in determining the scope or size of a political action committee.
- (4)
  - (a) As used in this Subsection (4), "received" means:
    - (i) for a cash contribution, that the cash is given to a political action committee;
    - (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and
    - (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political action committee.
  - (b) A political action committee shall report each contribution to the lieutenant governor within 31 days after the contribution is received.
- (5) A political action committee may not expend a contribution for political purposes if the contribution:
  - (a) is cash or a negotiable instrument;
  - (b) exceeds \$50; and
  - (c) is from an unknown source.
- (6) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a political action committee shall disburse the amount of the contribution to:
  - (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
  - (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

Amended by Chapter 74, 2019 General Session  
Amended by Chapter 116, 2019 General Session

**20A-11-603 Criminal penalties -- Fines.**

- (1)
  - (a) As used in this Subsection (1), "completed" means that:
    - (i) the financial statement accurately and completely details the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
    - (ii) the political action committee corrects the omissions, errors, or inaccuracies described in Subsection (1)(a) in an amended report or the next scheduled report.
  - (b) Each political action committee that fails to file a completed financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
  - (c) Each political action committee that fails to file a completed financial statement described in Subsections 20A-11-602(1)(a)(iv) through (vi) is guilty of a class B misdemeanor.

- (d) The lieutenant governor shall report all violations of Subsection (1)(c) to the attorney general.
- (2) Within 60 days after a deadline for the filing of the January 10 statement required by this part, the lieutenant governor shall review each filed statement to ensure that:
  - (a) each political action committee that is required to file a statement has filed one; and
  - (b) each statement contains the information required by this part.
- (3) If it appears that any political action committee has failed to file the January 10 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor shall, within five days after the day on which the lieutenant governor discovers the violation or receives the written complaint, notify the political action committee of the violation or written complaint and direct the political action committee to file a statement correcting the problem.
- (4)
  - (a) It is unlawful for any political action committee to fail to file or amend a statement within seven days after the day on which the political action committee receives notice from the lieutenant governor under this section.
  - (b) Each political action committee that violates Subsection (4)(a) is guilty of a class B misdemeanor.
  - (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.
  - (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall impose a civil fine of \$1,000 against a political action committee that violates Subsection (4)(a).

Amended by Chapter 22, 2020 General Session

## **Part 7**

### **Campaign Financial Reporting by Corporations**

#### **20A-11-701.1 Definitions.**

As used in this part, "political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly:

- (1) any person to refrain from voting or to vote for or against any:
  - (a) candidate or a person seeking a municipal or county office at any caucus, political convention, or election;
  - (b) judge standing for retention at any election;
  - (c) ballot proposition; or
  - (d) incorporation election; or
- (2) any person to sign, refrain from signing, remove the person's signature from, or refrain from removing the person's signature from, a petition for a ballot proposition or an incorporation petition.

Enacted by Chapter 74, 2019 General Session

#### **20A-11-701.5 Campaign financial reporting by corporations -- Filing requirements -- Statement contents.**

- (1)

- (a) Each corporation that has made expenditures for political purposes that total at least \$750 during a calendar year shall file a verified financial statement with the lieutenant governor's office:
    - (i) on January 10, reporting expenditures as of December 31 of the previous year;
    - (ii) seven days before the state political convention for each major political party;
    - (iii) seven days before the regular primary election date;
    - (iv) on September 30; and
    - (v) seven days before the regular general election date.
  - (b) The corporation shall report:
    - (i) a detailed listing of all expenditures made since the last financial statement;
    - (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all expenditures as of five days before the required filing date of the financial statement; and
    - (iii) whether the corporation, including an officer of the corporation, director of the corporation, or person with at least 10% ownership in the corporation:
      - (A) has bid since the last financial statement on a contract, as defined in Section 63G-6a-103, in excess of \$100,000;
      - (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of \$100,000; or
      - (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of \$100,000.
  - (c) The corporation need not file a financial statement under this section if the corporation made no expenditures during the reporting period.
  - (d) The corporation is not required to report an expenditure made to, or on behalf of, a reporting entity that the reporting entity is required to include in a financial statement described in this chapter, Chapter 12, Part 2, Judicial Retention Elections, Section 10-3-208, or Section 17-16-6.5.
- (2) The financial statement shall include:
- (a) the name and address of each reporting entity that received an expenditure from the corporation, and the amount of each expenditure;
  - (b) the total amount of expenditures disbursed by the corporation; and
  - (c) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the financial statement.

Renumbered and Amended by Chapter 74, 2019 General Session

**20A-11-702 Campaign financial reporting of political issues expenditures by corporations -- Financial reporting.**

- (1)
- (a) Each corporation that has made political issues expenditures on current or proposed ballot issues that total at least \$750 during a calendar year shall file a verified financial statement with the lieutenant governor's office:
    - (i) on January 10, reporting expenditures as of December 31 of the previous year;
    - (ii) seven days before the state political convention of each major political party;
    - (iii) seven days before the regular primary election date;
    - (iv) on September 30; and
    - (v) seven days before the regular general election date.
  - (b) The corporation shall report:
    - (i) a detailed listing of all expenditures made since the last financial statement; and

- (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), expenditures as of five days before the required filing date of the financial statement.
  - (c) The corporation need not file a statement under this section if it made no expenditures during the reporting period.
- (2) That statement shall include:
- (a) the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than \$50 from the corporation, and the amount of each political issues expenditure;
  - (b) the total amount of political issues expenditures disbursed by the corporation; and
  - (c) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the verified financial statement.

Amended by Chapter 276, 2017 General Session

**20A-11-703 Criminal penalties -- Fines.**

- (1) Within 60 days after a deadline for the filing of any statement required by this part, the lieutenant governor shall review each filed statement to ensure that:
- (a) each corporation that is required to file a statement has filed one; and
  - (b) each statement contains the information required by this part.
- (2) If it appears that any corporation has failed to file any statement, if it appears that a filed statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor shall:
- (a) impose a fine against the corporation in accordance with Section 20A-11-1005; and
  - (b) within five days of discovery of a violation or receipt of a written complaint, notify the corporation of the violation or written complaint and direct the corporation to file a statement correcting the problem.
- (3)
- (a) It is unlawful for any corporation to fail to file or amend a statement within seven days after receiving notice from the lieutenant governor under this section.
  - (b) Each corporation that violates Subsection (3)(a) is guilty of a class B misdemeanor.
  - (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney general.
  - (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant governor shall impose a civil fine of \$1,000 against a corporation that violates Subsection (3)(a).

Amended by Chapter 22, 2020 General Session

**20A-11-704 Statement of organization required for certain new corporations.**

- (1) A corporation that is incorporated, organized, or otherwise created less than 90 days before the date of a general election shall file a statement of organization with the lieutenant governor's office before making a contribution to a political action committee or a political issues committee in association with the election.
- (2) The statement of organization shall include:
- (a) the name and street address of the corporation;
  - (b) the name, street address, phone number, occupation, and title of one or more individuals that have primary decision-making authority for the corporation;
  - (c) the name, street address, phone number, occupation, and title of the corporation's chief financial officer;

- (d) the name, street address, occupation, and title of all other officers or managers of the corporation; and
  - (e) the name, street address, and occupation of each member of the corporation's governing and advisory boards, if any.
- (3)
- (a) A corporation shall file with the lieutenant governor's office a notice of intent to cease making contributions, if the corporation:
    - (i) has made a contribution described in Subsection (1); and
    - (ii) intends to permanently cease making contributions described in Subsection (1).
  - (b) A notice filed under Subsection (3)(a) does not exempt the corporation from complying with the financial reporting requirements described in this chapter.

Amended by Chapter 83, 2018 General Session

**20A-11-705 Notice of in-kind contributions.**

- (1) A corporation that makes an in-kind contribution to a reporting entity shall, in accordance with Subsection (2), provide the reporting entity a written notice that includes:
  - (a) the name and address of the corporation;
  - (b) the date of the in-kind expenditure;
  - (c) a description of the in-kind expenditure; and
  - (d) the value, in dollars, of the in-kind expenditure.
- (2) A corporation shall provide the written notice described in Subsection (1) to the reporting entity:
  - (a) except as provided in Subsection (2)(b), within 31 days after the day on which the corporation makes the in-kind contribution; or
  - (b) within seven business days after the day on which the corporation makes the in-kind contribution, if:
    - (i) the in-kind contribution is to a candidate who is contested in a convention and the corporation makes the in-kind contribution within 30 days before the day on which the convention is held;
    - (ii) the in-kind contribution is to a candidate who is contested in a primary election and the corporation makes the in-kind contribution within 30 days before the day on which the primary election is held; or
    - (iii) the in-kind contribution is to a candidate who is contested in a general election and the corporation makes the in-kind contribution within 30 days before the day on which the general election is held.
- (3) A corporation that provides, and a reporting entity that receives, the written notice described in Subsection (1) shall retain a copy of the notice for five years after the day on which the written notice is provided to the reporting entity.
- (4) A corporation or reporting entity that fails to comply with the requirements of this section is guilty of a class B misdemeanor.
- (5) A person that intentionally or knowingly provides, or conspires to provide, false information on a written notice described in this section is guilty of a class B misdemeanor.

Amended by Chapter 20, 2021 General Session

**Part 8**

## Political Issues Committees - Registration and Financial Reporting

### 20A-11-801 Political issues committees -- Registration -- Criminal penalty for providing false information or accepting unlawful contribution.

- (1)
  - (a) Unless the political issues committee has filed a notice of dissolution under Subsection (4), each political issues committee shall file a statement of organization with the lieutenant governor's office:
    - (i) before 5 p.m. on January 10 of each year; or
    - (ii) electronically, before midnight on January 10 of each year.
  - (b) If a political issues committee is organized after the filing deadline described in Subsection (1)(a), the political issues committee shall file an initial statement of organization no later than seven days after the day on which the political issues committee:
    - (i) receives political issues contributions totaling at least \$750; or
    - (ii) distributes political issues expenditures totaling at least \$750.
  - (c) Each political issues committee shall deposit each contribution received into one or more separate accounts in a financial institution that are dedicated only to that purpose.
- (2)
  - (a) Each political issues committee shall designate two officers that have primary decision-making authority for the political issues committee.
  - (b) An individual may not exercise primary decision-making authority for a political issues committee if the individual is not designated under Subsection (2)(a).
- (3) The statement of organization shall include:
  - (a) the name and address of the political issues committee;
  - (b) the name, address, phone number, occupation, and title of the two primary officers designated under Subsection (2);
  - (c) the name, address, occupation, and title of all other officers of the political issues committee;
  - (d) the name and address of the organization, individual, corporation, association, unit of government, or union that the political issues committee represents, if any;
  - (e) the name and address of all affiliated or connected organizations and their relationships to the political issues committee;
  - (f) the name, residential address, business address, occupation, and phone number of the committee's treasurer or chief financial officer;
  - (g) the name, address, and occupation of each member of the supervisory and advisory boards, if any; and
  - (h) the ballot proposition whose outcome they wish to affect, and whether they support or oppose it.
- (4)
  - (a) A registered political issues committee that intends to permanently cease operations during a calendar year shall:
    - (i) dispose of all remaining funds by returning the funds to donors or donating the funds to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code; and
    - (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the lieutenant governor's office.
  - (b) A political issues committee may not donate money to a political action committee, but may accept a contribution from a political action committee.



- (c) Any notice of dissolution filed by a political issues committee does not exempt that political issues committee from complying with the financial reporting requirements of this chapter in relation to all contributions received, and all expenditures made, before, at, or after dissolution.
  - (d) A political issues committee shall report all money donated or expended under Subsection (4) (a) in a financial report to the lieutenant governor, in accordance with the financial reporting requirements described in this chapter.
- (5)
- (a) Unless the political issues committee has filed a notice of dissolution under Subsection (4), a political issues committee shall file, with the lieutenant governor's office, notice of any change of an officer described in Subsection (2).
  - (b) A political issues committee shall:
    - (i) file a notice of a change of a primary officer described in Subsection (2)(a) before 5 p.m. within 10 days after the day on which the change occurs; and
    - (ii) include in the notice of change the name and title of the officer being replaced and the name, address, occupation, and title of the new officer.
- (6)
- (a) A person is guilty of providing false information in relation to a political issues committee if the person intentionally or knowingly gives false or misleading material information in the statement of organization or the notice of change of primary officer.
  - (b) Each primary officer designated in Subsection (2)(a) or (5)(b) is guilty of accepting an unlawful contribution if the political issues committee knowingly or recklessly accepts a contribution from a corporation that:
    - (i) was organized less than 90 days before the date of the general election; and
    - (ii) at the time the political issues committee accepts the contribution, has failed to file a statement of organization with the lieutenant governor's office as required by Section 20A-11-704.
  - (c) A violation of this Subsection (6) is a third degree felony.
- (7)
- (a) As used in this Subsection (7), "received" means:
    - (i) for a cash contribution, that the cash is given to a political issues committee;
    - (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and
    - (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political issues committee.
  - (b) Each political issues committee shall report to the lieutenant governor each contribution received by the political issues committee within seven business days after the day on which the contribution is received if the contribution is received within 30 days before the last day on which the sponsors of the initiative or referendum described in Subsection 20A-11-801(3)(h) may submit signatures to qualify the initiative or referendum for the ballot.
  - (c) For each contribution that a political issues committee fails to report within the period described in Subsection (7)(b), the lieutenant governor shall impose a fine against the political issues committee in an amount equal to:
    - (i) 10% of the amount of the contribution, if the political issues committee reports the contribution within 60 days after the last day on which the political issues committee should have reported the contribution under Subsection (7)(b); or

- (ii) 20% of the amount of the contribution, if the political issues committee fails to report the contribution within 60 days after the last day on which the political issues committee should have reported the contribution under Subsection (7)(b).
- (d) The lieutenant governor shall:
  - (i) deposit money received under Subsection (7)(c) into the General Fund; and
  - (ii) report on the lieutenant governor's website, in the location where reports relating to each political issues committee are available for public access:
    - (A) each fine imposed by the lieutenant governor against the political issues committee;
    - (B) the amount of the fine;
    - (C) the amount of the contribution to which the fine relates; and
    - (D) the date of the contribution.

Amended by Chapter 20, 2021 General Session

**20A-11-802 Political issues committees -- Financial reporting.**

- (1)
  - (a) Each registered political issues committee that has received political issues contributions totaling at least \$750, or disbursed political issues expenditures totaling at least \$750, during a calendar year, shall file a verified financial statement with the lieutenant governor's office:
    - (i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;
    - (ii) seven days before the state political convention of each major political party;
    - (iii) seven days before the regular primary election date;
    - (iv) seven days before the date of an incorporation election, if the political issues committee has received or expended funds to affect an incorporation;
    - (v) at least three days before the first public hearing held as required by Section 20A-7-204.1;
    - (vi) if the political issues committee has received or expended funds in relation to an initiative or referendum, five days before the deadline for the initiative or referendum sponsors to submit:
      - (A) the verified and certified initiative packets under Section 20A-7-206; or
      - (B) the signed and verified referendum packets under Section 20A-7-306;
    - (vii) on September 30; and
    - (viii) seven days before:
      - (A) the municipal general election; and
      - (B) the regular general election.
  - (b) The political issues committee shall report:
    - (i) a detailed listing of all contributions received and expenditures made since the last statement; and
    - (ii) all contributions and expenditures as of five days before the required filing date of the financial statement, except for a financial statement filed on January 10.
  - (c) The political issues committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.
- (2)
  - (a) That statement shall include:
    - (i) the name and address, if known, of any individual who makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

- (ii) the identification of any publicly identified class of individuals that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
  - (iii) the name and address, if known, of any political issues committee, group, or entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
  - (iv) the name and address of each reporting entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;
  - (v) for each nonmonetary contribution, the fair market value of the contribution;
  - (vi) except as provided in Subsection (2)(c), the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than \$50 from the reporting political issues committee, and the amount of each political issues expenditure;
  - (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
  - (viii) the total amount of political issues contributions received and political issues expenditures disbursed by the reporting political issues committee;
  - (ix) a statement by the political issues committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial statement is accurate; and
  - (x) a summary page in the form required by the lieutenant governor that identifies:
    - (A) beginning balance;
    - (B) total contributions during the period since the last statement;
    - (C) total contributions to date;
    - (D) total expenditures during the period since the last statement; and
    - (E) total expenditures to date.
- (b)
- (i) Political issues contributions received by a political issues committee that have a value of \$50 or less need not be reported individually, but shall be listed on the report as an aggregate total.
  - (ii) Two or more political issues contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.
- (c) When reporting political issue expenditures made to circulators of initiative petitions, the political issues committee:
- (i) need only report the amount paid to each initiative petition circulator; and
  - (ii) need not report the name or address of the circulator.
- (3)
- (a) As used in this Subsection (3), "received" means:
    - (i) for a cash contribution, that the cash is given to a political issues committee;
    - (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and
    - (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political issues committee.
  - (b) A political issues committee shall report each contribution to the lieutenant governor within 31 days after the contribution is received.
- (4) A political issues committee may not expend a contribution for a political issues expenditure if the contribution:
- (a) is cash or a negotiable instrument;
  - (b) exceeds \$50; and

- (c) is from an unknown source.
- (5) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a political issues committee shall disburse the amount of the contribution to:
  - (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
  - (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

Amended by Chapter 116, 2019 General Session

**20A-11-803 Criminal penalties -- Fines.**

- (1)
  - (a) As used in this Subsection (1), "completed" means that:
    - (i) the financial statement accurately and completely details the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
    - (ii) the political issues committee corrects the omissions, errors, or inaccuracies described in Subsection (1)(a) in an amended report or the next scheduled report.
  - (b) Each political issues committee that fails to file a completed financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
  - (c) Each political issues committee that fails to file a completed financial statement described in Subsection 20A-11-802(1)(a)(vii) or (viii) is guilty of a class B misdemeanor.
  - (d) The lieutenant governor shall report all violations of Subsection (1)(c) to the attorney general.
- (2) Within 60 days after a deadline for the filing of the January 10 statement, the lieutenant governor shall review each filed statement to ensure that:
  - (a) each political issues committee that is required to file a statement has filed one; and
  - (b) each statement contains the information required by this part.
- (3) If it appears that any political issues committee has failed to file the January 10 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor shall, within five days after the day on which the lieutenant governor discovers the violation or receives the written complaint, notify the political issues committee of the violation or written complaint and direct the political issues committee to file a statement correcting the problem.
- (4)
  - (a) It is unlawful for any political issues committee to fail to file or amend a statement within seven days after the day on which the political issues committee receives notice from the lieutenant governor under this section.
  - (b) Each political issues committee that violates Subsection (4)(a) is guilty of a class B misdemeanor.
  - (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.
  - (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall impose a civil fine of \$1,000 against a political issues committee that violates Subsection (4)(a).

Amended by Chapter 22, 2020 General Session

**Part 9**  
**General Requirements Governing Campaign Expenditures**

**20A-11-901 Political advertisements -- Requirement that ads designate responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of endorsements.**

- (1)
- (a) Whenever any person makes an expenditure for the purpose of financing an advertisement expressly advocating for the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the advertisement:
    - (i) if paid for and authorized by a candidate or the candidate's campaign committee, shall clearly state that the advertisement has been paid for by the candidate or the campaign committee;
    - (ii) if paid for by another person but authorized by a candidate or the candidate's campaign committee, shall clearly state who paid for the advertisement and that the candidate or the campaign committee authorized the advertisement; or
    - (iii) if not authorized by a candidate or a candidate's campaign committee, shall clearly state the name of the person who paid for the advertisement and state that the advertisement is not authorized by any candidate or candidate's committee.
- (2)
- (a) A person that makes an expenditure for the purpose of financing an advertisement related to a ballot proposition shall ensure that the advertisement complies with Subsection (2)(b) if the advertisement expressly advocates:
    - (i) for placing a ballot proposition on the ballot;
    - (ii) for keeping a ballot proposition off the ballot;
    - (iii) that a voter refrain from voting on a ballot proposition; or
    - (iv) that a voter vote for or against a ballot proposition.
  - (b) An advertisement described in Subsection (2)(a) shall:
    - (i) if paid for by a political issues committee, clearly state that the advertisement was paid for by the political issues committee;
    - (ii) if paid for by another person but authorized by a political issues committee, clearly state who paid for the advertisement and that the political issues committee authorized the advertisement; or
    - (iii) if not authorized by a political issues committee, clearly state the name of the person who paid for the advertisement and state that the advertisement is not authorized by any political issues committee.
- (3) The requirements of Subsections (1) and (2) do not apply to:
- (a) lawn signs with dimensions of four by eight feet or smaller;
  - (b) bumper stickers;
  - (c) campaign pins, buttons, and pens; or
  - (d) similar small items upon which the disclaimer cannot be conveniently printed.
- (4)
- (a) A person who is not a reporting entity and pays for an electioneering communication shall file a report with the lieutenant governor within 24 hours of making the payment or entering into a contract to make the payment.
  - (b) The report shall include:

- (i) the name and address of the person described in Subsection (4)(a);
  - (ii) the name and address of each person contributing at least \$100 to the person described in Subsection (4)(a) for the purpose of disseminating the electioneering communication;
  - (iii) the amount spent on the electioneering communication;
  - (iv) the name of the identified referenced candidate; and
  - (v) the medium used to disseminate the electioneering communication.
- (5) A person may not, in order to promote the success of any candidate for nomination or election to any public office, or in connection with any question submitted to the voters, include or cause to be included the name of any person as endorser or supporter in any political advertisement, circular, poster, or publication without the express consent of that person.
- (6)
- (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any newspaper or other periodical to induce him to advocate or oppose editorially any candidate for nomination or election.
  - (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to advocate or oppose editorially any candidate for nomination or election.

Amended by Chapter 154, 2019 General Session

**20A-11-903 Rate of charge.**

Any person or persons accepting expenditures from a candidate or a personal campaign committee shall provide services and furnish goods, materials, or things of value at a rate that does not exceed the charges made for comparable use to any other person considering amount of use, frequency of use, and applicable discounts.

Enacted by Chapter 1, 1995 General Session

**20A-11-904 Contribution given in another's name prohibited.**

A person may not:

- (1) make a contribution in the name of another;
- (2) knowingly permit another to make a contribution in the person's name; or
- (3) knowingly accept a contribution made by one person in the name of another.

Enacted by Chapter 389, 2010 General Session

**20A-11-905 Election polls -- Disclosure required.**

- (1) A person who conducts a poll shall disclose to the person being surveyed who paid for the poll before or at the conclusion of the poll.
- (2) The lieutenant governor shall:
  - (a) impose a \$100 fine on a person who fails to make the disclosure required under Subsection (1); and
  - (b) deposit the fine described in Subsection (2)(a) in the General Fund.
- (3) A person does not violate Subsection (1) if the person is prevented from making the disclosure at the conclusion of the poll, because the person being surveyed terminates the survey before the survey is completed.

Enacted by Chapter 86, 2013 General Session

**Part 10**  
**Administration of Campaign Finance Laws - Chief Election**  
**Officer's and Lieutenant Governor's Responsibilities**

**20A-11-1001 Electronic form prepared by chief election officer.**

The chief election officer shall:

- (1) develop and prepare an electronic form for all financial statements required by this chapter and Chapter 12, Part 2, Judicial Retention Elections; and
- (2) provide access to the electronic form to the secretary of every committee, to every candidate, and to all others who request a form.

Amended by Chapter 396, 2011 General Session

**20A-11-1002 Retention and public inspection of financial statements -- Written complaint if statement is false or unlawful.**

(1) The chief election officer shall:

(a) make each financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections:

- (i) open to public inspection in the office of the chief election officer; and
- (ii) available for viewing on the Internet in accordance with Section 20A-11-103;

(b) preserve those statements for at least five years; and

(c) provide certified copies of the financial statements in the same manner as for other public records.

(2) Any candidate or voter may file a written complaint with the chief election officer alleging that a filed financial statement does not conform to law or to the truth.

Amended by Chapter 389, 2010 General Session

**20A-11-1004 Summary of financial reports of political action committees and corporations.**

(1) The lieutenant governor's office shall prepare a summary of each financial report submitted by each corporation, political action committee, and political issues committee.

(2) Each summary shall include the following information:

(a) for each candidate:

(i) the name of each political action committee and corporation that made expenditures to the candidate; and

(ii) the aggregate total of expenditures made by each political action committee and corporation to the candidate;

(b) for each political action committee:

(i) the name of each individual or organization listed on the financial report that made contributions to the political action committee and the aggregate total of contributions made by each individual or organization listed on the financial report to the political action committee; and

(ii) the name of each candidate, personal campaign committee, and political action committee that received expenditures from a political action committee and the aggregate total of expenditures made to each candidate, personal campaign committee, and political action committee;

- (c) for each corporation:
  - (i) the name of each candidate, personal campaign committee, and political action committee that received expenditures from the corporation, and the aggregate total of expenditures made by the corporation to each candidate, personal campaign committee, and political action committee; and
  - (ii) the name of each individual, entity, or group of individuals or entities that received disbursements from the corporation, and the aggregate total of disbursements made by the corporation to each individual, entity, or group of individuals or entities;
- (d) for each political issues committee:
  - (i) the name of each individual or organization listed on the financial report that made political issues contributions to the political issues committee and the aggregate total of political issues contributions made by each individual or organization listed on the financial report to the political issues committee; and
  - (ii) the name of each individual, entity, or group of individuals or entities that received political issues expenditures from a political issues committee and the aggregate total of political issues expenditures made to each individual, entity, or group of individuals or entities.

Enacted by Chapter 1, 1995 General Session

**20A-11-1005 Fines for failing to file a financial statement.**

- (1) Except as provided in Subsection 20A-11-512(4), the chief election officer shall fine a filing entity \$100 for failing to file a financial statement by the filing deadline.
- (2) If a filing entity is unable to pay the fine or files an affidavit of impecuniosity in a manner similar to Subsection 20A-9-201(8)(d), the chief election officer shall impose the fine against the candidate or treasurer, as appropriate.
- (3) The chief election officer shall deposit fines collected under this chapter in the General Fund.

Amended by Chapter 11, 2018 General Session

Amended by Chapter 83, 2018 General Session

**Part 11**  
**Media Prohibitions**

**20A-11-1102 Paid advertisements permitted.**

- (1) Except as provided in Subsection (3), an owner, publisher, editor, reporter, agent, or employee of any newspaper or other periodical may not, directly or indirectly, solicit, receive, or accept any payment, promise, or compensation for influencing or attempting to influence any voting at any election or primary by means of any printed matter in that newspaper or periodical or through any means whatsoever.
- (2) Except as provided in Subsection (3), a person may not pay, promise to pay, or in any manner compensate any owner, publisher, editor, reporter, agent, or employee of a newspaper or other periodical, directly or indirectly, for influencing or attempting to influence any voting at any election or primary by means of any printed matter in that newspaper or periodical or through any means whatsoever.
- (3) The prohibitions contained in this section do not apply if:
  - (a) the matter is inserted in the newspaper or periodical as a paid advertisement;



- (b) the matter is designated as a "paid advertisement" in the copy of the advertisement; and
- (c) the compensation paid to the newspaper or periodical for inserting the paid advertisement is not more than the regular rate charged by the newspaper or periodical for that service.

Enacted by Chapter 1, 1995 General Session

**20A-11-1103 False statements in relation to candidates forbidden.**

A person may not knowingly make or publish, or cause to be made or published, any false statement in relation to any candidate, proposed constitutional amendment, or other measure, that is intended or tends to affect any voting at any primary, convention, or election.

Enacted by Chapter 1, 1995 General Session

**Part 12**  
**Political Activities of Public Entities Act**

**20A-11-1201 Title.**

This part is known as the "Political Activities of Public Entities Act."

Amended by Chapter 21, 1999 General Session

**20A-11-1202 Definitions.**

As used in this part:

- (1) "Applicable election officer" means:
  - (a) a county clerk, if the email relates only to a local election; or
  - (b) the lieutenant governor, if the email relates to an election other than a local election.
- (2) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection.
- (3) "Campaign contribution" means any of the following when done for a political purpose or to advocate for or against a ballot proposition:
  - (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value given to a filing entity;
  - (b) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything of value to a filing entity;
  - (c) any transfer of funds from another reporting entity to a filing entity;
  - (d) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;
  - (e) remuneration from:
    - (i) any organization or the organization's directly affiliated organization that has a registered lobbyist; or
    - (ii) any agency or subdivision of the state, including a school district; or
  - (f) an in-kind contribution.
- (4)

- (a) "Commercial interlocal cooperation agency" means an interlocal cooperation agency that receives its revenues from conduct of its commercial operations.
- (b) "Commercial interlocal cooperation agency" does not mean an interlocal cooperation agency that receives some or all of its revenues from:
  - (i) government appropriations;
  - (ii) taxes;
  - (iii) government fees imposed for regulatory or revenue raising purposes; or
  - (iv) interest earned on public funds or other returns on investment of public funds.
- (5) "Expenditure" means:
  - (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;
  - (b) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;
  - (c) a transfer of funds between a public entity and a candidate's personal campaign committee;
  - (d) a transfer of funds between a public entity and a political issues committee; or
  - (e) goods or services provided to or for the benefit of a candidate, a candidate's personal campaign committee, or a political issues committee for political purposes at less than fair market value.
- (6) "Filing entity" means the same as that term is defined in Section 20A-11-101.
- (7) "Governmental interlocal cooperation agency" means an interlocal cooperation agency that receives some or all of its revenues from:
  - (a) government appropriations;
  - (b) taxes;
  - (c) government fees imposed for regulatory or revenue raising purposes; or
  - (d) interest earned on public funds or other returns on investment of public funds.
- (8) "Influence" means to campaign or advocate for or against a ballot proposition.
- (9) "Interlocal cooperation agency" means an entity created by interlocal agreement under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- (10) "Local district" means an entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.
- (11) "Political purposes" means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any:
  - (a) candidate for public office at any caucus, political convention, primary, or election; or
  - (b) judge standing for retention at any election.
- (12) "Proposed initiative" means an initiative proposed in an application filed under Section 20A-7-202 or 20A-7-502.
- (13) "Proposed referendum" means a referendum proposed in an application filed under Section 20A-7-302 or 20A-7-602.
- (14)
  - (a) "Public entity" includes the state, each state agency, each county, municipality, school district, local district, governmental interlocal cooperation agency, and each administrative subunit of each of them.
  - (b) "Public entity" does not include a commercial interlocal cooperation agency.
  - (c) "Public entity" includes local health departments created under Title 26, Chapter 1, Department of Health Organization.
- (15)

- (a) "Public funds" means any money received by a public entity from appropriations, taxes, fees, interest, or other returns on investment.
  - (b) "Public funds" does not include money donated to a public entity by a person or entity.
- (16)
- (a) "Public official" means an elected or appointed member of government with authority to make or determine public policy.
  - (b) "Public official" includes the person or group that:
    - (i) has supervisory authority over the personnel and affairs of a public entity; and
    - (ii) approves the expenditure of funds for the public entity.
- (17) "Reporting entity" means the same as that term is defined in Section 20A-11-101.
- (18)
- (a) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.
  - (b) "State agency" includes the legislative branch, the Utah Board of Higher Education, each institution of higher education board of trustees, and each higher education institution.

Amended by Chapter 365, 2020 General Session

**20A-11-1203 Public entity prohibited from expending public funds on certain electoral matters.**

- (1) Unless specifically required by law, and except as provided in Section 20A-11-1206, a public entity may not:
  - (a) make an expenditure from public funds for political purposes, to influence a ballot proposition, or to influence a proposed initiative or proposed referendum; or
  - (b) publish on the public entity's website an argument for or against a ballot proposition, a proposed initiative, or a proposed referendum.
- (2) A violation of this section does not invalidate an otherwise valid election.
- (3) This section does not prohibit the reasonable expenditure of public funds to gather information for, and respond directly to, an individual who makes an inquiry regarding a ballot proposition, a proposed initiative, or a proposed referendum.
- (4) This section does not prohibit:
  - (a) a public entity from conducting research, or collecting and compiling information or arguments in relation to, a ballot proposition, a proposed initiative, or a proposed referendum;
  - (b) an elected or appointed official of the public entity described in Subsection (4)(a) from using the research, information, or arguments described in Subsection (4)(a) for the purpose of advocating for or against a ballot proposition, proposed initiative, or proposed referendum via a website, or another medium, not owned or controlled by the public entity;
  - (c) a public entity from posting on the public entity's website a link to another website, with a brief description, that is not owned or controlled by a public entity, or from publishing in any medium owned, controlled, or paid for by a public entity a website address, with a brief description, where an individual may view research, information, and arguments for or against a ballot proposition, proposed initiative, or proposed referendum if the public entity:
    - (i) before posting the link or publishing the address, provides at least seven days written notice to the sponsors of the ballot proposition, proposed initiative, or proposed referendum:
      - (A) of the public entity's intent to post the link or publish the address;
      - (B) a description of each medium in which the public entity intends to post the link or publish the address; and

- (C) the dates of the publication or posting; and
- (ii) posts, immediately adjacent to the link or address, and brief description described in Subsection (4)(c)(i), a link to, or an address for, a website, with a brief description, containing the sponsors' research, information, and arguments for or against the ballot proposition, proposed initiative, or proposed referendum, if the sponsors provide a link or address within seven days after the day on which the sponsors receive the notice described in Subsection (4)(c)(i); or
- (d) a public entity from posting on the public entity's website, or any medium, a complete copy of a proposition information pamphlet described in Section 20A-7-401.5 or a voter information pamphlet.

Amended by Chapter 203, 2019 General Session

**20A-11-1204 Criminal penalty.**

Each public official who violates Section 20A-11-1203 is guilty of a class B misdemeanor.

Amended by Chapter 435, 2015 General Session

**20A-11-1205 Use of public email for a political purpose.**

- (1) Except as provided in Subsection (5), a person may not send an email using the email of a public entity:
  - (a) for a political purpose;
  - (b) to advocate for or against a proposed initiative, initiative, proposed referendum, referendum, a proposed bond, a bond, or any ballot proposition; or
  - (c) to solicit a campaign contribution.
- (2)
  - (a) The lieutenant governor shall, after giving the person and the complainant notice and an opportunity to be heard, impose a civil fine against a person who violates Subsection (1) as follows:
    - (i) up to \$250 for a first violation; and
    - (ii) except as provided in Subsection (3), for each subsequent violation committed after the lieutenant governor imposes a fine against the person for a first violation, \$1,000 multiplied by the number of violations committed by the person.
  - (b) A person may, within 30 days after the day on which the lieutenant governor imposes a fine against the person under this Subsection (2), appeal the fine to a district court.
- (3) The lieutenant governor shall consider a violation of this section as a first violation if the violation is committed more than seven years after the day on which the person last committed a violation of this section.
- (4) For purposes of this section, one violation means one act of sending an email, regardless of the number of recipients of the email.
- (5) A person does not violate this section if:
  - (a) the lieutenant governor finds that the email described in Subsection (1) was inadvertently sent by the person using the email of a public entity;
  - (b) the person is directly providing information solely to another person or a group of people in response to a question asked by the other person or group of people;
  - (c) the information the person emails is an argument or rebuttal argument prepared under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and rebuttal argument that:

- (i) relates to the same proposed initiative, initiative, proposed referendum, or referendum; and
  - (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or
- (d) the person is engaging in:
- (i) an internal communication solely within the public entity;
  - (ii) a communication solely with another public entity;
  - (iii) a communication solely with legal counsel;
  - (iv) a communication solely with the sponsors of an initiative or referendum;
  - (v) a communication solely with a land developer for a project permitted by a local land use law that is challenged by a proposed referendum or a referendum; or
  - (vi) a communication solely with a person involved in a business transaction directly relating to a project described in Subsection (5)(d)(v).
- (6) A violation of this section does not invalidate an otherwise valid election.
- (7) An email sent in violation of Subsection (1), as determined by the records officer, constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, notwithstanding any applicability of Subsection 63G-2-103(22)(b)(i).

Amended by Chapter 22, 2020 General Session

**20A-11-1206 Exclusions.**

- (1) Nothing in this chapter prohibits a public official from speaking, campaigning, contributing personal money, or otherwise exercising the public official's individual First Amendment rights for political purposes.
- (2)
- (a) Subject to Subsection (2)(b), nothing in this chapter prohibits a public entity from providing factual information about a ballot proposition to the public, so long as the information grants equal access to both the opponents and proponents of the ballot proposition.
  - (b) A county or municipality may not provide any information to the public about a proposed initiative, initiative, proposed referendum, or referendum unless the county or municipality:
    - (i) provides the information in a manner required, or expressly permitted, by law; or
    - (ii) is directly providing information solely to a person or a group of people in response to a question asked by the person or group of people.
- (3) Nothing in this chapter prohibits a public entity from the neutral encouragement of voters to vote.
- (4) Nothing in this chapter prohibits an elected official from campaigning or advocating for or against a ballot proposition.
- (5) Subject to Subsection (6), a county or municipality may expend a reasonable amount of public funds to:
- (a) prepare and publish a written argument or written rebuttal argument in accordance with Section 20A-7-401.5, 20A-7-402, or 59-1-1604; or
  - (b) prepare an argument for, and present an argument at, a public meeting under Section 20A-7-405 or 59-1-1605.
- (6) A county or municipality may not:
- (a) publish an argument or rebuttal argument prepared under Section 20A-7-401.5 or 20A-7-402, unless, at the same time and in the same manner, the county or municipality publishes each opposing argument and rebuttal argument that:
    - (i) relates to the same proposed initiative, initiative, proposed referendum, or referendum; and
    - (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402;

- (b) publish an argument or rebuttal argument for or against a proposed initiative, initiative, proposed referendum, or referendum that was not prepared and submitted in accordance with Section 20A-7-401.5 or 20A-7-402; or
- (c) present an argument or rebuttal argument for or against a proposed initiative, initiative, proposed referendum, or referendum at a public meeting, unless the county or municipality provides equal opportunity for persons to present opposing arguments and rebuttal arguments at the public meeting.

Amended by Chapter 203, 2019 General Session

### **Part 13**

#### **State School Board Candidates**

#### **20A-11-1301 School board office -- Campaign finance requirements -- Candidate as a political action committee officer -- No personal use -- Contribution reporting deadline -- Report other accounts -- Anonymous contributions.**

- (1)
  - (a)
    - (i) Each school board office candidate shall deposit each contribution received in one or more separate accounts in a financial institution that are dedicated only to that purpose.
    - (ii) A school board office candidate may:
      - (A) receive a contribution from a political action committee registered under Section 20A-11-601; and
      - (B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.
  - (b) A school board office candidate may not use money deposited in an account described in Subsection (1)(a)(i) for:
    - (i) a personal use expenditure; or
    - (ii) an expenditure prohibited by law.
  - (c)
    - (i) Each school board officeholder shall deposit each contribution and public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose.
    - (ii) A school board officeholder may:
      - (A) receive a contribution or public service assistance from a political action committee registered under Section 20A-11-601; and
      - (B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.
  - (d) A school board officeholder may not use money deposited in an account described in Subsection (1)(a)(i) or (1)(c)(i) for:
    - (i) a personal use expenditure; or
    - (ii) an expenditure prohibited by law.
- (2)
  - (a) A school board office candidate may not deposit or mingle any contributions received into a personal or business account.

- (b) A school board officeholder may not deposit or mingle any contributions or public service assistance received into a personal or business account.
- (3) A school board office candidate or school board officeholder may not make any political expenditures prohibited by law.
- (4) If a person who is no longer a school board office candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-1302 until the statement of dissolution and final summary report required by Section 20A-11-1304 are filed with the lieutenant governor.
- (5)
  - (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who is no longer a school board office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former school board office candidate to recognize the money as taxable income under federal tax law.
  - (b) A person who is no longer a school board office candidate may transfer the money in a campaign account in a manner that would cause the former school board office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.
- (6)
  - (a) As used in this Subsection (6), "received" means the same as that term is defined in Subsection 20A-11-1303(1)(a).
  - (b) Except as provided in Subsection (6)(d), each school board office candidate shall report to the chief election officer each contribution received by the school board office candidate:
    - (i) except as provided in Subsection (6)(b)(ii), within 31 days after the day on which the contribution is received; or
    - (ii) within seven business days after the day on which the contribution is received, if:
      - (A) the school board office candidate is contested in a convention and the contribution is received within 30 days before the day on which the convention is held;
      - (B) the school board office candidate is contested in a primary election and the contribution is received within 30 days before the day on which the primary election is held; or
      - (C) the school board office candidate is contested in a general election and the contribution is received within 30 days before the day on which the general election is held.
  - (c) For each contribution that a school board office candidate fails to report within the time period described in Subsection (6)(b), the chief election officer shall impose a fine against the school board office candidate in an amount equal to:
    - (i) 10% of the amount of the contribution, if the school board office candidate reports the contribution within 60 days after the day on which the time period described in Subsection (6)(b) ends; or
    - (ii) 20% of the amount of the contribution, if the school board office candidate fails to report the contribution within 60 days after the day on which the time period described in Subsection (6)(b) ends.
  - (d) The lieutenant governor may waive the fine described in Subsection (6)(c) and issue a warning to the school board office candidate if:
    - (i) the contribution that the school board office candidate fails to report is paid by the school board office candidate from the school board office candidate's personal funds;
    - (ii) the school board office candidate has not previously violated Subsection (6)(c) in relation to a contribution paid by the school board office candidate from the school board office candidate's personal funds; and

- (iii) the lieutenant governor determines that the failure to timely report the contribution is due to the school board office candidate not understanding that the reporting requirement includes a contribution paid by a school board office candidate from the school board office candidate's personal funds.
- (e) The chief election officer shall:
  - (i) deposit money received under Subsection (6)(c) into the General Fund; and
  - (ii) report on the chief election officer's website, in the location where reports relating to each school board office candidate are available for public access:
    - (A) each fine imposed by the chief election officer against the school board office candidate;
    - (B) the amount of the fine;
    - (C) the amount of the contribution to which the fine relates; and
    - (D) the date of the contribution.
- (7) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall disburse the contribution to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- (8)
  - (a) As used in this Subsection (8), "account" means an account in a financial institution:
    - (i) that is not described in Subsection (1)(a)(i); and
    - (ii) into which or from which a person who, as a candidate for an office, other than a school board office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a school board office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
  - (b) A school board office candidate shall include on any financial statement filed in accordance with this part:
    - (i) a contribution deposited in an account:
      - (A) since the last campaign finance statement was filed; or
      - (B) that has not been reported under a statute or ordinance that governs the account; or
    - (ii) an expenditure made from an account:
      - (A) since the last campaign finance statement was filed; or
      - (B) that has not been reported under a statute or ordinance that governs the account.

Amended by Chapter 20, 2021 General Session

**20A-11-1302 School board office candidate -- Financial reporting requirements -- Year-end summary report.**

- (1)
  - (a) Each school board office candidate shall file a summary report by January 10 of the year after the regular general election year.
  - (b) In addition to the requirements of Subsection (1)(a), a former school board office candidate that has not filed the statement of dissolution and final summary report required under Section 20A-11-1304 shall continue to file a summary report on January 10 of each year.
- (2)
  - (a) Each summary report shall include the following information as of December 31 of the previous year:
    - (i) the net balance of the last financial statement, if any;
    - (ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the previous year;



- (iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the previous year;
  - (iv) a detailed listing of each contribution received since the last summary report that has not been reported in detail on an interim report;
  - (v) for each nonmonetary contribution:
    - (A) the fair market value of the contribution with that information provided by the contributor;
    - and
    - (B) a specific description of the contribution;
  - (vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;
  - (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
  - (viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures; and
  - (ix) the name of a political action committee for which the school board office candidate is designated as an officer who has primary decision-making authority under Section 20A-11-601.
- (b) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.
- (c) A check or negotiable instrument received by a school board office candidate on or before December 31 of the previous year shall be included in the summary report.
- (3) The school board office candidate shall certify in the summary report that, to the best of the school board office candidate's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Amended by Chapter 74, 2019 General Session

**20A-11-1303 School board office candidate and school board officeholder -- Financial reporting requirements -- Interim reports.**

- (1)
- (a) As used in this section, "received" means:
    - (i) for a cash contribution, that the cash is given to a school board office candidate or a member of the school board office candidate's personal campaign committee;
    - (ii) for a contribution that is a check or other negotiable instrument, that the check or other negotiable instrument is negotiated;
    - (iii) for a direct deposit made into a campaign account by a person not associated with the campaign, the earlier of:
      - (A) the day on which the school board office candidate or a member of the school board office candidate's personal campaign committee becomes aware of the deposit and the source of the deposit;
      - (B) the day on which the school board office candidate or a member of the school board office candidate's personal campaign committee receives notice of the deposit and the source of the deposit by mail, email, text, or similar means; or
      - (C) 31 days after the day on which the direct deposit occurs; or
    - (iv) for any other type of contribution, that any portion of the contribution's benefit inures to the school board office candidate.
  - (b) As used in this Subsection (1), "campaign account" means a separate campaign account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).

- (c) Each school board office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:
  - (i) May 15;
  - (ii) seven days before the regular primary election date;
  - (iii) September 30; and
  - (iv) seven days before the regular general election date.
- (2) Each interim report shall include the following information:
  - (a) the net balance of the last summary report, if any;
  - (b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;
  - (c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;
  - (d) a detailed listing of:
    - (i) for a school board office candidate, each contribution received since the last summary report that has not been reported in detail on a prior interim report; or
    - (ii) for a school board officeholder, each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;
  - (e) for each nonmonetary contribution:
    - (i) the fair market value of the contribution with that information provided by the contributor; and
    - (ii) a specific description of the contribution;
  - (f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;
  - (g) for each nonmonetary expenditure, the fair market value of the expenditure;
  - (h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;
  - (i) a summary page in the form required by the lieutenant governor that identifies:
    - (i) beginning balance;
    - (ii) total contributions during the period since the last statement;
    - (iii) total contributions to date;
    - (iv) total expenditures during the period since the last statement; and
    - (v) total expenditures to date; and
  - (j) the name of a political action committee for which the school board office candidate or school board officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.
- (3)
  - (a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.
  - (b) Any negotiable instrument or check received by a school board office candidate or school board officeholder more than five days before the required filing date of a report required by this section shall be included in the interim report.

Amended by Chapter 20, 2021 General Session

**20A-11-1304 School board office candidate -- Financial reporting requirements -- Termination of duty to report.**

- (1) Each school board candidate is subject to interim reporting requirements until the candidate withdraws or is eliminated in a primary.

- (2) Each school board office candidate is subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the lieutenant governor stating that:
  - (a) the school board office candidate is no longer receiving contributions and is no longer making expenditures;
  - (b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-1301 is zero; and
  - (c) a final summary report in the form required by Section 20A-11-1302 showing a zero balance is attached to the statement of dissolution.
- (3) A statement of dissolution and a final summary report may be filed at any time.
- (4) Each school board office candidate shall continue to file the year-end summary report required by Section 20A-11-1302 until the statement of dissolution and final summary report required by this section are filed.

Enacted by Chapter 355, 1997 General Session

**20A-11-1305 School board office candidate -- Failure to file statement -- Penalties.**

- (1) A school board office candidate who fails to file a financial statement by the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
- (2) If a school board office candidate fails to file an interim report described in Subsections 20A-11-1303(1)(c)(i) through (iv), the lieutenant governor may send an electronic notice to the school board office candidate and the political party of which the school board office candidate is a member, if any, that states:
  - (a) that the school board office candidate failed to timely file the report; and
  - (b) that, if the school board office candidate fails to file the report within 24 hours after the deadline for filing the report, the school board office candidate will be disqualified and the political party will not be permitted to replace the candidate.
- (3)
  - (a) The lieutenant governor shall disqualify a school board office candidate and inform the county clerk and other appropriate election officials that the school board office candidate is disqualified if the school board office candidate fails to file an interim report described in Subsections 20A-11-1303(1)(c)(i) through (iv) within 24 hours after the deadline for filing the report.
  - (b) The political party of a school board office candidate who is disqualified under Subsection (3) (a) may not replace the school board office candidate.
- (4)
  - (a) If a school board office candidate is disqualified under Subsection (3)(a), the election officer shall:
    - (i) remove the school board office candidate's name from the ballot; or
    - (ii) if removing the school board office candidate's name from the ballot is not practicable, inform the voters by any practicable method that the school board office candidate has been disqualified and that votes cast for the school board office candidate will not be counted.
  - (b) An election officer may fulfill the requirement described in Subsection (4)(a) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to a public website that will inform the voter whether a candidate on the ballot is disqualified.
- (5) A school board office candidate is not disqualified if:
  - (a) the school board office candidate files the reports described in Subsections 20A-11-1303(1) (c)(i) through (iv) no later than 24 hours after the applicable deadlines for filing the reports;

- (b) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
  - (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in an amended report or the next scheduled report.
- (6)
- (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:
    - (i) each school board office candidate who is required to file a summary report has filed the report; and
    - (ii) each summary report contains the information required by this part.
  - (b) If it appears that a school board office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the school board office candidate of the violation or written complaint and direct the school board office candidate to file a summary report correcting the problem.
  - (c)
    - (i) It is unlawful for a school board office candidate to fail to file or amend a summary report within seven days after receiving the notice described in Subsection (6)(b) from the lieutenant governor.
    - (ii) Each school board office candidate who violates Subsection (6)(c)(i) is guilty of a class B misdemeanor.
    - (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the attorney general.
    - (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a school board office candidate who violates Subsection (6)(c)(i).

Amended by Chapter 22, 2020 General Session  
Amended by Chapter 31, 2020 General Session

## **Part 14**

### **Voluntary Contributions Act**

#### **20A-11-1401 Title.**

This part is known as the "Voluntary Contributions Act."

Enacted by Chapter 285, 2001 General Session

#### **20A-11-1402 Definitions.**

- (1) As used in this part:
  - (a) "Ballot proposition" includes constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, or other questions submitted to the voters for their approval or rejection.
  - (b)

- (i) "Labor organization" means a lawful organization of any kind that is composed, in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of employment.
  - (ii) Except as provided in Subsection (1)(b)(iii), "labor organization" includes each employee association and union for employees of public and private sector employers.
  - (iii) "Labor organization" does not include organizations governed by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151 et seq.
  - (c) "Political fund" means a separate segregated fund established by a labor organization for political purposes that meets the requirements of this part.
  - (d) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.
  - (e) "Union dues" means dues, fees, money, or other assessments required as a condition of membership or participation in a labor organization.
- (2) Other terms defined in Section 20A-11-101 apply to this part.

Amended by Chapter 220, 2004 General Session

**20A-11-1403 Prohibition of required contributions for political purposes.**

A labor organization may not require any contribution to a candidate, personal campaign committee, political action committee, political issues committee, registered political party, ballot proposition, or political fund as a condition of membership or participation in the labor organization.

Repealed and Re-enacted by Chapter 284, 2003 General Session

**20A-11-1404 Establishment and administration of political fund.**

- (1) A labor organization wishing to make expenditures for political purposes shall establish a political fund.
- (2) Each labor organization that establishes a political fund shall:
  - (a) maintain the political fund as a separate, segregated account apart from any account containing money received by a labor organization as union dues;
  - (b) ensure that each contribution to the political fund is voluntary; and
  - (c) register the political fund as a political action committee or political issues committee as required by this chapter.
- (3)
  - (a) Except as otherwise provided in this part, a labor organization may only make expenditures for political purposes from a political fund established in accordance with this part.
  - (b) A labor organization may not expend union dues for political purposes or transfer union dues to a political fund.
- (4) Nothing in this part precludes a labor organization from making expenditures of union dues to communicate directly with its own members about political candidates or political issues.
- (5) Nothing in this part precludes a labor organization from making expenditures of union dues either for the establishment and administration of a political fund or to solicit contributions from its members to a political fund.
- (6) Nothing in this part is intended to, or may be construed to, preempt any requirement of federal law.

Amended by Chapter 220, 2004 General Session

**20A-11-1406 Enforcement of part -- Attorney general.**

- (1) Subject to the requirements of Subsections (2) and (3), the attorney general may bring an action to require the labor organization to comply with the requirements of this part.
- (2) Before bringing an action under Subsection (1), the attorney general shall:
  - (a) notify the labor organization in writing of the precise nature of the violation of this part; and
  - (b) give the labor organization 10 days to cease and desist the violation of this part.
- (3) The attorney general may not bring an action under Subsection (1) if the labor organization:
  - (a) ceases and desists from violating this part within 10 days; and
  - (b) provides the attorney general with written confirmation that the labor organization has ceased from engaging in the conduct the attorney general determined to be a violation of this part.

Enacted by Chapter 284, 2003 General Session

**Part 15**  
**Campaign Financial Reporting by Labor Organizations**

**20A-11-1501 Definitions.**

As used in this part:

- (1) "Labor organization" means a lawful organization of any kind that is composed, in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of employment.
- (2) "Labor organization" includes an employee association and union for employees of public and private sector employers.

Enacted by Chapter 389, 2010 General Session

**20A-11-1502 Campaign financial reporting of expenditures -- Filing requirements -- Statement contents.**

- (1)
  - (a) Each labor organization that has made expenditures for political purposes or political issues expenditures on current or proposed ballot issues that total at least \$750 during a calendar year shall file a verified financial statement with the lieutenant governor's office:
    - (i) on January 10, reporting expenditures as of December 31 of the previous year;
    - (ii) seven days before the regular primary election date;
    - (iii) on September 30; and
    - (iv) seven days before the regular general election date.
  - (b) The labor organization shall report:
    - (i) a detailed listing of all expenditures made since the last statement; and
    - (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all expenditures as of five days before the required filing date of the financial statement.
  - (c) The labor organization is not required to file a financial statement under this section if the labor organization:

- (i) made no expenditures during the reporting period; or
  - (ii) reports the labor organization's expenditures during the reporting period under another part of this chapter.
- (2) The financial statement shall include:
- (a) the name and address of each reporting entity that received an expenditure or political issues expenditure of more than \$50 from the labor organization, and the amount of each expenditure or political issues expenditure;
  - (b) the total amount of expenditures disbursed by the labor organization; and
  - (c) a statement by the labor organization's treasurer or chief financial officer certifying the accuracy of the financial statement.

Amended by Chapter 83, 2018 General Session

**20A-11-1503 Criminal penalties -- Fines.**

- (1) Within 60 days after a deadline for the filing of a financial statement required by this part, the lieutenant governor shall review each filed financial statement to ensure that:
- (a) each labor organization that is required to file a financial statement has filed one; and
  - (b) each financial statement contains the information required by this part.
- (2) If it appears that any labor organization has failed to file a financial statement, if it appears that a filed financial statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of a financial statement, the lieutenant governor shall:
- (a) impose a fine against the labor organization in accordance with Section 20A-11-1005; and
  - (b) within five days of discovery of a violation or receipt of a written complaint, notify the labor organization of the violation or written complaint and direct the labor organization to file a financial statement correcting the problem.
- (3)
- (a) It is unlawful for any labor organization to fail to file or amend a financial statement within seven days after receiving notice from the lieutenant governor under this section.
  - (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B misdemeanor.
  - (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney general.
  - (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant governor shall impose a civil fine of \$1,000 against a labor organization that violates Subsection (3)(a).

Amended by Chapter 22, 2020 General Session

**Part 16**  
**Conflict of Interest Disclosures**

**20A-11-1601 Title.**

This part is known as "Conflict of Interest Disclosures."

Amended by Chapter 266, 2019 General Session

**20A-11-1602 Definitions.**

As used in this part:

- (1) "Conflict of interest" means an action that is taken by a regulated officeholder that the officeholder reasonably believes may cause direct financial benefit or detriment to the officeholder, a member of the officeholder's immediate family, or an individual or entity that the officeholder is required to disclose under the provisions of this section, if that benefit or detriment is distinguishable from the effects of that action on the public or on the officeholder's profession, occupation, or association generally.
- (2) "Conflict of interest disclosure" means a disclosure, on the website, of all information required under Section 20A-11-1604.
- (3) "Entity" means a corporation, a partnership, a limited liability company, a limited partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint venture, a governmental entity, an unincorporated organization, or any other legal entity, regardless of whether it is established primarily for the purpose of gain or economic profit.
- (4) "Filing officer" means:
  - (a) the lieutenant governor, for the office of a state constitutional officer or State Board of Education member; or
  - (b) the lieutenant governor or the county clerk in the county of the candidate's residence, for a state legislative office.
- (5) "Immediate family" means the regulated officeholder's spouse, a child living in the regulated officeholder's immediate household, or an individual claimed as a dependent for state or federal income tax purposes by the regulated officeholder.
- (6) "Income" means earnings, compensation, or any other payment made to an individual for gain, regardless of source, whether denominated as wages, salary, commission, pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses, reimbursement, dividends, or otherwise.
- (7)
  - (a) "Owner or officer" means an individual who owns an ownership interest in an entity or holds a position where the person has authority to manage, direct, control, or make decisions for:
    - (i) the entity or a portion of the entity; or
    - (ii) an employee, agent, or independent contractor of the entity.
  - (b) "Owner or officer" includes:
    - (i) a member of a board of directors or other governing body of an entity; or
    - (ii) a partner in any type of partnership.
- (8) "Preceding year" means the year immediately preceding the day on which the regulated officeholder makes a conflict of interest disclosure.
- (9) "Regulated officeholder" means an individual who is required to make a conflict of interest disclosure under the provisions of this part.
- (10) "State constitutional officer" means the governor, the lieutenant governor, the state auditor, the state treasurer, or the attorney general.
- (11) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure Website described in Section 20A-11-1602.5.

Amended by Chapter 20, 2021 General Session

**20A-11-1602.5 Candidate and Officeholder Conflict of Interest Disclosure Website.**

- (1) The lieutenant governor shall, in cooperation with the county clerks, establish and administer a Candidate and Officeholder Conflict of Interest Disclosure Website.
- (2) The website shall:
  - (a) permit a candidate or officeholder to securely access the website for the purpose of:



- (i) complying with the conflict of interest disclosure requirements described in this part; and
- (ii) editing conflict of interest disclosures;
- (b) contain a record of all conflict of interest disclosures and edits made by the candidate or officeholder for at least the preceding four years; and
- (c) permit any person to view a conflict of interest disclosure made by a candidate or officeholder.

Amended by Chapter 20, 2021 General Session

**20A-11-1603 Conflict of interest disclosure -- Required when filing for candidacy -- Public availability.**

- (1)
  - (a) Except as provided in Subsection (1)(b), candidates seeking the following offices shall make a complete conflict of interest disclosure on the website at the time of filing a declaration of candidacy:
    - (i) state constitutional officer;
    - (ii) state legislator; or
    - (iii) State Board of Education member.
  - (b) A candidate is not required to comply with Subsection (1)(a) if the candidate:
    - (i) currently holds the office for which the candidate is seeking reelection;
    - (ii) already, that same year, filed the conflict of interest disclosure for the office described in Subsection (1)(b)(i), in accordance Section 20A-11-1604; and
    - (iii) at the time the candidate files the declaration of candidacy, indicates, in writing, that the conflict of interest disclosure described in Subsection (1)(b)(ii) is updated and accurate as of the date of filing the declaration of candidacy.
- (2) Except as provided in Subsection (1)(b), a filing officer may not accept a declaration of candidacy for an office listed in Subsection (1)(a) until the candidate makes a complete conflict of interest disclosure on the website.
- (3) The conflict of interest disclosure described in Subsection (1)(a) shall contain the same requirements and shall be in the same format as the conflict of interest disclosure described in Section 20A-11-1604.
- (4) The lieutenant governor shall make the complete conflict of interest disclosure made by each candidate available for public inspection on the website.

Amended by Chapter 20, 2021 General Session

**20A-11-1604 Failure to disclose conflict of interest -- Failure to comply with reporting requirements.**

- (1)
  - (a) Before or during the execution of any order, settlement, declaration, contract, or any other official act of office in which a state constitutional officer has actual knowledge that the state constitutional officer has a conflict of interest that is not stated in the conflict of interest disclosure, the state constitutional officer shall publicly declare that the state constitutional officer may have a conflict of interest and what that conflict of interest is.
  - (b) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that the legislator has a conflict of interest that is not stated in the conflict of interest disclosure, the legislator shall orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is.

- (c) Before or during any vote on any rule, resolution, order, or any other board matter in which a member of the State Board of Education has actual knowledge that the member has a conflict of interest that is not stated in the conflict of interest disclosure, the member shall orally declare to the board that the member may have a conflict of interest and what that conflict of interest is.
- (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall be noted:
  - (a) on the official record of the action taken, for a state constitutional officer;
  - (b) in the minutes of the committee meeting or in the Senate or House Journal, as applicable, for a legislator; or
  - (c) in the minutes of the meeting or on the official record of the action taken, for a member of the State Board of Education.
- (3) A state constitutional officer shall make a complete conflict of interest disclosure on the website:
  - (a)
    - (i) no sooner than January 1 each year, and before January 11 each year; or
    - (ii) if the state constitutional officer takes office after January 10, within 10 days after the day on which the state constitutional officer takes office; and
  - (b) each time the state constitutional officer changes employment.
- (4) A legislator shall make a complete conflict of interest disclosure on the website:
  - (a)
    - (i) no sooner than January 1 each year, and before January 11 each year; or
    - (ii) if the legislator takes office after January 10, within 10 days after the day on which the legislator takes office; and
  - (b) each time the legislator changes employment.
- (5) A member of the State Board of Education shall make a complete conflict of interest disclosure on the website:
  - (a)
    - (i) no sooner than January 1 each year, and before January 11 each year; or
    - (ii) if the member takes office after January 10, within 10 days after the day on which the member takes office; and
  - (b) each time the member changes employment.
- (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
  - (a) the regulated officeholder's name;
  - (b) the name and address of each of the regulated officeholder's current employers and each of the regulated officeholder's employers during the preceding year;
  - (c) for each employer described in Subsection (6)(b), a brief description of the employment, including the regulated officeholder's occupation and, as applicable, job title;
  - (d) for each entity in which the regulated officeholder is an owner or officer, or was an owner or officer during the preceding year:
    - (i) the name of the entity;
    - (ii) a brief description of the type of business or activity conducted by the entity; and
    - (iii) the regulated officeholder's position in the entity;
  - (e) in accordance with Subsection (7), for each individual from whom, or entity from which, the regulated officeholder has received \$5,000 or more in income during the preceding year:
    - (i) the name of the individual or entity; and
    - (ii) a brief description of the type of business or activity conducted by the individual or entity;
  - (f) for each entity in which the regulated officeholder holds any stocks or bonds having a fair market value of \$5,000 or more as of the date of the disclosure form or during the preceding

year, but excluding funds that are managed by a third party, including blind trusts, managed investment accounts, and mutual funds:

- (i) the name of the entity; and
- (ii) a brief description of the type of business or activity conducted by the entity;
- (g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated officeholder currently serves, or served in the preceding year, on the board of directors or in any other type of paid leadership capacity:
  - (i) the name of the entity or organization;
  - (ii) a brief description of the type of business or activity conducted by the entity; and
  - (iii) the type of advisory position held by the regulated officeholder;
- (h) at the option of the regulated officeholder, a description of any real property in which the regulated officeholder holds an ownership or other financial interest that the regulated officeholder believes may constitute a conflict of interest, including a description of the type of interest held by the regulated officeholder in the property;
- (i) the name of the regulated officeholder's spouse and any other adult residing in the regulated officeholder's household who is not related by blood or marriage, as applicable;
- (j) for the regulated officeholder's spouse, the information that a regulated officeholder is required to provide under Subsection (6)(b);
- (k) a brief description of the employment and occupation of each adult who:
  - (i) resides in the regulated officeholder's household; and
  - (ii) is not related to the regulated officeholder by blood or marriage;
- (l) at the option of the regulated officeholder, a description of any other matter or interest that the regulated officeholder believes may constitute a conflict of interest;
- (m) the date the form was completed;
- (n) a statement that the regulated officeholder believes that the form is true and accurate to the best of the regulated officeholder's knowledge; and
- (o) the signature of the regulated officeholder.
- (7) In making the disclosure described in Subsection (6)(e), a regulated officeholder who provides goods or services to multiple customers or clients as part of a business or a licensed profession is only required to provide the information described in Subsection (6)(e) in relation to the entity or practice through which the regulated officeholder provides the goods or services and is not required to provide the information described in Subsection (6)(e) in relation to the regulated officeholder's individual customers or clients.
- (8) The disclosure requirements described in this section do not prohibit a regulated officeholder from voting or acting on any matter.
- (9) A regulated officeholder may amend a conflict of interest disclosure described in this part at any time.
- (10) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B misdemeanor.
- (11)
  - (a) A regulated officeholder who intentionally or knowingly violates a provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.
  - (b) In addition to the criminal penalty described in Subsection (11)(a), the lieutenant governor shall impose a civil penalty of \$100 against a regulated officeholder who violates a provision of this section, other than Subsection (1).

Amended by Chapter 20, 2021 General Session

**20A-11-1605 Failure to file -- Penalties.**

- (1) Within 60 days after the day on which a regulated officeholder is required to file a conflict of interest disclosure under Subsection 20A-11-1604(3), (4) or (5), the lieutenant governor shall review each filed conflict of interest disclosure to ensure that:
  - (a) each regulated officeholder who is required to file a conflict of interest disclosure has filed one; and
  - (b) each conflict of interest disclosure contains the information required under Section 20A-11-1604.
- (2) The lieutenant governor shall take the action described in Subsection (3) if:
  - (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;
  - (b) a filed conflict of interest disclosure does not comply with the requirements of Section 20A-11-1604; or
  - (c) the lieutenant governor receives a written complaint alleging a violation of Section 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the complaint and giving the regulated officeholder notice and an opportunity to be heard, the lieutenant governor determines that a violation occurred.
- (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall, within five days after the day on which the lieutenant governor determines that a violation occurred, notify the regulated officeholder of the violation and direct the regulated officeholder to file an amended report correcting the problem.
- (4)
  - (a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of interest disclosure within seven days after the day on which the regulated officeholder receives the notice described in Subsection (3).
  - (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B misdemeanor.
  - (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.
  - (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall impose a civil fine of \$100 against a regulated officeholder who violates Subsection (4)(a).
- (5) The lieutenant governor shall deposit a fine collected under this part into the General Fund as a dedicated credit to pay for the costs of administering the provisions of this part.

Amended by Chapter 20, 2021 General Session

**20A-11-1606 Link to conflict of interest disclosure on Legislature's website.**

The Legislature's website shall include, for each legislative officeholder, a link to the conflict of interest disclosure on the website maintained by the lieutenant governor in relation to that legislative officeholder.

Amended by Chapter 266, 2019 General Session

**Part 17**  
**Independent Expenditures**

**20A-11-1701 Title.**

This part is known as "Independent Expenditures."

Enacted by Chapter 60, 2014 General Session

**20A-11-1702 Definitions.**

As used in this part:

- (1) "Clearly identified" means:
  - (a) the name of the candidate appears;
  - (b) a photograph or drawing of the candidate appears; or
  - (c) the identity of the candidate or ballot proposition is apparent by unambiguous reference.
- (2)
  - (a) "Independent expenditure" means an expenditure by a person expressly advocating the success or defeat of a clearly identified candidate or ballot proposition if the expenditure is not made in coordination with, or at the request or suggestion of:
    - (i) a candidate;
    - (ii) a candidate's personal campaign committee;
    - (iii) a member of a candidate's personal campaign committee;
    - (iv) a political action committee for which the candidate is an officer with primary decision making authority;
    - (v) an agent of a candidate; or
    - (vi) a political issues committee.
  - (b) "Independent expenditure" includes:
    - (i) the cost of creating and disseminating material for a public communication, including design and production costs; and
    - (ii) a contract or other promise to make an expenditure described in Subsection (2)(a) or (2)(b)
      - (i).
- (3)
  - (a) "Public communication" means a communication by:
    - (i) broadcast, cable, satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank; or
    - (ii) another medium used for political advertising to the general public.
  - (b) "Public communication" does not include:
    - (i) a news story, a commentary, or an editorial disseminated by a broadcasting station, including a cable television operator, programmer, or producer, satellite television or radio provider, website, newspaper, magazine, or other periodical publication, that is not controlled by a candidate or political party; or
    - (ii) a candidate debate or forum.
- (4) "Telephone bank" means 500 or more identical or substantially similar telephone calls within any 30-day period.

Enacted by Chapter 60, 2014 General Session

**20A-11-1703 Exceptions.**

- (1) A registered political party is not required to comply with the requirements of this part.
- (2) A reporting entity is not required to report an independent expenditure under this part if the reporting party:
  - (a) reports the expenditure under another part in this chapter; and
  - (b) in the report described in Subsection (2)(a):
    - (i) identifies the expenditure as an independent expenditure; and

- (ii) provides the information, described in Section 20A-11-1704, in relation to the independent expenditure.

Amended by Chapter 83, 2018 General Session

**20A-11-1704 Independent expenditure report.**

- (1) Except as provided in Section 20A-11-1703, within 31 days after the day on which a person has made a total of at least \$1,000 in independent expenditures during an election cycle, the person shall file an independent expenditure report with the chief election officer.
- (2) Except as provided in Section 20A-11-1703, within 31 days after the day on which a person has made a total of at least \$1,000 in independent expenditures during an election cycle that were not reported in an independent expenditure report already filed with the chief election officer during the same election cycle, the person shall file another independent expenditure report with the chief election officer.
- (3) An independent expenditure report shall include the following information:
  - (a) if the person who made the independent expenditures is an individual, the person's name, address, and phone number;
  - (b) if the person who made the independent expenditures is not an individual:
    - (i) the person's name, address, and phone number; and
    - (ii) the name, address, and phone number of an individual who may be contacted by the chief election officer in relation to the independent expenditure report; and
  - (c) for each independent expenditure made by the person during the current election cycle that was not reported in a previous independent expenditure report:
    - (i) the date of the independent expenditure;
    - (ii) the amount of the independent expenditure;
    - (iii) the candidate or ballot proposition for which the independent expenditure expressly advocates the success or defeat and a description of whether the independent expenditure supports or opposes the candidate or ballot proposition;
    - (iv) the identity, address, and phone number of the person to whom the independent expenditure was made;
    - (v) a description of the goods or services obtained by the independent expenditure; and
    - (vi) for each person who, for political purposes, made cumulative donations of \$1,000 or more during the current election cycle to the filer of the independent expenditure report:
      - (A) the identity, address, and phone number of the person;
      - (B) the date of the donation; and
      - (C) the amount of the donation.
- (4)
  - (a) If the person filing an independent expenditure report is an individual, the person shall sign the independent expenditure report and certify that the information contained in the report is complete and accurate.
  - (b) If the person filing an independent expenditure report is not an individual:
    - (i) the person filing the independent expenditure report shall designate an authorized individual to sign the independent expenditure report on behalf of the person; and
    - (ii) the individual designated under Subsection (4)(b)(i) shall sign the independent expenditure report and certify that the information contained in the report is complete and accurate.
- (5) If a person who files an independent expenditure report previously filed an independent expenditure report during, or in relation to, the same election cycle that includes information, described in Subsection (3)(a) or (b), that has changed since the person filed the previous

independent expenditure report, the person shall include in the most recent independent expenditure report a description of the information that has changed that includes both the old information and the new information.

- (6) An independent expenditure report is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 83, 2018 General Session

**20A-11-1705 Detailed records.**

A person who files an independent expenditure report shall keep records of all independent expenditures made by the person, including receipts, and all donations described in Subsection 20A-11-1704(3)(c)(vi), for at least two years after the day on which the independent expenditure report to which the records relate is filed.

Enacted by Chapter 60, 2014 General Session

**20A-11-1706 Penalties.**

- (1) The chief election officer shall impose a \$100 fine against an individual who fails to file an independent expenditure report, that includes the information required for the report, within the time period required by this part.
- (2) The chief election officer shall impose a \$1000 fine against a person who is not an individual who fails to file an independent expenditure report, that includes the information required for the report, within the time period required by this part.
- (3) The chief election officer shall deposit fines collected under this chapter into the General Fund.

Amended by Chapter 20, 2021 General Session

## **Chapter 12 Selection and Election of Judges**

### **Part 2 Judicial Retention Elections**

**20A-12-201 Judicial appointees -- Retention elections.**

- (1)
  - (a) Each judicial appointee to a court is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.
  - (b) After the first retention election:
    - (i) each Supreme Court justice shall be on the regular general election ballot for an unopposed retention election every tenth year; and
    - (ii) each judge of other courts shall be on the regular general election ballot for an unopposed retention election every sixth year.
- (2)
  - (a) Each justice or judge of a court of record who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

- (i) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and
  - (ii) pay a filing fee of \$50.
- (b)
- (i) Each justice court judge who wishes to retain office shall, in the year the justice court judge is subject to a retention election:
    - (A) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and
    - (B) pay a filing fee of \$25 for each judicial office.
  - (ii) If a justice court judge is appointed or elected to more than one judicial office, the declaration of candidacy shall identify all of the courts included in the same general election.
  - (iii) If a justice court judge is appointed or elected to more than one judicial office, filing a declaration of candidacy in one county in which one of those courts is located is valid for the courts in any other county.
- (3)
- (a) The lieutenant governor shall, no later than August 31 of each regular general election year:
    - (i) transmit a certified list containing the names of the justices of the Supreme Court and judges of the Court of Appeals declaring their candidacy to the county clerk of each county; and
    - (ii) transmit a certified list containing the names of judges of other courts declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.
  - (b) Each county clerk shall place the names of justices and judges standing for retention election in the nonpartisan section of the ballot.
- (4)
- (a) At the general election, the ballots shall contain:
    - (i) at the beginning of the judicial retention section of the ballot, the following statement:  
 "Visit [judges.utah.gov](http://judges.utah.gov) to learn about the Judicial Performance Evaluation Commission's recommendations for each judge"; and
    - (ii) as to each justice or judge of any court to be voted on in the county, the following question:  
 "Shall \_\_\_\_\_ (name of justice or judge) be retained in the office of \_\_\_\_\_? (name of office, such as "Justice of the Supreme Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District"; "Justice Court Judge of (name of county) County or (name of municipality)")  
 Yes ()  
 No ()."
  - (b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102, the ballot question for the judge shall include the name of that court.
- (5)
- (a) If the justice or judge receives more yes votes than no votes, the justice or judge is retained for the term of office provided by law.
  - (b) If the justice or judge does not receive more yes votes than no votes, the justice or judge is not retained, and a vacancy exists in the office on the first Monday in January after the regular general election.
- (6) A justice or judge not retained is ineligible for appointment to the office for which the justice or judge was defeated until after the expiration of that term of office.



- (7) If a justice court judge is standing for retention for more than one office, the county clerk shall place the judge's name on the ballot separately for each office. If the justice court judge receives more no votes than yes votes in one office, but more yes votes than no votes in the other, the justice court judge shall be retained only in the office for which the judge received more yes votes than no votes.

Amended by Chapter 401, 2020 General Session

### Part 3

## Campaign and Financial Reporting Requirements for Judicial Retention Elections

### 20A-12-301 Definitions.

As used in this part:

- (1)
- (a) "Contribution" means any of the following when done for political purposes:
- (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the judge or the judge's personal campaign committee;
  - (ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the judge or the judge's personal campaign committee;
  - (iii) any transfer of funds from another reporting entity or a corporation to the judge or the judge's personal campaign committee;
  - (iv) compensation paid by any person or reporting entity other than the judge or the judge's personal campaign committee for personal services provided without charge to the judge or the judge's personal campaign committee; and
  - (v) goods or services provided to or for the benefit of the judge or the judge's personal campaign committee at less than fair market value.
- (b) "Contribution" does not include:
- (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of the judge or the judge's personal campaign committee; or
  - (ii) money lent to the judge or the judge's personal campaign committee by a financial institution in the ordinary course of business.
- (2)
- (a) "Corporation" means a domestic or foreign, profit or nonprofit, business organization that is registered as a corporation or is authorized to do business in a state and makes any expenditure from corporate funds for political purposes.
- (b) "Corporation" does not mean:
- (i) a business organization's political action committee as defined in Section 20A-11-101 or political issues committee as defined in Section 20A-11-101; or
  - (ii) a business entity organized as a partnership or a sole proprietorship.
- (3) "Detailed listing" means:
- (a) for each contribution:
- (i) the name and address of the individual or source making the contribution, to the extent that the name or address of the individual or source is known;
  - (ii) the amount or value of the contribution; and
  - (iii) the date the contribution was made; and

- (b) for each expenditure:
  - (i) the amount of the expenditure;
  - (ii) the person or entity to whom it was disbursed;
  - (iii) the specific purpose, item, or service acquired by the expenditure; and
  - (iv) the date the expenditure was made.
- (4)
  - (a) "Expenditure" means:
    - (i) any disbursement from contributions or from the separate bank account required by this chapter;
    - (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
    - (iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;
    - (iv) compensation paid by a corporation or reporting entity for personal services rendered by a person without charge to the judge or the judge's personal campaign committee;
    - (v) a transfer of funds between the judge's personal campaign committee and another judge's personal campaign committee; or
    - (vi) goods or services provided by the judge's personal campaign committee to or for the benefit of another judge for political purposes at less than fair market value.
  - (b) "Expenditure" does not include:
    - (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of the judge or judge's personal campaign committee; or
    - (ii) money lent to a judge's personal campaign committee by a financial institution in the ordinary course of business.
- (5) "Individual" means a natural person.
- (6) "Interim report" means a report identifying the contributions received and expenditures made since the last report.
- (7) "Personal campaign committee" means the committee appointed by a judge to act for the judge as provided in this chapter.
- (8) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any judge standing for retention at any election.
- (9) "Reporting entity" means a judge, judge's personal campaign committee, candidate, a candidate's personal campaign committee, an officeholder, and a party committee, a political action committee, and a political issues committee.
- (10) "Summary report" means the year-end report containing the summary of a reporting entity's contributions and expenditures.

Amended by Chapter 21, 2015 General Session

**20A-12-301.5 Disclosure of actual source or recipient required.**

- (1) As used in this section, "transactional intermediary" means a person, including a credit card company, a financial institution, or a money transfer service, that pays or transfers money to a person on behalf of another person.
- (2) When, under this chapter, a person makes a detailed listing, discloses or reports the source of a contribution, discloses or reports the person or entity to whom a disbursement is made, or discloses or reports the identity of a donor, the person:

- (a) shall reveal the actual source of the contribution, the actual person or entity to whom the disbursement is ultimately made, or the actual identity of the donor; and
- (b) may not merely list, disclose, or report the transactional intermediary.

Enacted by Chapter 18, 2014 General Session

**20A-12-302 Campaign committee required.**

- (1)
  - (a) When permitted to do so by the Code of Judicial Conduct promulgated by the Utah Supreme Court, and if the judge chooses to solicit contributions or make expenditures to promote his retention, the judge may establish no more than one retention election personal campaign committee, consisting of one or more persons, to receive contributions, make expenditures, and shall file reports connected with the judge's retention election campaign.
  - (b) A judge or person acting in concert with or with the knowledge of the judge may not receive any contributions or make any expenditures other than through the personal campaign committee established under this section.
- (2)
  - (a) The judge shall file with the lieutenant governor a signed written statement containing the name and address of each member and the secretary of the judge's personal campaign committee.
  - (b) The judge may change the membership of the personal campaign committee at any time by filing with the lieutenant governor a signed statement containing the name and address of any additional members and identifying any members that have been removed from the committee.
  - (c) The judge or the judge's personal campaign committee may not make any expenditures on behalf of the judge until the statement has been filed.
- (3)
  - (a) The judge's personal campaign committee may not make an expenditure of more than \$1,000 unless the judge or the secretary of the personal campaign committee authorizes the expenditure in writing.
  - (b) A judge or the judge's personal campaign committee may not make any expenditures prohibited by law.
- (4) A judge's personal campaign committee is dissolved on the date that the summary report required by Section 20A-12-304 is filed.

Enacted by Chapter 166, 2001 General Session

**20A-12-303 Separate account for campaign funds -- Reporting contributions.**

- (1) The judge or the judge's personal campaign committee shall deposit each contribution in one or more separate personal campaign accounts in a financial institution.
- (2) The judge or the judge's personal campaign committee may not deposit or mingle any contributions received into a personal or business account.
- (3)
  - (a) As used in this Subsection (3) and Section 20A-12-305, "received" means:
    - (i) for a cash contribution, that the cash is given to a judge or the judge's personal campaign committee;
    - (ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

- (iii) for any other type of contribution, that any portion of the contribution's benefit inures to the judge.
- (b) The judge or the judge's personal campaign committee shall report to the lieutenant governor each contribution received by the judge, within 31 days after the day on which the contribution is received.
- (c) For each contribution that a judge fails to report within the time period described in Subsection (3)(b), the lieutenant governor shall impose a fine against the judge in an amount equal to:
  - (i) 10% of the amount of the contribution if the judge reports the contribution within 60 days after the day on which the time period described in Subsection (3)(b) ends; or
  - (ii) 20% of the amount of the contribution, if the judge fails to report the contribution within 60 days after the day on which the time period described in Subsection (3)(b) ends.
- (d) The lieutenant governor shall:
  - (i) deposit money received under Subsection (3)(c) into the General Fund; and
  - (ii) report on the lieutenant governor's website, in the location where reports relating to each judge are available for public access:
    - (A) each fine imposed by the lieutenant governor against the judge;
    - (B) the amount of the fine;
    - (C) the amount of the contribution to which the fine relates; and
    - (D) the date of the contribution.
- (4) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal campaign committee shall disburse the amount of the contribution to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

Amended by Chapter 20, 2021 General Session

**20A-12-304 Judicial retention election candidates -- Financial reporting requirements -- Year-end summary report.**

- (1) The judge's personal campaign committee shall file a summary report with the lieutenant governor by January 10 of the year after the regular general election year.
- (2)
  - (a) Each summary report shall include the following information as of December 31 of the last regular general election year:
    - (i) a single figure equal to the total amount of contributions reported on the interim report;
    - (ii) a single figure equal to the total amount of expenditures reported on the interim report;
    - (iii) a detailed listing of each contribution received since the last summary report that has not been reported in detail on the interim report;
    - (iv) for each nonmonetary contribution, the fair market value of the contribution;
    - (v) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on the interim report;
    - (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and
    - (vii) the net balance for the year, consisting of all contributions minus all expenditures.
  - (b)
    - (i) For all single contributions of \$50 or less, an aggregate figure may be reported without a separate detailed listing.
    - (ii) Two or more contributions from the same source for a total of more than \$50 may not be reported in the aggregate, but shall be reported in the detailed listing.

- (c) A check or negotiable instrument received by a judge or the judge's personal campaign committee on or before December 31 of the previous year shall be reported in the summary report.
- (3) The judge shall certify in the summary report that, to the best of the judge's knowledge, all contributions and all expenditures have been reported as of December 31 of the last regular general election year and that there are no financial obligations outstanding except as set forth in the report.

Amended by Chapter 389, 2010 General Session

**20A-12-305 Judicial retention election candidates -- Financial reporting requirements -- Interim report.**

- (1) The judge's personal campaign committee shall file an interim report with the lieutenant governor on the date seven days before the regular general election date.
- (2) Each interim report shall include the following information:
  - (a) a detailed listing of each contribution received since the last financial statement;
  - (b) for each nonmonetary contribution, the fair market value of the contribution;
  - (c) a detailed listing of each expenditure made since the last summary report;
  - (d) for each nonmonetary expenditure, the fair market value of the expenditure; and
  - (e) a net balance for the year consisting of all contributions since the last summary report minus all expenditures since the last summary report.
- (3)
  - (a) For all individual contributions of \$50 or less, a single aggregate figure may be reported without separate detailed listings.
  - (b) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.
- (4) In preparing each interim report, all contributions and expenditures shall be reported as of five days before the required filing date of the report.
- (5) A negotiable instrument or check received by a judge or the judge's personal campaign committee more than five days before the required filing date of a report required by this section shall be included in the interim report.

Amended by Chapter 255, 2019 General Session

**20A-12-306 Judges -- Failure to file reports -- Penalties.**

- (1)
  - (a) If a judge's personal campaign committee fails to file the interim report due before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely filed:
    - (i) inform the county clerk and other appropriate election officials who:
      - (A)
        - (I) shall, if practicable, remove the name of the judge from the ballots before the ballots are delivered to voters; or
        - (II) shall, if removing the judge's name from the ballot is not practicable, inform the voters by any practicable method that the judge has been disqualified and that votes cast for the judge will not be counted; and
      - (B) may not count any votes for that judge; and
    - (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

- (b) Any judge who fails to file timely a financial statement required by this part is disqualified.
  - (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified and the lieutenant governor may not impose a fine if:
    - (i) the candidate timely files the reports required by this section in accordance with Section 20A-11-103;
    - (ii) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
    - (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are corrected in an amended report or in the next scheduled report.
- (2)
- (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:
    - (i) each judge that is required to file a summary report has filed one; and
    - (ii) each summary report contains the information required by this part.
  - (b) If it appears that any judge has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the judge of the violation or written complaint and direct the judge to file a summary report correcting the problem.
  - (c)
    - (i) It is unlawful for any judge to fail to file or amend a summary report within 14 days after receiving notice from the lieutenant governor under this section.
    - (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.
    - (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.

Amended by Chapter 389, 2010 General Session

## **Chapter 13**

### **Elections to Federal Offices**

#### **Part 1**

#### **Selection of U.S. Congressional Representatives**

##### **20A-13-101.1 Definitions.**

As used in this part:

- (1) "Census block" means any one of the 115,406 individual geographic areas into which the Bureau of the Census of the United States Department of Commerce has divided the state of Utah, to each of which the Bureau of the Census has attached a discrete population tabulation from the 2010 decennial census.
- (2) "Congressional block assignment file" means the electronic file that assigns each of Utah's 115,406 census blocks to a particular Congressional district.
- (3) "Congressional shapefile" means the electronic shapefile that stores the boundary of each of the four United States Congressional district boundaries for Utah.

- (4) "Shapefile" means the digital vector storage format for storing geometric location and associated attribute information.

Amended by Chapter 383, 2013 General Session

**20A-13-101.5 Representatives to the United States Congress -- Four representative districts -- When elected -- District boundaries.**

- (1)
  - (a) The state of Utah is divided into four districts for the election of representatives to the Congress of the United States, with one member to be elected from each Congressional district.
  - (b) At the general election to be held in 2012, and biennially thereafter, one representative from each Congressional district shall be elected to serve in the Congress of the United States.
- (2) The Legislature adopts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 2010 national decennial census as the official data for establishing Congressional district boundaries.
- (3)
  - (a) Notwithstanding Subsection (2), the Legislature enacts the district numbers and boundaries of the Congressional districts designated in the Congressional shapefile that is the electronic component of the bill that enacts this section.
  - (b) That Congressional shapefile, and Congressional boundaries generated from that Congressional shapefile, may be accessed via the Utah Legislature's website.

Amended by Chapter 383, 2013 General Session

**20A-13-102 Congressional districts.**

- (1)
  - (a) The Legislature shall file a copy of the Congressional shapefile enacted by the Legislature with the lieutenant governor's office.
  - (b) The legal boundaries of Utah's Congressional districts are contained in the Congressional shapefile on file with the lieutenant governor's office.
- (2)
  - (a) The lieutenant governor shall:
    - (i) generate maps of each Congressional district from the Congressional shapefile; and
    - (ii) ensure that those maps are available for viewing on the lieutenant governor's website.
  - (b) If there is any inconsistency between the maps and the Congressional shapefile, the Congressional shapefile is controlling.

Amended by Chapter 383, 2013 General Session

**20A-13-102.2 County clerk, Utah Geospatial Resource Center, and lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

- (1) Each county clerk shall obtain a copy of the Congressional shapefile for the clerk's county from the lieutenant governor's office.
- (2)
  - (a) A county clerk may create one or more county maps that identify the boundaries of Utah's Congressional districts as generated from the Congressional shapefile.

- (b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of Utah's Congressional districts within the county, the county clerk shall submit the county map and data to the lieutenant governor and to the Utah Geospatial Resource Center for review.
  - (c) Within 30 days after receipt of a county map and data from a county clerk, the Utah Geospatial Resource Center shall:
    - (i) review the county map and data to evaluate if the county map and data accurately reflect the boundaries of Utah's Congressional districts established by the Legislature in the Congressional shapefile;
    - (ii) determine whether the county map and data are correct or incorrect; and
    - (iii) communicate those findings to the lieutenant governor.
  - (d) The lieutenant governor shall either notify the county clerk that the county map and data are correct or notify the county clerk that the county map and data are incorrect.
  - (e) If the county clerk receives notice from the lieutenant governor that the county map and data submitted are incorrect, the county clerk shall:
    - (i) make the corrections necessary to conform the county map and data to the Congressional shapefile; and
    - (ii) resubmit the corrected county map and data to the lieutenant governor and to the Utah Geospatial Resource Center for a new review under this Subsection (2).
- (3)
- (a) Subject to the requirements of this Subsection (3), each county clerk shall establish voting precincts and polling places within each Utah Congressional district according to the procedures and requirements of Section 20A-5-303.
  - (b) Within five working days after approval of voting precincts and polling places by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the lieutenant governor and to the Utah Geospatial Resource Center for review.
  - (c) Within 30 days after receipt of a map from a county clerk, the Utah Geospatial Resource Center shall:
    - (i) review the voting precinct map to evaluate if the voting precinct map accurately reflects the boundaries of Utah's Congressional districts established by the Legislature in the Congressional shapefile;
    - (ii) determine whether the voting precinct map is correct or incorrect; and
    - (iii) communicate those findings to the lieutenant governor.
  - (d) The lieutenant governor shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the map is incorrect.
  - (e) If the county clerk receives notice from the lieutenant governor that the voting precinct map is incorrect, the county clerk shall:
    - (i) make the corrections necessary to conform the voting precinct map to the Congressional shapefile; and
    - (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the Utah Geospatial Resource Center for a new review under this Subsection (3).

Amended by Chapter 162, 2021 General Session

**20A-13-103 Omissions from maps -- How resolved.**

- (1) If any area of the state is omitted from a Congressional district in the Congressional shapefile enacted by the Legislature, the county clerk of the affected county, upon discovery of the



omission, shall attach the area to the appropriate Congressional district according to the requirements of Subsections (2) and (3).

- (2) If the omitted area is surrounded by a single Congressional district, the county clerk shall attach the area to that district.
- (3) If the omitted area is contiguous to two or more Congressional districts, the county clerk shall attach the area to the district that has the least population, as determined by the Utah Population Committee.
- (4) The county clerk shall certify in writing and file with the lieutenant governor any attachment made under this section.

Amended by Chapter 330, 2018 General Session

**20A-13-104 Uncertain boundaries -- How resolved.**

- (1) As used in this section, "affected party" means:
  - (a) a representative whose Congressional district boundary is uncertain because the boundary in the Congressional shapefile used to establish the district boundary has been removed, modified, or is unable to be identified or who is uncertain about whether the representative or another individual resides in a particular Congressional district;
  - (b) a candidate for Congressional representative whose Congressional district boundary is uncertain because the boundary in the Congressional shapefile used to establish the district boundary has been removed, modified, or is unable to be identified or who is uncertain about whether the candidate or another individual resides in a particular Congressional district; or
  - (c) an individual who is uncertain about which Congressional district contains the individual's residence because the boundary in the Congressional shapefile used to establish the district boundary has been removed, modified, or is unable to be identified.
- (2)
  - (a) An affected party may file a written request petitioning the lieutenant governor to determine:
    - (i) the precise location of the Congressional district boundary;
    - (ii) the number of the Congressional district in which an individual resides; or
    - (iii) both Subsections (2)(a)(i) and (ii).
  - (b) In order to make the determination required by Subsection (2)(a), the lieutenant governor shall review the Congressional shapefile and obtain and review other relevant data such as aerial photographs, aerial maps, or other data about the area.
  - (c) Within five days of receipt of the request, the lieutenant governor shall review the Congressional shapefile, obtain and review any relevant data, and make a determination.
  - (d) When the lieutenant governor determines the location of the Congressional district boundary, the lieutenant governor shall:
    - (i) prepare a certification identifying the appropriate boundary and attaching a map, if necessary; and
    - (ii) send a copy of the certification to:
      - (A) the affected party;
      - (B) the county clerk of the affected county; and
      - (C) the Utah Geospatial Resource Center created under Section 63A-16-505.
  - (e) If the lieutenant governor determines the number of the Congressional district in which a particular individual resides, the lieutenant governor shall send a letter identifying that district by number to:
    - (i) the individual;

- (ii) the affected party who filed the petition, if different than the individual whose Congressional district number was identified; and
- (iii) the county clerk of the affected county.

Amended by Chapter 162, 2021 General Session  
Amended by Chapter 345, 2021 General Session

## **Part 2 Selection of U.S. Senators**

### **20A-13-201 Senators -- When elected.**

At the general election in November, 1932, and at each general election immediately preceding the expiration of the term of office of a United States senator from Utah, there shall be elected one United States senator to serve for a period of six years.

Enacted by Chapter 1, 1995 General Session

## **Part 3 Presidential Electors**

### **20A-13-301 Presidential elections -- Effect of vote.**

- (1)
  - (a) Each registered political party shall choose individuals to act as presidential electors and to fill vacancies in the office of presidential electors for their party's candidates for president and vice president of the United States according to the procedures established in their bylaws.
  - (b) Each registered political party shall certify to the lieutenant governor the names and addresses of the individuals selected by the political party as the party's presidential electors before 5 p.m. no later than August 31.
  - (c) An unaffiliated candidate or write-in candidate for the office of president of the United States shall, no later than 5 p.m. ten days after the day on which the candidate files a declaration of candidacy, certify to the lieutenant governor the names and addresses of each individual selected by the candidate as a presidential elector for the candidate and each individual selected by the candidate to fill a vacancy in the office of presidential elector for the candidate.
- (2) The highest number of votes cast for candidates for president and vice president of the United States elects the presidential electors for:
  - (a) except as provided in Subsection (2)(b), the political party of those candidates; or
  - (b) if the candidates receiving the highest number of votes are unaffiliated candidates or write-in candidates, the presidential electors selected for those candidates under Subsection (1)(c).

Amended by Chapter 22, 2020 General Session

### **20A-13-302 Certificate of election.**

- (1) The lieutenant governor shall transmit certificates of election to each of the electors selected under Section 20A-13-301:

- (a) if the candidates for president and vice president of the United States who receive the highest number of votes in the state are unaffiliated candidates or write-in candidates, by the candidate for president; or
  - (b) if the candidates for president and vice president of the United States who receive the highest number of votes in the state are the nominees of a registered political party, by the registered political party.
- (2) Presidential electors may not receive compensation for their services.

Amended by Chapter 22, 2020 General Session

**20A-13-303 Filling vacancies.**

If there is a vacancy in the office of presidential elector because of death, refusal to act, failure to attend, ineligibility, or any other cause, the individual or political party represented by the elector who caused the vacancy shall immediately fill the vacancy.

Amended by Chapter 22, 2020 General Session

**20A-13-304 Meeting to ballot -- Casting ballot for individual not nominated by elector's candidate or party.**

- (1) The electors shall meet at the office of the lieutenant governor at the state capitol at noon of the first Wednesday of the January after their election, or at noon of any other day designated by the Congress of the United States of America.
- (2) After convening, the electors shall perform their duties in conformity with the United States Constitution and laws.
- (3) Any elector who casts an electoral ballot for an individual not nominated by the individual, or by the party of which the elector is an elector, except in the cases of death or felony conviction of a candidate, is considered to have resigned from the office of elector, the elector's vote may not be recorded, and the remaining electors shall appoint another individual to fill the vacancy.

Amended by Chapter 22, 2020 General Session

**Chapter 14**  
**Nomination and Election of State and Local School Boards**

**Part 1**  
**State School Board - Nomination and Election**

**20A-14-101.1 Definitions.**

As used in this part:

- (1) "Board" means the State Board of Education.
- (2) "Board block assignment file" means the electronic file that assigns each of Utah's 115,406 census blocks to a particular State Board of Education district.
- (3) "Board shapefile" means the electronic shapefile that stores the boundary of each of the 15 State Board of Education districts.

- (4) "Census block" means any one of the 115,406 individual geographic areas into which the Bureau of the Census of the United States Department of Commerce has divided the state of Utah, to each of which the Bureau of the Census has attached a discrete population tabulation from the 2010 decennial census.
- (5) "Shapefile" means the digital vector storage format for storing geometric location and associated attribute information.

Amended by Chapter 455, 2013 General Session

**20A-14-101.5 State Board of Education -- Number of members -- State Board of Education district boundaries.**

- (1) As used in this section:
  - (a) "County boundary" means the county boundary's location in the database as of January 1, 2010.
  - (b) "Database" means the State Geographic Information Database created in Section 63A-16-506.
  - (c) "Local school district boundary" means the local school district boundary's location in the database as of January 1, 2010.
  - (d) "Municipal boundary" means the municipal boundary's location in the database as of January 1, 2010.
- (2) The State Board of Education shall consist of 15 members, with one member to be elected from each State Board of Education district.
- (3) The Legislature adopts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 2010 national decennial census as the official data for establishing State Board of Education district boundaries.
- (4)
  - (a) Notwithstanding Subsection (3), the Legislature enacts the district numbers and boundaries of the State Board of Education districts designated in the Board shapefile that is the electronic component of the bill that enacts this section.
  - (b) That Board shapefile, and the State Board of Education district boundaries generated from that Board shapefile, may be accessed via the Utah Legislature's website.

Amended by Chapter 345, 2021 General Session

**20A-14-102 State Board of Education districts.**

- (1)
  - (a) The Legislature shall file a copy of the Board shapefile enacted by the Legislature with the lieutenant governor's office.
  - (b) The legal boundaries of State Board of Education districts are contained in the Board shapefile on file with the lieutenant governor's office.
- (2)
  - (a) The lieutenant governor shall:
    - (i) generate maps of each State Board of Education district from the Board shapefile; and
    - (ii) ensure that those maps are available for viewing on the lieutenant governor's website.
  - (b) If there is any inconsistency between the maps and the Board shapefile, the Board shapefile is controlling.

Amended by Chapter 455, 2013 General Session

**20A-14-102.1 Omissions from maps -- How resolved.**

- (1) If any area of the state is omitted from a State Board of Education district in the Board shapefile enacted by the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate State Board of Education district according to the requirements of Subsections (2) and (3).
- (2) If the omitted area is surrounded by a single State Board of Education district, the county clerk shall attach the area to that district.
- (3) If the omitted area is contiguous to two or more State Board of Education districts, the county clerk shall attach the area to the district that has the least population, as determined by the Utah Population Committee.
- (4) The county clerk shall certify in writing and file with the lieutenant governor any attachment made under this section.

Amended by Chapter 330, 2018 General Session

**20A-14-102.2 Uncertain boundaries -- How resolved.**

- (1) As used in this section:
  - (a) "Affected party" means:
    - (i) a state school board member whose State Board of Education district boundary is uncertain because the feature used to establish the district boundary in the Board shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether the member or another individual resides in a particular State Board of Education district;
    - (ii) a candidate for state school board whose State Board of Education district boundary is uncertain because the feature used to establish the district boundary in the Board shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether the candidate or another individual resides in a particular State Board of Education district;or
    - (iii) an individual who is uncertain about which State Board of Education district contains the individual's residence because the feature used to establish the district boundary in the Board shapefile has been removed, modified, or is unable to be identified.
  - (b) "Feature" means a geographic or other tangible or intangible mark such as a road or political subdivision boundary that is used to establish a State Board of Education district boundary.
- (2)
  - (a) An affected party may file a written request petitioning the lieutenant governor to determine:
    - (i) the precise location of the State Board of Education district boundary;
    - (ii) the number of the State Board of Education district in which an individual resides; or
    - (iii) both Subsections (2)(a)(i) and (ii).
  - (b) In order to make the determination required by Subsection (2)(a), the lieutenant governor shall review:
    - (i) the Board shapefile; and
    - (ii) other relevant data such as aerial photographs, aerial maps, or other data about the area.
  - (c) Within five days of receipt of the request, the lieutenant governor shall:
    - (i) review the Board block shapefile;
    - (ii) review any relevant data; and
    - (iii) make a determination.

- (d) If the lieutenant governor determines the precise location of the State Board of Education district boundary, the lieutenant governor shall:
  - (i) prepare a certification identifying the appropriate State Board of Education district boundary and attaching a map, if necessary; and
  - (ii) send a copy of the certification to:
    - (A) the affected party;
    - (B) the county clerk of the affected county; and
    - (C) the Utah Geospatial Resource Center created under Section 63A-16-505.
- (e) If the lieutenant governor determines the number of the State Board of Education district in which a particular individual resides, the lieutenant governor shall send a letter identifying that district by number to:
  - (i) the individual;
  - (ii) the affected party who filed the petition, if different than the individual whose State Board of Education district number was identified; and
  - (iii) the county clerk of the affected county.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

**20A-14-102.3 County clerk, Utah Geospatial Resource Center, and lieutenant governor responsibilities -- Maps and voting precinct boundaries.**

- (1) As used in this section, "redistricting boundary data" means the Board shapefile.
- (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's county from the lieutenant governor's office.
- (3)
  - (a) A county clerk may create one or more county maps that identify the boundaries of State Board of Education districts as generated from the redistricting boundary data.
  - (b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of State Board of Education districts within the county, the clerk shall submit the county map and data to the lieutenant governor and to the Utah Geospatial Resource Center for review.
  - (c) Within 30 days after receipt of a county map and data from a county clerk, the Utah Geospatial Resource Center shall:
    - (i) review the county map and data to evaluate if the county map and data accurately reflect the boundaries of State Board of Education districts established by the Legislature in the redistricting boundary data;
    - (ii) determine whether the county map and data are correct or incorrect; and
    - (iii) communicate those findings to the lieutenant governor.
  - (d) The lieutenant governor shall either notify the county clerk that the county map and data are correct or inform the county clerk that the county map and data are incorrect.
  - (e) If the county clerk receives notice from the lieutenant governor that the county map and data submitted are incorrect, the county clerk shall:
    - (i) make the corrections necessary to conform the county map and data to the redistricting boundary data; and
    - (ii) resubmit the corrected county map and data to the lieutenant governor for a new review under this Subsection (3).
- (4)

- (a) Subject to the requirements of this Subsection (4), each county clerk shall establish voting precincts and polling places within each State Board of Education district according to the procedures and requirements of Section 20A-5-303.
- (b) Within five working days after approval of voting precincts and polling places by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the lieutenant governor and to the Utah Geospatial Resource Center for review.
- (c) Within 30 days after receipt of a voting precinct map from a county clerk, the Utah Geospatial Resource Center shall:
  - (i) review the voting precinct map to evaluate if the voting precinct map accurately reflects the boundaries of State Board of Education districts established by the Legislature in the redistricting boundary data;
  - (ii) determine whether the voting precinct map is correct or incorrect; and
  - (iii) communicate those findings to the lieutenant governor.
- (d) The lieutenant governor shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the voting precinct map is incorrect.
- (e) If the county clerk receives notice from the lieutenant governor that the voting precinct map is incorrect, the county clerk shall:
  - (i) make the corrections necessary to conform the voting precinct map to the redistricting boundary data; and
  - (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the Utah Geospatial Resource Center for a new review under this Subsection (4).

Amended by Chapter 162, 2021 General Session

**20A-14-103 State Board of Education members -- Term -- Requirements.**

- (1) Unless otherwise provided by law, each State Board of Education member elected from a State Board of Education district at a nonpartisan election shall serve out the term of office for which that member was elected.
- (2)
  - (a) A person seeking election to the State Board of Education shall have been a resident of the State Board of Education district in which the person is seeking election for at least one year as of the date of the election.
  - (b) A person who has resided within the State Board of Education district, as the boundaries of the district exist on the date of the election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2).
- (3) A State Board of Education member shall:
  - (a) be and remain a registered voter in the State Board of Education district from which the member was elected or appointed; and
  - (b) maintain the member's primary residence within the State Board of Education district from which the member was elected or appointed during the member's term of office.
- (4) A State Board of Education member may not, during the member's term of office, also serve as an employee of the State Board of Education.

Amended by Chapter 19, 2018 General Session

**20A-14-104.1 State Board of Education -- Candidacy.**

- (1) A person interested in becoming a candidate for the office of State Board of Education member shall:
  - (a) file a declaration of candidacy in accordance with Sections 20A-9-201 and 20A-9-202;
  - (b) file a certificate of nomination in accordance with Sections 20A-9-501, 20A-9-502, and 20A-9-503; or
  - (c) seek placement on the ballot as a write-in candidate in accordance with Sections 20A-9-601 and 20A-9-602.
- (2) The office of State Board of Education member may be filled by an individual running as a member of a political party, as unaffiliated, or as a write-in candidate.

Amended by Chapter 507, 2019 General Session

## **Part 2**

### **Election of Members of Local Boards of Education**

#### **20A-14-201 Boards of education -- School board districts -- Creation -- Reapportionment.**

- (1)
  - (a) The county legislative body, for local school districts whose boundaries encompass more than a single municipality, and the municipal legislative body, for school districts contained completely within a municipality, shall divide the local school district into local school board districts as required under Subsection 20A-14-202(1)(a).
  - (b) The county and municipal legislative bodies shall divide the school district so that the local school board districts are substantially equal in population and are as contiguous and compact as practicable.
- (2)
  - (a) County and municipal legislative bodies shall reapportion district boundaries to meet the population, compactness, and contiguity requirements of this section:
    - (i) at least once every 10 years;
    - (ii) if a new district is created:
      - (A) within 45 days after the canvass of an election at which voters approve the creation of a new district; and
      - (B) at least 60 days before the candidate filing deadline for a school board election;
    - (iii) whenever districts are consolidated;
    - (iv) whenever a district loses more than 20% of the population of the entire school district to another district;
    - (v) whenever a district loses more than 50% of the population of a local school board district to another district;
    - (vi) whenever a district receives new residents equal to at least 20% of the population of the district at the time of the last reapportionment because of a transfer of territory from another district; and
    - (vii) whenever it is necessary to increase the membership of a board from five to seven members as a result of changes in student membership under Section 20A-14-202.
  - (b) If a school district receives territory containing less than 20% of the population of the transferee district at the time of the last reapportionment, the local school board may assign the new territory to one or more existing school board districts.
- (3)



- (a) Reapportionment does not affect the right of any school board member to complete the term for which the member was elected.
- (b)
  - (i) After reapportionment, representation in a local school board district shall be determined as provided in this Subsection (3).
  - (ii) If only one board member whose term extends beyond reapportionment lives within a reapportioned local school board district, that board member shall represent that local school board district.
  - (iii)
    - (A) If two or more members whose terms extend beyond reapportionment live within a reapportioned local school board district, the members involved shall select one member by lot to represent the local school board district.
    - (B) The other members shall serve at-large for the remainder of their terms.
    - (C) The at-large board members shall serve in addition to the designated number of board members for the board in question for the remainder of their terms.
  - (iv) If there is no board member living within a local school board district whose term extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in this part.
- (4)
  - (a) If, before an election affected by reapportionment, the county or municipal legislative body that conducted the reapportionment determines that one or more members shall be elected to terms of two years to meet this part's requirements for staggered terms, the legislative body shall determine by lot which of the reapportioned local school board districts will elect members to two-year terms and which will elect members to four-year terms.
  - (b) All subsequent elections are for four-year terms.
- (5) Within 10 days after any local school board district boundary change, the county or municipal legislative body making the change shall send an accurate map or plat of the boundary change to the Utah Geospatial Resource Center created under Section 63A-16-505.

Amended by Chapter 162, 2021 General Session

Amended by Chapter 345, 2021 General Session

**20A-14-202 Local boards of education -- Membership -- When elected -- Qualifications -- Avoiding conflicts of interest.**

- (1)
  - (a) Except as provided in Subsection (1)(b), the board of education of a school district with a student population of up to 24,000 students shall consist of five members.
  - (b) The board of education of a school district with a student population of more than 10,000 students but fewer than 24,000 students shall increase from five to seven members beginning with the 2004 regular general election.
  - (c) The board of education of a school district with a student population of 24,000 or more students shall consist of seven members.
  - (d) Student population is based on the October 1 student count submitted by districts to the State Board of Education.
  - (e) If the number of members of a local school board is required to change under Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in Sections 20A-14-201 and 20A-14-203.

- (f) A school district which now has or increases to a seven-member board shall maintain a seven-member board regardless of subsequent changes in student population.
  - (g)
    - (i) Members of a local board of education shall be elected at each regular general election.
    - (ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local board of education may be elected to a five-member board, nor more than four members elected to a seven-member board, in any election year.
    - (iii) More than three members of a local board of education may be elected to a five-member board and more than four members elected to a seven-member board in any election year only when required by reapportionment or to fill a vacancy or to implement Subsection (1)(b).
  - (h) One member of the local board of education shall be elected from each local school board district.
- (2)
- (a) An individual seeking election to a local school board shall have been a resident of the local school board district in which the person is seeking election for at least one year immediately preceding the day of the general election at which the board position will be filled.
  - (b) A person who has resided within the local school board district, as the boundaries of the district exist on the date of the general election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2).
- (3) A member of a local school board shall:
- (a) be and remain a registered voter in the local school board district from which the member is elected or appointed; and
  - (b) maintain the member's primary residence within the local school board district from which the member is elected or appointed during the member's term of office.
- (4) A member of a local school board may not, during the member's term in office, also serve as an employee of that board.

Amended by Chapter 255, 2019 General Session

**20A-14-203 Becoming a member of a local board of education -- Declaration of candidacy -- Election.**

- (1) An individual may become a candidate for a local school board:
- (a)
    - (i) in the 2016 general election, by filing a declaration of candidacy with the county clerk, in accordance with Section 20A-9-202, before 5 p.m. on March 17, 2016; or
    - (ii) in a general election held after 2016, by filing a declaration of candidacy with the county clerk on or after the second Friday in March, and before 5 p.m. on the third Thursday in March, before the next regular general election; and
  - (b) by paying the fee described in Section 20A-9-202.
- (2)
- (a) The term of office for an individual elected to a local board of education is four years, beginning on the first Monday in January after the election.
  - (b) A member of a local board of education shall serve until a successor is elected or appointed and qualified.
  - (c) A member of a local board of education is "qualified" when the member takes or signs the constitutional oath of office.

Amended by Chapter 16, 2016 General Session

**20A-14-204 Effect of transfer of a district on composition of local school board.**

If a portion of one school district becomes part of another school district, any member of the board of education residing within the transferred portion becomes a member of the board of the transferee district and shall serve the remainder of the term to which the member was elected.

Enacted by Chapter 1, 1995 General Session

**20A-14-205 Vacancies on local school boards.**

Vacancies on local school boards shall be filled as provided in Section 20A-1-511.

Enacted by Chapter 1, 1995 General Session

**20A-14-206 Student petition for student member on local school board.**

- (1) A student petition requesting that a local school board appoint a nonvoting student member to the board may be submitted to the board under this section.
- (2) The petition shall have the signatures of at least 500 students regularly enrolled in high school in the district or at least 10% of the number of students regularly enrolled in high school in the district, whichever is less.
- (3)
  - (a) Upon receipt of the petition, the board may appoint a nonvoting student member to serve a one-year term on the local school board as an addition to the number of regular members authorized by law.
  - (b) A student member's term begins July 1 and ends on June 30 of the following year.
- (4) A student board member shall be enrolled in a high school in the district and may be less than 18 years old.
- (5) A student member may participate in all board meetings, except executive sessions.
- (6)
  - (a) A student board member shall receive the same expense allowance granted other board members under Section 53G-4-204.
  - (b) A student member is not liable for any acts of the governing board.

Amended by Chapter 415, 2018 General Session

**Chapter 15**  
**Convention to Ratify Amendments to the Constitution of the United States**

**Part 1**  
**Selection of Delegates to the Convention**

**20A-15-101 Scope and application of chapter.**

- (1) The procedures contained in this section govern when the Congress of the United States:
  - (a) proposes an amendment to the Constitution of the United States; and
  - (b) directs that the amendment be ratified by conventions in each state.

- (2) If Congress prescribes the manner in which the conventions shall be constituted and does not except those states that have established procedures for constituting ratification conventions:
- (a) this chapter is inoperative;
  - (b) the convention shall be constituted and shall operate as the congressional resolution or Act of Congress directs; and
  - (c) all state officers who are authorized or directed to take any action to constitute a ratification convention in Utah shall do so.

Enacted by Chapter 1, 1995 General Session

**20A-15-102 Election to elect convention delegates.**

- (1) The governor shall:
- (a) issue a proclamation establishing the date of an election to elect 21 delegates to Utah's ratification convention from the state at large;
  - (b) ensure that the election is held at least as soon as the next regular general election occurring more than three months after the amendment has been proposed by Congress; and
  - (c) either call a special election or schedule the election to be held at the same time as a regular or municipal general election.
- (2) Unless otherwise provided in this chapter, the election shall be conducted according to the procedures for a regular general election contained in this title.

Enacted by Chapter 1, 1995 General Session

**20A-15-103 Delegates -- Candidacy -- Qualifications -- Nominating procedures.**

- (1) Candidates for the office of delegate to the ratification convention shall be citizens, residents of Utah, and at least 21 years old.
- (2) Persons wishing to be delegates to the ratification convention shall:
- (a) circulate a nominating petition meeting the requirements of this section; and
  - (b) obtain the signature of at least 100 registered voters.
- (3)
- (a) A single nominating petition may nominate any number of candidates up to 21, the total number of delegates to be elected.
  - (b) Nominating petitions may not contain anything identifying a candidate's party or political affiliation.
  - (c) Each nominating petition shall contain a written statement signed by each nominee, indicating either that the candidate will:
    - (i) vote for ratification of the proposed amendment; or
    - (ii) vote against ratification of the proposed amendment.
  - (d) A nominating petition containing the names of more than one nominee may not contain the name of any nominee whose stated position in the nominating petition is inconsistent with that of any other nominee listed in the petition.
- (4)
- (a) Candidates shall file their nominating petitions with the lieutenant governor before 5 p.m. no later than 40 days before the proclaimed date of the election.
  - (b) Within 10 days after the last day for filing the petitions, the lieutenant governor shall:
    - (i) declare nominated the 21 nominees in favor of ratification and the 21 nominees against ratification whose nominating petitions have been signed by the largest number of registered voters;

- (ii) decide any ties by lot drawn by the lieutenant governor; and
- (iii) certify the nominated candidates of each group to the county clerk of each county within the state.

Amended by Chapter 255, 2019 General Session

**20A-15-104 Ballot -- Form -- Manner of marking and voting.**

- (1) The requirements of this section govern the form of the ballot and the specific procedures for electing delegates to the ratification convention.
- (2) Each county clerk shall ensure that the ballot to select delegates to the ratification convention:
  - (a) is separate from and printed on different color stock than any other ballot to be used at the same election;
  - (b) contains the following information in this order:
    - (i) the text of the proposed amendment;
    - (ii) instructions to the voter;
    - (iii) three perpendicular columns of equal width;
    - (iv) at the head of the first perpendicular column, in plain type, the words "For Ratification of Proposed Change in Constitution of the United States";
    - (v) at the head of the second perpendicular column, in plain type, the words "Against Ratification of Proposed Change in Constitution of the United States";
    - (vi) no heading or names at the head of the third perpendicular column;
    - (vii) in the column headed "For Ratification of Proposed Change in Constitution of the United States," the names of the nominees nominated as in favor of ratification;
    - (viii) in the column headed "Against Ratification of Proposed Change in Constitution of the United States," the names of the nominees nominated as against ratification; and
    - (ix) in the column without heading, spaces permitting the voter to write in other names; and
  - (c) is arranged so that the voter may, by making a single mark, vote for the entire group of nominees whose names are contained in any column.
- (3) Each county clerk shall ensure that the ballot to select delegates to the ratification convention is in substantially the following form:

"OFFICIAL BALLOT for delegates to convention to ratify or reject proposed amendment to the Constitution of the United States. The Congress has proposed an amendment to the Constitution of the United States that provides: (insert here the text of the proposed amendment).

The Congress has also directed that the proposed amendment be ratified by conventions in the states.

**INSTRUCTIONS TO VOTERS**

Do not vote for more than 21.

To vote for all candidates in favor of ratification, or for all candidates against ratification, make a cross-mark in the CIRCLE at the head of the list of candidates for whom you wish to vote. If you do this, make no other mark.

To vote for an individual candidate, make a cross-mark in the SQUARE immediately adjacent to the name.

To vote for a person other than candidates listed on the ballot, write in the person's name in blank column.

For ratification of proposed change in Constitution of the United States.

(Name of Candidate) \_\_\_\_\_

Against ratification of proposed change in Constitution of the United States.

- (Name of Candidate) \_\_\_\_\_"
- (4) If the election of delegates to the ratification convention is held at the same time as the regular general election, the county clerk shall:
- (a) give the same ballot number to a regular general election ballot and a ballot to elect delegates to a ratification convention;
  - (b) direct the election judges to:
    - (i) hand to each voter the general election ballot and the ratification convention ballot with identical ballot numbers;
    - (ii) instruct the voter to mark each ballot and deposit each ballot in the ballot box; and
    - (iii) mark any ballot "void" that the voter declines to use and return it to the county clerk.
- (5) Each voter shall indicate his choice by making one or more cross-marks in the appropriate spaces provided on the ballot.

Amended by Chapter 202, 2009 General Session

## Part 2 Ratification Convention Procedures

### **20A-15-201 Convening -- Vacancies -- Election of officers -- Journal of proceedings.**

- (1) The delegates to the convention shall convene at the state capitol at noon on the 28th day after their election to pass upon the question of whether or not the proposed amendment shall be ratified.
- (2)
- (a) If, at the time the convention convenes, there is a vacancy in the convention, the delegates from the group from which the delegate creating the vacancy was elected shall, by majority vote, appoint a person to fill the vacancy.
  - (b) If the convention contains no other delegates from the group from which the delegate creating the vacancy was elected, the governor shall appoint a person to fill the vacancy.
- (3) The convention may:
- (a) elect a president, secretary, and other officers; and
  - (b) adopt its own rules.
- (4) The convention shall:
- (a) keep a journal of its proceedings;
  - (b) record in the journal the vote of each delegate on the question of ratification of the proposed amendment; and
  - (c) file the journal with the lieutenant governor after the convention adjourns.
- (5)
- (a) Delegates to the ratification convention shall:
    - (i) serve without pay;
    - (ii) receive a per diem of \$4 per day while the convention is in session; and
    - (iii) receive mileage at the rate of 10 cents per mile for the distance necessarily traveled in going to and returning from the place of meeting by the most usual route.
  - (b) The lieutenant governor shall pay the per diem and mileage, together with the necessary expenses of the convention for printing and stenographic services, from the state treasury.

Enacted by Chapter 1, 1995 General Session

**20A-15-202 Certificate of ratification.**

- (1) If the convention agrees, by vote of a majority of the total number of delegates, to ratify the proposed amendment, the president and secretary of the convention shall:
  - (a) prepare and sign a certificate to that effect; and
  - (b) transmit it to the lieutenant governor.
- (2) Upon receipt of a ratification certificate, the lieutenant governor shall transmit the certificate under the great seal of the state to the Secretary of State of the United States.

Enacted by Chapter 1, 1995 General Session

**Chapter 16**  
**Uniform Military and Overseas Voters Act**

**Part 1**  
**General Provisions**

**20A-16-101 Title.**

This chapter is known as "Uniform Military and Overseas Voters Act."

Enacted by Chapter 327, 2011 General Session

**20A-16-102 Definitions.**

As used in this chapter:

- (1) "Covered voter" means:
  - (a) a uniformed-service voter or an overseas voter who is registered to vote in the state; or
  - (b) a uniformed-service voter whose voting residence is in the state and who otherwise satisfies the state's voter eligibility requirements.
- (2) "Dependent" means an individual recognized as a dependent by a uniformed service.
- (3) "Federal postcard application" means the application prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Sec. 101(b)(2), 42 U.S.C. Sec. 1973ff(b)(2).
- (4) "Federal write-in absentee ballot" means the ballot described in the Uniformed and Overseas Citizens Absentee Voting Act, Sec. 103, 42 U.S.C. Sec. 1973ff-2.
- (5) "Military-overseas ballot" means:
  - (a) a federal write-in absentee ballot;
  - (b) a ballot specifically prepared or distributed for use by a covered voter in accordance with this chapter; or
  - (c) a ballot cast by a covered voter in accordance with this chapter.
- (6) "Overseas voter" means a United States citizen who is outside the United States.
- (7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- (8) "Uniformed service" means:
  - (a) active and reserve components of the armed forces as defined in Section 68-3-12.5;

- (b) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
  - (c) the National Guard.
- (9) "Uniformed-service voter" means an individual who is qualified to vote and is:
- (a) a member of the active or reserve components of the armed forces who is on active duty;
  - (b) a member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;
  - (c) a member on activated status of the National Guard; or
  - (d) a spouse or dependent of a member referred to in Subsections (9)(a) through (c).
- (10) "United States" means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

Amended by Chapter 93, 2021 General Session

**20A-16-103 Application to elections.**

The voting procedures in this chapter apply to an election authorized by this title.

Enacted by Chapter 327, 2011 General Session

## **Part 2 Administration of Military and Overseas Voting**

**20A-16-201 Duties of lieutenant governor.**

The lieutenant governor shall:

- (1) implement this chapter and the state's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Sec. 1973ff et seq.;
- (2) make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots;
- (3) establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information under this chapter;
- (4)
  - (a) develop standardized absentee-voting materials, including privacy and transmission envelopes and electronic equivalents of the envelopes, authentication materials, and voting instructions, to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in the state; and
  - (b) to the extent reasonably possible, coordinate with other states on the development required by Subsection (4)(a); and
- (5) prescribe the form and content of a declaration:
  - (a) for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot;



- (b) that is based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this chapter; and
- (c) that is a prominent part of all balloting materials for which the declaration is required, including an indication of the date of execution of the declaration.

Enacted by Chapter 327, 2011 General Session

**20A-16-202 Report on ballots.**

- (1) No later than 60 days after each regular general election date, each county clerk shall submit a report to the lieutenant governor indicating:
  - (a) the number of ballots sent to covered voters; and
  - (b) the number of ballots returned by covered voters that were counted.
- (2) No later than 90 days after each regular general election date, the lieutenant governor shall submit a statewide report to the Election Assistance Commission that includes the information required by Subsection (1).

Amended by Chapter 31, 2020 General Session

### **Part 3 Voter Registration**

**20A-16-301 Overseas voter's registration address.**

In registering to vote, an overseas voter who is eligible to vote in the state shall:

- (1) use and be assigned to the voting precinct of the address of the last place of residence of the voter in the state; or
- (2) if the address described in Subsection (1) is no longer a recognized residential address, be assigned an address for voting purposes.

Enacted by Chapter 327, 2011 General Session

**20A-16-302 Methods of registering to vote.**

- (1) To apply to register to vote, in addition to any other approved method, a covered voter may use a federal postcard application or the application's electronic equivalent.
- (2)
  - (a) A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the Thursday immediately before the election.
  - (b) If the declaration is received after the Thursday immediately before the election, the declaration shall be treated as an application to register to vote for subsequent elections.
- (3)
  - (a) The lieutenant governor shall ensure that the electronic transmission system described in Subsection 20A-16-201(3) is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate election official.
  - (b) The voter may use the electronic transmission system or any other approved method to register to vote.

Amended by Chapter 198, 2013 General Session

## **Part 4 Voting and Ballots**

### **20A-16-401 Methods of applying for military-overseas ballots.**

- (1) A covered voter who is registered to vote in the state may apply for a military-overseas ballot:
  - (a) via the federal postcard application;
  - (b) via the federal postcard application's electronic equivalent; or
  - (c) by otherwise making a request in writing.
- (2) A covered voter who is not registered to vote in this state may use a federal postcard application or the federal postcard application's electronic equivalent to apply simultaneously to register to vote under Section 20A-16-302 and for a military-overseas ballot.
- (3)
  - (a) The lieutenant governor shall ensure that the electronic transmission system described in Subsection 20A-16-201(3) is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official.
  - (b) The voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.
- (4) A covered voter may use the declaration accompanying a federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official by the Thursday immediately before the election.
- (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate election official that the voter is a covered voter by:
  - (a) the use of a federal postcard application or federal write-in absentee ballot;
  - (b) the use of an overseas address on an approved voter registration application or ballot application; or
  - (c) the inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.
- (6) This chapter does not preclude a covered voter from voting via a manual ballot by mail.

Amended by Chapter 31, 2020 General Session

### **20A-16-402 Timeliness and scope of application for military-overseas ballot.**

- (1) An application for a military-overseas ballot is timely if received by the Thursday immediately before the election.
- (2) An application for a military-overseas ballot for a regular primary election or municipal primary election, whether or not timely, is effective as an application for a military-overseas ballot for the regular general election or municipal general election.

Amended by Chapter 198, 2013 General Session

### **20A-16-403 Transmission of unvoted ballots.**

- (1) For an election for which the state has not received a waiver pursuant to the Military and Overseas Voter Empowerment Act, Sec. 579, 42 U.S.C. 1973ff-1(g)(2), not later than 45 days before the election or, notwithstanding Section 20A-1-104, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application.
- (2)
  - (a) A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic transmission may choose:
    - (i) facsimile transmission;
    - (ii) email delivery; or
    - (iii) if offered by the voter's jurisdiction, Internet delivery.
  - (b) The election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot and balloting materials to the voter using the means of transmission chosen by the voter.
- (3) If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to voters, the official charged with distributing a ballot and balloting materials shall transmit them to the voter not later than two business days after the application arrives.

Amended by Chapter 255, 2019 General Session

**20A-16-404 Timely casting of ballot.**

Except as provided by Section 20A-1-308, to be valid, a military-overseas ballot shall be:

- (1) received by the appropriate election officer not later than the close of the polls; or
- (2) submitted for mailing, electronic transmission, or other authorized means of delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the date of the election.

Amended by Chapter 219, 2013 General Session

**20A-16-405 Federal write-in absentee ballot.**

A covered voter may use a federal write-in absentee ballot to vote for all offices and ballot propositions in an election.

Enacted by Chapter 327, 2011 General Session

**20A-16-406 Disposition of ballot by county clerk.**

- (1) Upon receipt by the county clerk of the envelope containing a military-overseas ballot, the county clerk shall:
  - (a) enclose the unopened envelope containing the ballot and the written application of the covered voter in a larger envelope;
  - (b) securely seal and endorse it with:
    - (i) the name or number of the proper voting precinct;
    - (ii) the name and official title of the clerk; and
    - (iii) the words: "This envelope contains an absentee voter's official Utah election ballot to be voted at \_\_\_\_ (Insert Name and Number) precinct, in \_\_\_\_ (Insert Name) county, and may be opened on election day at the polls while the polls are open."; and

- (c) safely keep the envelope in the county clerk's office until the envelope is delivered by the county clerk to the proper election judges.
- (2)
- (a) When reasonably possible, the county clerk shall deliver or mail all military-overseas voter ballot envelopes to the appropriate voting precinct election judges so that the ballots may be processed on election day.
  - (b) If the clerk is unable to determine the voting precinct to which the ballot should be sent or when valid ballots are received too late to deliver to the election judges on election day, the clerk shall keep them in a safe place until delivery can be made as required by Section 20A-3a-402.

Amended by Chapter 31, 2020 General Session

**20A-16-407 Duty of election judges.**

- (1)
- (a) Voting precinct election judges shall open envelopes containing military-overseas ballots that are in the judges' custody on election day at the polling places during the time the polls are open as provided in this subsection.
  - (b) The election judges shall:
    - (i) first, open the outer envelope only; and
    - (ii) compare the signature of the covered voter on the application with the signature on the registration and voting certificate.
- (2)
- (a) The judges shall register the covered voter to vote if the voter is not already registered if the judges find that:
    - (i) the registration and voting certificate appears to be executed in proper form and contains information qualifying the covered voter to be registered as a voter; and
    - (ii) the signatures on the certificate and the application correspond, where a comparison is required.
  - (b) If the election judges determine that the registration and voting certificate is insufficient or that the signatures do not correspond, they shall:
    - (i) disallow the registration; and
    - (ii) without opening the ballot envelope, mark across the face of the envelope "Rejected as defective because of \_\_\_\_\_ ." with the reason for the rejection placed in the blank.
  - (c) When a covered voter's name is entered upon the registration books, the voter is considered to be registered and the registration and voting certificate, signed and sworn to by the covered voter on the back of the ballot envelope, together with the covered voter's name upon the registration books, constitute the covered voter's registration record.
  - (d) Nothing in this title may abridge the right of the covered voter to be registered as provided in this section.
- (3)
- (a) After registering the voter, the judges shall carefully open the ballot envelope so as not to destroy the information printed on it if they find that:
    - (i) the registration and voting certificate is sufficient; and
    - (ii) the signatures on the certificate and the application correspond, where a comparison is required.
  - (b) The election judges shall:

- (i) remove the ballot from the envelope without unfolding it or permitting it to be opened or examined;
  - (ii) deposit the ballot in the proper ballot box; and
  - (iii) mark the official register and pollbook to show that the voter has voted.
- (c) If the election judges determine that the registration and voting certificate is insufficient or that the signatures do not correspond, they shall:
- (i) disallow the vote; and
  - (ii) without opening the ballot envelope, mark across the face of the envelope "Rejected as defective because of \_\_\_\_\_ ." with the reason for the rejection placed in the blank.
- (4) The election judges shall deposit the envelope, when the ballot is voted, and the envelope with its contents unopened, when the absent vote is rejected, in the ballot box containing the ballots.
- (5) The county clerk shall retain and preserve the envelopes in the manner provided by law for the retention and preservation of official ballots voted at that election.

Amended by Chapter 31, 2020 General Session

**20A-16-408 Receipt of voted ballot.**

- (1) Except as provided by Section 20A-1-308, a valid military-overseas ballot cast in accordance with Section 20A-16-404 shall be counted if the military-overseas ballot is delivered by the end of business on the business day before the latest deadline for completing the canvass to the address that the appropriate state or local election office has specified.
- (2) If, at the time of completing a military-overseas ballot and balloting materials, the voter has declared under penalty of perjury as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters, that the ballot was timely submitted, the ballot may not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

Amended by Chapter 219, 2013 General Session

**20A-16-409 Declaration.**

A military-overseas ballot shall include or be accompanied by:

- (1) a declaration signed by a covered voter that a material misstatement of fact in completing the ballot may be grounds for a conviction of perjury under the laws of the United States or Title 76, Chapter 8, Part 5, Falsification in Official Matters; and
- (2) the following statement if the military-overseas ballot is electronically transmitted: "I understand that by electronically transmitting my voted ballot I am voluntarily waiving my right to a secret ballot. Signature of voter \_\_\_\_\_ Date \_\_\_\_\_".

Enacted by Chapter 327, 2011 General Session

**20A-16-410 Confirmation of receipt of application and voted ballot.**

The lieutenant governor, in coordination with an election officer, shall implement an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet:

- (1) whether the voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted;
- (2) whether the voter's military-overseas ballot has been received; and
- (3) the current status of the ballot.

Enacted by Chapter 327, 2011 General Session

## **Part 5 Miscellaneous**

### **20A-16-501 Use of voter's email address.**

- (1) An election officer shall request an email address from each covered voter who registers to vote after January 1, 2012.
- (2) An email address provided by a covered voter:
  - (a) is a private record under Section 63G-2-302; and
  - (b) may be used only for official communication with the covered voter about the voting process, including transmitting military-overseas ballots and election materials if the voter has requested electronic transmission, verifying the voter's mailing address and physical location, and informing the voter of the status of the voter's ballot in accordance with Section 20A-3a-401.5.
- (3) The request for an email address shall:
  - (a) describe the purposes for which the email address may be used;
  - (b) include a statement that any other use or disclosure of the email address is prohibited; and
  - (c) describe how a voter may sign up to receive ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.
- (4)
  - (a) A covered voter who provides an email address may request that the covered voter's application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application or another shorter period the covered voter specifies.
  - (b) An election official shall provide a military-overseas ballot to a covered voter who makes a standing request for each election to which the request is applicable.
  - (c) A covered voter who is entitled to receive a military-overseas ballot for a primary election under this Subsection (4) is entitled to receive a military-overseas ballot for the general election.

Amended by Chapter 100, 2021 General Session

### **20A-16-502 Publication of election notice.**

- (1) At least 100 days before an election, other than a statewide special election or local special election, and as soon as practicable before a statewide special election or local special election, the election officer shall prepare an election notice for the election officer's jurisdiction, to be used in conjunction with a federal write-in absentee ballot.
- (2) The election notice must contain:
  - (a) a list of all of the ballot propositions and federal, state, and local offices that as of that date the election officer expects to be on the ballot on the date of the election; and
  - (b) specific instructions for how a covered voter is to indicate on the federal write-in absentee ballot the covered voter's choice for each office to be filled and for each ballot proposition to be contested.
- (3)

- (a) A covered voter may request a copy of an election notice.
- (b) The election officer shall send the notice to the covered voter by facsimile, email, or regular mail, as the covered voter requests.
- (4) As soon as the ballot is certified, and not later than the date ballots are required to be transmitted to voters under Chapter 3a, Voting, the election officer charged with preparing the election notice under Subsection (1) shall update the notice with the certified candidates for each office and ballot propositions and make the updated notice publicly available.
- (5) A political subdivision that maintains a website shall make the election notice prepared under this section and updated versions of the election notice regularly available on the website.

Amended by Chapter 369, 2012 General Session

**20A-16-503 Prohibition of nonsubstantive requirements.**

- (1)
  - (a) If a covered voter's mistake or omission in the completion of a document under this chapter does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document.
  - (b) Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted under this chapter.
  - (c) In a write-in ballot authorized by this chapter or in a vote for a write-in candidate on a regular ballot, if the intention of the covered voter is discernable under this state's uniform definition of what constitutes a vote, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party is a valid vote.
- (2)
  - (a) Notarization is not required for the execution of a document under this chapter.
  - (b)
    - (i) An authentication, other than the declaration specified in Section 20A-16-409 or the declaration on the federal postcard application and federal write-in absentee ballot, is not required for execution of a document under this chapter.
    - (ii) The declaration and any information in the declaration may be compared with information on file to ascertain the validity of the document.

Enacted by Chapter 327, 2011 General Session

**20A-16-504 Equitable relief.**

A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this chapter on application by:

- (1) a covered voter alleging a grievance under this chapter; or
- (2) an election officer.

Enacted by Chapter 327, 2011 General Session

**20A-16-505 Uniformity of application and construction.**

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Enacted by Chapter 327, 2011 General Session

**20A-16-506 Relation to Electronic Signatures in Global and National Commerce Act.**

This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

Enacted by Chapter 327, 2011 General Session

**Chapter 17  
Political Campaign Signs**

**20A-17-101 Title.**

This chapter is known as "Political Campaign Signs."

Enacted by Chapter 238, 2014 General Session

**20A-17-102 Campaign signs.**

- (1) Except as provided in Subsection (2), a person is guilty of a class B misdemeanor if the person knowingly removes, alters, defaces, or otherwise vandalizes a sign:
  - (a) advocating the election or defeat of a candidate for public office; or
  - (b) advocating the approval or defeat of a ballot proposition.
- (2) A person is not guilty of a violation of Subsection (1) if the person who engages in the conduct described in Subsection (1) is:
  - (a) as it relates to a sign described in Subsection (1)(a), the candidate or an agent of the candidate;
  - (b) as it relates to a sign described in Subsection (1)(b), the person who placed the sign, the person who directed the placement of the sign, or an agent of either;
  - (c) a property owner of property on which the sign is placed or the property owner's agent; or
  - (d) a public official who removes the sign in accordance with an official duty of the public official.

Enacted by Chapter 238, 2014 General Session

**20A-17-103 Posting political signs on public property.**

- (1) As used in this section:
  - (a) "Local government entity" means:
    - (i) a county, municipality, or other political subdivision;
    - (ii) a local district, as defined in Section 17B-1-102;
    - (iii) a special service district, as defined in Section 17D-1-102;
    - (iv) a local building authority, as defined in Section 17D-2-102;
    - (v) a conservation district, as defined in Section 17D-3-102;
    - (vi) an independent entity, as defined in Section 63E-1-102;
    - (vii) a public corporation, as defined in Section 63E-1-102;
    - (viii) a public transit district, organized under Title 17B, Chapter 2a, Part 8, Public Transit District Act;
    - (ix) a school district;



- (x) a public school, including a charter school or other publicly funded school;
  - (xi) a state institution of higher education;
  - (xii) an entity that expends public funds; and
  - (xiii) each office, agency, or other division of an entity described in Subsections (1)(a)(i) through (xii).
- (b) "Political sign" means any sign or document that advocates:
- (i) the election or defeat of a candidate for public office; or
  - (ii) the approval or defeat of a ballot proposition.
- (c)
- (i) "Public property" means any real property, building, or structure owned or leased by a local government entity.
  - (ii) "Public property" does not include any real property, building, or structure during a period of time that the real property, building, or structure is rented out by a government entity to a private party for a meeting, convention, or similar event.
- (2) A local government entity, a local government officer, a local government employee, or another person with authority or control over public property that posts or permits a person to post a political sign on public property:
- (a) shall permit any other person to post a political sign on the public property, subject to the same requirements and restrictions imposed on all other political signs permitted to be posted on the public property; and
  - (b) may not impose a requirement or restriction on the posting of a political sign if the requirement or restriction is not politically neutral and content neutral.

Enacted by Chapter 106, 2015 General Session

## **Chapter 18**

### **Article V Convention**

#### **20A-18-101 Article V convention delegates.**

- (1) As used in this section:
- (a) "Article V application" means an application or resolution passed by the Legislature applying to Congress to call an Article V convention.
  - (b) "Article V convention" means a convention called for the purpose of proposing an amendment to the United States Constitution as provided in the United States Constitution, Article V.
  - (c) "Delegate" means an individual elected by the Legislature, or by any other method provided by law, to represent the state at an Article V convention.
  - (d) "Legislative instructions" means instruction given by the Legislature to a delegate before or during an Article V convention.
  - (e) "Unauthorized amendment" means a proposed amendment or change to the United States Constitution that is outside the scope of the Article V application and legislative instructions.
- (2) A delegate from the state to an Article V convention may not act in a manner that supports or approves the proposing of an unauthorized amendment or change to the United States Constitution by the convention.
- (3)
- (a) A delegate who violates Subsection (2) is immediately recalled and shall be replaced by an alternate selected by the Legislature.

- (b) An alternate selected by the Legislature has the same duties and is subject to the same requirements and penalties as a delegate.
- (4) Upon selection by the Legislature, or by any other method provided by law, a delegate from the state to an Article V convention shall take the following oath:

"I do solemnly swear (or affirm) that to the best of my abilities, I will, as a delegate to an Article V convention, uphold the Constitution and laws of the United States of America and of the State of Utah, and that I will act at all times in accordance with the Article V application and the legislative instructions given to me as a delegate. I will not act in a manner that supports or approves the proposing of an unauthorized amendment or change to the United States Constitution by the convention."
- (5) The Legislature shall certify in writing to the Article V convention:
  - (a) the selection of delegates and alternates;
  - (b) if a delegate is recalled, the recall and replacement of the delegate with an alternate; and
  - (c) if a delegate from the state violates Subsection (2), the nullification of the action that violated Subsection (2).
- (6) A delegate who violates this section is guilty of a third degree felony.

Enacted by Chapter 358, 2014 General Session

## **Chapter 20**

### **Utah Independent Redistricting Commission**

#### **Part 1**

#### **General Provisions**

#### **20A-20-101 Title.**

This chapter is known as the "Utah Independent Redistricting Commission."

Enacted by Chapter 288, 2020 General Session

#### **20A-20-102 Definitions.**

As used in this chapter:

- (1) "Commission" means the Utah Independent Redistricting Commission created in Section 20A-20-201.
- (2) "Committee" means the Legislature's redistricting committee.
- (3) "Decennial year" means a year during which the United States Bureau of Census conducts a national decennial census.
- (4) "Linked PL94-171 data" means legacy file decennial census data for Utah, published by the United States Bureau of Census, that, after publication, is linked to Utah geographic data files in a manner that the data can be used to draw maps for the purpose of redistricting.
- (5) "Regular decennial redistricting" means redistricting required due to a national decennial census.
- (6) "Special redistricting" means redistricting that is not a regular decennial redistricting.

Amended by Chapter 5, 2021 Special Session 1

**20A-20-103 Review by interim committee.**

During the 2022 Legislative interim, the Government Operations Interim Committee shall conduct a review of the commission and the commission's role in relation to the redistricting process.

Enacted by Chapter 288, 2020 General Session

**Part 2  
Commission**

**20A-20-201 Utah Independent Redistricting Commission -- Creation -- Membership -- Term -- Quorum -- Action -- Meetings -- Staffing -- Website.**

- (1)
  - (a) There is created the Utah Independent Redistricting Commission.
  - (b) The commission is housed in the Department of Government Operations for budgetary purposes only.
  - (c) The commission is not under the direction or control of the Department of Government Operations or any executive director, director, or other employee of the Department of Government Operations or any other government entity.
- (2) Except as provided in Subsection (4), the commission comprises seven members appointed as follows:
  - (a) one member appointed by the governor, which member shall serve as chair of the commission;
  - (b) one member appointed by the president of the Senate;
  - (c) one member appointed by the speaker of the House of Representatives;
  - (d) one member appointed by the legislative leader of the largest minority political party in the Senate;
  - (e) one member appointed by the legislative leader of the largest minority political party in the House of Representatives;
  - (f) one member appointed jointly by the president of the Senate and the speaker of the House of Representatives; and
  - (g) one member appointed jointly by the legislative leader of the largest minority political party in the Senate and the legislative leader of the largest minority political party in the House of Representatives.
- (3) An appointing authority described in Subsection (2):
  - (a) shall make the appointments no later than:
    - (i) February 1 of the year immediately following a decennial year; or
    - (ii) if there is a change in the number of congressional, legislative, or other districts resulting from an event other than a national decennial enumeration made by the authority of the United States, the day on which the Legislature appoints a committee to draw maps in relation to the change;
  - (b) may remove a commission member appointed by the appointing authority, for cause; and
  - (c) shall, if a vacancy occurs in the position appointed by the appointing authority under Subsection (2), appoint another individual to fill the vacancy within 10 days after the day on which the vacancy occurs.
- (4)

- (a) If the appointing authority described in Subsection (2)(a) fails to timely make the appointment, the legislative leader of the largest political party in the House of Representatives and the Senate, of which the governor is not a member, shall jointly make the appointment.
  - (b) If the appointing authority described in Subsection (2)(b) fails to timely make the appointment, the appointing authority described in Subsection (2)(d) shall make the appointment.
  - (c) If the appointing authority described in Subsection (2)(c) fails to timely make the appointment, the appointing authority described in Subsection (2)(e) shall make the appointment.
  - (d) If the appointing authority described in Subsection (2)(d) fails to timely make the appointment, the appointing authority described in Subsection (2)(b) shall make the appointment.
  - (e) If the appointing authority described in Subsection (2)(e) fails to timely make the appointment, the appointing authority described in Subsection (2)(c) shall make the appointment.
  - (f) If the appointing authority described in Subsection (2)(f) fails to timely make the appointment, the appointing authority described in Subsection (2)(g) shall make the appointment.
  - (g) If the appointing authority described in Subsection (2)(g) fails to timely make the appointment, the appointing authority described in Subsection (2)(f) shall make the appointment.
- (5) A member of the commission may not, during the member's service on the commission:
- (a) be a lobbyist or principal, as those terms are defined in Section 36-11-102;
  - (b) be a candidate for or holder of any elective office, including federal elective office, state elective office, or local government elective office;
  - (c) be a candidate for or holder of any office of a political party, except for delegates to a political party's convention;
  - (d) be an employee of, or a paid consultant for, a political party, political party committee, personal campaign committee, or any political action committee affiliated with a political party or controlled by an elected official or candidate for elective office, including any local government office;
  - (e) serve in public office if the member is appointed to public office by the governor or the Legislature;
  - (f) be employed by the United States Congress or the Legislature; or
  - (g) hold any position that reports directly to an elected official, including a local elected official, or to any person appointed by the governor or Legislature to any other public office.
- (6) In addition to the qualifications described in Subsection (5), a member of the commission described in Subsection (2)(f) or (g):
- (a) may not have, during the two-year period immediately preceding the member's appointment to the commission:
    - (i) been affiliated with a political party under Section 20A-2-107;
    - (ii) voted in the regular primary election or municipal primary election of a political party; or
    - (iii) been a delegate to a political party convention; and
  - (b) may not, in the sole determination of the appointing authority, be an individual who is affiliated with a partisan organization or cause.
- (7) Each commission member shall, upon appointment to the commission, sign and file a statement with the governor certifying that the commission member:
- (a) meets the qualifications for appointment to the commission;
  - (b) will, during the member's service on the commission, comply with the requirements described in Subsection (5);
  - (c) will comply with the standards, procedures, and requirements described in this chapter that are applicable to a commission member; and
  - (d) will faithfully discharge the duties of a commission member in an independent, impartial, honest, and transparent manner.

- (8) For a regular decennial redistricting, the commission is:
  - (a) formed and may begin conducting business on February 1 of the year immediately following a decennial year; and
  - (b) dissolved upon approval of the Legislature's redistricting maps by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.
- (9)
  - (a) A member of the commission may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
    - (i) Section 63A-3-106;
    - (ii) Section 63A-3-107; and
    - (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
  - (b) A member of the commission may decline to receive per diem or travel expenses.
- (10) The commission shall meet upon the request of a majority of the commission members or when the chair calls a meeting.
- (11)
  - (a) A majority of the members of the commission constitutes a quorum.
  - (b) The commission takes official action by a majority vote of a quorum present at a meeting of the commission.
- (12) Within appropriations from the Legislature, the commission may, to fulfill the duties of the commission:
  - (a) contract with or employ an attorney licensed in Utah, an executive director, and other staff; and
  - (b) purchase equipment and other resources, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, to fulfill the duties of the commission.
- (13) The commission shall maintain a website where the public may:
  - (a) access announcements and records of commission meetings and hearings;
  - (b) access maps presented to, or under consideration by, the commission;
  - (c) access evaluations described in Subsection 20A-20-302(8);
  - (d) submit a map to the commission; and
  - (e) submit comments on a map presented to, or under consideration by, the commission.

Amended by Chapter 344, 2021 General Session

**20A-20-202 Software and software services.**

The Office of Legislative Research and General Counsel shall, when procuring software, licenses for using the software, and software support services for redistricting by the Legislature, include in the requests for proposals and the resulting contracts that the commission may purchase the same software, licenses for using the software, and software support services, under the contracts at the same cost and under the same terms provided to the Legislature.

Enacted by Chapter 288, 2020 General Session

**20A-20-203 Exemptions from and applicability of certain legal requirements -- Risk management -- Code of ethics.**

- (1) The commission is exempt from:
  - (a) except as provided in Subsection (3), Title 63A, Utah Government Operations Code;
  - (b) Title 63G, Chapter 4, Administrative Procedures Act; and

- (c) Title 63A, Chapter 17, Utah State Personnel Management Act.
- (2)
  - (a) The commission shall adopt budgetary procedures, accounting, and personnel and human resource policies substantially similar to those from which the commission is exempt under Subsection (1).
  - (b) The commission is subject to:
    - (i) Title 52, Chapter 4, Open and Public Meetings Act;
    - (ii) Title 63A, Chapter 1, Part 2, Utah Public Finance Website;
    - (iii) Title 63G, Chapter 2, Government Records Access and Management Act;
    - (iv) Title 63G, Chapter 6a, Utah Procurement Code; and
    - (v) Title 63J, Chapter 1, Budgetary Procedures Act.
  - (3) Subject to the requirements of Subsection 63E-1-304(2), the commission may participate in coverage under the Risk Management Fund created by Section 63A-4-201.
  - (4)
    - (a) The commission may, by majority vote, adopt a code of ethics.
    - (b) The commission, and the commission's members and employees, shall comply with a code of ethics adopted under Subsection (4)(a).
    - (c) The executive director of the commission shall report a commission member's violation of a code of ethics adopted under Subsection (4)(a) to the appointing authority of the commission member.
    - (d)
      - (i) A violation of a code of ethics adopted under Subsection (4)(a) constitutes cause to remove a member from the commission under Subsection 20A-20-201(3)(b).
      - (ii) An act or omission by a member of the commission need not constitute a violation of a code of ethics adopted under Subsection (4)(a) to be grounds to remove a member of the commission for cause.

Amended by Chapter 345, 2021 General Session

### **Part 3 Proceedings**

#### **20A-20-301 Public hearings -- Private conversations.**

- (1)
  - (a) The commission shall, by majority vote, determine the number, locations, and dates of public hearings to be held by the commission, but shall hold no fewer than seven public hearings throughout the state to discuss maps, as follows:
    - (i) one in the Bear River region, which includes Box Elder, Cache, and Rich counties;
    - (ii) one in the Southwest region, which includes Beaver, Garfield, Iron, Kane, and Washington counties;
    - (iii) one in the Mountain region, which includes Summit, Utah, and Wasatch counties;
    - (iv) one in the Central region, which includes Juab, Millard, Piute, Sanpete, Sevier, and Wayne counties;
    - (v) one in the Southeast region, which includes Carbon, Emery, Grand, and San Juan counties;
    - (vi) one in the Uintah Basin region, which includes Daggett, Duchesne, and Uintah counties;and

- (vii) one in the Wasatch Front region, which includes Davis, Morgan, Salt Lake, Tooele, and Weber counties.
- (b) The commission shall hold at least two public hearings in a first or second class county but not in the same county.
- (c) The committee and the commission may coordinate hearing times and locations to:
  - (i) avoid holding hearings at, or close to, the same time in the same area of the state; and
  - (ii) to the extent practical, hold hearings in different cities within the state.
- (2) Each public hearing must provide those in attendance a reasonable opportunity to submit written and oral comments to the commission and to propose redistricting maps for the commission's consideration.
- (3) The commission shall hold the public hearings described in Subsection (1), during the year following a decennial year, no later than:
  - (a) October 17, if the commission receives the linked PL94-171 data on or before September 1; or
  - (b) 46 days after the day on which the commission receives the linked PL94-171 data, if the commission receives the linked PL94-171 data after September 1.
- (4)
  - (a) A member of the commission may not engage in any private communication with any individual other than other members of the commission or commission staff, including consultants retained by the commission, that is material to any redistricting map or element of a map pending before the commission or intended to be proposed for commission consideration, without making the communication, or a detailed and accurate description of the communication including the names of all parties to the communication and the map or element of the map, available to the commission and to the public.
  - (b) A member of the commission shall make the disclosure required by Subsection (4)(a) before the redistricting map or element of a map is considered by the commission.
- (5) The committee chairs and the chair of the commission shall, no later than two business days after the day on which the Legislature appoints a committee, under Subsection 20A-20-201(3) (a)(ii), for a special redistricting, jointly agree on a schedule for the commission that:
  - (a) reasonably ensures that the commission may complete the commission's duties in a timely manner, consistent with the time frame applicable to the committee and the Legislature;
  - (b) establishes deadlines for the following:
    - (i) holding the public hearings described in Subsection (1);
    - (ii) preparing and recommending maps under Subsection 20A-20-302(2);
    - (iii) submitting the maps and written report described in Subsection 20A-20-303(1); and
    - (iv) holding the public meeting described in Subsection 20A-20-303(2); and
  - (c) provides that the commission dissolves upon approval of the Legislature's redistricting maps by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Amended by Chapter 5, 2021 Special Session 1

**20A-20-302 Selection of recommended maps -- Map requirements and standards.**

- (1) As used in this section:
  - (a) "Map type" means one of four map types, as follows:
    - (i) a map of all Utah congressional districts;
    - (ii) a map of all state Senate districts;

- (iii) a map of all state House of Representatives districts; and
- (iv) a map of all State School Board districts.
- (b) "Total population deviation" means a percentage determined as follows:
  - (i) calculating the ideal district population by dividing the total population by the number of districts;
  - (ii) calculating the percentage difference between the population of the district with the greatest population and the ideal district population;
  - (iii) calculating the percentage difference between the population of the district with the lowest population and the ideal district population; and
  - (iv) combining the percentage differences described in Subsections (1)(b)(ii) and (iii).
- (2) The commission shall, no later than 14 days after the day of the final public hearing described in Subsection 20A-20-301(1), prepare and recommend three different maps for each map type, as follows:
  - (a) three different maps for congressional districts, with the number of congressional districts apportioned to Utah;
  - (b) three different maps for state Senate districts, with 29 Senate districts;
  - (c) three different maps for state House of Representatives districts, with 75 House of Representative districts; and
  - (d) three different maps for State School Board districts, with 15 State School Board districts.
- (3)
  - (a) To the extent possible, each map recommended by the commission shall be approved by at least five members of the commission.
  - (b) If the commission is unable to obtain the approval of at least five members for all maps required under Subsection (2) for a particular map type, the commission shall, for that map type:
    - (i) if possible, recommend one map that is approved by at least five members of the commission; and
    - (ii) recommend two additional maps that are approved by a majority of commission members, as follows:
      - (A) one of the maps shall be approved by a majority that includes the commission member described in Subsection 20A-20-201(2)(f); and
      - (B) one of the maps shall be approved by a majority that includes the commission member described in Subsection 20A-20-201(2)(g).
- (4) The commission shall ensure that:
  - (a) each map recommended by the commission:
    - (i) is drawn using the official population enumeration of the most recent decennial census;
    - (ii) for congressional districts, has a total population deviation that does not exceed 1%;
    - (iii) for Senate, House of Representatives, and State School Board districts, has a total population deviation of less than 10%;
    - (iv) does not use race as a predominant factor in drawing district lines; and
    - (v) complies with the United States Constitution and all applicable federal laws, including Section 2 of the Voting Rights Act; and
  - (b) each district in each map is:
    - (i) drawn based on total population;
    - (ii) a single member district; and
    - (iii) contiguous and reasonably compact.



- (5) The commission shall define and adopt redistricting standards for use by the commission that require that maps adopted by the commission, to the extent practicable, comply with the following, as defined by the commission:
  - (a) preserving communities of interest;
  - (b) following natural, geographic, or man-made features, boundaries, or barriers;
  - (c) preserving cores of prior districts;
  - (d) minimizing the division of municipalities and counties across multiple districts;
  - (e) achieving boundary agreement among different types of districts; and
  - (f) prohibiting the purposeful or undue favoring or disfavoring of:
    - (i) an incumbent elected official;
    - (ii) a candidate or prospective candidate for elected office; or
    - (iii) a political party.
- (6) The commission may adopt a standard that prohibits the commission from using any of the following, except for the purpose of conducting an assessment described in Subsection (8):
  - (a) partisan political data;
  - (b) political party affiliation information;
  - (c) voting records;
  - (d) partisan election results; or
  - (e) residential addresses of incumbents, candidates, or prospective candidates.
- (7) The commission may adopt redistricting standards for use by the commission that require a smaller total population deviation than the total population deviation described in Subsection (4)
  - (a)(iii) if the committee or the Legislature adopts a smaller total population deviation than 10% for Senate, House of Representatives, or State School Board districts.
- (8)
  - (a) Three members of the commission may, by affirmative vote, require that commission staff evaluate any map drawn by, or presented to, the commission as a possible map for recommendation by the commission to determine whether the map complies with the redistricting standards adopted by the commission.
  - (b) In conducting an evaluation described in Subsection (8)(a), commission staff shall use judicial standards and, as determined by the commission, the best available data and scientific methods.

Amended by Chapter 306, 2021 General Session

**20A-20-303 Submission of maps to Legislature -- Consideration by Legislature.**

- (1) The commission shall, no later than 14 days after the day of the final public hearing described in Subsection 20A-20-301(1), submit to the director of the Office of Legislative Research and General Counsel, for distribution to the committee, and make available to the public, the redistricting maps recommended under Section 20A-20-302 and a detailed written report describing each map's adherence to the commission's redistricting standards and requirements.
- (2) The commission shall submit the maps recommended under Section 20A-20-302 to the committee in a public meeting of the committee as described in this section.
- (3) The committee shall:
  - (a) hold the public meeting described in Subsection (2):
    - (i) for the sole purpose of considering each map recommended under Section 20A-20-302; and
    - (ii) for a year immediately following a decennial year, no later than 15 days after the day on which the commission complies with Subsection (1); and

- (b) at the public meeting described in Subsection (2), provide reasonable time for:
  - (i) the commission to present and explain the maps described in Subsection (1);
  - (ii) the public to comment on the maps; and
  - (iii) the committee to discuss the maps.
- (4) The Legislature may not enact a redistricting plan before complying with Subsections (2) and (3).
- (5) The committee or the Legislature may, but is not required to, vote on or adopt a map submitted to the committee or the Legislature by the commission.

Amended by Chapter 306, 2021 General Session