

**Representative Loraine T. Pace** proposes to substitute the following bill:

**ELECTION LAW AND ELECTED OFFICER**

**SUBSTANTIVE AMENDMENTS**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Loraine T. Pace**

AN ACT RELATING TO THE ELECTION CODE; AMENDING DEFINITIONS; MODIFYING  
VOTER REGISTRATION REQUIREMENTS; ESTABLISHING A DEADLINE FOR  
EMERGENCY ABSENTEE BALLOTS; MODIFYING RECOUNT PROCEDURES;  
MODIFYING REQUIREMENTS AND FORMS FOR INITIATIVE AND REFERENDUM  
SIGNATURE GATHERERS; MODIFYING DECLARATION OF CANDIDACY  
REQUIREMENTS; MODIFYING FINANCIAL REPORTING REQUIREMENTS; MAKING  
TECHNICAL CORRECTIONS; **§ PROVIDING AN EFFECTIVE DATE;** § AND PROVIDING A  
COORDINATION CLAUSE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**20A-1-102**, as last amended by Chapters 344 and 369, Laws of Utah 1998

**20A-2-201**, as last amended by Chapter 106, Laws of Utah 1998

**20A-2-203**, as last amended by Chapter 183, Laws of Utah 1997

**20A-3-306.5**, as enacted by Chapter 10, Laws of Utah 1996

**20A-4-401**, as enacted by Chapter 1, Laws of Utah 1993

**20A-5-202**, as last amended by Chapter 24, Laws of Utah 1997

**20A-5-303**, as last amended by Chapter 183, Laws of Utah 1997

**20A-7-202**, as last amended by Chapter 153, Laws of Utah 1995

**20A-7-203**, as last amended by Chapter 153, Laws of Utah 1995

**20A-7-205**, as last amended by Chapters 153 and 165, Laws of Utah 1995

**20A-7-206**, as last amended by Chapters 153, 165 and 340, Laws of Utah 1995

- 26           **20A-7-213**, as last amended by Chapter 79, Laws of Utah 1996
- 27           **20A-7-303**, as last amended by Chapter 153, Laws of Utah 1995
- 28           **20A-7-305**, as last amended by Chapters 153 and 165, Laws of Utah 1995
- 29           **20A-7-306**, as last amended by Chapters 153 and 165, Laws of Utah 1995
- 30           **20A-7-312**, as last amended by Chapters 153 and 165, Laws of Utah 1995
- 31           **20A-7-503**, as enacted by Chapter 272, Laws of Utah 1994
- 32           **20A-7-505**, as last amended by Chapter 165, Laws of Utah 1995
- 33           **20A-7-506**, as last amended by Chapter 165, Laws of Utah 1995
- 33a §       **20A-7-601, as renumbered and amended by Chapter 272, Laws of Utah 1994 §**
- 34           **20A-7-603**, as enacted by Chapter 272, Laws of Utah 1994
- 35           **20A-7-605**, as last amended by Chapter 165, Laws of Utah 1995
- 36           **20A-7-606**, as last amended by Chapter 165, Laws of Utah 1995
- 37           **20A-8-103**, as last amended by Chapter 182, Laws of Utah 1997
- 38           **20A-9-201**, as last amended by Chapters 27 and 40, Laws of Utah 1998
- 39           **20A-9-202**, as last amended by Chapters 24, 182 and 184, Laws of Utah 1997
- 40           **20A-9-502**, as enacted by Chapter 1, Laws of Utah 1994
- 41           **20A-9-503**, as last amended by Chapter 152, Laws of Utah 1995
- 42           **20A-11-101**, as last amended by Chapter 355, Laws of Utah 1997
- 43           **20A-11-103**, as enacted by Chapter 355, Laws of Utah 1997
- 44           **20A-11-602**, as last amended by Chapter 40, Laws of Utah 1998
- 45           **20A-11-802**, as last amended by Chapter 40, Laws of Utah 1998
- 46           **63-96-103**, as enacted by Chapter 341, Laws of Utah 1998

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

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

49           **20A-1-102. Definitions.**

50           As used in this title:

- 51           (1) "Active voter" means a registered voter who has not been classified as an inactive voter
- 52 by the county clerk.
- 53           (2) "Automatic tabulating equipment" means apparatus that automatically examines and
- 54 counts votes recorded on paper ballots or ballot cards and tabulates the results.
- 55           (3) "Ballot" means the cardboard, paper, or other material upon which a voter records his
- 56 votes and includes ballot cards, paper ballots, and secrecy envelopes.

57 (4) "Ballot card" means a ballot that can be counted using automatic tabulating equipment.

58 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that contain  
59 the names of offices and candidates and statements of ballot propositions to be voted on and which  
60 are used in conjunction with ballot cards.

61 (6) "Ballot proposition" means opinion questions specifically authorized by the  
62 Legislature, constitutional amendments, initiatives, referenda, and judicial retention questions[;  
63 ~~opinion questions, and other questions~~] that are submitted to the voters for their approval or  
64 rejection.

65 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
66 20A-4-306 to canvass election returns.

67 (8) "Book voter registration form" means voter registration forms contained in a bound  
68 book that are used by election officers and registration agents to register persons to vote.

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

71 (10) "By-mail voter registration form" means a voter registration form designed to be  
72 completed by the voter and mailed to the election officer.

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

75 (12) "Canvassing judge" means an election judge designated to assist in counting ballots  
76 at the canvass.

77 (13) "Convention" means the political party convention at which party officers and  
78 delegates are selected.

79 (14) "Counting center" means one or more locations selected by the election officer in  
80 charge of the election for the automatic counting of ballots.

81 (15) "Counting judge" means a judge designated to count the ballots during election day.

82 (16) "Counting poll watcher" means a person selected as provided in Section 20A-3-201  
83 to witness the counting of ballots.

84 (17) "Counting room" means a suitable and convenient private place or room, immediately  
85 adjoining the place where the election is being held, for use by the counting judges to count ballots  
86 during election day.

87 (18) "County executive" means:

88 (a) the county commission in the traditional form of government established by Section  
89 17-4-2 and Title 17, Chapter 5, County Commissioners and Legislative Bodies;

90 (b) the county executive in the county executive and chief administrative officer-council  
91 optional form of government authorized by Section 17-35a-501;

92 (c) the county executive in the county executive-council optional form of government  
93 authorized by Section 17-35a-502;

94 (d) the county council in the council-manager optional form of government authorized by  
95 Section 17-35a-503; and

96 (e) the county council in the council-county administrative officer optional form of  
97 government authorized by Section 17-35a-504.

98 (19) "County legislative body" means:

99 (a) the county commission in the traditional form of government established by Section  
100 17-4-2 and Title 17, Chapter 5, County Commissioners and Legislative Bodies;

101 (b) the county council in the county executive and chief administrative officer-council  
102 optional form of government authorized by Section 17-35a-501;

103 (c) the county council in the county executive-council optional form of government  
104 authorized by Section 17-35a-502;

105 (d) the county council in the council-manager optional form of government authorized by  
106 Section 17-35a-503; and

107 (e) the county council in the council-county administrative officer optional form of  
108 government authorized by Section 17-35a-504.

109 (20) "County officers" means those county officers that are required by law to be elected.

110 (21) "Election" means a regular general election, a municipal general election, a statewide  
111 special election, a local special election, a regular primary election, a municipal primary election,  
112 and a special district election.

113 (22) "Election cycle" means the period beginning on the first day persons are eligible to  
114 file declarations of candidacy and ending when the canvass is completed.

115 (23) "Election judge" means each canvassing judge, counting judge, and receiving judge.

116 (24) "Election officer" means:

117 (a) the lieutenant governor, for all statewide ballots;

118 (b) the county clerk or clerks for all county ballots and for certain special district and

119 school district ballots as provided in Section 20A-5-400.5;

120 (c) the municipal clerk for all municipal ballots and for certain special district and school  
121 district ballots as provided in Section 20A-5-400.5; and

122 (d) the special district clerk or chief executive officer for all special district ballots that are  
123 not part of a statewide, county, or municipal ballot.

124 (25) "Election official" means any election officer, election judge, or satellite registrar.

125 (26) "Election returns" includes the pollbook, all affidavits of registration, the military and  
126 overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed  
127 absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the  
128 ballot disposition form, and the total votes cast form.

129 (27) "Electronic voting system" means a system in which a voting device is used in  
130 conjunction with ballots so that votes recorded by the voter are counted and tabulated by automatic  
131 tabulating equipment.

132 (28) "Inactive voter" means a registered voter who has been sent the notice required by  
133 Section 20A-2-306 and who has failed to respond to that notice.

134 (29) "Inspecting poll watcher" means a person selected as provided in this title to witness  
135 the receipt and safe deposit of voted and counted ballots.

136 (30) "Judicial office" means the office filled by any judicial officer.

137 (31) "Judicial officer" means any justice or judge of a court of record or any county court  
138 judge.

139 (32) "Local election" means a regular municipal election, a local special election, a special  
140 district election, and a bond election.

141 (33) "Local political subdivision" means a county, a municipality, a special district, or a  
142 local school district.

143 (34) "Local special election" means a special election called by the governing body of a  
144 local political subdivision in which all registered voters of the local political subdivision may vote.

145 (35) "Municipal executive" means:

146 (a) the city commission, city council, or town council in the traditional management  
147 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

148 (b) the mayor in the council-mayor optional form of government defined in Section  
149 10-3-1209; and

150 (c) the manager in the council-manager optional form of government defined in Section  
151 10-3-1209.

152 (36) "Municipal general election" means the election held in municipalities and special  
153 districts on the first Tuesday after the first Monday in November of each odd-numbered year for  
154 the purposes established in Section 20A-1-202.

155 (37) "Municipal legislative body" means:

156 (a) the city commission, city council, or town council in the traditional management  
157 arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

158 (b) the municipal council in the council-mayor optional form of government defined in  
159 Section 10-3-1209; and

160 (c) the municipal council in the council-manager optional form of government defined in  
161 Section 10-3-1209.

162 (38) "Municipal officers" means those municipal officers that are required by law to be  
163 elected.

164 (39) "Municipal primary election" means an election held to nominate candidates for  
165 municipal office.

166 (40) "Official ballot" means the ballots distributed by the election officer to the election  
167 judges to be given to voters to record their votes.

168 (41) "Official endorsement" means:

169 (a) the information on the ballot that identifies:

170 (i) the ballot as an official ballot;

171 (ii) the date of the election; and

172 (iii) the facsimile signature of the election officer; and

173 (b) the information on the ballot stub that identifies:

174 (i) the election judge's initials; and

175 (ii) the ballot number.

176 (42) "Official register" means the book furnished election officials by the election officer  
177 that contains the information required by Section 20A-5-401.

178 (43) "Paper ballot" means a paper that contains:

179 (a) the names of offices and candidates and statements of ballot propositions to be voted  
180 on; and

181 (b) spaces for the voter to record his vote for each office and for or against each ballot  
182 proposition.

183 (44) "Political party" means an organization of registered voters that has qualified to  
184 participate in an election by meeting the requirements of Title 20A, Chapter 8, Political Party  
185 Formation and Procedures.

186 (45) "Polling place" means the building where residents of a voting precinct vote.

187 (46) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in  
188 which the voter marks his choice.

189 (47) "Posting list" means a list of registered voters within a voting precinct.

190 (48) "Primary convention" means the political party conventions at which nominees for  
191 the regular primary election are selected.

192 (49) "Protective counter" means a separate counter, which cannot be reset, that is built into  
193 a voting machine and records the total number of movements of the operating lever.

194 (50) "Qualify" or "qualified" means to take the oath of office and begin performing the  
195 duties of the position for which the person was elected.

196 (51) "Receiving judge" means the election judge that checks the voter's name in the official  
197 register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter  
198 has voted.

199 (52) "Registration days" means the days designated in Section 20A-2-203 when a voter  
200 may register to vote with a satellite registrar.

201 (53) "Registration form" means a book voter registration form and a by-mail voter  
202 registration form.

203 (54) "Regular general election" means the election held throughout the state on the first  
204 Tuesday after the first Monday in November of each even-numbered year for the purposes  
205 established in Section 20A-1-201.

206 (55) "Regular primary election" means the election on the fourth Tuesday of June of each  
207 even-numbered year, at which candidates of political parties and nonpolitical groups are voted for  
208 nomination.

209 (56) "Resident" means a person who resides within a specific voting precinct in Utah.

210 (57) "Sample ballot" means a mock ballot similar in form to the official ballot printed and  
211 distributed as provided in Section 20A-5-405.

212 (58) "Satellite registrar" means a person appointed under Section 20A-5-201 to register  
213 voters and perform other duties.

214 (59) "Scratch vote" means to mark or punch the straight party ticket and then mark or  
215 punch the ballot for one or more candidates who are members of different political parties.

216 (60) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
217 which the voter places the ballot after he has voted it in order to preserve the secrecy of the voter's  
218 vote.

219 (61) "Special election" means an election held as authorized by Section 20A-1-204.

220 (62) "Special district" means those local government entities created under the authority  
221 of Title 17A.

222 (63) "Special district officers" means those special district officers that are required by law  
223 to be elected.

224 (64) "Spoiled ballot" means each ballot that:

225 (a) is spoiled by the voter;

226 (b) is unable to be voted because it was spoiled by the printer or the election judge; or

227 (c) lacks the official endorsement.

228 (65) "Statewide special election" means a special election called by the governor or the  
229 Legislature in which all registered voters in Utah may vote.

230 (66) "Stub" means the detachable part of each ballot.

231 (67) "Substitute ballots" means replacement ballots provided by an election officer to the  
232 election judges when the official ballots are lost or stolen.

233 (68) "Ticket" means each list of candidates for each political party or for each group of  
234 petitioners.

235 (69) "Transfer case" means the sealed box used to transport voted ballots to the counting  
236 center.

237 (70) "Vacancy" means the absence of a person to serve in any position created by statute,  
238 whether that absence occurs because of death, disability, disqualification, resignation, or other  
239 cause.

240 (71) "Valid write-in candidate" means a candidate who has qualified as a write-in  
241 candidate by following the procedures and requirements of this title.

242 (72) "Voter" means a person who meets the requirements of election registration and is



243 registered and is listed in the official register book.

244 (73) "Voting area" means the area within six feet of the voting booths, voting machines,  
245 and ballot box.

246 (74) "Voting booth" means the space or compartment within a polling place that is  
247 provided for the preparation of ballots and includes the voting machine enclosure or curtain.

248 (75) "Voting device" means:

249 (a) an apparatus in which ballot cards are used in connection with a punch device for  
250 piercing the ballots by the voter;

251 (b) a device for marking the ballots with ink or another substance; or

252 (c) any other method for recording votes on ballots so that the ballot may be tabulated by  
253 means of automatic tabulating equipment.

254 (76) "Voting machine" means a machine designed for the sole purpose of recording and  
255 tabulating votes cast by voters at an election.

256 (77) "Voting poll watcher" means a person appointed as provided in this title to witness  
257 the distribution of ballots and the voting process.

258 (78) "Voting precinct" means the smallest voting unit established as provided by law  
259 within which qualified voters vote at one polling place.

260 (79) "Watcher" means a voting poll watcher, a counting poll watcher, and an inspecting  
261 poll watcher.

262 (80) "Write-in ballot" means a ballot containing any write-in votes.

263 (81) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot  
264 according to the procedures established in this title.

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

266 **20A-2-201. Registering to vote at office of county clerk.**

267 (1) Except as provided in [~~Subsections~~] Subsection (2) [~~and (3)~~], the county clerk shall  
268 register to vote all persons who present themselves for registration at the county clerk's office  
269 during designated office hours if those persons, on voting day, will be legally qualified and entitled  
270 to vote in a voting precinct in the county.

271 (2) [~~Except as provided in Subsection (3), during the 19~~] During the seven calendar days  
272 immediately before any scheduled election, the county clerk shall:

273 (a) accept registration forms from all persons who present themselves for registration at

274 the clerk's office during designated office hours if those persons, on voting day, will be legally  
275 qualified and entitled to vote in a voting precinct in the county; and

276 (b) inform them that they will be registered to vote but may not vote in the pending  
277 election because they registered too late.

278 [~~(3) Nothing in this section shall prevent a county clerk from:~~]

279 [~~(a) designating the county clerk's office as a satellite location for voter registration; and]~~

280 [~~(b) allowing a person to register to vote according to the schedule and procedures in~~

281 ~~Section 20A-2-203.]~~

282 Section 3. Section **20A-2-203** is amended to read:

283 **20A-2-203. Satellite location -- Registration by satellite registrar.**

284 (1) (a) Each county clerk shall designate at least one satellite location for voter registration  
285 for every 25,000 people residing within the county.

286 (b) A county clerk may designate as many satellite locations as desired.

287 (2) (a) Any person who meets the voter registration requirements may register to vote with  
288 a satellite registrar at any satellite location within the person's county of residence between 8 a.m.  
289 and 8 p.m.:

290 (i) on the Friday and Monday [~~and Tuesday~~], the [~~seventh and~~] eighth and eleventh day,  
291 before the regular primary election in counties holding a primary election;

292 (ii) on the Friday and Monday [~~and Tuesday~~], the [~~seventh and~~] eighth and eleventh day,  
293 before the regular general election;

294 (iii) on the Friday and Monday [~~and Tuesday~~], the [~~seventh and~~] eighth and eleventh day,  
295 before the municipal primary election in municipalities holding a municipal primary election; and

296 (iv) on the Friday and Monday [~~and Tuesday~~], the [~~seventh and~~] eighth and eleventh day,  
297 before the municipal general election.

298 (b) Each satellite registrar shall register to vote all persons who:

299 (i) present themselves for registration; and

300 (ii) are legally qualified and entitled to vote in that voting precinct on election day.

301 (3) For municipal elections, the municipality in which the registration is made shall pay  
302 the expenses of registration.

303 Section 4. Section **20A-3-306.5** is amended to read:

304 **20A-3-306.5. Emergency absentee ballots.**

305 (1) As used in this section, "hospitalized voter" means a registered voter who is  
306 hospitalized or otherwise confined to a medical or long-term care institution after the deadline for  
307 filing an application for an absentee ballot established in Section 20A-3-304.

308 (2) Notwithstanding any other provision of this part, a hospitalized voter may obtain an  
309 absentee ballot and vote on election day by following the procedures and requirements of this  
310 section.

311 (3) (a) Any person may obtain an absentee ballot application, an absentee ballot, and an  
312 absentee ballot envelope from the election officer on behalf of a hospitalized voter by requesting  
313 a ballot and application in person at the election officer's office.

314 (b) The election officer shall require the person to sign a statement identifying himself and  
315 the hospitalized voter.

316 (4) To vote, the hospitalized voter shall complete the absentee ballot application, complete  
317 and sign the application on the absentee ballot envelope, mark his votes on the absentee ballot,  
318 place the absentee ballot into the envelope, and seal the envelope.

319 (5) To be counted, the absentee voter application and the sealed absentee ballot envelope  
320 must be returned to the election officer's office before the polls close on election day.

321 Section 5. Section **20A-4-401** is amended to read:

322 **20A-4-401. Recounts -- Procedure.**

323 [~~(1) (a) Any candidate whose name appears on the official ballot in any voting precinct for~~  
324 ~~any regular primary or municipal primary election may request that the board of canvassers recount~~  
325 ~~the ballots cast in that voting precinct by alleging, in an affidavit filed with the election officer at~~  
326 ~~least one day before the date fixed for canvassing the returns, that fraud was committed or error~~  
327 ~~or mistake was made in counting or returning the votes cast in that voting precinct.]~~

328 [~~(b) (i) If the board receives an affidavit requesting a recount, the board shall recount the~~  
329 ~~ballots cast in those voting precincts for the office for which the contestant was a candidate.]~~

330 [~~(ii) If, after recounting the ballots, the board reaches a different result from that returned~~  
331 ~~by the election judges, the board shall substitute its result as the true and correct return and use its~~  
332 ~~result in all subsequent proceedings.]~~

333 [~~(c) The board's decision based upon the recount is final and no other contest is permitted.]~~

334 [~~(2) If a court orders a recount of votes, the ballots shall be recounted in the manner~~  
335 ~~directed by the judicial authority.]~~

336           ~~[(3)]~~ (1) (a) For any regular ~~[general]~~ primary, municipal primary, regular general, or  
337 municipal general election, when any candidate loses by not more than a total of one vote per  
338 voting precinct, ~~[he]~~ the candidate may file a request for a recount with the appropriate election  
339 officer within seven days of the canvass.

340           (b) The election officer shall:

341           (i) supervise the recount;

342           (ii) recount all ballots cast for that office;

343           (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part  
344 3; and

345           (iv) declare elected the person receiving the highest number of votes on the recount.

346           ~~[(4)]~~ (2) (a) Any ten voters who voted in an election when any ballot proposition was on  
347 the ballot may file a request for a recount with the appropriate election officer within seven days  
348 of the canvass.

349           (b) The election officer shall:

350           (i) supervise the recount;

351           (ii) recount all ballots cast for that ballot proposition;

352           (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part  
353 3; and

354           (iv) declare the ballot proposition to have "passed" or "failed" based upon the results of  
355 the recount.

356           (c) Proponents and opponents of the ballot proposition may designate representatives to  
357 witness the recount.

358           (d) The person or entity requesting the recount shall pay the costs of the recount.

359           ~~[(5)]~~ (3) Costs incurred by recount under Subsection ~~[(3)]~~ (1) may not be assessed against  
360 the person requesting the recount.

361           Section 6. Section **20A-5-202** is amended to read:

362           **20A-5-202. Satellite registrars -- Duties.**

363           (1) Satellite registrars may administer oaths and affirmations and perform all other acts that  
364 are necessary to fully accomplish the requirements of this part.

365           ~~[(2) A satellite registrar shall register to vote all persons who:]~~

366           ~~[(a) present themselves for registration between 8 a.m. and 8 p.m. on:]~~

367 ~~[(i) the Monday and Tuesday, the seventh and eighth day before the regular primary~~  
368 ~~election;]~~

369 ~~[(ii) the Monday and Tuesday, the seventh and eighth day before the regular general~~  
370 ~~election;]~~

371 ~~[(iii) the Monday and Tuesday, the seventh and eighth day before the municipal primary~~  
372 ~~election in municipalities holding a municipal primary election; and]~~

373 ~~[(iv) the Monday and Tuesday, the seventh and eighth day before the municipal general~~  
374 ~~election; and]~~

375 ~~[(b) are legally qualified and entitled to vote in that voting precinct on election day.]~~

376 (2) On the dates and at the times provided in Section 20A-2-203, a satellite registrar shall  
377 register to vote each person who is legally qualified and entitled to vote in that county on election  
378 day.

379 (3) Each satellite registrar shall:

380 (a) provide voter registration applications for interested citizens;

381 (b) have maps available for determining precinct locations;

382 (c) assist citizens in completing the voter registration form;

383 (d) review completed voter registration forms to ensure that they are accurate and that the  
384 applicant meets eligibility requirements;

385 (e) return the official proof of registration form to the voter; and

386 (f) deliver completed registration forms to the county clerk.

387 (4) The county clerk shall:

388 (a) record the new voters into the official register and posting list or prepare an addendum  
389 of new voters for the official register and posting list; and

390 (b) before election day, deliver the official register, posting list, and addendum, if any, to  
391 the election judges of each voting precinct.

392 (5) During the time voter registration is being held, satellite registrars may not display any  
393 political signs, posters, or other designations of support for candidates, issues, or political parties  
394 on the premises.

395 Section 7. Section **20A-5-303** is amended to read:

396 **20A-5-303. Establishing, dividing, abolishing, and changing voting precincts --**  
397 **Combined voting precincts -- Counties.**

398 (1) The county legislative body may establish, divide, abolish, and change voting precincts.

399 (2) (a) The county legislative body shall alter or divide voting precincts so that each voting  
400 precinct contains not more than 1,000 active voters.

401 (b) The county legislative body shall:

402 (i) identify those precincts that may reach 1,000 active voters or become too large to  
403 facilitate the election process; and

404 (ii) divide those precincts before February 1.

405 (3) The county legislative body may not:

406 (a) establish or abolish any voting precinct after February 1, of a regular general election  
407 year; or

408 (b) alter or change the boundaries of any voting precinct after February 1, of a regular  
409 general election year.

410 (4) For the purpose of balloting on regular primary or regular general election day, the  
411 county legislative body may establish a common polling place for two or more whole voting  
412 precincts according to the following requirements:

413 (a) the total population of the [~~combined voting precinct~~] voters authorized to vote at the  
414 common polling place may not exceed 3,000 active voters;

415 (b) the [~~combined~~] voting precincts voting at the common polling place shall all lie within  
416 the same legislative district; and

417 (c) the voting precincts [~~shall be combined for balloting purposes~~] voting at, and the  
418 location of, the common polling place shall be designated at least 90 days before the election.

419 (5) In addition to the authorizations contained in Subsection (4), in regular primary  
420 elections only, the county legislative body may combine voting precincts, and use one set of  
421 election judges for the combined precincts if the ballots for each of the combined precincts are  
422 identical.

423 Section 8. Section **20A-7-202** is amended to read:

424 **20A-7-202. Statewide initiative process -- Application procedures -- Time to gather**  
425 **signatures -- Grounds for rejection.**

426 (1) Persons wishing to circulate an initiative petition shall file an application with the  
427 lieutenant governor.

428 (2) The application shall contain:

429 (a) the name and residence address of at least five sponsors of the initiative petition;

430 (b) a statement indicating that each of the sponsors:

431 (i) is a [~~registered voter~~] resident of Utah; and

432 (ii) has voted in a regular general election in Utah within the last three years;

433 (c) the signature of each of the sponsors, attested to by a notary public; and

434 (d) a copy of the proposed law.

435 (3) The application and its contents are public when filed with the lieutenant governor.

436 (4) (a) The sponsors shall qualify the petition for the regular general election ballot no later

437 than the second regular general election after the application is filed.

438 (b) If the sponsors fail to qualify the petition for that ballot, the sponsors must:

439 (i) submit a new application;

440 (ii) obtain new signature sheets; and

441 (iii) collect signatures again.

442 (5) The lieutenant governor shall reject the application and not issue circulation sheets if:

443 (a) the law proposed by the initiative is patently unconstitutional;

444 (b) the law proposed by the initiative is nonsensical; or

445 (c) the proposed law could not become law if passed.

446 Section 9. Section **20A-7-203** is amended to read:

447 **20A-7-203. Form of initiative petition and signature sheets.**

448 (1) (a) Each proposed initiative petition shall be printed in substantially the following

449 form:

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

451 We, the undersigned citizens of Utah, respectfully demand that the following proposed law

452 be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular

453 general election/session to be held/ beginning on the \_\_\_\_ day of \_\_\_\_, 19\_\_;

454 Each signer says:

455 I have personally signed this petition;

456 I am registered to vote in Utah or intend to become registered to vote in Utah before the

457 certification of the petition names by the county clerk; and

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

459 (b) The sponsors of an initiative shall attach a copy of the proposed law to each initiative

460 petition.

461 (2) Each signature sheet shall:

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

463 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line

464 blank for the purpose of binding;

465 (c) contain the title of the initiative printed below the horizontal line;

466 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
467 the title of the initiative;

468 (e) contain, to the right of the word "Warning," the following statement printed or typed  
469 in not less than eight-point, single leaded type:

470 "It is a class A misdemeanor for anyone to sign any initiative petition with any other name  
471 than his own, or knowingly to sign his name more than once for the same measure, or to sign an  
472 initiative petition when he knows he is not a registered voter and knows that he does not intend  
473 to become registered to vote before the certification of the petition names by the county clerk.";

474 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
475 by this section; and

476 (g) be vertically divided into columns as follows:

477 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
478 headed with "For Office Use Only," and be subdivided with a light vertical line down the middle  
479 with the left subdivision entitled "Registered" and the right subdivision left untitled;

480 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name  
481 (must be legible to be counted)";

482 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";

483 and

484 (iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code".

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

487 "Verification

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

489 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

490 I am [~~registered to vote in~~] a resident of Utah;



491 All the names that appear in this packet were signed by persons who professed to be the  
492 persons whose names appear in it, and each of them signed his name on it in my presence;

493 I believe that each has printed and signed his name and written his post office address and  
494 residence correctly, and that each signer is registered to vote in Utah or intends to become  
495 registered to vote before the certification of the petition names by the county clerk.

496 \_\_\_\_\_  
497 (Name) (Residence Address) (Date)"

498 (4) The forms prescribed in this section are not mandatory, and, if substantially followed,  
499 the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

500 Section 10. Section **20A-7-205** is amended to read:

501 **20A-7-205. Obtaining signatures -- Verification -- Removal of signature.**

502 (1) Any Utah voter may sign an initiative petition if the voter is a legal voter.

503 (2) The sponsors shall ensure that the person in whose presence each signature sheet was  
504 signed:

505 [~~(a) is registered to vote in Utah;~~]

506 [~~(b)~~] (a) meets the residency requirements of Section 20A-2-105; and

507 [~~(c)~~] (b) verifies each signature sheet by completing the verification printed on the last  
508 page of each initiative packet.

509 (3) (a) (i) Any voter who has signed an initiative petition may have his signature removed  
510 from the petition by submitting a notarized statement to that effect to the county clerk.

511 (ii) In order for the signature to be removed, the statement must be received by the county  
512 clerk before he delivers the petition to the lieutenant governor.

513 (b) Upon receipt of the statement, the county clerk shall remove the signature of the person  
514 submitting the statement from the initiative petition.

515 (c) No one may remove signatures from an initiative petition after the petition is submitted  
516 to the lieutenant governor.

517 Section 11. Section **20A-7-206** is amended to read:

518 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**  
519 **county clerks -- Transfer to lieutenant governor.**

520 (1) In order to qualify an initiative petition for placement on the regular general election  
521 ballot, the sponsors shall deliver each signed and verified initiative packet to the county clerk of

522 the county in which the packet was circulated by the June 1 before the regular general election.

523 (2) No later than June 15 before the regular general election, the county clerk shall:

524 (a) check the names of all persons completing the verification for the initiative packet to  
525 determine whether or not those persons are ~~[registered to vote in]~~ residents of Utah; and

526 (b) submit the name of each of those persons who is not registered to vote in Utah to the  
527 attorney general and county attorney.

528 (3) No later than July 1 before the regular general election, the county clerk shall:

529 (a) check all the names of the signers against the official registers to determine whether  
530 or not the signer is a registered voter;

531 (b) certify on the petition whether or not each name is that of a registered voter; and

532 (c) deliver all of the packets to the lieutenant governor.

533 (4) In order to qualify an initiative petition for submission to the Legislature, the sponsors  
534 shall deliver each signed and verified initiative packet to the county clerk of the county in which  
535 the packet was circulated by the November 15 before the annual general session of the Legislature.

536 (5) No later than December 1 before the annual general session of the Legislature, the  
537 county clerk shall:

538 (a) check the names of all persons completing the verification for the initiative packet to  
539 determine whether or not those persons are Utah residents; and

540 (b) submit the name of each of those persons who is not a Utah resident to the attorney  
541 general and county attorney.

542 (6) No later than December 15 before the annual general session of the Legislature, the  
543 county clerk shall:

544 (a) check all the names of the signers against the official registers to determine whether  
545 or not the signer is a registered voter;

546 (b) certify on the petition whether or not each name is that of a registered voter; and

547 (c) deliver all of the packets to the lieutenant governor.

548 ~~[(4)]~~ (7) Initiative packets are public once they are delivered to the county clerks.

549 ~~[(5)]~~ (8) The sponsor or their representatives may not retrieve initiative packets from the  
550 county clerks once they have submitted them.

551 Section 12. Section **20A-7-213** is amended to read:

552 **20A-7-213. Misconduct of electors and officers -- Penalty.**

- 553 (1) It is unlawful for any person to:
- 554 (a) sign any name other than his own to any initiative petition;
- 555 (b) knowingly sign his name more than once for the same measure at one election;
- 556 (c) sign an initiative knowing he is not a legal voter; or
- 557 (d) knowingly and willfully violate any provision of this part.
- 558 (2) It is unlawful for any person to sign the verification for an initiative packet knowing
- 559 that:
- 560 [~~(a)~~] ~~he is not registered to vote in Utah;~~
- 561 [~~(b)~~] (a) he does not meet the residency requirements of Section 20A-2-105;
- 562 [~~(c)~~] (b) he has not witnessed the signatures of those persons whose names appear in the
- 563 initiative packet; or
- 564 [~~(d)~~] (c) one or more persons whose signatures appear in the initiative packet is either:
- 565 (i) not registered to vote in Utah; or
- 566 (ii) does not intend to become registered to vote in Utah.
- 567 (3) Any person violating this section is guilty of a class A misdemeanor.
- 568 (4) The attorney general or the county attorney shall prosecute any violation of this section.

569 Section 13. Section **20A-7-303** is amended to read:

570 **20A-7-303. Form of referendum petition and signature sheets.**

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

573 "REFERENDUM PETITION To the Honorable \_\_\_\_, Lieutenant Governor:

574 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.

575 \_\_\_\_, entitled (title of act, and, if the petition is against less than the whole act, set forth here the

576 part or parts on which the referendum is sought), passed by the \_\_\_\_ Session of the Legislature of

577 the state of Utah, be referred to the people of Utah for their approval or rejection at a regular

578 general election or a statewide special election;

579 Each signer says:

580 I have personally signed this petition;

581 I am registered to vote in Utah or intend to become registered to vote in Utah before the

582 certification of the petition names by the county clerk; and

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

584 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the  
585 referendum to each referendum petition.

586 (2) Each signature sheet shall:

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

588 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line  
589 blank for the purpose of binding;

590 (c) contain the title of the referendum printed below the horizontal line;

591 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
592 the title of the referendum;

593 (e) contain, to the right of the word "Warning," the following statement printed or typed  
594 in not less than eight-point, single leaded type:

595 "It is a class A misdemeanor for anyone to sign any referendum petition with any other  
596 name than his own, or knowingly to sign his name more than once for the same measure, or to sign  
597 a referendum petition when he knows he is not a registered voter and knows that he does not intend  
598 to become registered to vote before the certification of the petition names by the county clerk.";

599 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
600 by this section; and

601 (g) be vertically divided into columns as follows:

602 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
603 headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

604 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name  
605 (must be legible to be counted)";

606 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";  
607 and

608 (iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code".

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

611 "Verification

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

613 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

614 I am [~~registered to vote in~~] a Utah resident;

615 All the names that appear in this packet were signed by persons who professed to be the  
616 persons whose names appear in it, and each of them signed his name on it in my presence;

617 I believe that each has printed and signed his name and written his post office address and  
618 residence correctly, and that each signer is registered to vote in Utah or intends to become  
619 registered to vote before the certification of the petition names by the county clerk.

620 \_\_\_\_\_  
621 (Name) (Residence Address) (Date)"

622 (4) The forms prescribed in this section are not mandatory, and, if substantially followed,  
623 the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

624 Section 14. Section **20A-7-305** is amended to read:

625 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

626 (1) Any Utah voter may sign a referendum petition if the voter is a legal voter.

627 (2) The sponsors shall ensure that the person in whose presence each signature sheet was  
628 signed:

629 [~~(a) is registered to vote in Utah;~~]

630 [~~(b)~~] (a) meets the residency requirements of Section 20A-2-105; and

631 [~~(c)~~] (b) verifies each signature sheet by completing the verification printed on the last  
632 page of each signature sheet.

633 (3) (a) (i) Any voter who has signed a referendum petition may have his signature removed  
634 from the petition by submitting a notarized statement to that effect to the county clerk.

635 (ii) In order for the signature to be removed, the statement must be received by the county  
636 clerk before he delivers the petition to the lieutenant governor.

637 (b) Upon receipt of the statement, the county clerk shall remove the signature of the person  
638 submitting the statement from the referendum petition.

639 (c) No one may remove signatures from a referendum petition after the petition is  
640 submitted to the lieutenant governor.

641 Section 15. Section **20A-7-306** is amended to read:

642 **20A-7-306. Submitting the referendum petition -- Certification of signatures by the**  
643 **county clerks -- Transfer to lieutenant governor.**

644 (1) No later than 40 days after the end of the legislative session at which the law passed,  
645 the sponsors shall deliver each signed and verified referendum packet to the county clerk of the

646 county in which the packet was circulated.

647 (2) No later than 55 days after the end of the legislative session at which the law passed,  
648 the county clerk shall:

649 (a) check the names of all persons completing the verification on the back of each  
650 signature sheet to determine whether or not those persons are [~~registered to vote in~~] Utah residents;  
651 and

652 (b) submit the name of each of those persons who is not [~~registered to vote in~~] a Utah  
653 resident to the attorney general and county attorney.

654 (3) No later than 55 days after the end of the legislative session at which the law passed,  
655 the county clerk shall:

656 (a) check all the names of the signers against the official registers to determine whether  
657 or not the signer is a voter;

658 (b) certify on the referendum petition whether or not each name is that of a voter; and

659 (c) deliver all of the referendum packets to the lieutenant governor.

660 Section 16. Section **20A-7-312** is amended to read:

661 **20A-7-312. Misconduct of electors and officers -- Penalty.**

662 (1) It is unlawful for any person to:

663 (a) sign any name other than his own to any referendum petition;

664 (b) knowingly sign his name more than once for the same measure at one election;

665 (c) sign a referendum knowing he is not a legal voter; or

666 (d) knowingly and willfully violate any provision of this part.

667 (2) It is unlawful for any person to sign the verification for a referendum packet knowing  
668 that:

669 [~~(a) he is not registered to vote in Utah;~~]

670 [~~(b)~~] (a) he does not meet the residency requirements of Section 20A-2-105;

671 [~~(c)~~] (b) he has not witnessed the signatures of those persons whose names appear in the  
672 referendum packet; or

673 [~~(d)~~] (c) one or more persons whose signatures appear in the referendum packet is either:

674 (i) not registered to vote in Utah; or

675 (ii) does not intend to become registered to vote in Utah.

676 (3) Any person violating this section is guilty of a class A misdemeanor.

677 (4) The attorney general or the county clerk shall prosecute any violation of this section.

678 Section 17. Section **20A-7-503** is amended to read:

679 **20A-7-503. Form of initiative petitions and signature sheets.**

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

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

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

688 Each signer says:

689 I have personally signed this petition;

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

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

693 (b) The sponsors of an initiative shall attach a copy of the proposed law to each initiative  
694 petition.

695 (2) Each signature sheet shall:

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

697 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line  
698 blank for the purpose of binding;

699 (c) contain the title of the initiative printed below the horizontal line;

700 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
701 the title of the initiative;

702 (e) contain, to the right of the word "Warning," the following statement printed or typed  
703 in not less than eight-point, single leaded type:

704 "It is a class A misdemeanor for anyone to sign any initiative petition with any other name  
705 than his own, or knowingly to sign his name more than once for the same measure, or to sign an  
706 initiative petition when he knows he is not a registered voter and knows that he does not intend  
707 to become registered to vote before the certification of the petition names by the county clerk.";

708 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
709 by this section;

710 (g) be vertically divided into columns as follows:

711 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
712 headed with "For Office Use Only", and be subdivided with a light vertical line down the middle  
713 with the left subdivision entitled "Registered" and the right subdivision left untitled;

714 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name  
715 (must be legible to be counted)";

716 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";  
717 and

718 (iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code";  
719 and

720 (h) contain the following statement, printed or typed upon the back of each sheet:

721 "Verification

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

723 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

724 I am [~~registered to vote in~~] a resident of Utah;

725 All the names that appear on this sheet were signed by persons who professed to be the  
726 persons whose names appear in it, and each of them signed his name on it in my presence;

727 I believe that each has printed and signed his name and written his post office address and  
728 residence correctly, and that each signer is registered to vote in Utah or intends to become  
729 registered to vote before the certification of the petition names by the county clerk.

730 \_\_\_\_\_"

731 (3) The forms prescribed in this section are not mandatory, and, if substantially followed,  
732 the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

733 Section 18. Section **20A-7-505** is amended to read:

734 **20A-7-505. Obtaining signatures -- Verification -- Removal of signature.**

735 (1) Any Utah voter may sign a local initiative petition if the voter is a legal voter and  
736 resides in the local jurisdiction.

737 (2) The sponsors shall ensure that the person in whose presence each signature sheet was  
738 signed:



739 [~~(a)~~ is registered to vote in Utah; and]

740 [~~(b)~~] (a) meets the residency requirements of Section 20A-2-105; and

741 [~~(c)~~] (b) verifies each signature sheet by completing the verification printed on the back  
742 of each signature sheet.

743 (3) (a) (i) Any voter who has signed an initiative petition may have his signature removed  
744 from the petition by submitting a notarized statement to that effect to the local clerk.

745 (ii) In order for the signature to be removed, the statement must be received by the local  
746 clerk before he delivers the petition to the county clerk to be certified.

747 (b) Upon receipt of the statement, the local clerk shall remove the signature of the person  
748 submitting the statement from the initiative petition.

749 (c) No one may remove signatures from an initiative petition after the petition is submitted  
750 to the county clerk to be certified.

751 Section 19. Section **20A-7-506** is amended to read:

752 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**  
753 **county clerks -- Transfer to local clerk.**

754 (1) No later than 120 days before any regular general election, for county initiatives, or  
755 municipal general election, for municipal initiatives, the sponsors shall deliver each signed and  
756 verified initiative packet to the county clerk of the county in which the packet was circulated.

757 (2) No later than 90 days before any general election, the county clerk shall:

758 (a) check the names of all persons completing the verification on the back of each  
759 signature sheet to determine whether or not those persons are [~~registered to vote in~~] residents of  
760 Utah; and

761 (b) submit the name of each of those persons who is [~~not registered to vote in~~] a Utah  
762 resident to the attorney general and county attorney.

763 (3) No later than 60 days before any general election, the county clerk shall:

764 (a) check all the names of the signers against the official registers to determine whether  
765 or not the signer is a voter;

766 (b) certify on the petition whether or not each name is that of a voter; and

767 (c) deliver all of the packets to the local clerk.

767a **§ Section 20. Section 20A-7-601 is amended to read:**

767b **20A-7-601 Referenda -- Signature requirements -- Time requirements.**

767c (1) **[A] EXCEPT AS PROVIDED IN SUBSECTION (2), A person seeking to have a law passed**  
by

767d **the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:**

767e (a) **10% of all the votes cast in the county, city, or town for all candidates for governor at the**

767f last election at which a governor was elected if the total number of votes exceeds 25,000; §

767g § (b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for governor at  
 767h the last election at which a governor was elected if the total number of votes does not exceed 25,000  
 767i but is more than 10,000;

767j (c) 15% of all the votes cast in the county, city, or town for all candidates for governor at the  
 767k last election at which a governor was elected if the total number of votes does not exceed 10,000 but  
 767l is more than 2,500;

767m (d) 20% of all the votes cast in the county, city, or town for all candidates for governor at the  
 767n last election at which a governor was elected if the total number of votes does not exceed 2,500 but  
 is  
 767o more than 500;

767p (e) 25% of all the votes cast in the county, city, or town for all candidates for governor at the  
 767q last election at which a governor was elected if the total number of votes does not exceed 500 but is  
 767r more than 250; and

767s (f) 30% of all the votes cast in the county, city, or town for all candidates for governor at the  
 767t last election at which a governor was elected if the total number of votes does not exceed 250.

767u (2) (a) AS USED IN THIS SUBSECTION (2), "LAND USE LAW" INCLUDES A LAND USE  
 767v DEVELOPMENT CODE, AN ANNEXATION ORDINANCE, AND COMPREHENSIVE ZONING  
 767w ORDINANCES.

767x (b) A PERSON SEEKING TO HAVE A LAND USE LAW PASSED BY THE LOCAL LEGISLATIVE  
 767y BODY SUBMITTED TO A VOTE OF THE PEOPLE SHALL OBTAIN LEGAL SIGNATURES EQUAL TO:

767z (i) IN COUNTIES AND FIRST AND SECOND CLASS CITIES, 20% OF ALL VOTES CAST IN THE  
 767aa COUNTY OR CITY FOR ALL CANDIDATES FOR GOVERNOR AT THE LAST ELECTION AT WHICH A  
 767ab GOVERNOR WAS ELECTED; AND

767ac (ii) IN THIRD CLASS CITIES AND TOWNS, 35% OF ALL THE VOTES CAST IN THE CITY OR  
 767ad TOWN FOR ALL CANDIDATES FOR GOVERNOR AT THE LAST ELECTION AT WHICH A GOVERNOR  
 767ae WAS ELECTED.

767af (3) (a) Sponsors of any referendum petition challenging UNDER SUBSECTIONS (1) OR (2) any  
 767ag local law passed by a local legislative body shall file the petition within 35 days after the passage of  
 767ah the local law.

767ai (b) The local law remains in effect until repealed by the voters via referendum.

767aj ~~[(3)]~~ (4) If the referendum passes, the local law that was challenged by the referendum is repealed  
 767ak as of the date of the election. §

768 Section § ~~[20]~~ 21 § . Section 20A-7-603 is amended to read:

769 20A-7-603. Form of referendum petition and signature sheets.

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

772 "REFERENDUM PETITION To the Honorable \_\_\_\_, County Clerk/City Recorder/Town  
773 Clerk:

774 We, the undersigned citizens of Utah, respectfully order that Ordinance No. \_\_\_\_, entitled  
775 (title of ordinance, and, if the petition is against less than the whole ordinance, set forth here the  
776 part or parts on which the referendum is sought), passed by the \_\_\_\_ be referred to the voters for  
777 their approval or rejection at the regular/municipal general election to be held on the \_\_\_\_ day of  
778 \_\_\_\_, 19\_\_;

779 Each signer says:

780 I have personally signed this petition;

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

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

784 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the  
785 referendum to each referendum petition.

786 (2) Each signature sheet shall:

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

788 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line  
789 blank for the purpose of binding;

790 (c) contain the title of the referendum printed below the horizontal line;

791 (d) contain the word "Warning" printed or typed at the top of each signature sheet under  
792 the title of the referendum;

793 (e) contain, to the right of the word "Warning," the following statement printed or typed  
794 in not less than eight-point, single leaded type:

795 "It is a class A misdemeanor for anyone to sign any referendum petition with any other  
796 name than his own, or knowingly to sign his name more than once for the same measure, or to sign  
797 a referendum petition when he knows he is not a registered voter and knows that he does not intend  
798 to become registered to vote before the certification of the petition names by the county clerk.";

799 (f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required  
800 by this section;

801 (g) be vertically divided into columns as follows:

802 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
803 headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

804 (ii) the next column shall be three inches wide, headed "Registered Voter's Printed Name  
805 (must be legible to be counted)";

806 (iii) the next column shall be three inches wide, headed "Signature of Registered Voter";

807 and

808 (iv) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code";

809 and

810 (h) contain the following statement, printed or typed upon the back of each sheet:

811 "Verification

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

813 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

814 I am [~~registered to vote in~~] a resident of Utah;

815 All the names that appear on this sheet were signed by persons who professed to be the  
816 persons whose names appear in it, and each of them signed his name on it in my presence;

817 I believe that each has printed and signed his name and written his post office address and  
818 residence correctly, and that each signer is registered to vote in Utah or intends to become  
819 registered to vote before the certification of the petition names by the county clerk.

820 \_\_\_\_\_"

821 (3) The forms prescribed in this section are not mandatory, and, if substantially followed,  
822 the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

823 Section 21. Section **20A-7-605** is amended to read:

824 **20A-7-605. Obtaining signatures -- Verification -- Removal of signature.**

825 (1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and  
826 resides in the local jurisdiction.

827 (2) The sponsors shall ensure that the person in whose presence each signature sheet was  
828 signed:

829 [~~(a) is registered to vote in Utah; and~~]

830 [~~(b)~~] (a) meets the residency requirements of Section 20A-2-105; and

831 [~~(c)~~] (b) verifies each signature sheet by completing the verification printed on the back

832 of each signature sheet.

833 (3) (a) (i) Any voter who has signed a referendum petition may have his signature removed  
834 from the petition by submitting a notarized statement to that effect to the local clerk.

835 (ii) In order for the signature to be removed, the statement must be received by the local  
836 clerk before he delivers the petition to the county clerk to be certified.

837 (b) Upon receipt of the statement, the local clerk shall remove the signature of the person  
838 submitting the statement from the referendum petition.

839 (c) No one may remove signatures from a referendum petition after the petition is  
840 submitted to the county clerk to be certified.

841 Section 22. Section **20A-7-606** is amended to read:

842 **20A-7-606. Submitting the referendum petition -- Certification of signatures by the**  
843 **county clerks -- Transfer to local clerk.**

844 (1) No later than 120 days before any regular general election for county referenda, or  
845 municipal general election for local referenda, the sponsors shall deliver each signed and verified  
846 referendum packet to the county clerk of the county in which the packet was circulated.

847 (2) No later than 90 days before any general election, the county clerk shall:

848 (a) check the names of all persons completing the verification on the back of each  
849 signature sheet to determine whether or not those persons are [~~registered to vote in~~] Utah residents;  
850 and

851 (b) submit the name of each of those persons who is not [~~registered to vote in~~] a Utah  
852 resident to the attorney general and county attorney.

853 (3) No later than 60 days before any general election, the county clerk shall:

854 (a) check all the names of the signers against the official registers to determine whether  
855 or not the signer is a voter;

856 (b) certify on the referendum petition whether or not each name is that of a voter; and

857 (c) deliver all of the referendum packets to the local clerk.

858 Section 23. Section **20A-8-103** is amended to read:

859 **20A-8-103. Petition procedures.**

860 (1) As used in this section, the proposed name or emblem of a registered political party  
861 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a  
862 difference between the proposed name or emblem and any name or emblem currently being used

863 by another registered political party.

864 (2) To become a registered political party, an organization of registered voters that is not  
865 a continuing political party shall:

866 (a) circulate a petition seeking registered political party status beginning no earlier than  
867 the date of the statewide canvass held after the last regular general election and ending no later  
868 than the February 15 of the year in which the next regular general election will be held; and

869 (b) file a petition with the lieutenant governor that is signed by at least 2,000 registered  
870 voters on or before February 15 of the year in which a regular general election will be held.

871 (3) The petition shall:

872 (a) state that the signers are or desire to become members of the designated party or group;

873 (b) state the name, which may not exceed four words, and identify the emblem of the party  
874 or group;

875 (c) state the process that the organization will follow to organize and adopt a constitution  
876 and bylaws; and

877 (d) be signed by a filing officer, who agrees to receive communications on behalf of the  
878 organization.

879 (4) The lieutenant governor shall:

880 (a) determine whether or not the required number of voters appears on the petition;

881 (b) review the proposed name and emblem to determine if they are "distinguishable" from  
882 the names and emblems of other registered political parties; and

883 (c) certify his findings to the filing officer of the group within 30 days of the filing of the  
884 petition.

885 (5) (a) If the lieutenant governor determines that the petition meets the requirements of this  
886 section, and that the proposed name and emblem are distinguishable, he shall authorize the filing  
887 officer to organize the prospective political party.

888 (b) If the lieutenant governor finds that the name, emblem, or both are not distinguishable  
889 from the names and emblems of other registered political parties, the lieutenant governor shall  
890 notify the filing officer that he has seven days to submit a new name or emblem to the lieutenant  
891 governor.

892 (6) A registered political party may not change its name or emblem during the regular  
893 general election cycle.

894 Section 24. Section **20A-9-201** is amended to read:

895 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
896 **more than one political party prohibited -- General filing and form requirements.**

897 (1) Before filing a declaration of candidacy for election to any office, a person shall:

898 (a) be a United States citizen; and

899 (b) meet the legal requirements of that office.

900 (2) § [f] A [~~(a) Except as provided in Subsection (2)(b), a~~] § person may not:

901 § [f] (a) [~~(i)~~] § file a declaration of candidacy for, or be a candidate for, more than one office  
902 during any election year; or

903 § [f] (b) [~~(ii)~~] § appear on the ballot as the candidate of more than one political party.

904 § [~~(b) A person may file a declaration of candidacy for, <sup>h</sup> [or] AND <sup>h</sup> be a candidate for~~  
904a ~~<sup>h</sup> [more than one~~  
905 ~~office] TWO OFFICES <sup>h</sup> during an election year if one of those offices is President or Vice~~  
905a ~~President~~  
905a ~~of the United~~  
906 ~~States.] §~~

907 (3) If the final date established for filing a declaration of candidacy is a Saturday or  
908 Sunday, the filing time shall be extended until 5 p.m. on the following Monday.

909 (4) (a) (i) Before the filing officer may accept any declaration of candidacy, the filing  
910 officer shall:

911 (A) read to the prospective candidate the constitutional and statutory qualification  
912 requirements for the office that the candidate is seeking; and

913 (B) require the candidate to state whether or not the candidate meets those requirements.

914 (ii) Before accepting a declaration of candidacy for the office of county attorney, the  
915 county clerk shall ensure that the person filing that declaration of candidacy is:

916 (A) a United States citizen;

917 (B) an attorney licensed to practice law in Utah who is an active member in good standing  
918 of the Utah State Bar;

919 (C) a registered voter in the county in which he is seeking office; and

920 (D) a current resident of the county in which he is seeking office and either has been a  
921 resident of that county for at least one year or was appointed and is currently serving as county  
922 attorney and became a resident of the county within 30 days after appointment to the office.

923 (iii) Before accepting a declaration of candidacy for the office of district attorney, the  
924 county clerk shall ensure that, as of the date of the election, the person filing that declaration of



925 candidacy is:

926 (A) a United States citizen;

927 (B) an attorney licensed to practice law in Utah who is an active member in good standing  
928 of the Utah State Bar;

929 (C) a registered voter in the prosecution district in which he is seeking office; and

930 (D) a current resident of the prosecution district in which he is seeking office and either  
931 will have been a resident of that prosecution district for at least one year as of the date of the  
932 election or was appointed and is currently serving as district attorney and became a resident of the  
933 prosecution district within 30 days after receiving appointment to the office.

934 (b) If the prospective candidate states that he does not meet the qualification requirements  
935 for the office, the filing officer may not accept the prospective candidate's declaration of candidacy.

936 (c) If the candidate states that he meets the requirements of candidacy, the filing officer  
937 shall:

938 (i) accept the candidate's declaration of candidacy; and

939 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
940 declaration of candidacy to the chair of the county or state political party of which the candidate  
941 is a member.

942 (5) The form of the declaration of candidacy shall be substantially as follows:

943 "State of Utah, County of \_\_\_\_

944 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of \_\_\_\_

945 as a candidate for the \_\_\_\_ party. I do solemnly swear that: I can qualify to hold that office, both  
946 legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_,

947 Utah, Zip Code \_\_\_\_ Phone No. \_\_\_\_; I will not knowingly violate any law governing campaigns  
948 and elections; and I will qualify for the office if elected to it. The mailing address that I designate  
949 for receiving official election notices is \_\_\_\_\_.

950 \_\_\_\_\_

951 Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

952 Notary Public (or other officer qualified to administer oath.)"

953 (6) (a) The fee for filing a declaration of candidacy is:

954 (i) \$25 for candidates for the local school district board; and

955 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person holding

956 the office, but not less than \$5, for all other federal, state, and county offices.

957 (b) The filing officer shall refund the filing fee to any candidate:

958 (i) who is disqualified; or

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

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

962 (ii) The lieutenant governor shall:

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

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

969 (d) (i) Each person who is unable to pay the filing fee may file a declaration of candidacy  
970 without payment upon a prima facie showing of impecuniosity as evidenced by an affidavit of  
971 impecuniosity filed with the filing officer.

972 (ii) The filing officer shall ensure that the affidavit of impecuniosity is printed in  
973 substantially the following form:

974 "Affidavit of Impecuniosity

975 Individual Name \_\_\_\_\_ Address \_\_\_\_\_

976 Phone Number \_\_\_\_\_

977 I, \_\_\_\_\_ (name), do solemnly [swear] [affirm] that, owing to my poverty,

978 I am unable to pay the filing fee required by law.

979 Date \_\_\_\_\_ Signature \_\_\_\_\_

980 Affiant

981 Subscribed and sworn to before me on \_\_\_\_\_ (date)

982 \_\_\_\_\_  
983 (signature)

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

985 (7) Any person who fails to file a declaration of candidacy or certificate of nomination  
986 within the time provided in this chapter is ineligible for nomination to office.

987 Section 25. Section **20A-9-202** is amended to read:

988 **20A-9-202. Declarations of candidacy for regular general elections -- Requirements**  
989 **for candidates.**

990 (1) (a) Each person seeking to become a candidate for elective office for any county office  
991 that is to be filled at the next regular general election shall:

992 (i) file a declaration of candidacy in person with the county clerk between the March 7 and  
993 before 5 p.m. on the March 17 before the next regular general election; and

994 (ii) pay the filing fee.

995 (b) Each person intending to become a candidate for any legislative office or multicounty  
996 office that is to be filled at the next regular general election shall:

997 (i) file a declaration of candidacy in person with either the lieutenant governor or the  
998 county clerk in the candidate's county of residence between the March 7 and before 5 p.m. on the  
999 March 17 before the next regular general election; and

1000 (ii) pay the filing fee.

1001 (c) (i) Each county clerk who receives a declaration of candidacy from a candidate for  
1002 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
1003 candidacy to the lieutenant governor within one working day after it is filed.

1004 (ii) Each day during the filing period, each county clerk shall notify the lieutenant governor  
1005 electronically or by telephone of legislative candidates who have filed in their office.

1006 (d) Each person seeking to become a candidate for elective office for any federal office or  
1007 constitutional office that is to be filled at the next regular general election shall:

1008 (i) file a declaration of candidacy in person with the lieutenant governor between the  
1009 March 7 and before 5 p.m. on the March 17 before the next regular general election; and

1010 (ii) pay the filing fee.

1011 (e) Each person seeking the office of lieutenant governor, the office of district attorney,  
1012 or the office of President or Vice President of the United States shall comply with the specific  
1013 declaration of candidacy requirements established by this section.

1014 (2) (a) Each person intending to become a candidate for the office of district attorney  
1015 within a multicounty prosecution district that is to be filled at the next regular general election  
1016 shall:

1017 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement

1018 creating the prosecution district between the March 7 and before 5 p.m. on the March 17 before  
1019 the next regular general election; and

1020 (ii) pay the filing fee.

1021 (b) The designated clerk shall provide to the county clerk of each county in the prosecution  
1022 district a certified copy of each declaration of candidacy filed for the office of district attorney.

1023 (3) (a) Within five working days of nomination, each lieutenant governor candidate shall:

1024 (i) file a declaration of candidacy with the lieutenant governor; and

1025 (ii) pay the filing fee.

1026 (b) (i) Any candidate for lieutenant governor who fails to file within five working days is  
1027 disqualified.

1028 (ii) If a lieutenant governor is disqualified, another candidate shall be nominated to replace  
1029 the disqualified candidate.

1030 (4) Each registered political party shall:

1031 (a) certify the names of its candidates for President and Vice President of the United States  
1032 to the lieutenant governor by August 30; or

1033 (b) provide written authorization for the lieutenant governor to accept the certification of  
1034 candidates for President and Vice President of the United States from the national office of the  
1035 registered political party.

1036 (5) (a) A declaration of candidacy filed under this section is valid unless a written  
1037 objection is filed with the clerk or lieutenant governor within five days after the last day for filing.

1038 (b) If an objection is made, the clerk or lieutenant governor shall:

1039 (i) mail or personally deliver notice of the objection to the affected candidate immediately;  
1040 and

1041 (ii) decide any objection within 48 hours after it is filed.

1042 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the  
1043 problem by amending the declaration or petition within three days after the objection is sustained  
1044 or by filing a new declaration within three days after the objection is sustained.

1045 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1046 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable  
1047 by a district court if prompt application is made to the court.

1048 (iii) The decision of the district court is final unless the Supreme Court, in the exercise of

1049 its discretion, agrees to review the lower court decision.

1050 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing  
1051 a written affidavit with the clerk.

1052 Section 26. Section **20A-9-502** is amended to read:

1053 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification.**

1054 (1) The candidate shall:

1055 (a) prepare a certificate of nomination in substantially the following form:

1056 "State of Utah, County of \_\_\_\_\_

1057 I, \_\_\_\_\_, declare my intention of becoming an unaffiliated candidate for the  
1058 political group designated as \_\_\_\_ for the office of \_\_\_\_\_. I do solemnly swear that I can qualify  
1059 to hold that office both legally and constitutionally if selected, and that I reside at \_\_\_\_ Street, in  
1060 the city of \_\_\_\_\_, county of \_\_\_\_\_, state of Utah, zip code \_\_\_\_\_, phone \_\_\_\_\_, and that I am  
1061 providing, or have provided, the required number of signatures of registered voters required by  
1062 law; that as a candidate at the next election I will not knowingly violate any election or campaign  
1063 law, and that I will qualify for the office if I am elected to it.

1064 \_\_\_\_\_

1065 Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

1066 \_\_\_\_\_

1067 Notary Public (or other officer  
1068 qualified to administer oaths)"; and

1069 (b) attach signature sheets to the certificate that contain a place for the registered voter's  
1070 signature, a place for the registered voter to print his name, and a place for the registered voter's  
1071 address.

1072 (2) (a) The candidate shall circulate the nomination petition and submit it to the county  
1073 clerk for certification when the petition has been completed by:

1074 (i) at least [~~300~~] 1,000 registered voters residing within the state when the nomination is  
1075 for an office to be filled by the voters of the entire state; or

1076 (ii) at least [~~100~~] 300 registered voters residing within a political division when the  
1077 nomination is for an office to be filled by the voters of any political division smaller than the state.

1078 (b) In reviewing the petition, the county clerk shall count and certify only those persons  
1079 who signed the petition who:

1080 (i) are registered voters within the political division that the candidate seeks to represent;  
1081 and

1082 (ii) did not sign any other certificate of nomination for that office.

1083 (c) The candidate may supplement or amend the certificate of nomination at any time on  
1084 or before the filing deadline.

1085 Section 27. Section **20A-9-503** is amended to read:

1086 **20A-9-503. Certificate of nomination -- Filing.**

1087 (1) After the certificate of nomination has been certified, executed, and acknowledged by  
1088 the county clerk, the candidate shall:

1089 (a) between March 7 and March 17 of the year in which the regular general election will  
1090 be held, file the petition in person with:

1091 (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or a  
1092 federal office; or

1093 (ii) the county clerk, if the office the candidate seeks is a county office; and

1094 (iii) pay the filing fee; or

1095 (b) not later than the sixth Tuesday before the primary election date, file the petition in  
1096 person with:

1097 (i) the municipal clerk, if the candidate seeks an office in a city or town;

1098 (ii) the special district clerk, if the candidate seeks an office in a special district; and

1099 (iii) pay the filing fee.

1100 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall read  
1101 the constitutional and statutory requirements for candidacy to the candidate.

1102 (b) If the candidate states that he does not meet the requirements, the filing officer may not  
1103 accept the petition.

1104 (3) Persons filing a certificate of nomination for President of the United States under this  
1105 section shall pay a filing fee of \$500.

1106 Section 28. Section **20A-11-101** is amended to read:

1107 **20A-11-101. Definitions.**

1108 As used in this chapter:

1109 (1) "Address" means the number and street where an individual resides or where a  
1110 reporting entity has its principal office.

1111 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
1112 amendments, and any other ballot propositions submitted to the voters that are authorized by the  
1113 Utah Code Annotated 1953.

1114 (3) "Candidate" means any person who:

1115 (a) files a declaration of candidacy for a public office; or

1116 (b) receives contributions, makes expenditures, or gives consent for any other person to  
1117 receive contributions or make expenditures to bring about the person's nomination or election to  
1118 a public office.

1119 (4) "Chief election officer" means:

1120 (a) the lieutenant governor for state office candidates, legislative office candidates,  
1121 officeholders, political parties, political action committees, corporations, political issues  
1122 committees, and state school board candidates; and

1123 (b) the county clerk for local school board candidates.

1124 (5) "Continuing political party" means an organization of voters that participated in the last  
1125 regular general election and polled a total vote equal to 2% or more of the total votes cast for all  
1126 candidates for the United States House of Representatives.

1127 (6) (a) "Contribution" means any of the following when done for political purposes:

1128 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value  
1129 given to the filing entity;

1130 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
1131 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything  
1132 of value to the filing entity;

1133 (iii) any transfer of funds from another reporting entity or a corporation to the filing entity;

1134 (iv) compensation paid by any person or reporting entity other than the filing entity for  
1135 personal services provided without charge to the filing entity;

1136 (v) remuneration from any organization or its directly affiliated organization that has a  
1137 registered lobbyist to compensate a legislator for a loss of salary or income while the Legislature  
1138 is in session;

1139 (vi) salaries or other remuneration paid to a legislator by any agency or subdivision of the  
1140 state, including school districts, for the period the Legislature is in session; and

1141 (vii) goods or services provided to or for the benefit of the filing entity at less than fair

- 1142 market value.
- 1143 (b) "Contribution" does not include:
- 1144 (i) services provided without compensation by individuals volunteering a portion or all of
- 1145 their time on behalf of the filing entity; or
- 1146 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 1147 business.
- 1148 (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
- 1149 organization that is registered as a corporation or is authorized to do business in a state and makes
- 1150 any expenditure from corporate funds for:
- 1151 (i) political purposes; or
- 1152 (ii) the purpose of influencing the approval or the defeat of any ballot proposition.
- 1153 (b) "Corporation" does not mean:
- 1154 (i) a business organization's political action committee or political issues committee; or
- 1155 (ii) a business entity organized as a partnership or a sole proprietorship.
- 1156 (8) "Detailed listing" means:
- 1157 (a) for each contribution or public service assistance:
- 1158 (i) the name and address of the individual or source making the contribution or public
- 1159 service assistance;
- 1160 (ii) the amount or value of the contribution or public service assistance; and
- 1161 (iii) the date the contribution or public service assistance was made; and
- 1162 (b) for each expenditure:
- 1163 (i) the amount of the expenditure;
- 1164 (ii) the person or entity to whom it was disbursed;
- 1165 (iii) the specific purpose, item, or service acquired by the expenditure; and
- 1166 (iv) the date the expenditure was made.
- 1167 (9) "Election" means each:
- 1168 (a) regular general election;
- 1169 (b) regular primary election; and
- 1170 (c) special election at which candidates are eliminated and selected.
- 1171 (10) (a) "Expenditure" means:
- 1172 (i) any disbursement from contributions, receipts, or from the separate bank account



1173 required by this chapter;

1174 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or  
1175 anything of value made for political purposes;

1176 (iii) an express, legally enforceable contract, promise, or agreement to make any purchase,  
1177 payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for  
1178 political purposes;

1179 (iv) compensation paid by a corporation or filing entity for personal services rendered by  
1180 a person without charge to a reporting entity;

1181 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
1182 committee; or

1183 (vi) goods or services provided by the filing entity to or for the benefit of another reporting  
1184 entity for political purposes at less than fair market value.

1185 (b) "Expenditure" does not include:

1186 (i) services provided without compensation by individuals volunteering a portion or all of  
1187 their time on behalf of a reporting entity;

1188 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
1189 business; or

1190 (iii) anything listed in Subsection (5)(a) that is given by a corporation or reporting entity  
1191 to candidates for office or officeholders in states other than Utah.

1192 (11) "Filing entity" means the reporting entity that is filing a report required by this  
1193 chapter.

1194 (12) "Financial statement" includes any summary report, interim report, or other statement  
1195 disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this  
1196 chapter.

1197 (13) "Governing board" means the individual or group of individuals that determine the  
1198 candidates and committees that will receive expenditures from a political action committee.

1198a **§ (14) "INCORPORATION" MEANS THE PROCESS ESTABLISHED BY TITLE 10, CHAPTER 2,**  
1198b **PART 1, INCORPORATION, BY WHICH A GEOGRAPHICAL AREA BECOMES LEGALLY RECOGNIZED**  
1198c **AS A CITY OR TOWN.**

1198d **(15) "INCORPORATION ELECTION" MEANS THE ELECTION AUTHORIZED BY SECTION**  
1198e **10-2-111.**

1198f **(16) "INCORPORATION PETITION" MEANS A PETITION AUTHORIZED BY SECTION 10-2-109.**

§

1199 § ~~(14)~~ (17) § "Individual" means a natural person.

1200 § ~~(15)~~ (18) § "Interim report" means a report identifying the contributions received and  
1201 expenditures made since the last report.

1202 § ~~(16)~~ (19) § "Legislative office" means the office of state senator, state representative,  
speaker of

1203 the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of

1204 any party caucus in either house of the Legislature.

1205 (17) "Legislative office candidate" means a person who:

1206 (a) files a declaration of candidacy for the office of state senator or state representative;

1207 (b) declares himself to be a candidate for, or actively campaigns for, the position of  
1208 speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant  
1209 whip of any party caucus in either house of the Legislature; and

1210 (c) receives contributions, makes expenditures, or gives consent for any other person to  
1211 receive contributions or make expenditures to bring about the person's nomination or election to  
1212 a legislative office.

1213 (18) "Newly registered political party" means an organization of voters that has complied  
1214 with the petition and organizing procedures of this chapter to become a registered political party.

1215 (19) "Officeholder" means a person who holds a public office.

1216 (20) "Party committee" means any committee organized by or authorized by the governing  
1217 board of a registered political party.

1218 (21) "Person" means both natural and legal persons, including individuals, business  
1219 organizations, personal campaign committees, party committees, political action committees,  
1220 political issues committees, labor unions, and labor organizations.

1221 (22) "Personal campaign committee" means the committee appointed by a candidate to act  
1222 for the candidate as provided in this chapter.

1223 (23) (a) "Political action committee" means an entity, or any group of individuals or  
1224 entities within or outside this state, that solicits or receives contributions from any other person,  
1225 group, or entity or makes expenditures for political purposes. A group or entity may not divide or  
1226 separate into units, sections, or smaller groups for the purpose of avoiding the financial reporting  
1227 requirements of this chapter, and substance shall prevail over form in determining the scope or size  
1228 of a political action committee.

1229 (b) "Political action committee" includes groups affiliated with a registered political party  
1230 but not authorized or organized by the governing board of the registered political party that receive  
1231 contributions or makes expenditures for political purposes.

1232 (c) "Political action committee" does not mean:

1233 (i) a party committee;

1234 (ii) any entity that provides goods or services to a candidate or committee in the regular

1235 course of its business at the same price that would be provided to the general public;

1236 (iii) an individual;

1237 (iv) individuals who are related and who make contributions from a joint checking

1238 account;

1239 (v) a corporation; or

1240 (vi) a personal campaign committee.

1241 (24) "Political convention" means a county or state political convention held by a

1242 registered political party to select candidates.

1243 (25) (a) "Political issues committee" means an entity, or any group of individuals or

1244 entities within or outside this state, that solicits or receives donations from any other person, group,

1245 or entity or makes disbursements to influence, or to intend to influence, directly or indirectly, any

1246 person to § : (i) § assist in placing a statewide ballot proposition on the ballot, to assist in keeping a

1247 statewide ballot proposition off the ballot, or to refrain from voting or to vote for or to vote against

1248 any statewide ballot proposition § [-] ; **OR**

1248a **(ii) SIGN OR REFUSE TO SIGN AN INCORPORATION PETITION OR REFRAIN FROM VOTING, VOTE**

1248b **FOR, OR VOTE AGAINST ANY PROPOSED INCORPORATION IN AN INCORPORATION ELECTION.** §

1249 (b) "Political issues committee" does not mean:

1250 (i) a registered political party or a party committee;

1251 (ii) any entity that provides goods or services to an individual or committee in the regular

1252 course of its business at the same price that would be provided to the general public;

1253 (iii) an individual;

1254 (iv) individuals who are related and who make contributions from a joint checking

1255 account; or

1256 (v) a corporation, except a corporation whose apparent purpose is to act as a political

1257 issues committee.

1258 (26) (a) "Political issues contribution" means any of the following:

1259 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or

1260 anything of value given to a political issues committee;

1261 (ii) an express, legally enforceable contract, promise, or agreement to make a political

1262 issues donation to influence the approval or defeat of any ballot proposition;

1263 (iii) any transfer of funds received by a political issues committee from a reporting entity;

1264 (iv) compensation paid by another reporting entity for personal services rendered without

1265 charge to a political issues committee; and

1266 (v) goods or services provided to or for the benefit of a political issues committee at less  
1267 than fair market value.

1268 (b) "Political issues contribution" does not include:

1269 (i) services provided without compensation by individuals volunteering a portion or all of  
1270 their time on behalf of a political issues committee; or

1271 (ii) money lent to a political issues committee by a financial institution in the ordinary  
1272 course of business.

1273 (27) (a) "Political issues expenditure" means any of the following:

1274 (i) any payment from political issues contributions made for the purpose of influencing the  
1275 approval or the defeat of a statewide ballot proposition;

1276 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
1277 the purpose of influencing the approval or the defeat of a statewide ballot proposition;

1278 (iii) an express, legally enforceable contract, promise, or agreement to make any political  
1279 issues expenditure;

1280 (iv) compensation paid by a reporting entity for personal services rendered by a person  
1281 without charge to a political issues committee; or

1282 (v) goods or services provided to or for the benefit of another reporting entity at less than  
1283 fair market value.

1284 (b) "Political issues expenditure" does not include:

1285 (i) services provided without compensation by individuals volunteering a portion or all of  
1286 their time on behalf of a political issues committee; or

1287 (ii) money lent to a political issues committee by a financial institution in the ordinary  
1288 course of business.

1289 (28) "Political purposes" means an act done with the intent or in a way to influence or tend  
1290 to influence, directly or indirectly, any person to refrain from voting or to vote for or against any  
1291 candidate for public office at any caucus, political convention, primary, or election.

1292 (29) "Primary election" means any regular primary election held under the election laws.

1293 (30) "Public office" means the office of governor, lieutenant governor, state auditor, state  
1294 treasurer, attorney general, state or local school board member, state senator, state representative,  
1295 speaker of the House of Representatives, president of the Senate, and the leader, whip, and  
1296 assistant whip of any party caucus in either house of the Legislature.

1297 (31) (a) "Public service assistance" means the following when given or provided to an  
1298 officeholder to defray the costs of functioning in a public office or aid the officeholder to  
1299 communicate with the officeholder's constituents:

1300 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
1301 money or anything of value to an officeholder; or

1302 (ii) goods or services provided at less than fair market value to or for the benefit of the  
1303 officeholder.

1304 (b) "Public service assistance" does not include:

1305 (i) anything provided by the state;

1306 (ii) services provided without compensation by individuals volunteering a portion or all  
1307 of their time on behalf of an officeholder;

1308 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
1309 business;

1310 (iv) news coverage or any publication by the news media; or

1311 (v) any article, story, or other coverage as part of any regular publication of any  
1312 organization unless substantially all the publication is devoted to information about the  
1313 officeholder.

1314 (32) "Publicly identified class of individuals" means a group of 50 or more individuals  
1315 sharing a common occupation, interest, or association that contribute to a political action  
1316 committee or political issues committee and whose names can be obtained by contacting the  
1317 political action committee or political issues committee upon whose financial report they are listed.

1318 (33) "Receipts" means contributions and public service assistance.

1319 (34) "Registered lobbyist" means a person registered under Title 36, Chapter 11, Lobbyist  
1320 Disclosure and Regulation Act.

1321 (35) "Registered political action committee" means any political action committee that is  
1322 required by this chapter to file a statement of organization with the lieutenant governor's office.

1323 (36) "Registered political issues committee" means any political issues committee that is  
1324 required by this chapter to file a statement of organization with the lieutenant governor's office.

1325 (37) "Registered political party" means an organization of voters that:

1326 (a) participated in the last regular general election and polled a total vote equal to 2% or  
1327 more of the total votes cast for all candidates for the United States House of Representatives for

1328 any of its candidates for any office; or

1329 (b) has complied with the petition and organizing procedures of this chapter.

1330 (38) "Report" means a verified financial statement.

1331 (39) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
1332 an officeholder, and a party committee, a political action committee, and a political issues  
1333 committee.

1334 (40) "School board office" means the office of state school board or local school board.

1335 (41) "State office" means the offices of governor, lieutenant governor, attorney general,  
1336 state auditor, and state treasurer.

1337 (42) "State office candidate" means a person who:

1338 (a) files a declaration of candidacy for a state office; or

1339 (b) receives contributions, makes expenditures, or gives consent for any other person to  
1340 receive contributions or make expenditures to bring about the person's nomination or election to  
1341 a state office.

1342 (43) "Summary report" means the year end report containing the summary of a reporting  
1343 entity's contributions and expenditures.

1344 (44) "Supervisory board" means the individual or group of individuals that allocate  
1345 expenditures from a political issues committee.

1346 Section 29. Section **20A-11-103** is amended to read:

1347 **20A-11-103. Reports -- Form of submission.**

1348 (1) (a) (i) Ten days before a report from a state office candidate, legislative office  
1349 candidate, state school board candidate, political party, political action committee, or political  
1350 issues committee is due under this chapter, the lieutenant governor shall inform those candidates  
1351 and entities by mail:

1352 (A) that the report is due; and

1353 (B) the date that the report is due.

1354 (ii) In addition to the information required by Subsection (1)(a)(i) and in the same mailing,  
1355 ten days before the interim reports for candidates are due, the lieutenant governor shall inform the  
1356 candidate that if the report is not received in the lieutenant governor's office by 5 p.m. on the date  
1357 that it is due, voters will be informed that the candidate has been disqualified and any votes cast  
1358 for the candidate will not be counted.

1359 (iii) In addition to the information required by Subsection (1)(a)(i) and in the same  
1360 mailing, ten days before the interim reports or verified financial statements for entities that are due  
1361 September 15 and before the regular general election are due, and ten days before summary reports  
1362 or January 5 financial statements are due, the lieutenant governor shall inform the entity, candidate,  
1363 or officeholder that if the report is not received in the lieutenant governor's office by the date that  
1364 it is due, the entity, candidate, or officeholder may be guilty of a class B misdemeanor for failing  
1365 to file the report or statement.

1366 (b) Ten days before a report from a local school board candidate is due under this chapter,  
1367 the county clerk shall inform the candidate by mail:

1368 (i) that the report is due;

1369 (ii) the date that the report is due; and

1370 (iii) if the report is not received in the county clerk's office by 5 p.m. on the date that it is  
1371 due, voters will be informed that the candidate has been disqualified and any votes cast for the  
1372 candidate will not be counted.

1373 (2) Persons or entities submitting reports required by this chapter may submit them:

1374 (a) on paper, printed, typed, or legibly handwritten or hand printed;

1375 (b) on a computer disk according to specifications established by the chief election officer  
1376 [~~and, accompanied by a statement signed by the person or entity submitting the report certifying~~]  
1377 that protect against fraudulent filings and secure the accuracy of the information contained on the  
1378 computer disk;

1379 (c) via fax; or

1380 (d) via electronic mail according to specifications established by the chief election officer.

1381 (3) A report is considered filed if:

1382 (a) it is received in the chief election officer's office no later than 5:00 p.m. on the date  
1383 that it is due;

1384 (b) it is received in the chief election officer's office with a postmark three days or more  
1385 before the date that the report was due; or

1386 (c) the candidate or entity has proof that the report was mailed, with appropriate postage  
1387 and addressing, three days before the report was due.

1388 Section 30. Section **20A-11-602** is amended to read:

1389 **20A-11-602. Political action committees -- Financial reporting.**

1390 (1) (a) Each registered political action committee that has received contributions or made  
1391 expenditures that total at least \$750 during a calendar year shall file a verified financial statement  
1392 with the lieutenant governor's office on:

1393 (i) January 5, reporting contributions and expenditures as of December 31 of the previous  
1394 year;

1395 (ii) September 15; and

1396 (iii) seven days before the regular general election.

1397 (b) The registered political action committee shall report:

1398 (i) a detailed listing of all contributions received and expenditures made since the last  
1399 statement; and

1400 (ii) for financial statements filed on September 15 and before the general election, all  
1401 contributions and expenditures as of three days before the required filing date of the financial  
1402 statement.

1403 (c) The registered political action committee need not file a statement under this section  
1404 if it received no contributions and made no expenditures during the reporting period.

1405 (2) (a) The verified financial statement shall include:

1406 (i) the name, address, and occupation of any individual that makes a contribution to the  
1407 reporting political action committee, and the amount of the contribution;

1408 (ii) the identification of any publicly identified class of individuals that makes a  
1409 contribution to the reporting political action committee, and the amount of the contribution;

1410 (iii) the name and address of any political action committee, group, or entity that makes  
1411 a contribution to the reporting political action committee, and the amount of the contribution;

1412 (iv) for each nonmonetary contribution, the fair market value of the contribution;

1413 (v) the name and address of each reporting entity that received an expenditure from the  
1414 reporting political action committee, and the amount of each expenditure;

1415 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;

1416 (vii) the total amount of contributions received and expenditures disbursed by the reporting  
1417 political action committee;

1418 (viii) a paragraph signed by the political action committee's treasurer or chief financial  
1419 officer verifying that, to the best of the signer's knowledge, the financial report is accurate; and

1420 (ix) a summary page in the form required by the lieutenant governor that identifies:



- 1421 (A) beginning balance;  
 1422 (B) total contributions during the period since the last statement;  
 1423 (C) total contributions to date;  
 1424 (D) total expenditures during the period since the last statement; and  
 1425 (E) total expenditures to date.

1426 (b) (i) Contributions received by a political action committee that have a value of \$150 or  
 1427 less need not be reported individually, but shall be listed on the report as an aggregate total.

1428 (ii) Two or more contributions from the same source that have an aggregate total of more  
 1429 than \$150 may not be reported in the aggregate, but shall be reported separately.

1430 Section 31. Section **20A-11-802** is amended to read:

1431 **20A-11-802. Political issues committees -- Financial reporting.**

1432 (1) (a) Each registered political issues committee that has ~~made~~ received political issues  
 1433 contributions totaling at least \$750, or disbursed political issues expenditures on current or  
 1434 proposed statewide ballot ~~[issues that total]~~ propositions totaling at least ~~[\$750]~~ \$50 during a  
 1435 calendar year, shall file a verified financial statement with the lieutenant governor's office on:

1436 (i) January 5, reporting contributions and expenditures as of December 31 of the previous  
 1437 year;

1437a **§ (ii) SEVEN DAYS BEFORE THE DATE OF AN INCORPORATION ELECTION, IF THE POLITICAL**  
 1437b **ISSUES COMMITTEE HAS RECEIVED DONATIONS OR MADE DISBURSEMENTS TO AFFECT AN**  
 1437c **INCORPORATION; §**

1438 **§ [(iii)] (iii)** § September 15; and

1439 **§ [(iii)] (iv)** § seven days before the regular general election.

1440 (b) The political issues committee shall report:

1441 (i) a detailed listing of all contributions received and expenditures made since the last  
 1442 statement; and

1443 (ii) for financial statements filed on September 15 and before the general election, all  
 1444 contributions and expenditures as of three days before the required filing date of the financial  
 1445 statement.

1446 (c) The political issues committee need not file a statement under this section if it received  
 1447 no contributions and made no expenditures during the reporting period.

1448 (2) (a) That statement shall include:

1449 (i) the name, address, and occupation of any individual that makes a political issues  
 1450 contribution to the reporting political issues committee, and the amount of the political issues  
 1451 contribution;

1452 (ii) the identification of any publicly identified class of individuals that makes a political  
1453 issues contribution to the reporting political issues committee, and the amount of the political  
1454 issues contribution;

1455 (iii) the name and address of any political issues committee, group, or entity that makes  
1456 a political issues contribution to the reporting political issues committee, and the amount of the  
1457 political issues contribution;

1458 (iv) the name and address of each reporting entity that makes a political issues contribution  
1459 to the reporting political issues committee, and the amount of the political issues contribution;

1460 (v) for each nonmonetary contribution, the fair market value of the contribution;

1461 (vi) the name and address of each individual, entity, or group of individuals or entities that  
1462 received a political issues expenditure of more than \$50 from the reporting political issues  
1463 committee, and the amount of each political issues expenditure;

1464 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

1465 (viii) the total amount of political issues contributions received and political issues  
1466 expenditures disbursed by the reporting political issues committee;

1467 (ix) a paragraph signed by the political issues committee's treasurer or chief financial  
1468 officer verifying that, to the best of the signer's knowledge, the financial statement is accurate; and

1469 (x) a summary page in the form required by the lieutenant governor that identifies:

1470 (A) beginning balance;

1471 (B) total contributions during the period since the last statement;

1472 (C) total contributions to date;

1473 (D) total expenditures during the period since the last statement; and

1474 (E) total expenditures to date.

1475 (b) (i) Political issues contributions received by a political issues committee that have a  
1476 value of \$50 or less need not be reported individually, but shall be listed on the report as an  
1477 aggregate total.

1478 (ii) Two or more political issues contributions from the same source that have an aggregate  
1479 total of more than \$50 may not be reported in the aggregate, but shall be reported separately.

1480 Section 32. Section **63-96-103** is amended to read:

1481 **63-96-103. Reporting of funds -- Reports are public records.**

1482 (1) (a) By January 5 of each year, each state elected official who has a fund, each

1483 multicounty elected official who has a fund, each surrogate for a state elected official who has a  
 1484 fund for a state elected official, and each surrogate for a multicounty elected official who has a  
 1485 fund for a multicounty elected official shall file a funds report containing the information required  
 1486 by this section with the lieutenant governor.

1487 (b) By January 5 of each year, each local elected official who has a fund and each surrogate  
 1488 for a local elected official who has a fund for a local elected official shall file a funds report  
 1489 containing the information required by this section with the county clerk of the county in which  
 1490 the local elected official exercises his official duties.

1491 (2) Each report shall contain:

1492 (a) the dollar value of the fund as of December 31 of the previous year;

1493 (b) an itemized list of disbursements from the fund during the previous calendar year  
 1494 identifying:

1495 (i) the date of each disbursement;

1496 (ii) the name and address of each person or entity to whom a disbursement was made; and

1497 (iii) the purpose of each disbursement; and

1498 (c) an itemized list of contributions to the fund during the previous calendar year,  
 1499 identifying:

1500 (i) the date of each contribution; and

1501 (ii) the name and address of each person or entity from whom a contribution was received.

1502 (3) Reports filed under this section are classified as public records for purposes of  
 1503 disclosure under Title 63, Chapter 2, Government Records Access and Management Act.

1503a **§ SECTION 33. EFFECTIVE DATE**

1503b **IF APPROVED BY TWO-THIRDS OF ALL THE MEMBERS ELECTED TO EACH HOUSE, THIS**  
 1503c **ACT TAKES EFFECT UPON APPROVAL BY THE GOVERNOR, OR THE DAY FOLLOWING THE**  
 1503d **CONSTITUTIONAL TIME LIMIT OF UTAH CONSTITUTION ARTICLE VII, SECTION 8, WITHOUT THE**  
 1503e **GOVERNOR'S SIGNATURE, OR IN THE CASE OF A VETO, THE DATE OF THE VETO OVERRIDE. §**

1504 Section § ~~[33]~~ 34 § . **Coordination clause.**

1505 (1) If this bill and H.B. 91, Western States Presidential Primary, both pass, it is the intent  
 1506 of the Legislature that the following amendments be made in this bill:

1507 Subsection 20A-4-401(1)(a) of the database shall read:

1508 "(1) (a) For any regular [~~general~~] primary, municipal primary, regular general, or municipal  
 1509 general election, or the Western States Presidential primary, when any candidate loses by not more  
 1510 than a total of one vote per voting precinct, [~~he~~] the candidate may file a request for a recount with  
 1511 the appropriate election officer within seven days of the canvass."

1512 (2) If this bill and H.B. 110, Financial Disclosure Requirement on Initiatives, both pass,  
 1513 it is the intent of the Legislature that the following amendments be made in this bill:

1514           Subsection 20A-11-802 (1)(a) of the database shall read:  
1515           "(1) (a) Each registered political issues committee that has [~~made~~] received political issues  
1516 contributions totaling at least \$750, or disbursed political issues expenditures [~~on current or~~  
1517 ~~proposed ballot issues that total at least \$750~~] totaling at least \$50 during a calendar year on  
1518 current or proposed statewide ballot propositions, or on initiative petitions to be submitted to the  
1519 Legislature, shall file a verified financial statement with the lieutenant governor's office on:  
1520           (i) January 5, reporting contributions and expenditures as of December 31 of the previous  
1521 year;  
1522           (ii) September 15; and  
1523           (iii) seven days before the regular general election."