

**ELECTION LAW CHANGES**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Loraine T. Pace**

AN ACT RELATING TO ELECTIONS; ADDING AN AGE REQUIREMENT FOR CIRCULATORS OF INITIATIVE AND REFERENDA PETITIONERS; REQUIRING THAT PERSONS APPOINTED TO FILL A VACANCY IN A MUNICIPAL OFFICE MEET THE LEGAL QUALIFICATIONS FOR OFFICE; REVISING REQUIREMENTS FOR PETITION CIRCULATORS; AND MAKING TECHNICAL CORRECTIONS.

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

AMENDS:

- 17-20-5**, as last amended by Chapter 66, Laws of Utah 1984
- 20A-1-510**, as last amended by Chapter 24, Laws of Utah 1997
- 20A-4-102**, as last amended by Chapters 2 and 21, Laws of Utah 1994
- 20A-4-401**, as last amended by Chapters 22 and 45, Laws of Utah 1999
- 20A-7-203**, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-205**, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-206**, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-303**, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-305**, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-306**, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-503**, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-504**, as enacted by Chapter 272, Laws of Utah 1994
- 20A-7-505**, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-506**, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-602**, as enacted by Chapter 272, Laws of Utah 1994
- 20A-7-603**, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-605**, as last amended by Chapter 45, Laws of Utah 1999
- 20A-7-606**, as last amended by Chapter 45, Laws of Utah 1999

**20A-9-203**, as last amended by Chapters 24 and 130, Laws of Utah 1997

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

Section 1. Section **17-20-5** is amended to read:

**17-20-5. Report of election and appointment of officers.**

~~[Every county clerk shall within]~~ Within ten days after ~~[the issuance by him of any]~~ a county clerk issues a certificate of election ~~[of elective county officers, excepting justices of the peace and constables, and after the issuance by him of any]~~ or a certificate of appointment made to fill vacancies in elective county offices, ~~[excepting justices of the peace and constables,]~~ the county clerk shall prepare and forward to the lieutenant governor a certified report ~~[on forms furnished by the lieutenant governor of every such certificate issued as aforesaid. Every such report shall show]~~ showing:

- (1) the name of the county[;];
- (2) the name of the county office to which the person was elected or appointed[;];
- (3) the date of the election or appointment of ~~[such]~~ the person[;];
- (4) the date of the expiration of the term for which the person was elected or appointed[;];
- (5) the date of the certificate of election or appointment[;]; and
- (6) the date of the qualification of the person ~~[so]~~ elected or appointed.

Section 2. Section **20A-1-510** is amended to read:

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

(1) (a) Except as otherwise provided in Subsection (2), if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall appoint a registered voter in the municipality who meets the qualifications for office established in Section 10-3-301 to fill the unexpired term of the office vacated until the January following the next municipal election.

(b) Before acting to fill the vacancy, the municipal legislative body shall:

- (i) give public notice of the vacancy at least two weeks before the municipal legislative body meets to fill the vacancy; and
- (ii) identify, in the notice:
  - (A) the date, time, and place of the meeting where the vacancy will be filled; and

(B) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it.

(c) (i) If, for any reason, the municipal legislative body does not fill the vacancy within 30 days after the vacancy occurs, the municipal legislative body shall vote upon the names that have been submitted.

(ii) The two persons having the highest number of votes of the municipal legislative body shall appear before the municipal legislative body and the municipal legislative body shall vote again.

(iii) If neither candidate receives a majority vote of the municipal legislative body at that time, the vacancy shall be filled by lot in the presence of the municipal legislative body.

(2) (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:

(i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd-numbered year; and

(ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.

(b) In appointing an interim replacement, the municipal legislative body shall comply with the notice requirements of this section.

(3) A member of a municipal legislative body may not participate in any part of the process established in this section to fill a vacancy if that member is being considered for appointment to fill the vacancy.

Section 3. Section **20A-4-102** is amended to read:

**20A-4-102. Counting paper ballots after the polls close.**

(1) (a) Except as provided in Subsection (2), as soon as the polls have been closed and the last qualified voter has voted, the election judges shall count the ballots by performing the tasks specified in this section in the order that they are specified.

(b) The election judges shall apply the standards and requirements of Section [~~20A-4-104~~] 20A-4-105 to resolve any questions that arise as they count the ballots.

(2) (a) First, the election judges shall count the number of ballots in the ballot box.

(b) (i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges shall examine the official endorsements on the ballots.

(ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper official endorsement, the judges shall put those ballots in an excess ballot file and not count them.

(c) (i) If, after examining the official endorsements, there are still more ballots in the ballot box than there are names entered in the pollbook, the judges shall place the remaining ballots back in the ballot box.

(ii) One of the judges, without looking, shall draw a number of ballots equal to the excess from the ballot box.

(iii) The judges shall put those excess ballots into the excess ballot envelope and not count them.

(d) When the ballots in the ballot box equal the number of names entered in the pollbook, the judges shall count the votes.

(3) The judges shall:

(a) place all unused ballots in the envelope or container provided for return to the county clerk or city recorder; and

(b) seal that envelope or container.

(4) (a) In counting the votes, the election judges shall read and count each ballot separately.

(b) In regular primary elections the judges shall:

(i) count the number of ballots cast for each party;

(ii) place the ballots cast for each party in separate piles; and

(iii) count all the ballots for one party before beginning to count the ballots cast for other parties.

(5) (a) In all elections, the counting judges shall:

(i) count one vote for each candidate designated by the marks in the squares next to the candidate's name;

(ii) count one vote for each candidate on the ticket beneath a marked circle, excluding any candidate for an office for which a vote has been cast for a candidate for the same office upon another

ticket by the placing of a mark in the square opposite the name of that candidate on the other ticket;

(iii) count each vote for each write-in candidate who has qualified by filing a declaration of candidacy under Section 20A-9-601;

(iv) read every name marked on the ballot and mark every name upon the tally sheets before another ballot is counted;

(v) evaluate each ballot and each vote based on the standards and requirements of Section 20A-4-105;

(vi) write the word "spoiled" on the back of each ballot that lacks the official endorsement and deposit it in the spoiled ballot envelope; and

(vii) read, count, and record upon the tally sheets the votes that each candidate and ballot proposition received from all ballots, except excess or spoiled ballots.

(b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or persons clearly not eligible to qualify for office.

(c) The judges shall certify to the accuracy and completeness of the tally list in the space provided on the tally list.

(d) When the judges have counted all of the voted ballots, they shall record the results on the total votes cast form.

(6) Only election judges and counting poll watchers may be present at the place where counting is conducted until the count is completed.

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

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

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

(b) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that office;

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

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

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

(b) The election officer shall:

(i) supervise the recount;

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

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

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

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

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

(3) Costs incurred by recount under Subsection (1) may not be assessed against the person requesting the recount.

Section 5. Section **20A-7-203** is amended to read:

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

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

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

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular general election/session to be held/ beginning on the \_\_\_\_ day of \_\_\_\_, [~~19~~] 20 \_\_;

Each signer says:

I have personally signed this petition;

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

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

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

(2) Each signature sheet shall:

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

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

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

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

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

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

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

(g) be vertically divided into columns as follows:

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

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

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

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

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

"Verification

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

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

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

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

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

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(Name)	(Residence Address)	(Date)"
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(4) The forms prescribed in this section are not mandatory, and, if substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

Section 6. Section **20A-7-205** is amended to read:

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

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

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

(a) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(b) verifies each signature sheet by completing the verification printed on the last page of each initiative packet.

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

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

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

(c) No one may remove signatures from an initiative petition after the petition is submitted



to the lieutenant governor.

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

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

(1) In order to qualify an initiative petition for placement on the regular general election ballot, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated by the June 1 before the regular general election.

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

(a) check the names of all persons completing the verification for the initiative packet to determine whether or not those persons are residents of Utah and are at least 18 years old; and

(b) submit the name of each of those persons who is not [~~registered to vote in Utah~~] a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

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

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

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

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

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

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

(a) check the names of all persons completing the verification for the initiative packet to determine whether or not those persons are Utah residents and are at least 18 years old; and

(b) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

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

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

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

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

(7) Initiative packets are public once they are delivered to the county clerks.

(8) The sponsor or their representatives may not retrieve initiative packets from the county clerks once they have submitted them.

Section 8. Section **20A-7-303** is amended to read:

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

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

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

We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No. \_\_\_\_, entitled (title of act, and, if the petition is against less than the whole act, set forth here the part or parts on which the referendum is sought), passed by the \_\_\_\_ Session of the Legislature of the state of Utah, be referred to the people of Utah for their approval or rejection at a regular general election or a statewide special election;

Each signer says:

I have personally signed this petition;

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

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

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

(2) Each signature sheet shall:

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

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

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

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

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

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

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

(g) be vertically divided into columns as follows:

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

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

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

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

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

"Verification

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

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

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

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

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

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(Name) (Residence Address) (Date)"

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

Section 9. Section **20A-7-305** is amended to read:

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

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

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

(a) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(b) verifies each signature sheet by completing the verification printed on the last page of each signature sheet.

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

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

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

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

Section 10. Section **20A-7-306** is amended to read:

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

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

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

(a) check the names of all persons completing the verification on the back of each signature sheet to determine whether or not those persons are Utah residents and are at least 18 years old; and

(b) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

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

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

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

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

Section 11. Section **20A-7-503** is amended to read:

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

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

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

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

Each signer says:

I have personally signed this petition;

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

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

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

(2) Each signature sheet shall:

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

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

for the purpose of binding;

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

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

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

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

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

(g) be vertically divided into columns as follows:

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

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

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

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

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

"Verification

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

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

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

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

I believe that each has printed and signed his name and written his post office address and

residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

\_\_\_\_\_ "

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

Section 12. Section **20A-7-504** is amended to read:

**20A-7-504. Circulation requirements -- Local clerk to provide sponsors with materials.**

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate initiative packets that meet the form requirements of this part.

(2) The local clerk shall furnish to the sponsors:

(a) [~~five copies~~] one copy of the initiative petition; and

(b) [~~five~~] one signature [~~sheets~~] sheet.

(3) The sponsors of the petition shall:

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

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the initiative for circulation by creating multiple initiative packets.

(b) The sponsors shall create those packets by binding a copy of the initiative petition, a copy of the proposed law, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each initiative packet.

(5) (a) After the sponsors have prepared sufficient initiative packets, they shall return them to the local clerk.

(b) The local clerk shall:

(i) number each of the initiative packets and return them to the sponsors within five working

days; and

(ii) keep a record of the numbers assigned to each packet.

Section 13. Section **20A-7-505** is amended to read:

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

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

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

(a) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(b) verifies each signature sheet by completing the verification printed on the back of each signature sheet.

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

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

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

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

Section 14. Section **20A-7-506** is amended to read:

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

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

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

(a) check the names of all persons completing the verification on the back of each signature sheet to determine whether or not those persons are residents of Utah and are at least 18 years old;



and

(b) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

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

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

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

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

Section 15. Section **20A-7-602** is amended to read:

**20A-7-602. Local referendum process -- Application procedures.**

(1) Persons wishing to circulate a referendum petition shall file an application with the local clerk.

(2) The application shall contain:

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

(b) a certification indicating that each of the sponsors:

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

(ii) (A) if the referendum challenges a county ordinance, has voted in a regular general election in Utah within the last three years; or

(B) if the referendum challenges a municipal ordinance, has voted in a regular municipal election in Utah within the last three years;

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

(d) [~~five copies~~] one copy of the law.

Section 16. Section **20A-7-603** is amended to read:

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

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

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

We, the undersigned citizens of Utah, respectfully order that Ordinance No. \_\_\_\_, entitled

(title of ordinance, and, if the petition is against less than the whole ordinance, set forth here the part or parts on which the referendum is sought), passed by the \_\_\_\_ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on the \_\_\_\_ day of \_\_\_\_, [~~19~~] 20 \_\_;

Each signer says:

I have personally signed this petition;

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

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

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

(2) Each signature sheet shall:

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

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

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

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

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

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

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

(g) be vertically divided into columns as follows:

(i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed

with "For Office Use Only," and be subdivided with a light vertical line down the middle;

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

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

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

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

"Verification

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

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

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

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

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

\_\_\_\_\_ "

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

Section 17. Section **20A-7-605** is amended to read:

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

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

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

(a) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(b) verifies each signature sheet by completing the verification printed on the back of each signature sheet.

(3) (a) [(†)] Any voter who has signed a referendum petition may have his signature removed

from the petition by submitting a notarized statement to that effect to the local clerk.

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

(b) ~~[Upon]~~ Except as provided in Subsection (3)(c), upon receipt of the statement, the local clerk shall remove the signature of the person submitting the statement from the referendum petition.

(c) ~~[No one]~~ A local clerk may not remove signatures from a referendum petition after the petition ~~[is]~~ has been submitted to the county clerk to be certified.

Section 18. Section **20A-7-606** is amended to read:

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

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

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

(a) check the names of all persons completing the verification on the back of each signature sheet to determine whether or not those persons are Utah residents and are at least 18 years old; and

(b) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

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

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

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

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

Section 19. Section **20A-9-203** is amended to read:

**20A-9-203. Declarations of candidacy -- Municipal general elections.**

(1) (a) A person may become a candidate for any municipal office if the person is a registered voter and:

(i) the person has resided within the municipality in which that person seeks to hold elective

office for the 12 consecutive months immediately before the date of the election; or

(ii) if the territory in which the person resides was annexed into the municipality, the person has resided within the annexed territory or the municipality for 12 months.

(b) In addition to the requirements of Subsection (a), candidates for a municipal council position under the council-mayor or council-manager alternative forms of municipal government shall, if elected from districts, be residents of the council district from which they are elected.

(2) (a) Each person seeking to become a candidate for a municipal office shall file a declaration of candidacy in person with the city recorder or town clerk during office hours and not later than 5 p.m. between July 15 and August 15 of any odd numbered year and pay the filing fee, if one is required by municipal ordinance.

(b) Any resident of a municipality may nominate a candidate for a municipal office by filing a nomination petition with the city recorder or town clerk during office hours but not later than 5 p.m. between July 15 and August 15 of any odd numbered year and pay the filing fee, if one is required by municipal ordinance.

(c) When August 15 is a Saturday or Sunday, the filing time shall be extended until 5 p.m. on the following Monday.

(3) (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:

(i) read to the prospective candidate or person filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking; and

(ii) require the candidate or person filing the petition to state whether or not the candidate meets those requirements.

(b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.

(c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall accept the declaration of candidacy or nomination petition.

(4) The declaration of candidacy shall substantially comply with the following form:

"I, (print name) \_\_\_\_, being first sworn, say that I reside at \_\_\_\_ Street, City of \_\_\_\_, County

of \_\_\_\_\_, state of Utah, Zip Code \_\_\_\_\_, Telephone Number (if any) \_\_\_\_\_; that I am a registered voter; and that I am a candidate for the office of \_\_\_\_\_ (stating the term). I request that my name be printed upon the applicable official ballots. (Signed) \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, [~~19~~] 20  
\_\_\_\_\_.

(Signed) \_\_\_\_\_ (Clerk or [~~Notary Public~~] other officer qualified to administer oath)"

(5) (a) Any registered voter may be nominated for municipal office by submitting a petition signed by:

- (i) 25 residents of the municipality who are at least 18 years old; or
  - (ii) 20% of the residents of the municipality who are at least 18 years old.
- (b) (i) The petition shall substantially conform to the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality) being 18 years old or older nominate (name of nominee) to the office of \_\_\_\_\_ for the (two or four-year term, whichever is applicable)."

(ii) The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.

(c) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two or four-year term, the clerk shall consider the nomination to be for the four-year term.

(d) (i) The clerk shall verify with the county clerk that all candidates are registered voters.

(ii) Any candidate who is not registered to vote is disqualified and the clerk may not print the candidate's name on the ballot.

(6) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:

(a) cause the names of the candidates as they will appear on the ballot to be published in at least two successive publications of a newspaper with general circulation in the municipality; and

(b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.

(7) (a) A declaration of candidacy or nomination petition filed under this section is valid unless a written objection is filed with the clerk within five days after the last day for filing.

(b) If an objection is made, the clerk shall:

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

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

(c) If the clerk sustains the objection, the candidate may correct the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.

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

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

(iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.

(8) Any person who filed a declaration of candidacy and was nominated, and any person who was nominated by a nomination petition, may, any time up to 23 days before the election, withdraw the nomination by filing a written affidavit with the clerk.