

Y2K REVISORS - TECHNICAL CHANGES

2000 GENERAL SESSION

STATE OF UTAH

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AN ACT RELATING TO STATE AFFAIRS; AMENDING REFERENCES REFERRING TO YEARS TO MAKE THE UTAH CODE COMPLIANT WITH YEAR 2000 AND BEYOND.

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

AMENDS:

7-3-3.2, as enacted by Chapter 267, Laws of Utah 1989

10-7-70, Utah Code Annotated 1953

11-14-6, as last amended by Chapter 45, Laws of Utah 1977

16-4-12, as last amended by Chapter 29, Laws of Utah 1961

17A-2-556, as renumbered and amended by Chapter 186, Laws of Utah 1990

20A-2-104, as last amended by Chapter 48, Laws of Utah 1999

20A-2-108, as last amended by Chapter 152, Laws of Utah 1995

20A-3-304, as last amended by Chapters 22 and 253, Laws of Utah 1999

20A-4-106, as last amended by Chapter 21, Laws of Utah 1999

20A-5-404, as enacted by Chapter 1, Laws of Utah 1993

20A-7-203, as last amended by Chapter 45, Laws of Utah 1999

20A-7-603, as last amended by Chapter 45, Laws of Utah 1999

20A-9-201, as last amended by Chapters 22 and 45, Laws of Utah 1999

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

20A-9-403, as last amended by Chapters 24, 182 and 184, Laws of Utah 1997

20A-9-502, as last amended by Chapter 45, Laws of Utah 1999

21-6-3, Utah Code Annotated 1953

47-2-4, as last amended by Chapter 227, Laws of Utah 1993

54-4-22, Utah Code Annotated 1953

57-1-12, Utah Code Annotated 1953

57-1-13, Utah Code Annotated 1953

57-1-14, Utah Code Annotated 1953

57-1-22, as last amended by Chapter 88, Laws of Utah 1989

57-1-25, as last amended by Chapter 88, Laws of Utah 1989

57-1-26, as last amended by Chapter 88, Laws of Utah 1989

57-1-31, as last amended by Chapter 68, Laws of Utah 1985

57-2-13, Utah Code Annotated 1953

59-2-311, as last amended by Chapter 271, Laws of Utah 1995

59-2-1339, as last amended by Chapter 181, Laws of Utah 1995

59-2-1351, as last amended by Chapters 181 and 299, Laws of Utah 1995

59-2-1351.1, as last amended by Chapter 79, Laws of Utah 1996

59-2-1351.3, as enacted by Chapter 181, Laws of Utah 1995

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

Section 1. Section **7-3-3.2** is amended to read:

7-3-3.2. Securities business permitted -- Activities conducted by subsidiary --

Disclosure statements required.

(1) A bank has all necessary and incidental powers to engage in the business of purchasing, selling, underwriting, and dealing in securities, whether as a principal for its own account or as agent or broker for a customer, subject to the limitations in this section.

(2) The securities business that a bank may conduct as a principal for its own account is limited to the activities specified in Subsections (2)(a) through (d). A bank does not otherwise have power to enter securities underwriting or act as a principal in issuance or marketing of securities.

(a) A bank may purchase for investment and subsequently resell those types of securities authorized by statute or rule of the commissioner, including, without limitation, shares purchased in accordance with Section 7-3-21 and government or other securities lawfully acquired for the investment or trading portfolio of the bank or any of its subsidiaries or affiliates in accordance with any limitation established by any other federal or state statute, regulation, or rule.

(b) A bank may sell securities of any kind acquired in the ordinary course of business, including, without limitation, through foreclosure on pledged securities.

(c) A bank may underwrite or deal in securities issued by a municipality, county, or other local governmental entity or an agency of any such governmental entity, securities issued by a state or any of its agencies, or securities issued by the federal government or any of its agencies.

(d) A bank may establish or underwrite the securities of registered investment companies that are limited to operating or investing in money market funds or other short-term government or corporate debt instruments.

(3) This section may not be interpreted to alter the traditional rights and powers of banks to issue deposit instruments or similar instruments that acknowledge receipt of monies for customers, even though the instruments may for some purposes be considered securities.

(4) Securities activities under this section, except those activities described in Subsections (2)(a) and (b), shall be conducted only through a subsidiary. Any such subsidiary shall be established pursuant to rules that the commissioner may adopt after notice and hearing. Any such rules shall further define the standards by which a securities subsidiary of a bank may be established and operated, including the requirement for registration, if required, as a broker-dealer with state, federal, and self-regulatory agencies. In addition to other standards that may be established by these rules, a bank may not invest more than 10% of its total capital in a securities subsidiary. For purposes of that determination, total capital shall be calculated in accordance with all other applicable statutes and rules of the commissioner, including the effect of loans from the bank to the subsidiary, together with capital standards established by the Federal Deposit Insurance Corporation. Every loan made by the bank to a securities subsidiary shall comply with applicable state and federal laws. In all cases, each subsidiary shall maintain separate corporate and financial records.

(5) Notwithstanding Subsection (4), a bank may enter into a networking agreement with a registered broker-dealer for the provision of brokerage services to the bank's customers on the bank's premises without the need to comply with Subsection (4), (6), or (7).

(6) The securities activities authorized by this section may be conducted from an authorized banking office or from a separate office of a subsidiary, and may be offered to customers in this state

or in any other state, territory, or country, except to the extent such activities are limited or prohibited by the laws of the other state, territory, or country.

(7) Before undertaking any of the direct or indirect securities activities permitted under this section, except those authorized by Subsection (2)(a), a bank shall apply to the commissioner. The commissioner shall render a decision of approval, conditional approval, or disapproval within 60 days from the date of receiving the application. Public notice is not required for any hearing on the application that may be held. The commissioner shall satisfy himself before approving the application that the bank possesses the managerial and financial resources necessary to conduct the securities activities safely and soundly.

(8) In conducting securities activities, a bank shall in all respects comply, and cause its securities subsidiary to comply, with the Utah Uniform Securities Act, the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, and other applicable statutes, regulations, and rules.

(9) In connection with each customer for which a bank or its securities subsidiary shall act as agent or broker, the bank or the subsidiary, as applicable, shall give a written disclosure to its customer prior to closing any single transaction or establishment of an account contemplating a series of transactions. The disclosure statement shall be in legible print and shall be in substantially the form shown in Subsection (9)(a) with respect to the bank and in Subsection (9)(b) with respect to any securities subsidiary.

(a)

DISCLOSURE STATEMENT

The services offered by the securities department of this bank are offered to its customers without regard to any other banking relationship. By signing below the customer acknowledges receipt of this Disclosure Statement and agrees that any contract for securities services is completely voluntary, and the selection of this bank for securities services has not been required by any other business relationship or account with the bank.

[Dated this _____ day of _____, 19__] _____ (month/day/year).

CUSTOMER:

(b)

DISCLOSURE STATEMENT

_____ (name of securities agency subsidiary) is a subsidiary of _____ (name of bank). The services offered by _____ (name of subsidiary) are offered to its customers without regard to any separate banking relationship with _____ (name of bank). By signing below the customer acknowledges receipt of this Disclosure Statement and agrees that any contract for services with _____ (name of subsidiary) is completely voluntary and the selection of _____ (name of subsidiary) for securities services has not been required by any business relationship with its parent bank.

[Dated this _____ day of _____, 19__] _____ (month/day/year).

CUSTOMER:

Section 2. Section **10-7-70** is amended to read:

10-7-70. Corporate violation -- Summons -- Forms.

Whenever complaint is made against a corporation for violation of a city or town ordinance summons shall be issued thereon substantially in the following form:

State of Utah,

County of _____

In the _____ court, in and for the city (or town) of _____, county of _____ city, (or town) _____

vs. _____

SUMMONS.

The state of Utah, to (naming the corporation):

You are hereby summoned to be and appear before the above entitled court at the courtroom thereof on the _____ day of _____ at the hour of _____ o'clock __m., then and

there to answer a charge made against you upon the complaint of _____ for (designating the offense in general terms), a copy of which complaint is hereto attached.

[Dated this _____ day of _____, 19__] _____ (month\day\year).

Witness:

The Honorable _____

Judge of said court.

_____ Clerk

By _____ Deputy Clerk.

In courts having a clerk the summons, with a copy of the complaint attached, shall be signed by the clerk thereof, and in courts having no clerk the summons shall be signed by the judge or justice thereof.

Section 3. Section **11-14-6** is amended to read:

11-14-6. Election procedure.

(1) The qualifications as an elector of any person applying for a ballot at a bond election may be challenged for cause by any one or more of the election officials or by any other person at the time the ballot is applied for, but notwithstanding any challenge hereunder, any such person shall receive a ballot and be permitted to vote if:

(a) [~~such~~] the person is shown on the registration lists as a registered voter in the municipality or other entity calling the bond election[;]; and

(b) [~~such~~] the person takes an oath sworn to before one of the election officials that he is a qualified elector of such municipality or entity.

(2) The oath referred to in Subsection (1) may, but need not, be in substantially the following form:

ELECTOR'S OATH

STATE OF UTAH)
COUNTY OF _____)

The undersigned, having been first duly sworn upon oath, deposes and says under the pains

and penalties of perjury, as follows:

That I am a citizen of the United States; that I am 18 years of age or older; that I am now and have been a resident of the state of Utah for not less than 30 days; that I am a resident of ____ County and of the voting district or precinct of the (municipality or other entity calling the bond election) in which I am offering to vote; that I am a duly registered voter of ____ County and I am a qualified voter of and reside within the confines of (municipality or other entity calling the bond election); and that I have not previously voted at the bond election being held on this [____ day of _____, 19__] _____ (month\day\year) in (municipality or other entity calling the bond election).

Signature of Elector

Address of Elector

I, the undersigned, Judge of election, hereby certify that the person whose signature appears above, signed the foregoing statement on this [____ day of _____, 19__] _____ (month\day\year), immediately after I administered to him an oath in the following words: You do solemnly swear (or affirm) that you have read the oath to which you are about to subscribe your signature and that the facts recited therein are true and correct, so help you God (or under the pains and penalties of perjury).

Judge of Election

Each election official is expressly authorized to administer [~~such~~] the oath.

(3) In the case of challenges made pursuant to Subsection (1), the election officials shall keep a list of the names of each person challenged, the grounds for the challenge, and whether such person was permitted to vote. [~~Such~~] The list shall be made in duplicate and the duplicate list shall be made available to the governing body when it canvasses the election results.

(4) No bond election shall be held invalid on the grounds that unqualified voters voted unless it shall be shown by clear and convincing evidence in a contest filed prior to the expiration of the period in which bond election contest may be filed that unqualified voters in sufficient numbers to

change the result voted at the bond election. When the election results are canvassed [~~such~~], the canvass shall show separately the number of votes which were challenged and the number of challenged voters who were permitted to vote, but the votes cast by [~~such~~] the voters shall be accepted as having been legally cast for purposes of determining the outcome of the election, unless the court in a bond election contest shall find otherwise.

Section 4. Section **16-4-12** is amended to read:

16-4-12. Notice of delinquency -- Form.

If any portion of the assessment mentioned in the notice remains unpaid on the day specified therein when the stock shall be delinquent, the secretary shall, unless otherwise ordered by the board of directors, cause to be published in the same newspapers in which the notice hereinbefore provided for shall have been published a notice in the following form:

(Name of corporation in full; location of principal place of business). Notice. There are delinquent upon the following described stock, on account of assessment levied on the [____ day of _____, 19__] _____ (month/day/year), (and assessment levied previously thereto, if any) the several amounts set opposite the names of the respective shareholders as follows: (Names, number of certificate, number of shares, and amount) and in accordance with law, (and an order of the board of directors made on the [____ day of _____, 19__] _____ (month/day/year), if any such order shall have been made) so many shares of each parcel of [~~such~~] the stock as may be necessary will be sold at the (particular place) on the [____ day of _____, 19__] _____ (month/day/year), at the hour of _____, to pay the delinquent assessments thereon, together with the cost of advertising and expenses of the sale. (Name of secretary, with location of office).

Section 5. Section **17A-2-556** is amended to read:

17A-2-556. Form of release and discharge.

[~~Such~~] The release and discharge shall be substantially in the following form:

Release and discharge from liability for payment of the bonded indebtedness of ____ drainage district in ____ county, Utah, and from the lien of the equalized assessment of benefits and taxes and the benefit assessment roll.

Whereas, on the [____ day of _____, 19__] _____ (month\day\year), ____ (the owner,

part owner, mortgagee or other lien holders, as the case may be) paid to the county treasurer of ____ county, (in lawful money of the United States, or bonds, notes, warrants or matured interest coupons of the district, as the case may be) the sum of \$____, being the total amount of the unpaid drainage district equalized assessment of benefits and taxes levied and assessed against that certain tract, lot or parcel of land located in ____ drainage district in ____ county, Utah, and particularly bounded and described as follows, to wit: (Insert description of property) ____ and, ____.

Whereas, there is on file with the treasurer of this drainage district a receipt showing [such] payment in full,

Now Therefore, in consideration of such payment and pursuant to law, the undersigned drainage district does by these presents release and discharge the above described tract, lot or parcel of land from the lien of and from the payment of all of the bonded indebtedness now existing against the same, and from the payment of any bonds now issued or that may hereafter be issued to refund the same, or any part thereof, and from the payment of any notes or warrants of the district heretofore issued or that may hereafter be issued in payment of interest on [such] the indebtedness or refunded indebtedness, and releases and discharges said tract, lot or parcel of land from the payment of any of the unpaid equalized assessment of benefits and taxes levied or assessed against the same and from the lien of the benefit assessment roll of said drainage district.

In Witness Whereof, the said drainage district has executed this instrument and caused its corporate name and corporate seal to be hereunto affixed by its president and secretary this [____ day of ____ 19__] _____ (month\day\year), pursuant to a resolution of its board of supervisors.

Attest:

(Name of drainage district.)

By _____,
President

Secretary.

Said written release and discharge may be acknowledged before any officer authorized to take acknowledgments of deeds. The form of acknowledgment shall be substantially as follows: State of

Utah, ss.

County of _____

On the [____ day of _____, A. D. 19__] _____ (month\day\year), personally appeared before me _____, who being by me duly sworn, did say that he is the president of _____ drainage district which executed the above and foregoing instrument and that said instrument was signed in behalf of said drainage district by authority of a resolution of its board of supervisors, and said _____ acknowledged to me that said drainage district executed the same.

Notary Public.

My Commission expires: _____ (month\day\year)

Residing at: _____.

Section 6. Section **20A-2-104** is amended to read:

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

(1) Every person applying to be registered shall complete a registration form printed in substantially the following form:

UTAH ELECTION REGISTRATION FORM

Name of Voter _____

First

Middle

Last

Driver License or Identification Card Number (optional) _____

Date of Birth _____

Street Address of Principal Place of Residence _____

City County State Zip Code

Telephone Number (optional) _____

Last four digits of Social Security Number (optional) _____

Place of Birth _____

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

City

County

State

Zip Code

Voting Precinct (if known)

Political Party (optional) _____

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

Signed and sworn

Voter's Signature

[Date _____, 19 _____] _____ (month/day/year).

NOTICE: IN ORDER TO VOTE, YOUR NAME MUST APPEAR IN THE OFFICIAL REGISTER.

FOR OFFICIAL USE ONLY

Voting Precinct _____

Voting I.D. Number _____

(2) The county clerk shall retain a copy in a permanent countywide alphabetical file, which may be electronic or some other recognized system.

(3) (a) Each county clerk shall retain lists of currently registered voters.

(b) The lieutenant governor shall maintain a list of registered voters in electronic form.

(c) If there are any discrepancies between the two lists, the county clerk's list is the official list.

(d) The lieutenant governor and the county clerks may charge the fees established under the authority of Subsection 63-2-203(10) to individuals who wish to obtain a copy of the list of registered

voters.

Section 7. Section **20A-2-108** is amended to read:

20A-2-108. Driver license registration form -- Transmittal of information.

(1) The lieutenant governor and the Driver License Division shall design the driver license application and renewal forms to include the question "if you are not registered to vote where you live now, would you like to register to vote today?"

(2) (a) The lieutenant governor and the Driver License Division shall design a motor voter registration form to be used in conjunction with driver license application and renewal forms.

(b) Each driver license application and renewal form shall contain:

(i) a place for the applicant to decline to register to vote;

(ii) an eligibility statement in substantially the following form:

"I do swear (or affirm), subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of the state of Utah, residing at the above address. I will be at least 18 years old and will have resided in Utah for 30 days immediately before the next election.

Signed and sworn

Voter's Signature

[Date....., 19...] _____ (month\day\year)";

(iii) a statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iv) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

Section 8. Section **20A-3-304** is amended to read:

20A-3-304. Application for absentee ballot -- Time for filing and voting.

(1) As used in this section, "absent elector" means a person who:

(a) is physically, emotionally, or mentally impaired;

- (b) will be serving as an election judge or who has election duties in another voting precinct;
- (c) is detained or incarcerated in a jail or prison as a penalty for committing a misdemeanor;
- (d) suffers a legal disability;
- (e) is prevented from voting in a particular location because of religious tenets or other strongly held personal values;
- (f) is called for jury duty in state or federal court; or
- (g) otherwise expects to be absent from the voting precinct during the hours the polls are open on election day.

(2) A registered voter who is or will be an absent elector may file an absentee ballot application with the appropriate election officer for an official absentee ballot.

(3) (a) Each election officer shall prepare blank applications for absentee ballot applications in substantially the following form:

"I, _____ a qualified elector, in full possession of my mental faculties, residing at _____ Street, _____ City, _____ County, Utah and to my best knowledge and belief am entitled to vote by absentee ballot at the next election.

I apply for an official absentee ballot to be voted by me at the election.

[Dated _____ 19_____] _____ (month\day\year) Signed _____

Voter"

- (b) If requested by the applicant, the election officer shall:
 - (i) mail or fax the application blank to the absentee voter; or
 - (ii) deliver the application blank to any voter who personally applies for it at the office of the election officer.

(4) (a) (i) Except as provided in Subsections (4)(a)(ii) and (iii), the voters shall file the application for an absentee ballot with the appropriate election officer no later than the Friday before election day.

(ii) Overseas applicants shall file their applications with the appropriate election officer no later than 20 days before the day of election.

(iii) Voters applying for an absentee ballot for the Western States Presidential Primary shall

file the application for an absentee ballot with the appropriate election officer not later than the Tuesday before election day.

(b) Persons voting an absentee ballot at the office of the election officer shall apply for and cast their ballot no later than the day before the election.

(5) (a) A county clerk may establish a permanent absentee voter list.

(b) The clerk shall place on the list the name of any person who:

(i) requests permanent absentee voter status; and

(ii) meets the requirements of this section.

(c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on the absentee voter list.

(ii) The questionnaire shall allow the absentee person to verify the voter's residence and inability to vote at the voting precinct on election day.

(iii) The clerk may remove the names of any voter from the absentee voter registration list if:

(A) the voter is no longer listed in the official register; or

(B) the voter fails to verify the voter's residence and absentee status.

(d) The clerk shall provide a copy of the permanent absentee voter list to election officers for use in elections.

Section 9. Section **20A-4-106** is amended to read:

20A-4-106. Paper ballots -- Sealing.

(1) (a) (i) At all elections using paper ballots, as soon as the counting judges have read and tallied the ballots, they shall string the counted, excess, and spoiled ballots on separate strings.

(ii) After the ballots are strung, they may not be examined by anyone, except when examined during a recount conducted under the authority of Section 20A-4-401.

(b) The judges shall carefully seal all of the strung ballots in a strong envelope.

(2) (a) For regular primary elections, after all the ballots have been counted, certified to, and strung by the judges, they shall seal the ballots cast for each of the parties in separate envelopes.

(b) The judges shall:

(i) seal each of the envelopes containing the votes of each of the political parties in one large envelope; and

(ii) return that envelope to the county clerk.

(c) The judges shall:

(i) destroy the ballots in the blank ballot box; or

(ii) if directed to do so by the election officer, return them to the election officer for destruction.

(3) As soon as the judges have counted all the votes and sealed the ballots they shall sign and certify the pollbooks.

(4) (a) The judges, before they adjourn, shall:

(i) enclose and seal the official register, the posting book, the pollbook, all affidavits of registration received by them, the ballot disposition form, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, and any unprocessed absentee ballots in a strong envelope or pouch;

(ii) ensure that all counted ballots, all excess ballots, and all spoiled ballots have been strung and placed in a separate envelope or pouch as required by Subsection (1);

(iii) place all unused ballots, all spoiled ballots, one tally list, and a copy of the ballot disposition form in a separate envelope or pouch; and

(iv) place the total votes cast form and the judges' vouchers requesting compensation for services rendered in a separate pouch.

(b) Before enclosing the official register in the envelope or pouch, the election judges shall certify it substantially as follows:

"We, the undersigned, judges of election for precinct _____, (jurisdiction) _____, Utah, certify that the required entries have been made for the election held [_____, 19__]

_____ (month\day\year), including:

a list of the ballot numbers for each voter;

the voters' signatures, except where a judge has signed for the absentee voters;

a list of information surrounding a voter who is challenged,

including any affidavits; and
a notation for each time a voter was assisted with a ballot."

(5) Each judge shall:

(a) write his name across the seal of each envelope or pouch;

(b) mark on the exterior of the envelope or pouch:

(i) the word "ballots" or "returns" or "unused ballots," or other words plainly indicating the contents of the packages; and

(ii) the number of the voting precinct.

Section 10. Section **20A-5-404** is amended to read:

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

(1) For each election, the election officer:

(a) shall prepare, for each voting precinct, a:

(i) ballot disposition form;

(ii) total votes cast form;

(iii) tally sheet form; and

(iv) pollbook.

(b) For each election, the election officer shall:

(i) provide a copy of each form to each of those precincts using paper ballots; and

(ii) provide a copy of the ballot disposition form and a pollbook to each of those voting precincts using an automated voting system.

(2) The election officer shall ensure that the ballot disposition form contains a space for the judges to identify:

(a) the number of ballots voted;

(b) the number of substitute ballots voted, if any;

(c) the number of ballots delivered to the voters;

(d) the number of spoiled ballots;

(e) the number of registered voters listed in the official register;

(f) the total number of voters voting according to the pollbook; and

(g) the number of unused ballots.

(3) The election officer shall ensure that the total votes cast form contains:

(a) the name of each candidate appearing on the ballot, the office for which the candidate is running, and a blank space for the election judges to record the number of votes that the candidate received;

(b) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to record the number of votes that the write-in candidate received;

(c) a heading identifying each ballot proposition and blank spaces for the election judges to record the number of votes for and against each proposition; and

(d) a certification, in substantially the following form, to be signed by the judges when they have completed the total votes cast form:

"TOTAL VOTES CAST

At an election held at ____ in ____ voting precinct in _____(name of entity holding the election) and State of Utah, on [the ____ day of ____, in the year ____]
_____(month\day\year), the following named persons received the number of votes annexed to their respective names for the following described offices: Total number of votes cast were as follows:

Certified by us ____, ____, ____, Judges of Election."

(4) The election officer shall ensure that the tally sheet form contains:

(a) for each office, the names of the candidates for that office, and blank spaces to tally the votes that each candidate receives;

(b) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to tally the votes for each write-in candidate;

(c) for each ballot proposition, a heading identifying the ballot proposition and the words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of them for the election judges to tally the ballot proposition votes; and

(d) a certification, in substantially the following form, to be signed by the judges when they have completed the tally sheet form:

"Tally Sheet

We the undersigned election judges for voting precinct # _____, _____ (entity holding the election) certify that this is a true and correct list of all persons voted for and ballot propositions voted on at the election held in that voting precinct on _____ (date of election) and is a tally of the votes cast for each of those persons. Certified by us _____, _____, _____, Judges of Election."

(5) The election officer shall ensure that the pollbook:

(a) identifies the voting precinct number on its face; and

(b) contains:

(i) a section to record persons voting on election day, with columns entitled "Ballot Number" and "Voter's Name";

(ii) another section in which to record absentee ballots;

(iii) a section in which to record voters who are challenged; and

(iv) a certification, in substantially the following form:

"We, the undersigned, judges of an election held at _____ voting precinct, in _____ County, state of Utah, on [the _____ day of _____, 19__] _____ (month\day\year), having first been sworn according to law, certify that the information listed in this book is a true statement of the number and names of the persons voting in the voting precinct at the election, and that the total number of persons voting at the election was _____."

Judges of Election

Section 11. 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__]
____ (month\day\year);

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;

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.

| | | |
|--------|---------------------|---------|
| (Name) | (Residence Address) | (Date)" |
|--------|---------------------|---------|

(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 12. 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__] _____ (month\day\year);

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;

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

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

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

(a) be a United States citizen; and

(b) meet the legal requirements of that office.

(2) (a) Except as provided in Subsection (2)(b), a person may not:

(i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year; or

(ii) appear on the ballot as the candidate of more than one political party.

(b) A person may file a declaration of candidacy for, or be a candidate for, President or Vice President of the United States and another office, if the person resigns the person's candidacy for the other office after the person is officially nominated for President or Vice President of the United States.

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

(4) (a) (i) Except for presidential candidates, before the filing officer may accept any declaration of candidacy, the filing officer shall:

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

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

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

(A) a United States citizen;

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

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

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

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

(A) a United States citizen;

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

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

(D) a current resident of the prosecution district in which he is seeking office and either will

have been a resident of that prosecution district for at least one year as of the date of the election or was appointed and is currently serving as district attorney and became a resident of the prosecution district within 30 days after receiving appointment to the office.

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

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

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

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

(5) Except for presidential candidates, the form of the declaration of candidacy shall be substantially as follows:

"State of Utah, County of ____

I, _____, declare my intention of becoming a candidate for the office of ____ as a candidate for the ____ party. I do solemnly swear that: I can qualify to hold that office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah, Zip Code ____ Phone No. ____; I will not knowingly violate any law governing campaigns and elections; and I will qualify for the office if elected to it. The mailing address that I designate for receiving official election notices is _____.

Subscribed and sworn before me this [____ day of _____, 19__] _____ (month\day\year).

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

(6) (a) Except for presidential candidates, the fee for filing a declaration of candidacy is:

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

(ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office, but not less than \$5, for all other federal, state, and county offices.

(b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:

- (i) who is disqualified; or
- (ii) who the filing officer determines has filed improperly.

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

(ii) The lieutenant governor shall:

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

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

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

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

"Affidavit of Impecuniosity

Individual Name _____ Address _____

Phone Number _____

I, _____ (name), do solemnly [swear] [affirm] that, owing to my poverty, I am unable to pay the filing fee required by law.

Date _____ Signature _____ Affiant

Subscribed and sworn to before me on _____ [~~(date)~~] (month\day\year)

(signature)

Name and Title of Officer Authorized to Administer Oath:"

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

Section 14. 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 (1)(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]
_____ (month\day\year).

(Signed) _____ (Clerk or Notary Public)"

(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.

Section 15. Section **20A-9-403** is amended to read:

20A-9-403. Regular primary elections.

(1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular primary election day.

(b) Each registered political party that chooses to use the primary election process to nominate some or all of its candidates shall comply with the requirements of this section.

(2) (a) (i) Each registered political party that wishes to participate in the primary election shall

submit the names of its county candidates to the county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May 13 of each even-numbered year.

(ii) By 5 p.m. on May 16 of each even-numbered year, the lieutenant governor shall send the county clerks a certified list of the names of all statewide or multicounty candidates that must be printed on the primary ballot.

(b) (i) Except as provided in Subsection (2)(b)(ii), if a registered political party does not wish to participate in the primary election, it shall submit the names of its county candidates to the county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

(ii) Notwithstanding Subsection (2)(b)(i), a registered political party's candidates for President and Vice President of the United States shall be certified to the lieutenant governor as provided in Subsection 20A-9-202(4).

(c) Each political party shall certify the names of its presidential and vice presidential candidates and presidential electors to the lieutenant governor's office by August 30 of each presidential election year.

(3) The county clerk shall:

(a) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;

(b) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and

(c) conduct a lottery to determine the order of the candidates' names on the ballot.

(4) After the county clerk receives the certified list from a registered political party, the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June ____, [~~19~~] ____ (year), to nominate party candidates for the parties and nonpartisan offices listed on the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk".

(5) (a) Candidates receiving the highest number of votes cast for each office at the regular primary election are nominated by their party or nonpartisan group for that office.

(b) If two or more candidates are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of their party for those positions.

(6) (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.

(b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

(7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

Section 16. Section **20A-9-502** is amended to read:

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

(1) The candidate shall:

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

"State of Utah, County of _____

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

for the office if I am elected to it.

Subscribed and sworn to before me this [____ day of _____, 19__] _____ (month\day\year).

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

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

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

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

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

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

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

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

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

Section 17. Section **21-6-3** is amended to read:

21-6-3. Verification of statement of fees.

The verification attached to such statements shall be substantially in the following form:

State of Utah, County of _____

I, [~~A~~B] _____, county clerk (or other officer, as the case may be), do swear that the fee book in my office contains a true statement in detail of all fees and compensation of every kind and nature for official services rendered by me, my deputies, and assistants for the (month or quarter)

ending _____, [~~19~~] _____(year); that said fee book shows the full amount received or chargeable in said (month or quarter) and since my last regular payment; that neither I, nor, to my knowledge or belief, any of my deputies or assistants, has rendered any official service, except for the county or the state, which is not fully set out in said fee book; and that the foregoing statement thereof is full and correct.

Subscribed and sworn to before me this [~~_____ day of _____, 19~~]
_____ (month\day\year).

Section 18. Section **47-2-4** is amended to read:

47-2-4. Elimination by the county executive -- Notice of intention.

The county executive may provide for the elimination of abandoned horses in the respective counties in the following manner:

They shall cause notice to be published at least once a week for three successive weeks in some newspaper of general circulation published in the county, and [~~such~~] the notice shall also be posted in at least five public places outside of the county seat on public highways in such county, and in three public places at the county seat, one of which shall be at the front door of the courthouse. The notices posted outside of the county seat shall be posted not less than two miles apart, and all posted notices shall be posted at least 30 days before the date which the county executive shall fix for the beginning of the elimination of abandoned horses from the range in such county as hereinafter provided. If no newspaper is published in the county, publication in a newspaper shall not be required.

[~~Such~~] The notice shall be substantially in the following form:

Notice is hereby given that in accordance with the provisions of law the county executive of _____ County, Utah, will proceed to eliminate abandoned horses from the open range in said county, and that beginning on [~~the _____ day of _____, 19~~] _____ (month\day\year), a drive will be held, and all abandoned horses running upon the open range will, under the direction and supervision of the county executive, be eliminated. All owners of horses running upon the open range are hereby given notice to file with the county executive a description of [~~such~~] the horses, and the brands or

marks thereon.

Dated this [____ day of _____, 19__] _____ (month\day\year).

By order of the county executive of ____ County, Utah.

County Clerk.

Section 19. Section **54-4-22** is amended to read:

54-4-22. Statements of valuations -- Affidavits -- Records of valuation.

The Public Service Commission must on or before the first day of December of each year furnish every public utility doing business in the state of Utah whose rates are based on the valuation of its properties or the amount of its investments with blank forms providing spaces for statements of the valuation of all of the properties of the public utilities located within this state. Said blank forms shall provide for whatever segregation or division of the values of said properties as the commission may require.

Each blank form shall have affixed thereto an affidavit which must be substantially as follows:

"I, _____, do swear that I am _____ (position held), of the _____ (name of company), and that as such I am in a position to know the valuations of both the tangible and intangible properties of the _____ (name of company), located in the state of Utah, and that to the best of my knowledge the above figures represent the true valuations of said properties at [~~12:00 o'clock~~] 12 noon on the first day of January of the year [~~19__~~] _____".

Said affidavit in addition to the above must state the principal place of business of the public utility and other information required by the commission.

The Public Service Commission shall require every public utility doing business within the state of Utah whose rates are based on the valuation of its properties or the amount of its investments to declare through its authorized agent on said blank forms the full value of all of the tangible and intangible properties of said utility which are located within the state of Utah, and it shall furthermore require that the valuation of the tangible properties be listed separately from the intangible properties. In making [~~such~~] this declaration every public utility may take into consideration any increase or decrease in values of [~~such~~] its property during the tax year last past and may raise or lower its

declared true values accordingly.

[It] The Public Service Commission shall [furthermore] also require that [said] this blank form be filed with the commission on or before a specific date each year to be determined by the commission, and shall require the affidavit of [said] this blank form to be signed and sworn to by a duly qualified and acting officer of [said] the respective public utility in the manner provided by law. The Public Service Commission shall [furthermore] prepare each year a book to be called "Record of Valuations of Utility Companies," in which must be entered the names of every person, organization, or corporation engaged in any utility business in Utah together with the valuation of the tangible and the valuation of the intangible properties of each of said person, organization, or corporation as determined and declared by the duly qualified officers of said public utilities and as declared and filed in accordance with the provisions of this section or as otherwise determined by the commission according to law. The Public Service Commission shall accept the values filed as provided herein unless otherwise changed by the commission upon evidence taken by and filed with the commission as the true values of the tangible and the intangible properties of [said] the public utility and [said] these last declared values shall be the values upon which said utility might earn a fair return. Under no circumstances shall an increase in the rates of any public utility be found justified by the commission if [said] the increase shall result in an earning by [said] the respective utility of an amount greater than a fair return on the value of the properties of [said] the public utility located in the state of Utah as shown on the forms provided herein.

Section 20. Section **57-1-12** is amended to read:

57-1-12. Form of warranty deed -- Effect.

Conveyances of land may be substantially in the following form:

WARRANTY DEED

____ (here insert name), grantor, of ____ (insert place of residence), hereby conveys and warrants to ____ (insert name), grantee, of ____ (insert place of residence), for the sum of ____ dollars, the following described tract ____ of land in ____ County, Utah, to wit: (here describe the premises).

Witness the hand of said grantor this [____ day of ____, 19__] _____ (month\day\year).

[Such] A warranty deed when executed as required by law shall have the effect of a conveyance in fee simple to the grantee, his heirs and assigns, of the premises therein named, together with all the appurtenances, rights, and privileges thereunto belonging, with covenants from the grantor, his heirs, and personal representatives, that he is lawfully seised of the premises; that he has good right to convey the same; that he guarantees the grantee, his heirs, and assigns in the quiet possession thereof; that the premises are free from all encumbrances; and that the grantor, his heirs, and personal representatives will forever warrant and defend the title thereof in the grantee, his heirs, and assigns against all lawful claims whatsoever. Any exceptions to [such] these covenants may be briefly inserted in [such] the deed following the description of the land.

Section 21. Section **57-1-13** is amended to read:

57-1-13. Form of quitclaim deed -- Effect.

Conveyances of land may also be substantially in the following form:

QUITCLAIM DEED

____ (here insert name), grantor, of ____ (insert place of residence), hereby quitclaims to ____ (insert name), grantee, of ____ (here insert place of residence), for the sum of ____ dollars, the following described tract ____ of land in ____ County, Utah, to wit: (here describe the premises).

Witness the hand of said grantor this [____ day of ____, 19__] _____ (month\day\year).

[Such] A quitclaim deed when executed as required by law shall have the effect of a conveyance of all right, title, interest, and estate of the grantor in and to the premises therein described and all rights, privileges, and appurtenances thereunto belonging, at the date of [such] the conveyance.

Section 22. Section **57-1-14** is amended to read:

57-1-14. Form of mortgage -- Effect.

A mortgage of land may be substantially in the following form:

MORTGAGE

____ (here insert name), mortgagor, of ____ (insert place of residence), hereby mortgages to ____ (insert name), mortgagee, of ____ (insert place of residence), for the sum of ____ dollars, the following described tract ____ of land in ____ County, Utah, to wit: (here describe the premises).

This mortgage is given to secure the following indebtedness (here state amount and form of indebtedness, maturity, rate of interest, by and to whom payable, and where).

The mortgagor agrees to pay all taxes and assessments on said premises, and the sum of _____ dollars attorneys' fee in case of foreclosure.

Witness the hand of said mortgagor this [____ day of _____, 19__]
_____(month\day\year).

[Such] A mortgage when executed as required by law shall have the effect of a conveyance of the land therein described, together with all the rights, privileges and appurtenances thereunto belonging, to the mortgagee, his heirs, assigns, and legal representatives, as security for the payment of the indebtedness thereon set forth, with covenants from the mortgagor of general warranty of title, and that all taxes and assessments levied and assessed upon the land described, during the continuance of the mortgage, will be paid previous to the day appointed for the sale of such lands for taxes; and may be foreclosed as provided by law upon any default being made in any of the conditions thereof as to payment of either principal, interest, taxes, or assessments.

Section 23. Section **57-1-22** is amended to read:

57-1-22. Successor trustees -- Appointment by beneficiary -- Effect -- Substitution of trustee -- Recording -- Form.

(1) The beneficiary may appoint a successor trustee at any time by filing for record in the office of the county recorder of each county in which the trust property or some part thereof is situated, a substitution of trustee. From the time the substitution is filed for record, the new trustee shall succeed to all the power, duties, authority, and title of the trustee named in the deed of trust and of any successor trustee.

(2) The substitution shall:

- (a) identify the trust deed by stating the names of the original parties thereto, the date of recordation, and the book and page where the same is recorded or the entry number;
- (b) include the legal description of the trust property;
- (c) state the name of the new trustee; and
- (d) be executed and acknowledged by all of the beneficiaries under the trust deed or their

successors in interest.

(3) If not previously recorded, at the time of recording the notice of default, the successor trustee shall file for record the substitution of trustee, and a copy thereof shall be sent in the manner provided in Section 57-1-26 to all persons to whom a copy of the notice of default would be required to be mailed by Section 57-1-26. In addition thereto, a copy shall be sent to the prior trustee by regular mail to his last-known address.

(4) A substitution of trustee shall be sufficient if made in substantially the following form:

Substitution of Trustee

(insert name and address of new trustee)

is hereby appointed successor trustee under the trust deed executed by ____ as trustor, in which ____ is named beneficiary and ____ as trustee, and filed for record [~~____~~, 19~~__~~] _____ (month\day\year), and recorded in Book ____, Page ____, Records of ____ County, (or filed for record [~~____~~, 19~~__~~] _____ (month\day\year), with recorder's entry No. ____, ____ County), Utah.

(Insert legal description)

Signature _____

(Certificate of Acknowledgment)

Section 24. Section **57-1-25** is amended to read:

57-1-25. Notice of trustee's sale -- Description of property -- Time and place of sale.

(1) The trustee shall give written notice of the time and place of sale particularly describing the property to be sold:

(a) by publication of [~~such~~] the notice, at least three times, once a week for three consecutive weeks, the last publication to be at least ten days but not more than 30 days prior to the sale, in some newspaper having a general circulation in each county in which the property to be sold, or some part thereof, is situated; and

(b) by posting [~~such~~] the notice, at least 20 days before the date of sale, in some conspicuous place on the property to be sold and also in at least three public places of each city or county in which the property to be sold, or some part thereof, is situated.

(2) The sale shall be held at the time and place designated in the notice of sale which shall be between the hours of 9 a.m. and 5 p.m. and at the courthouse of the county in which the property to be sold, or some part thereof, is situated.

(3) The notice of sale shall be sufficient if made in substantially the following form:

Notice of Trustee's Sale

The following described property will be sold at public auction to the highest bidder, payable in lawful money of the United States at the time of sale, at the ____ in ____, ____ County, Utah, on [____, 19__] _____ (month\day\year), at __.m. of said day, for the purpose of foreclosing a trust deed executed by ____ and ____, his wife, as trustors, in favor of ____, covering real property located at ____, and more particularly described as:

(Insert legal description)

(Certificate of Acknowledgment, if recorded)

Dated [____, 19__] _____ (month\day\year).

Trustee

Section 25. Section **57-1-26** is amended to read:

57-1-26. Requests for copies of notice of default and notice of sale -- Mailing by trustee or beneficiary -- Publication of notice of default.

(1) (a) Any person desiring a copy of any notice of default and of any notice of sale under any trust deed may, at any time subsequent to the filing for record of the trust deed and prior to the filing for record of a notice of default thereunder, file for record in the office of the county recorder of any county in which any part or parcel of the trust property is situated, a duly acknowledged request for a copy of any [such] notice of default and notice of sale. The request shall set forth the name and address of the person or persons requesting copies of such notices and shall identify the trust deed by stating the names of the original parties thereto, the date of filing for record thereof, the book and page where the same is recorded or the recorder's entry number, and the legal description of the trust property. The request shall be in substantially the following form:

REQUEST FOR NOTICE

Request is hereby made that a copy of any notice of default and a copy of notice of sale under

the trust deed filed for record [~~____~~, 19~~__~~] _____ (month\day\year), and recorded in Book _____, Page _____, Records of _____ County, (or filed for record [~~____~~, 19~~__~~] _____ (month\day\year), with recorder's entry number _____, _____ County), Utah, executed by _____ as trustor, in which _____ is named as beneficiary and _____ as trustee, be mailed to _____ (insert name) _____ at _____ (insert address) _____

(Insert legal description)

Signature _____

(Certificate of Acknowledgement)

(b) Upon filing for record of [~~such~~] a request for notice, the recorder shall index [~~such~~] the request in the mortgagor's index, mortgagee's index, and abstract record. Except as provided in this section, the trustee under any such deed of trust is not required to send notice of default or notice of sale to any person not filing a request for notice as described herein.

(2) Not later than ten days after recordation of [~~such~~] a notice of default, the trustee or beneficiary shall mail, by certified or registered mail, with postage prepaid, a copy of such notice with the recording date shown thereon, addressed to each person whose name and address are set forth in a request therefor which has been recorded prior to the filing for record of the notice of default, directed to the address designated in the request. At least 20 days before the date of sale, the trustee shall mail, by certified or registered mail, with postage prepaid, a copy of the notice of the time and place of sale, addressed to each person whose name and address are set forth in a request therefor which has been recorded prior to the filing for record of the notice of default, directed to the address designated in the request.

(3) Any trust deed may contain a request that a copy of any notice of default and a copy of any notice of sale thereunder be mailed to any person a party thereto at the address of [~~such~~] the person set forth therein, and a copy of any notice of default and of any notice of sale shall be mailed to each such person at the same time and in the same manner required as though a separate request therefor had been filed by each of such persons as provided in this section.

(4) If no address of the trustor is set forth in the trust deed and if no request for notice by [~~such~~] the trustor has been recorded as provided in this section, a copy of the notice of default shall

be published at least three times, once a week for three consecutive weeks, in a newspaper of general circulation in each county in which the trust property, or some part thereof, is situated, such publication to commence not later than ten days after the filing for record of the notice of default. In lieu of [such] this publication, a copy of the notice of default may be delivered personally to the trustor within the ten days or at any time before publication is completed.

(5) No request for a copy of any notice filed for record pursuant to this section, nor any statement or allegation in any such request, nor any record thereof, shall affect the title to trust property or be [~~deemed~~] considered notice to any person that any person requesting copies of notice of default or of notice of sale has or claims any right, title or interest in, or lien or claim upon, the trust property.

Section 26. Section **57-1-31** is amended to read:

57-1-31. Trust deeds -- Default in performance of obligations secured -- Reinstatement -- Cancellation of recorded notice of default.

(1) Whenever all or a portion of the principal sum of any obligation secured by a trust deed has, prior to the maturity date fixed in [such] the obligation, become due or been declared due by reason of a breach or default in the performance of any obligation secured by the trust deed, including a default in the payment of interest or of any installment of principal, or by reason of failure of the trustor to pay, in accordance with the terms of the trust deed, taxes, assessments, premiums for insurance, or advances made by the beneficiary in accordance with terms of [such] the obligation or of [such] the trust deed, the trustor or his successor in interest in the trust property or any part thereof or any other person having a subordinate lien or encumbrance of record thereon or any beneficiary under a subordinate trust deed, at any time within three months of the filing for record of notice of default under [such] the trust deed, if the power of sale is to be exercised, may pay to the beneficiary or his successor in interest the entire amount then due under the terms of [such] the trust deed (including costs and expenses actually incurred in enforcing the terms of [such] the obligation, or trust deed, and the trustee's and attorney's fees actually incurred) other than [such] that portion of the principal as would not then be due had no default occurred, and thereby cure the default theretofore existing and, thereupon, all proceedings theretofore had or instituted shall be dismissed

or discontinued and the obligation and trust deed shall be reinstated and shall be and remain in force and effect the same as if no such acceleration had occurred.

(2) If the default is cured and the trust deed reinstated in the manner provided in Subsection (1), the beneficiary, or his assignee, shall, on demand of any person having an interest in the trust property, execute and deliver to him a request to the trustee to execute, acknowledge, and deliver a cancellation of the recorded notice of default under [such] the trust deed; and any beneficiary under a trust deed, or his assignee, who, for a period of 30 days after such demand, refuses to request the trustee to execute and deliver [such] this cancellation is liable to the person entitled to such request for all damages resulting from [such] this refusal. A release and reconveyance given by the trustee or beneficiary, or both, or the execution of a trustee's deed constitutes a cancellation of a notice of default. Otherwise, a cancellation of a recorded notice of default under a trust deed is, when acknowledged, entitled to be recorded and is sufficient if made and executed by the trustee in substantially the following form:

Cancellation of Notice of Default

The undersigned hereby cancels the notice of default filed for record [____, 19__]
____ (month\day\year), and recorded in Book ____, Page ____, Records of ____ County, (or
filed of record [____, 19__] ____ (month\day\year), with recorder's entry No. ____, ____
County), Utah, which notice of default refers to the trust deed executed by ____ as trustor, in which
____ is named as beneficiary and ____ as trustee, and filed for record [____, 19__]
____ (month\day\year), and recorded in Book ____, Page ____, Records of ____ County, (or
filed of record [____, 19__] ____ (month\day\year), with recorder's entry No. ____, ____
County), Utah.

(legal description)

Signature of Trustee _____

Section 27. Section **57-2-13** is amended to read:

57-2-13. Form for certificate of proof.

The certificate of [such] proof shall be substantially in the following form, to wit:

State of Utah, County of ____

On this [____ day of _____, 19__] _____ (month\day\year), before me personally appeared _____, personally known to me (or satisfactorily proved to me by the oath of _____, a competent and credible witness for that purpose, by me duly sworn) to be the same person whose name is subscribed to the above instrument as a witness thereto, who, being by me duly sworn, deposed and said that he resides in _____, county of _____, and state of Utah; that he was present and saw _____, personally known to him to be the signer of the above instrument as a party thereto, sign and deliver the same, and heard him acknowledge that he executed the same, and that he, the deponent, thereupon signed his name as a subscribing witness thereto at the request of said _____.

Section 28. Section **59-2-311** is amended to read:

59-2-311. Completion and delivery of assessment book -- Affidavit required --

Contents of affidavit.

Prior to May 22 each year, the assessor shall complete and deliver the assessment book to the county auditor. The assessor shall subscribe an affidavit in the assessment book substantially as follows:

I, _____, the assessor of _____ County, do swear that before May 22, [19__] _____ (year), I made diligent inquiry and examination, and either personally or by deputy, established the value of all of the property within the county subject to assessment by me; that the property has been assessed on the assessment book equally and uniformly according to the best of my judgment, information, and belief at its fair market value; that I have faithfully complied with all the duties imposed on the assessor under the revenue laws including the requirements of Section 59-2-303.1; and that I have not imposed any unjust or double assessments through malice or ill will or otherwise, or allowed anyone to escape a just and equal assessment through favor or reward, or otherwise.

Section 29. Section **59-2-1339** is amended to read:

59-2-1339. Form of treasurer's certificate -- Contents of form.

(1) On or before March 15 the treasurer shall complete the official record of delinquent taxes and attach the treasurer's certificate to the record. The certificate shall be substantially in the following form:

State of Utah)

ss.

County of _____)

I, _____ county treasurer of the county of _____, state of Utah, do certify that to the best of my knowledge the attached record is a full, true, and correct record and constitutes the official record of all properties which became delinquent for the year [~~19__~~] _____, and shows in the same order as the property appears on the assessment roll, the name of the person to whom the property is assessed, the description of the delinquent parcel and a reference to the parcel, serial, or account number under which the property was listed in the assessment roll, the amount of taxes, penalties, administrative costs, the date of redemption, and by whom the property was redeemed if any redemption has been made.

Signature _____

County Treasurer of _____ County

(2) The official record shall be maintained in the treasurer's office and shall include any subsequent delinquent taxes, penalties, administrative costs, and redemptions pertaining to the properties listed thereon.

Section 30. Section **59-2-1351** is amended to read:

59-2-1351. Sales by county -- Notice of tax sale -- Entries on record.

(1) (a) Upon receiving the tax sale listing from the county treasurer, the county auditor shall select a date for the tax sale for all real property on which a delinquency exists that was not previously redeemed and upon which the period of redemption is expiring in the nearest tax sale.

(b) The tax sale shall be conducted in May or June of the current year.

(2) Notice of the tax sale shall be provided as follows:

(a) sent by certified and first class mail to the last-known recorded owner, the occupant of any improved property, and all other interests of record, as of the preceding March 15, at their last-known address; and

(b) published four times in a newspaper published and having general circulation in the county, once in each of four successive weeks immediately preceding the date of sale; or

(c) if no newspaper is published in the county, posted in five public places in the county, as

determined by the auditor, at least 25 but no more than 30 days prior to the date of sale.

(3) The notice shall be in substantially the following form:

NOTICE OF TAX SALE

Notice is hereby given that on [the _____ day of _____, 19__]
_____(month\day\year), at __ o'clock __. m., at the front door of the county courthouse in
____ County, Utah, I will offer for sale at public auction and sell to the highest bidder for cash, under
the provisions of Section 59-2-1351.1, the following described real property located in the county
and now delinquent and subject to tax sale. A bid for less than the total amount of taxes, interest,
penalty, and administrative costs which are a charge upon the real estate will not be accepted.

(Here describe the real estate)

IN WITNESS WHEREOF I have hereunto set my hand and official seal [this _____ day of
____, 19__] on _____ (month\day\year).

County Auditor

County

- (4) (a) The notice sent by certified mail in accordance with Subsection (2)(a) shall include:
 - (i) the name and last-known address of the last-known recorded owner of the property to be sold;
 - (ii) the parcel, serial, or account number of the delinquent property; and
 - (iii) the legal description of the delinquent property.
- (b) The notice published in a newspaper in accordance with Subsection (2)(b) shall include:
 - (i) the name and last-known address of the last-known recorded owner of each parcel of property to be sold; and
 - (ii) the street address or the parcel, serial, or account number of the delinquent parcels.

Section 31. Section **59-2-1351.1** is amended to read:

59-2-1351.1. Tax sale -- Combining certain parcels -- Acceptable bids -- Deeds.

(1) (a) At the time specified in the notice the auditor shall:

(i) attend at the place appointed, offer for sale, and sell all real property for which an acceptable bid is made; and

(ii) refuse to offer a parcel of real property for sale if the description of the real property is so defective as to convey no title.

(b) The auditor may post at the place of sale a copy of the published list of real property to be offered and cry the sale by reference to the list rather than crying each parcel separately.

(2) (a) The tax commission shall establish, by rule, minimum procedural standards applicable to tax sales.

(b) For matters not addressed by commission rules, the county legislative body, upon recommendation by the county auditor, shall establish procedures, by ordinance, for the sale of the delinquent property that best protect the financial interest of the delinquent property owner and meet the needs of local governments to collect delinquent property taxes due.

(3) The county governing body may authorize the auditor to combine for sale two or more contiguous parcels owned by the same party when:

(a) the parcels are a single economic or functional unit;

(b) the combined sale will best protect the financial interests of the delinquent property owner; and

(c) separate sales will reduce the economic value of the unit.

(4) The governing body may accept any of the following bids:

(a) the highest bid amount for the entire parcel of property, however, a bid may not be accepted for an amount which is insufficient to pay the taxes, penalties, interest, and administrative costs; or

(b) a bid in an amount sufficient to pay the taxes, penalties, interest, and administrative costs, for less than the entire parcel.

(i) The bid which shall be accepted shall be the bid of the bidder who will pay in cash the full amount of the taxes, penalties, interest, and administrative costs for the smallest portion of the entire parcel.

(ii) The county auditor at the tax sale or the county legislative body following the tax sale

shall reject a bid to purchase a strip of property around the entire perimeter of the parcel, or a bid to purchase a strip of the parcel which would prevent access to the remainder of the parcel by the redemptive owner or otherwise unreasonably diminish the value of that remainder.

(iii) If the bid accepted is for less than the entire parcel, the auditor shall note the fact, with a description of the property covered by the bid, upon the tax sale record and the balance of the parcel not affected by the bid shall be considered to have been redeemed by the owner.

(5) The county legislative body may decide that none of the bids are acceptable.

(6) Once the county auditor has closed the sale of a particular parcel of property as a result of accepting a bid on the parcel, the successful bidder or purchaser of the property may not unilaterally rescind the bid. The county legislative body, after acceptance of a bid, may enforce the terms of the bid by obtaining a legal judgment against the purchaser in the amount of the bid, plus interest and attorney's fees.

(7) Any sale funds which are in excess of the amount required to satisfy the delinquent taxes, penalties, interest, and administrative costs of the delinquent property shall be treated as unclaimed property under Title 67, Chapter 4a, Unclaimed Property Act.

(8) All money received upon the sale of property made under this section shall be paid into the county treasury, and the treasurer shall settle with the taxing entities as provided in Section 59-2-1366.

(9) (a) The county auditor shall, after acceptance by the county governing body, and in the name of the county, execute deeds conveying in fee simple all property sold at the public sale to the purchaser and attest this with the auditor's seal. Deeds issued by the county auditor under this section shall recite the following:

(i) the total amount of all the delinquent taxes, penalties, interest, and administrative costs which were paid in for the execution and delivery of the deed;

(ii) the year for which the property was assessed, the year the property became delinquent, and the year the property was subject to tax sale;

(iii) a full description of the property; and

(iv) the name of the grantee.

(b) When the deed is executed and delivered by the auditor, it shall be prima facie evidence of the regularity of all proceedings subsequent to the date the taxes initially became delinquent and of the conveyance of the property to the grantee in fee simple.

(c) The deed issued by the county auditor under this section shall be recorded by the county recorder.

(d) The fee for the recording shall be included in the administrative costs of the sale.

(e) The deed shall be substantially in the following form:

TAX DEED

____ County, a body corporate and politic of the state of Utah, grantor, hereby conveys to _____, grantee, of _____ the following described real estate in _____ County, Utah:

(Here describe the property conveyed)

This conveyance is made in consideration of payment by the grantee of \$____, representing the total amount owing for delinquent taxes, penalties, interest, and administrative costs constituting a charge against the real property for nonpayment of general taxes assessed against it for the years [19__] ____ through [19__] ____ in the sum of \$____.

Dated [this ____ day of ____, 19__] _____ (month\day\year).

(Auditor's Seal)

County _____

By _____

County Auditor

Section 32. Section **59-2-1351.3** is amended to read:

59-2-1351.3. No purchaser at tax sale -- Property struck off to county.

(1) Any property offered for sale for which there is no purchaser shall be struck off to the county by the county auditor, who shall then:

(a) publicly declare substantially as follows: "All property here offered for sale which has not been struck off to a private purchaser is hereby struck off and sold to the county of _____ (naming the county), and I hereby declare the fee simple title of the property to be vested in the county";

(b) make an endorsement opposite each of the entries in the delinquency tax sale record

described in Section 59-2-1338 substantially as follows: "The fee simple title to the property described in this entry in the year of [~~19~~] ____, sold and conveyed to the county of ____ in payment of general taxes charged against the property"; and

(c) sign the auditor's name to the record.

(2) The fee simple title to the property shall then vest in the county.

(3) After following the procedures in Subsection (1), the auditor shall deposit the tax sale record with the county recorder. The record shall become a part of the official records of the recorder and is considered to have been recorded by the recorder.

(4) The recorder shall make the necessary entries in the index, abstract record, and plat book showing the conveyance of all property sold and conveyed to the county pursuant to this section.