



28           ▶ amends the provisions for being "legally entitled to vote" by amending the time  
 29 period from "five business days" to ~~H~~→ [~~"five days"~~] the close of normal office hours on  
 29a Monday ←~~H~~ for a voter to present valid voter

30 identification to the county clerk after the election if the voter presented  
 31 unsatisfactory voter identification to a poll worker when voting;

32           ▶ amends the period for the board of municipal canvassers to meet after the election  
 33 to canvass the returns for a municipal primary election from between three and  
 34 seven days to between seven and 14 days after the election;

35           ▶ clarifies that a local district or school district must contract with, rather than  
 36 designate, the county clerk, municipal clerk, or both, to serve as the election officer  
 37 to administer a bond election for those portions of the local political subdivision in  
 38 which no other election, other than a voted leeway or bond election, is being held;

39           ▶ clarifies the definition of "legislative office candidate," "filing entity," and  
 40 "reporting entity"; and

41           ▶ makes technical amendments.

42 **Monies Appropriated in this Bill:**

43           None

44 **Other Special Clauses:**

45           None

46 **Utah Code Sections Affected:**

47 AMENDS:

48           **17B-1-306**, as last amended by Laws of Utah 2009, Chapters 23, 24, and 388

49           **20A-1-102**, as last amended by Laws of Utah 2009, Chapter 45

50           **20A-1-504**, as last amended by Laws of Utah 1996, Chapter 79

51           **20A-1-508**, as last amended by Laws of Utah 2006, Chapter 39

52           **20A-1-509.1**, as last amended by Laws of Utah 2009, Chapter 119

53           **20A-2-104**, as last amended by Laws of Utah 2009, Chapter 45

54           **20A-3-104**, as last amended by Laws of Utah 2009, Chapter 45

55           **20A-3-104.5**, as last amended by Laws of Utah 2009, Chapter 45

56           **20A-3-305**, as last amended by Laws of Utah 2006, Chapter 264

57           **20A-4-107**, as last amended by Laws of Utah 2009, Chapters 45 and 202

58           **20A-4-301**, as last amended by Laws of Utah 2008, Chapter 329

- 59            **20A-5-400.5**, as last amended by Laws of Utah 2008, Chapter 80
- 60            **20A-9-203**, as last amended by Laws of Utah 2009, Chapter 388
- 61            **20A-9-503**, as last amended by Laws of Utah 2009, Chapters 119 and 202
- 62            **20A-11-101**, as last amended by Laws of Utah 2009, Chapters 60 and 361

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

65            Section 1. Section **17B-1-306** is amended to read:

66            **17B-1-306. Local district board -- Election procedures.**

67            (1) Except as provided in Subsection (11), each elected board member shall be selected  
68 as provided in this section.

69            (2) (a) Each election of a local district board member shall be held:

70            (i) at the same time as the municipal general election; and

71            (ii) at polling places designated by the county clerk in consultation with the local  
72 district for each county in which the local district is located, which polling places shall coincide  
73 with municipal general election polling places whenever feasible.

74            (b) (i) Subject to Subsections (4)(f) and (g), the number of polling places under  
75 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one  
76 polling place per division of the district, designated by the district board.

77            (ii) Each polling place designated by an irrigation district board under Subsection  
78 (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection  
79 (2)(a)(ii).

80            (3) (a) The clerk of each local district with a board member position to be filled at the  
81 next municipal general election shall provide notice of:

82            (i) each elective position of the local district to be filled at the next municipal general  
83 election;

84            (ii) the constitutional and statutory qualifications for each position; and

85            (iii) the dates and times for filing a declaration of candidacy.

86            (b) The notice required under Subsection (3)(a) shall be:

87            (i) posted in at least five public places within the local district at least 10 days before  
88 the first day for filing a declaration of candidacy; or

89            (ii) (A) published in a newspaper of general circulation within the local district at least

90 three but no more than 10 days before the first day for filing a declaration of candidacy; and

91 (B) published, in accordance with Section 45-1-101, for 10 days before the first day for  
92 filing a declaration of candidacy.

93 (4) (a) To become a candidate for an elective local district board position, the  
94 prospective candidate shall file a declaration of candidacy in person with the local district,  
95 during office hours and not later than [~~5 p.m.~~] the close of normal office hours between July 1  
96 and July 15 of any odd-numbered year.

97 (b) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended  
98 until [~~5 p.m.~~] the close of normal office hours on the following regular business day.

99 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing  
100 officer shall:

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

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

105 (ii) If the prospective candidate does not meet the qualification requirements for the  
106 office, the filing officer may not accept the declaration of candidacy.

107 (iii) If it appears that the prospective candidate meets the requirements of candidacy,  
108 the filing officer shall accept the declaration of candidacy.

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

110 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
111 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, State of Utah,  
112 (Zip Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications  
113 for the office of board of trustees member for \_\_\_\_\_ (state the name of  
114 the local district); that I am a candidate for that office to be voted upon at the next election, and  
115 I hereby request that my name be printed upon the official ballot for that election.

116 (Signed) \_\_\_\_\_

117 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day  
118 of \_\_\_\_\_, \_\_\_\_\_.

119 (Signed) \_\_\_\_\_

120 (Clerk or Notary Public)"

121 (e) Each person wishing to become a valid write-in candidate for an elective local  
122 district board position is governed by Section 20A-9-601.

123 (f) If at least one person does not file a declaration of candidacy as required by this  
124 section, a person shall be appointed to fill that board position by following the procedures and  
125 requirements for appointment established in Section 20A-1-512.

126 (g) If only one candidate files a declaration of candidacy and there is no write-in  
127 candidate who complies with Section 20A-9-601, the board need not hold an election for that  
128 position and may appoint the candidate to the board.

129 (5) (a) A primary election may be held if:

130 (i) the election is authorized by the local district board; and

131 (ii) the number of candidates for a particular local board position or office exceeds  
132 twice the number of persons needed to fill that position or office.

133 (b) The primary election shall be conducted:

134 (i) on the same date as the municipal primary election, as provided for in Section  
135 20A-1-201.5; and

136 (ii) according to the procedures for municipal primary elections provided under Title  
137 20A, Election Code.

138 (6) (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the  
139 candidate names to the clerk of each county in which the local district is located no later than  
140 August 20 of the municipal election year.

141 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the  
142 local district is located shall coordinate the placement of the name of each candidate for local  
143 district office in the nonpartisan section of the municipal general election ballot with the  
144 municipal election clerk.

145 (ii) If consolidation of the local district election ballot with the municipal general  
146 election ballot is not feasible, the county clerk shall provide for a separate local district election  
147 ballot to be administered by poll workers at polling locations designated under Subsection (2).

148 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board  
149 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

150 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall  
151 prescribe the form of the ballot for each board member election.

152 (B) Each ballot for an election of an irrigation district board member shall be in a  
153 nonpartisan format.

154 (7) (a) Each voter at an election for a board of trustees member of a local district shall:

155 (i) be a registered voter within the district, except for an election of:

156 (A) an irrigation district board of trustees member; or

157 (B) a basic local district board of trustees member who is elected by property owners;

158 and

159 (ii) meet the requirements to vote established by the district.

160 (b) Each voter may vote for as many candidates as there are offices to be filled.

161 (c) The candidates who receive the highest number of votes are elected.

162 (8) Except as otherwise provided by this section, the election of local district board  
163 members is governed by Title 20A, Election Code.

164 (9) (a) A person elected to serve on a local district board shall serve a four-year term,  
165 beginning at noon on the January 1 after the person's election.

166 (b) A person elected shall be sworn in as soon as practical after January 1.

167 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse  
168 the county or municipality holding an election under this section for the costs of the election  
169 attributable to that local district.

170 (b) Each irrigation district shall bear its own costs of each election it holds under this  
171 section.

172 (11) This section does not apply to an improvement district that provides electric or gas  
173 service.

174 (12) The provisions of Title 20A, Chapter 3, Part 6, Early Voting, do not apply to an  
175 election under this section.

176 Section 2. Section **20A-1-102** is amended to read:

177 **20A-1-102. Definitions.**

178 As used in this title:

179 (1) "Active voter" means a registered voter who has not been classified as an inactive  
180 voter by the county clerk.

181 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
182 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

183 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,  
184 upon which a voter records ~~his~~ the voter's votes ~~and~~.

185 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy  
186 envelopes.

187 (4) "Ballot sheet":

188 (a) means a ballot that:

189 (i) consists of paper or a card where the voter's votes are marked or recorded; and

190 (ii) can be counted using automatic tabulating equipment; and

191 (b) includes punch card ballots[;] and other ballots that are machine-countable.

192 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

193 (a) contain the names of offices and candidates and statements of ballot propositions to  
194 be voted on; and ~~which~~

195 (b) are used in conjunction with ballot sheets that do not display that information.

196 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
197 on the ballot for their approval or rejection including:

198 (a) an opinion question specifically authorized by the Legislature;

199 (b) a constitutional amendment;

200 (c) an initiative;

201 (d) a referendum;

202 (e) a bond proposition;

203 (f) a judicial retention question; or

204 (g) any other ballot question specifically authorized by the Legislature.

205 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and  
206 20A-4-306 to canvass election returns.

207 (8) "Bond election" means an election held for the purpose of approving or rejecting  
208 the proposed issuance of bonds by a government entity.

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

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

213 (11) "Canvass" means the review of election returns and the official declaration of

214 election results by the board of canvassers.

215 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
216 the canvass.

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

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

221 (15) "Counting judge" means a poll worker designated to count the ballots during  
222 election day.

223 (16) "Counting poll watcher" means a person selected as provided in Section  
224 20A-3-201 to witness the counting of ballots.

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

228 (18) "County executive" has the meaning as provided in Subsection 68-3-12(2).

229 (19) "County legislative body" has the meaning as provided in Subsection 68-3-12(2).

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

232 (21) "Date of the election" or "election day" or "day of the election":

233 (a) means the day that is specified in the calendar year as the day that the election  
234 occurs; and

235 (b) does not include:

236 (i) deadlines established for absentee voting; or

237 (ii) any early voting or early voting period as provided under Title 20A, Chapter 3, Part  
238 6, Early Voting.

239 [~~21~~] (22) "Election" means a regular general election, a municipal general election, a  
240 statewide special election, a local special election, a regular primary election, a municipal  
241 primary election, and a local district election.

242 [~~22~~] (23) "Election Assistance Commission" means the commission established by  
243 Public Law 107-252, the Help America Vote Act of 2002.

244 [~~23~~] (24) "Election cycle" means the period beginning on the first day persons are



245 eligible to file declarations of candidacy and ending when the canvass is completed.

246 [~~(24)~~] (25) "Election judge" means a poll worker that is assigned to:

247 (a) preside over other poll workers at a polling place;

248 (b) act as the presiding election judge; or

249 (c) serve as a canvassing judge, counting judge, or receiving judge.

250 [~~(25)~~] (26) "Election officer" means:

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

252 (b) the county clerk or clerks for all county ballots and for certain ballots and elections

253 as provided in Section 20A-5-400.5;

254 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as

255 provided in Section 20A-5-400.5;

256 (d) the local district clerk or chief executive officer for certain ballots and elections as

257 provided in Section 20A-5-400.5; and

258 (e) the business administrator or superintendent of a school district for certain ballots

259 or elections as provided in Section 20A-5-400.5.

260 [~~(26)~~] (27) "Election official" means any election officer, election judge, or poll

261 worker.

262 [~~(27)~~] (28) "Election results" means, for bond elections, the count of those votes cast

263 for and against the bond proposition plus any or all of the election returns that the board of

264 canvassers may request.

265 [~~(28)~~] (29) "Election returns" includes the pollbook, all affidavits of registration, the

266 military and overseas absentee voter registration and voting certificates, one of the tally sheets,

267 any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all

268 spoiled ballots, the ballot disposition form, and the total votes cast form.

269 [~~(29)~~] (30) "Electronic ballot" means a ballot that is recorded using a direct electronic

270 voting device or other voting device that records and stores ballot information by electronic

271 means.

272 [~~(30)~~] (31) (a) "Electronic voting device" means a voting device that uses electronic

273 ballots.

274 (b) "Electronic voting device" includes a direct recording electronic voting device.

275 [~~(31)~~] (32) "Inactive voter" means a registered voter who has;

276            (a) been sent the notice required by Section 20A-2-306; and [~~who has~~]  
277            (b) failed to respond to that notice.

278            [~~(32)~~] (33) "Inspecting poll watcher" means a person selected as provided in this title to  
279 witness the receipt and safe deposit of voted and counted ballots.

280            [~~(33)~~] (34) "Judicial office" means the office filled by any judicial officer.

281            [~~(34)~~] (35) "Judicial officer" means any justice or judge of a court of record or any  
282 county court judge.

283            [~~(35)~~] (36) "Local district" means a local government entity under Title 17B, Limited  
284 Purpose Local Government Entities - Local Districts, and includes a special service district  
285 under Title 17D, Chapter 1, Special Service District Act.

286            [~~(36)~~] (37) "Local district officers" means those local district officers that are required  
287 by law to be elected.

288            [~~(37)~~] (38) "Local election" means a regular municipal election, a local special  
289 election, a local district election, and a bond election.

290            [~~(38)~~] (39) "Local political subdivision" means a county, a municipality, a local  
291 district, or a local school district.

292            [~~(39)~~] (40) "Local special election" means a special election called by the governing  
293 body of a local political subdivision in which all registered voters of the local political  
294 subdivision may vote.

295            [~~(40)~~] (41) "Municipal executive" means:  
296            (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;  
297 [~~and~~] or  
298            (b) the mayor in the council-manager form of government defined in Subsection  
299 10-3b-103(6).

300            [~~(41)~~] (42) "Municipal general election" means the election held in municipalities and  
301 local districts on the first Tuesday after the first Monday in November of each odd-numbered  
302 year for the purposes established in Section 20A-1-202.

303            [~~(42)~~] (43) "Municipal legislative body" means the council of the city or town in any  
304 form of municipal government.

305            [~~(43)~~] (44) "Municipal officers" means those municipal officers that are required by  
306 law to be elected.

307            [~~(44)~~] (45) "Municipal primary election" means an election held to nominate  
308 candidates for municipal office.

309            [~~(45)~~] (46) "Official ballot" means the ballots distributed by the election officer to the  
310 poll workers to be given to voters to record their votes.

311            [~~(46)~~] (47) "Official endorsement" means:

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

313            (i) the ballot as an official ballot;

314            (ii) the date of the election; and

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

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

317            (i) the poll worker's initials; and

318            (ii) the ballot number.

319            [~~(47)~~] (48) "Official register" means the official record furnished to election officials  
320 by the election officer that contains the information required by Section 20A-5-401.

321            [~~(48)~~] (49) "Paper ballot" means a paper that contains:

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

324            (b) spaces for the voter to record [~~his~~] the voter's vote for each office and for or against  
325 each ballot proposition.

326            [~~(49)~~] (50) "Political party" means an organization of registered voters that has  
327 qualified to participate in an election by meeting the requirements of Title 20A, Chapter 8,  
328 Political Party Formation and Procedures.

329            [~~(50)~~] (51) (a) "Poll worker" means a person assigned by an election official to assist  
330 with an election, voting, or counting votes.

331            (b) "Poll worker" includes election judges.

332            (c) "Poll worker" does not include a watcher.

333            [~~(51)~~] (52) "Pollbook" means a record of the names of voters in the order that they  
334 appear to cast votes.

335            [~~(52)~~] (53) "Polling place" means the building where voting is conducted.

336            [~~(53)~~] (54) "Position" means a square, circle, rectangle, or other geometric shape on a  
337 ballot in which the voter marks [~~his~~] the voter's choice.

338 [~~(54)~~] (55) "Provisional ballot" means a ballot voted provisionally by a person:

339 (a) whose name is not listed on the official register at the polling place;

340 (b) whose legal right to vote is challenged as provided in this title; or

341 (c) whose identity was not sufficiently established by a poll worker.

342 [~~(55)~~] (56) "Provisional ballot envelope" means an envelope printed in the form  
343 required by Section 20A-6-105 that is used to identify provisional ballots and to provide  
344 information to verify a person's legal right to vote.

345 [~~(56)~~] (57) "Primary convention" means the political party conventions at which  
346 nominees for the regular primary election are selected.

347 [~~(57)~~] (58) "Protective counter" means a separate counter, which cannot be reset, that:

348 (a) is built into a voting machine; and

349 (b) records the total number of movements of the operating lever.

350 [~~(58)~~] (59) "Qualify" or "qualified" means to take the oath of office and begin  
351 performing the duties of the position for which the person was elected.

352 [~~(59)~~] (60) "Receiving judge" means the poll worker that checks the voter's name in the  
353 official register, provides the voter with a ballot, and removes the ballot stub from the ballot  
354 after the voter has voted.

355 [~~(60)~~] (61) "Registration form" means a book voter registration form and a by-mail  
356 voter registration form.

357 [~~(61)~~] (62) "Regular ballot" means a ballot that is not a provisional ballot.

358 [~~(62)~~] (63) "Regular general election" means the election held throughout the state on  
359 the first Tuesday after the first Monday in November of each even-numbered year for the  
360 purposes established in Section 20A-1-201.

361 [~~(63)~~] (64) "Regular primary election" means the election on the fourth Tuesday of  
362 June of each even-numbered year, ~~[at which]~~ to nominate candidates of political parties and  
363 nonpolitical groups ~~[are voted for nomination]~~ to advance to the regular general election.

364 [~~(64)~~] (65) "Resident" means a person who resides within a specific voting precinct in  
365 Utah.

366 [~~(65)~~] (66) "Sample ballot" means a mock ballot similar in form to the official ballot  
367 printed and distributed as provided in Section 20A-5-405.

368 [~~(66)~~] (67) "Scratch vote" means to mark or punch the straight party ticket and then

369 mark or punch the ballot for one or more candidates who are members of different political  
370 parties.

371 ~~[(67)]~~ (68) "Secrecy envelope" means the envelope given to a voter along with the  
372 ballot into which the voter places the ballot after ~~[he]~~ the voter has voted it in order to preserve  
373 the secrecy of the voter's vote.

374 ~~[(68)]~~ (69) "Special election" means an election held as authorized by Section  
375 20A-1-204.

376 ~~[(69)]~~ (70) "Spoiled ballot" means each ballot that:

377 (a) is spoiled by the voter;

378 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

379 (c) lacks the official endorsement.

380 ~~[(70)]~~ (71) "Statewide special election" means a special election called by the governor  
381 or the Legislature in which all registered voters in Utah may vote.

382 ~~[(71)]~~ (72) "Stub" means the detachable part of each ballot.

383 ~~[(72)]~~ (73) "Substitute ballots" means replacement ballots provided by an election  
384 officer to the poll workers when the official ballots are lost or stolen.

385 ~~[(73)]~~ (74) "Ticket" means each list of candidates for each political party or for each  
386 group of petitioners.

387 ~~[(74)]~~ (75) "Transfer case" means the sealed box used to transport voted ballots to the  
388 counting center.

389 ~~[(75)]~~ (76) "Vacancy" means the absence of a person to serve in any position created  
390 by statute, whether that absence occurs because of death, disability, disqualification,  
391 resignation, or other cause.

392 ~~[(76)]~~ (77) "Valid voter identification" means:

393 (a) a form of identification that bears the name and photograph of the voter which may  
394 include:

395 (i) a currently valid Utah driver license;

396 (ii) a currently valid identification card that is issued by:

397 (A) the state; or

398 (B) a branch, department, or agency of the United States;

399 (iii) a currently valid Utah permit to carry a concealed weapon; or

400 (iv) a currently valid United States passport; ~~[or]~~  
401 ~~[(v)]~~ (b) a valid tribal identification card, whether or not the card includes a photograph  
402 of the voter; or  
403 ~~[(b)]~~ (c) two forms of identification that bear the name of the voter and provide  
404 evidence that the voter resides in the voting precinct, which may include:  
405 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
406 election;  
407 (ii) a bank or other financial account statement, or a legible copy thereof;  
408 (iii) a certified birth certificate;  
409 (iv) a valid Social Security card;  
410 (v) a check issued by the state or the federal government or a legible copy thereof;  
411 (vi) a paycheck from the voter's employer, or a legible copy thereof;  
412 (vii) a currently valid Utah hunting or fishing license;  
413 (viii) a currently valid United States military identification card;  
414 (ix) certified naturalization documentation;  
415 (x) a currently valid license issued by an authorized agency of the United States;  
416 (xi) a certified copy of court records showing the voter's adoption or name change;  
417 (xii) a Bureau of Indian Affairs card;  
418 (xiii) a tribal treaty card;  
419 (xiv) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;  
420 (xv) a currently valid identification card issued by:  
421 (A) a local government within the state;  
422 (B) an employer for an employee; or  
423 (C) a college, university, technical school, or professional school located within the  
424 state;  
425 (xvi) a current Utah vehicle registration; or  
426 (xvii) a form of identification listed in Subsection ~~[(76)]~~ (77)(a) that does not contain a  
427 photograph, but establishes the name of the voter and provides evidence that the voter resides  
428 in the voting precinct, if at least one other form of identification listed in Subsection ~~[(76)(b)]~~  
429 (77)(c)(i) through ~~[(xv)]~~ (xvi) is also presented.  
430 ~~[(77)]~~ (78) "Valid write-in candidate" means a candidate who has qualified as a

431 write-in candidate by following the procedures and requirements of this title.

432 [~~(78)~~] (79) "Voter" means a person who:

433 (a) meets the requirements for voting in an election[;];

434 (b) meets the requirements of election registration[;];

435 (c) is registered to vote[;]; and

436 (d) is listed in the official register book.

437 [~~(79)~~] (80) "Voter registration deadline" means the registration deadline provided in  
438 Section 20A-2-102.5.

439 [~~(80)~~] (81) "Voting area" means the area within six feet of the voting booths, voting  
440 machines, and ballot box.

441 [~~(81)~~] (82) "Voting booth" means:

442 (a) the space or compartment within a polling place that is provided for the preparation  
443 of ballots, including the voting machine enclosure or curtain; or

444 (b) a voting device that is free standing.

445 [~~(82)~~] (83) "Voting device" means:

446 (a) an apparatus in which ballot sheets are used in connection with a punch device for  
447 piercing the ballots by the voter;

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

449 (c) an electronic voting device or other device used to make selections and cast a ballot  
450 electronically, or any component thereof;

451 (d) an automated voting system under Section 20A-5-302; or

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

454 [~~(83)~~] (84) "Voting machine" means a machine designed for the sole purpose of  
455 recording and tabulating votes cast by voters at an election.

456 [~~(84)~~] (85) "Voting poll watcher" means a person appointed as provided in this title to  
457 witness the distribution of ballots and the voting process.

458 [~~(85)~~] (86) "Voting precinct" means the smallest voting unit established as provided by  
459 law within which qualified voters vote at one polling place.

460 [~~(86)~~] (87) "Watcher" means a voting poll watcher, a counting poll watcher, an  
461 inspecting poll watcher, and a testing watcher.

462            [~~(87)~~] (88) "Western States Presidential Primary" means the election established in  
463 Title 20A, Chapter 9, Part 8.

464            [~~(88)~~] (89) "Write-in ballot" means a ballot containing any write-in votes.

465            [~~(89)~~] (90) "Write-in vote" means a vote cast for a person whose name is not printed on  
466 the ballot according to the procedures established in this title.

467            Section 3. Section **20A-1-504** is amended to read:

468            **20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer,**  
469 **state auditor, and lieutenant governor.**

470            (1) (a) When a vacancy occurs for any reason in the office of attorney general, state  
471 treasurer, or state auditor, it shall be filled for the unexpired term at the next regular general  
472 election.

473            (b) The governor shall fill the vacancy until the next regular general election by  
474 appointing a person who meets the qualifications for the office from three persons nominated  
475 by the state central committee of the same political party as the prior officeholder.

476            (2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the  
477 consent of the Senate, appoint a person to hold the office until the next regular general election  
478 at which the governor stands for election.

479            Section 4. Section **20A-1-508** is amended to read:

480            **20A-1-508. Midterm vacancies in county elected offices.**

481            (1) As used in this section:

482            (a) "County offices" includes the county executive, members of the county legislative  
483 body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county  
484 recorder, the county surveyor, and the county assessor.

485            (b) "County offices" does not mean the offices of president and vice president of the  
486 United States, United States senators and representatives, members of the Utah Legislature,  
487 state constitutional officers, county attorneys, district attorneys, and judges.

488            (2) (a) Until a replacement is selected as provided in this section and has qualified, the  
489 county legislative body shall appoint an interim replacement to fill the vacant office by  
490 following the procedures and requirements of this Subsection (2).

491            (b) (i) To appoint an interim replacement, the county legislative body shall give notice  
492 of the vacancy to the county central committee of the same political party of the prior office



493 holder and invite that committee to submit the names of three nominees to fill the vacancy.

494 (ii) That county central committee shall, within 30 days, submit the names of three  
495 nominees for the interim replacement to the county legislative body.

496 (iii) The county legislative body shall, within 45 days after the vacancy occurs, appoint  
497 one of those nominees to serve out the unexpired term.

498 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the  
499 vacancy within 45 days, the county clerk shall send to the governor a letter that:

500 (A) informs the governor that the county legislative body has failed to appoint a  
501 replacement within the statutory time period; and

502 (B) contains the list of nominees submitted by the party central committee.

503 (ii) The governor shall appoint an interim replacement from that list of nominees to fill  
504 the vacancy within 30 days after receipt of the letter.

505 (d) A person appointed as interim replacement under this Subsection (2) shall hold  
506 office until their successor is elected and has qualified.

507 (3) (a) The requirements of this Subsection (3) apply to all county offices that become  
508 vacant if:

509 (i) the vacant office has an unexpired term of two years or more; and

510 (ii) the vacancy occurs after the election at which the person was elected but before  
511 April 10 of the next even-numbered year.

512 (b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk  
513 shall notify the public and each registered political party that the vacancy exists.

514 (ii) All persons intending to become candidates for the vacant office shall:

515 (A) file a declaration of candidacy according to the procedures and requirements of  
516 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

517 (B) if nominated as a party candidate or qualified as an independent or write-in  
518 candidate under Chapter 8, Political Party Formation and Procedures, run in the regular general  
519 election.

520 (4) (a) The requirements of this Subsection (4) apply to all county offices that become  
521 vacant if:

522 (i) the vacant office has an unexpired term of two years or more; and

523 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 50

524 days before the regular primary election.

525 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk  
526 shall notify the public and each registered political party that:

527 (A) the vacancy exists; and

528 (B) identifies the date and time by which a person interested in becoming a candidate  
529 must file a declaration of candidacy.

530 (ii) All persons intending to become candidates for the vacant offices shall, within five  
531 days after the date that the notice is made, ending at ~~[5 p.m.]~~ the close of normal office hours  
532 on the fifth day, file a declaration of candidacy for the vacant office as required by Chapter 9,  
533 Part 2, Candidate Qualifications and Declarations of Candidacy.

534 (iii) The county central committee of each party shall:

535 (A) select a candidate or candidates from among those qualified candidates who have  
536 filed declarations of candidacy; and

537 (B) certify the name of the candidate or candidates to the county clerk at least 35 days  
538 before the regular primary election.

539 (5) (a) The requirements of this Subsection (5) apply to all county offices that become  
540 vacant:

541 (i) if the vacant office has an unexpired term of two years or more; and

542 (ii) when 50 days or less remain before the regular primary election but more than 50  
543 days remain before the regular general election.

544 (b) When the conditions established in Subsection (5)(a) are met, the county central  
545 committees of each political party registered under this title that wishes to submit a candidate  
546 for the office shall summarily certify the name of one candidate to the county clerk for  
547 placement on the regular general election ballot.

548 (6) (a) The requirements of this Subsection (6) apply to all county offices that become  
549 vacant:

550 (i) if the vacant office has an unexpired term of less than two years; or

551 (ii) if the vacant office has an unexpired term of two years or more but 50 days or less  
552 remain before the next regular general election.

553 (b) (i) When the conditions established in Subsection (6)(a) are met, the county  
554 legislative body shall give notice of the vacancy to the county central committee of the same

555 political party as the prior office holder and invite that committee to submit the names of three  
556 nominees to fill the vacancy.

557 (ii) That county central committee shall, within 30 days, submit the names of three  
558 nominees to fill the vacancy to the county legislative body.

559 (iii) The county legislative body shall, within 45 days after the vacancy occurs, appoint  
560 one of those nominees to serve out the unexpired term.

561 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy within  
562 45 days, the county clerk shall send to the governor a letter that:

563 (A) informs the governor that the county legislative body has failed to appoint a person  
564 to fill the vacancy within the statutory time period; and

565 (B) contains the list of nominees submitted by the party central committee.

566 (ii) The governor shall appoint a person to fill the vacancy from that list of nominees to  
567 fill the vacancy within 30 days after receipt of the letter.

568 (d) A person appointed to fill the vacancy under this Subsection (6) shall hold office  
569 until their successor is elected and has qualified.

570 (7) Except as otherwise provided by law, the county legislative body may appoint  
571 replacements to fill all vacancies that occur in those offices filled by appointment of the county  
572 legislative body.

573 (8) Nothing in this section prevents or prohibits independent candidates from filing a  
574 declaration of candidacy for the office within the same time limits.

575 (9) (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a  
576 county office shall serve for the remainder of the unexpired term of the person who created the  
577 vacancy and until a successor is elected and qualified.

578 (b) Nothing in this section may be construed to contradict or alter the provisions of  
579 Section 17-16-6.

580 Section 5. Section **20A-1-509.1** is amended to read:

581 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15**  
582 **or more attorneys.**

583 (1) When a vacancy occurs in the office of county or district attorney in a county or  
584 district having 15 or more attorneys who are licensed active members in good standing with the  
585 Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

586 (2) (a) The requirements of this Subsection (2) apply when the office of county  
587 attorney or district attorney becomes vacant and:

- 588 (i) the vacant office has an unexpired term of two years or more; and
- 589 (ii) the vacancy occurs before the third Friday in March of the even-numbered year.

590 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall  
591 notify the public and each registered political party that the vacancy exists.

592 (c) All persons intending to become candidates for the vacant office shall:

593 (i) file a declaration of candidacy according to the procedures and requirements of Title  
594 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

595 (ii) if nominated as a party candidate or qualified as an independent or write-in  
596 candidate under Title 20A, Chapter 9, Candidate Qualifications and Nominating Procedures,  
597 run in the regular general election; and

598 (iii) if elected, complete the unexpired term of the person who created the vacancy.

599 (d) If the vacancy occurs after the second Friday in March and before the third Friday  
600 in March, the time for filing a declaration of candidacy under Section 20A-9-202 shall be  
601 extended until seven days after the county clerk gives notice under Subsection (2)(b), but no  
602 later than the fourth Friday in March.

603 (3) (a) The requirements of this Subsection (3) apply when the office of county  
604 attorney or district attorney becomes vacant and:

- 605 (i) the vacant office has an unexpired term of two years or more; and
- 606 (ii) the vacancy occurs after the third Friday in March of the even-numbered year but  
607 more than 50 days before the regular primary election.

608 (b) When the conditions established in Subsection (3)(a) are met, the county clerk  
609 shall:

- 610 (i) notify the public and each registered political party that the vacancy exists; and
- 611 (ii) identify the date and time by which a person interested in becoming a candidate  
612 must file a declaration of candidacy.

613 (c) All persons intending to become candidates for the vacant office shall:

614 (i) within five days after the date that the notice is made, ending at [~~5 p.m.~~] at the close  
615 of normal office hours on the fifth day, file a declaration of candidacy for the vacant office as  
616 required by Title 20A, Chapter 9, Part 2, Candidate Qualifications and Nominating Procedures;

617 and

618 (ii) if elected, complete the unexpired term of the person who created the vacancy.

619 (d) The county central committee of each party shall:

620 (i) select a candidate or candidates from among those qualified candidates who have  
621 filed declarations of candidacy; and

622 (ii) certify the name of the candidate or candidates to the county clerk at least 35 days  
623 before the regular primary election.

624 (4) (a) The requirements of this Subsection (4) apply when the office of county  
625 attorney or district attorney becomes vacant and:

626 (i) the vacant office has an unexpired term of two years or more; and

627 (ii) 50 days or less remain before the regular primary election but more than 50 days  
628 remain before the regular general election.

629 (b) When the conditions established in Subsection (4)(a) are met, the county central  
630 committees of each registered political party that wish to submit a candidate for the office shall  
631 summarily certify the name of one candidate to the county clerk for placement on the regular  
632 general election ballot.

633 (c) The candidate elected shall complete the unexpired term of the person who created  
634 the vacancy.

635 (5) (a) The requirements of this Subsection (5) apply when the office of county  
636 attorney or district attorney becomes vacant and:

637 (i) the vacant office has an unexpired term of less than two years; or

638 (ii) the vacant office has an unexpired term of two years or more but 50 days or less  
639 remain before the next regular general election.

640 (b) When the conditions established in Subsection (5)(a) are met, the county legislative  
641 body shall give notice of the vacancy to the county central committee of the same political  
642 party of the prior officeholder and invite that committee to submit the names of three nominees  
643 to fill the vacancy.

644 (c) That county central committee shall, within 30 days of receiving notice from the  
645 county legislative body, submit to the county legislative body the names of three nominees to  
646 fill the vacancy.

647 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint

648 one of those nominees to serve out the unexpired term.

649 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45  
650 days, the county clerk shall send to the governor a letter that:

651 (i) informs the governor that the county legislative body has failed to appoint a person  
652 to fill the vacancy within the statutory time period; and

653 (ii) contains the list of nominees submitted by the party central committee.

654 (f) The governor shall appoint a person to fill the vacancy from that list of nominees  
655 within 30 days after receipt of the letter.

656 (g) A person appointed to fill the vacancy under Subsection (5) shall complete the  
657 unexpired term of the person who created the vacancy.

658 (6) Nothing in this section prevents or prohibits independent candidates from filing a  
659 declaration of candidacy for the office within the required time limits.

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

661 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

664 -----

665 UTAH ELECTION REGISTRATION FORM

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

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

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

669 Name of Voter

670 \_\_\_\_\_

671 First Middle Last

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

673 [~~State of issuance of Driver License or Identification Card~~]

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

675 Street Address of Principal Place of Residence

676 \_\_\_\_\_

677 City County State Zip Code

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

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

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

681 known)\_\_\_\_\_

682 \_\_\_\_\_

683 City County State Zip Code

684 Political Party

685 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by  
686 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

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

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

693 Signed and sworn

694 \_\_\_\_\_

695 Voter's Signature

696 \_\_\_\_\_(month/day/year).

697 CITIZENSHIP AFFIDAVIT

698 Name:

699 Name at birth, if different:

700 Place of birth:

701 Date of birth:

702 Date and place of naturalization (if applicable):

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

706 \_\_\_\_\_

707 Signature of Applicant

708 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or  
709 allowing yourself to be registered to vote if you know you are not entitled to register to vote is

710 up to one year in jail and a fine of up to \$2,500.

711 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID  
712 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST  
713 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND  
714 PHOTOGRAPH; OR  
715 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND  
716 CURRENT ADDRESS.

717 FOR OFFICIAL USE ONLY

718 Type of I.D. \_\_\_\_\_

719 Voting Precinct \_\_\_\_\_

720 Voting I.D. Number \_\_\_\_\_

721 -----

722 (2) ~~[The]~~ (a) Except as provided under Subsection (2)(b), the county clerk shall retain  
723 a copy of each voter registration form in a permanent countywide alphabetical file, which may  
724 be electronic or some other recognized system.

725 (b) The county clerk may transfer a superceded voter registration form to the Division  
726 of Archives and Records Service created under Section 63A-12-101.

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

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

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

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

734 (4) When political parties not listed on the voter registration form qualify as registered  
735 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the  
736 lieutenant governor shall inform the county clerks about the name of the new political party  
737 and direct the county clerks to ensure that the voter registration form is modified to include that  
738 political party.

739 (5) Upon receipt of a voter registration form from an applicant, the county clerk or the  
740 clerk's designee shall:



- 741 (a) review each voter registration form for completeness and accuracy; and  
 742 (b) if the county clerk believes, based upon a review of the form, that a person may be  
 743 seeking to register to vote who is not legally entitled to register to vote, refer the form to the  
 744 county attorney for investigation and possible prosecution.

745 Section 7. Section **20A-3-104** is amended to read:

746 **20A-3-104. Manner of voting.**

- 747 (1) (a) Any registered voter desiring to vote shall give [~~his~~] the voter's name, and, if  
 748 requested, [~~his~~] the voter's residence, to one of the poll workers.
- 749 (b) The voter shall present valid voter identification to one of the poll workers.
- 750 (c) If the poll worker is not satisfied that the voter has presented valid voter  
 751 identification, the poll worker shall:
- 752 (i) indicate on the official register that the voter was not properly identified;  
 753 (ii) issue the voter a provisional ballot;  
 754 (iii) notify the voter that the voter will have ~~H~~→ **[five days] until the close of normal office**  
 754a **hours on Monday** ←~~H~~ after the day of the election to  
 755 present valid voter identification;
- 756 (A) to the county clerk at the county clerk's office; [~~and~~] or  
 757 (B) to an election officer who is administering the election; and
- 758 (iv) follow the procedures and requirements of Section 20A-3-105.5.
- 759 (d) If the person's right to vote is challenged as provided in Section 20A-3-202, the poll  
 760 worker shall follow the procedures and requirements of Section 20A-3-105.5.
- 761 (2) (a) The poll worker in charge of the official register shall check the official register  
 762 to determine whether or not [~~the voter~~] a person is registered to vote.
- 763 (b) If the voter's name is not found on the official register, the poll worker shall follow  
 764 the procedures and requirements of Section 20A-3-105.5.
- 765 (3) If the poll worker determines that the voter is registered and:
- 766 (a) if the ballot is a paper ballot or a ballot sheet:
- 767 (i) the poll worker in charge of the official register shall:
- 768 (A) write the ballot number opposite the name of the voter in the official register; and  
 769 (B) direct the voter to sign [~~his~~] the voter's name in the election column in the official  
 770 register;
- 771 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;

772 and

773 (iii) the poll worker having charge of the ballots shall:

774 (A) endorse [~~his~~] the poll worker's initials on the stub;

775 (B) check the name of the voter on the pollbook list with the number of the stub;

776 (C) hand the voter a ballot; and

777 (D) allow the voter to enter the voting booth; or

778 (b) if the ballot is an electronic ballot:

779 (i) the poll worker in charge of the official register shall direct the voter to sign the

780 voter's name in the official register;

781 (ii) another poll worker shall list the voter's name in the pollbook; and

782 (iii) the poll worker having charge of the ballots shall:

783 (A) provide the voter access to the electronic ballot; and

784 (B) allow the voter to vote the electronic ballot.

785 (4) Whenever the election officer is required to furnish more than one kind of official

786 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered

787 voter the kind of ballot that the voter is qualified to vote.

788 Section 8. Section **20A-3-104.5** is amended to read:

789 **20A-3-104.5. Voting -- Regular primary election and Western States Presidential**

790 **Primary.**

791 (1) (a) Any registered voter desiring to vote at the regular primary election or Utah's

792 Western States Presidential Primary shall give [~~his~~] the voter's name, the name of the registered

793 political party whose ballot the voter wishes to vote, and, if requested, [~~his~~] the voter's

794 residence, to one of the poll workers.

795 (b) The voter shall present valid voter identification to one of the poll workers.

796 (c) (i) The poll worker shall follow the procedures and requirements of Section

797 20A-3-105.5 if:

798 (A) the poll worker is not satisfied that the voter presented valid voter identification; or

799 (B) the voter's right to vote is challenged under Section 20A-3-202.

800 (ii) The poll worker shall notify a voter casting a provisional ballot under Section

801 20A-3-105.5 because of failure to present valid voter identification that the voter has ~~H~~→ **[five days]**

801a **until the close of normal office hours on Monday** ←~~H~~

802 after the day of the election to;

803 (A) present valid voter identification to the county clerk at the county clerk's office[-];

804 or

805 (B) an election officer who is administering the election.

806 (2) (a) (i) If the voter is properly identified, the poll worker in charge of the official  
807 register shall check the official register to determine:

808 (A) whether or not the [~~voter~~] person is registered to vote; and

809 (B) whether or not the voter's party affiliation designation in the official register allows  
810 the voter to vote the ballot that the voter requested.

811 (ii) If the official register does not affirmatively identify the voter as being affiliated  
812 with a registered political party or if the official register identifies the voter as being  
813 "unaffiliated," the voter shall be considered to be "unaffiliated."

814 (b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on  
815 the official register, the poll worker shall follow the procedures and requirements of Section  
816 20A-3-105.5.

817 (ii) (A) If it is not unduly disruptive of the election process, the poll worker shall  
818 attempt to contact the county clerk's office to request oral verification of the voter's registration.

819 (B) If oral verification is received from the county clerk's office, the poll worker shall:

820 (I) record the verification on the official register;

821 (II) determine the voter's party affiliation and the ballot that the voter is qualified to  
822 vote; and

823 (III) perform the other administrative steps required by Subsection (3).

824 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party  
825 affiliation listed in the official register does not allow the voter to vote the ballot that the voter  
826 requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot  
827 or ballots that the voter's party affiliation does allow the voter to vote.

828 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official  
829 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a  
830 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the  
831 ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote  
832 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or  
833 remain "unaffiliated."

834 (B) If the voter wishes to vote another registered political party ballot that the  
835 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection  
836 (3).

837 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot  
838 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the  
839 voter may not vote.

840 (iii) For the primary elections held in 2004, 2006, and 2008 only:

841 (A) If the voter is listed in the official register as "unaffiliated," or if the official  
842 register does not affirmatively identify the voter as either "unaffiliated" or "affiliated" with a  
843 registered political party, the poll worker shall ask the voter if the voter wishes to affiliate with  
844 a registered political party, or remain "unaffiliated."

845 (B) If the voter wishes to affiliate with the registered political party whose ballot the  
846 voter requested, the poll worker shall direct the voter to complete the change of party affiliation  
847 form and proceed as required by Subsection (3).

848 (C) If the voter wishes to remain unaffiliated and wishes to vote another registered  
849 political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall  
850 proceed as required by Subsection (3).

851 (D) If the voter wishes to remain unaffiliated and does not wish to vote another ballot  
852 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the  
853 voter may not vote.

854 (3) If the poll worker determines that the voter is registered and eligible, under  
855 Subsection (2), to vote the ballot that the voter requested and:

856 (a) if the ballot is a paper ballot or a ballot sheet:

857 (i) the poll worker in charge of the official register shall:

858 (A) write the ballot number and the name of the registered political party whose ballot  
859 the voter voted opposite the name of the voter in the official register; and

860 (B) direct the voter to sign ~~his~~ the voter's name in the election column in the official  
861 register;

862 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;  
863 and

864 (iii) the poll worker having charge of the ballots shall:

- 865 (A) endorse [his] the voter's initials on the stub;
- 866 (B) check the name of the voter on the pollbook list with the number of the stub;
- 867 (C) hand the voter the ballot for the registered political party that the voter requested
- 868 and for which the voter is authorized to vote; and
- 869 (D) allow the voter to enter the voting booth; or
- 870 (b) if the ballot is an electronic ballot:
- 871 (i) the poll worker in charge of the official register shall direct the voter to sign [his]
- 872 the voter's name in the official register;
- 873 (ii) another poll worker shall list the voter's name in the pollbook; and
- 874 (iii) the poll worker having charge of the ballots shall:
- 875 (A) provide the voter access to the electronic ballot for the registered political party
- 876 that the voter requested and for which the voter is authorized to vote; and
- 877 (B) allow the voter to vote the electronic ballot.
- 878 (4) Whenever the election officer is required to furnish more than one kind of official
- 879 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
- 880 voter the kind of ballot that the voter is qualified to vote.

881 Section 9. Section **20A-3-305** is amended to read:

882 **20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope --**  
883 **Affidavit.**

- 884 (1) Upon timely receipt of an absentee voter application properly filled out and signed,
- 885 or as soon after receipt of the application as the official absentee ballots for the voting precinct
- 886 in which the applicant resides have been printed, the election officer shall either:
- 887 (a) give the applicant an official absentee ballot and envelope to vote in the office; or
- 888 (b) mail an official absentee ballot, postage paid, to the absentee voter and enclose an
- 889 envelope printed as required in Subsection (2).
- 890 (2) The election officer shall ensure that:
- 891 (a) the name, official title, and post office address of the election officer is printed on
- 892 the front of the envelope; and
- 893 (b) a printed affidavit in substantially the following form is printed on the back of the
- 894 envelope:
- 895 "County of \_\_\_\_\_ State of \_\_\_\_\_

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

899 \_\_\_\_\_  
900 Signature of Absentee Voter"

901 (3) If the election officer determines that the absentee voter is required to show valid  
902 voter identification [~~as indicated in the official register~~], the election officer shall:

903 (a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;

904 (b) instruct the voter to include a copy of the voter's valid voter identification with the  
905 return ballot;

906 (c) provide the voter clear instructions on how to vote a provisional ballot; and

907 (d) comply with the requirements of Subsection (2).

908 Section 10. Section **20A-4-107** is amended to read:

909 **20A-4-107. Review and disposition of provisional ballot envelopes.**

910 (1) As used in this section, a voter is "legally entitled to vote" if:

911 (a) the voter:

912 (i) is registered to vote in the state;

913 (ii) resides within the voting precinct where the voter seeks to vote; and

914 (iii) provided valid voter identification to the poll worker as indicated by a notation in  
915 the official register;

916 (b) the voter:

917 (i) is registered to vote in the state;

918 (ii) (A) provided valid voter identification to the poll worker as indicated by a notation  
919 in the official register; or

920 (B) either failed to provide valid voter identification or the documents provided as  
921 valid voter identification were inadequate and the poll worker recorded that fact in the official  
922 register but the county clerk verifies the voter's identity and residence through some other  
923 means; and

924 (iii) did not vote in the voter's precinct of residence, but the ballot that the voter voted  
925 is identical to the ballot voted in the voter's precinct of residence; or

926 (c) the voter:

927 (i) is registered to vote in the state;

928 (ii) either failed to provide valid voter identification or the documents provided as  
929 valid voter identification were inadequate and the poll worker recorded that fact in the official  
930 register; and

931 (iii) (A) the county clerk verifies the voter's identity and residence through some other  
932 means as reliable as photo identification; or

933 (B) the voter provides valid voter identification to the county clerk [~~within five~~  
934 ~~business~~] or an election officer who is administering the election ~~H~~→ [within five days] by the  
934a close of normal office hours on Monday ←~~H~~ after the date  
935 of the election.

936 (2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review  
937 the affirmation on the face of each provisional ballot envelope and determine if the person  
938 signing the affirmation is a registered voter and legally entitled to vote the ballot that the voter  
939 voted.

940 (b) If the election officer determines that the person is not a registered voter or is not  
941 legally entitled to vote the ballot that the voter voted, the election officer shall retain the ballot  
942 envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to  
943 produce or count it.

944 (c) If the election officer determines that the person is a registered voter and is legally  
945 entitled to vote the ballot that the voter voted, the election officer shall remove the ballot from  
946 the provisional ballot envelope and place the ballot with the absentee ballots to be counted with  
947 those ballots at the canvass.

948 (d) The election officer may not count, or allow to be counted a provisional ballot  
949 unless the voter's identity and residence is established by a preponderance of the evidence.

950 (3) If the election officer determines that the person is a registered voter, the election  
951 officer shall ensure that the voter registration records are updated to reflect the information  
952 provided on the provisional ballot envelope.

953 (4) If the election officer determines that the person is not a registered voter and the  
954 information on the provisional ballot envelope is complete, the election officer shall:

955 (a) consider the provisional ballot envelope a voter registration form; and

956 (b) register the voter.

957 Section 11. Section **20A-4-301** is amended to read:

958 **20A-4-301. Board of canvassers.**

959 (1) (a) Each county legislative body is the board of county canvassers for:

960 (i) the county; and

961 (ii) each local district whose election is conducted by the county.

962 (b) The board of county canvassers shall meet to canvass the returns at the usual place  
963 of meeting of the county legislative body, at a date and time determined by the county clerk  
964 that is no sooner than seven days after the election and no later than 14 days after the election.

965 (c) If one or more of the county legislative body fails to attend the meeting of the board  
966 of county canvassers, the remaining members shall replace the absent member by appointing in  
967 the order named:

968 (i) the county treasurer;

969 (ii) the county assessor; or

970 (iii) the county sheriff.

971 (d) Attendance of the number of persons equal to a simple majority of the county  
972 legislative body, but not less than three persons, shall constitute a quorum for conducting the  
973 canvass.

974 (e) The county clerk is the clerk of the board of county canvassers.

975 (2) (a) The mayor and the municipal legislative body are the board of municipal  
976 canvassers for the municipality.

977 (b) The board of municipal canvassers shall meet to canvass the returns at the usual  
978 place of meeting of the municipal legislative body:

979 (i) for canvassing of returns from a municipal general election, no sooner than seven  
980 days after the election and no later than 14 days after the election; or

981 (ii) for canvassing of returns from a municipal primary election, no sooner than [~~three~~]  
982 seven days after the election and no later than [~~seven~~] 14 days after the election.

983 (c) Attendance of a simple majority of the municipal legislative body shall constitute a  
984 quorum for conducting the canvass.

985 (3) (a) The legislative body of the entity authorizing a bond election is the board of  
986 canvassers for each bond election.

987 (b) The board of canvassers for the bond election shall comply with the canvassing  
988 procedures and requirements of Section 11-14-207.



989 (c) Attendance of a simple majority of the legislative body of the entity authorizing a  
990 bond election shall constitute a quorum for conducting the canvass.

991 Section 12. Section **20A-5-400.5** is amended to read:

992 **20A-5-400.5. Election officer for bond and leeway elections -- Billing.**

993 (1) When a voted leeway or bond election is held on the regular general election date  
994 or regular primary election date, the county clerk shall serve as the election officer to conduct  
995 and administer that election.

996 (2) (a) When a voted leeway or bond election is held on the municipal general election  
997 date or any other election date permitted for special elections under Section 20A-1-204, and the  
998 local political subdivision calling the election is entirely within the boundaries of the  
999 unincorporated county, the county clerk shall serve as the election officer to conduct and  
1000 administer that election subject to Subsection (3).

1001 (b) When a voted leeway or bond election is held on the municipal general election  
1002 date or any other election date permitted for special elections under Section 20A-1-204, and the  
1003 local political subdivision calling the election is entirely within the boundaries of a  
1004 municipality, the municipal clerk for that municipality shall, except as provided in Subsection  
1005 (3), serve as the election officer to conduct and administer that election.

1006 (c) When a voted leeway or bond election is held on the municipal general election  
1007 date or any other election date permitted for special elections under Section 20A-1-204, and the  
1008 local political subdivision calling the election extends beyond the boundaries of a single  
1009 municipality:

1010 (i) except as provided in Subsection (3), the municipal clerk shall serve as the election  
1011 officer to conduct and administer the election for those portions of the local political  
1012 subdivision where the municipal general election or other election is being held; and

1013 (ii) except as provided in Subsection (3), the county clerk shall serve as the election  
1014 officer to conduct and administer the election for the unincorporated county and for those  
1015 portions of any municipality where no municipal general election or other election is being  
1016 held.

1017 (3) When a voted leeway or bond election is held on a date when no other election,  
1018 other than another voted leeway or bond election, is being held in the entire area comprising  
1019 the [~~municipality~~] local political subdivision calling the voted leeway or bond election:

1020 (a) the clerk or chief executive officer of a local district or the business administrator or  
1021 superintendent of the school district, as applicable, shall serve as the election officer to conduct  
1022 and administer the bond election for those portions of the [~~municipality~~] local political  
1023 subdivision in which no other election, other than another voted leeway or bond election, is  
1024 being held, unless the local district or school district has [~~designated~~] contracted with the  
1025 county clerk, municipal clerk, or both, to serve as the election officer; and

1026 (b) the county clerk, municipal clerk, or both, as determined by the [~~municipality~~] local  
1027 political subdivision holding the bond election, shall serve as the election officer to conduct  
1028 and administer the bond election for those portions of the [~~municipality~~] local political  
1029 subdivision in which another election, other than another voted leeway or bond election is  
1030 being held.

1031 (4) (a) In conducting elections under this section:

1032 (i) the local political subdivision shall provide and pay for election notices; and

1033 (ii) the election officer shall determine polling locations and compile, prepare, and  
1034 count the ballots.

1035 (b) The county clerk, the municipal clerk, or both shall:

1036 (i) establish fees for conducting voted leeway and bond elections for local political  
1037 subdivisions; and

1038 (ii) bill each local political subdivision for the cost of conducting the voted leeway or  
1039 bond election.

1040 (c) (i) The fees and charges assessed by a county clerk or a municipal clerk under this  
1041 section may not exceed the actual costs incurred by the county clerk or the municipal clerk.

1042 (ii) The actual costs shall include:

1043 (A) costs of or rental fees associated with the use of election equipment and supplies;  
1044 and

1045 (B) reasonable and necessary administrative costs.

1046 (5) An election officer administering and conducting a voted leeway or bond election is  
1047 authorized to appoint or employ agents and professional services to assist in conducting and  
1048 administering the voted leeway or bond election.

1049 (6) The election officer in a voted leeway or bond election shall conduct its procedures  
1050 under the direction of the local political subdivision calling the voted leeway or bond election.

1051 Section 13. Section **20A-9-203** is amended to read:

1052 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

1053 (1) (a) (i) A person may become a candidate for any municipal office if:

1054 (A) the person is a registered voter; and

1055 (B) (I) the person has resided within the municipality in which that person seeks to  
1056 hold elective office for the 12 consecutive months immediately before the date of the election;

1057 or

1058 (II) if the territory in which the person resides was annexed into the municipality, the  
1059 person has resided within the annexed territory or the municipality the 12 consecutive months  
1060 immediately before the date of the election.

1061 (ii) For purposes of determining whether a person meets the residency requirement of  
1062 Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before  
1063 the election, the municipality shall be considered to have been incorporated 12 months before  
1064 the date of the election.

1065 (b) In addition to the requirements of Subsection (1)(a), each candidate for a municipal  
1066 council position shall, if elected from a district, be a resident of the council district from which  
1067 elected.

1068 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally  
1069 incompetent person, any person convicted of a felony, or any person convicted of treason or a  
1070 crime against the elective franchise may not hold office in this state until the right to hold  
1071 elective office is restored under Section 20A-2-101.5.

1072 (2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to  
1073 become a candidate for a municipal office shall:

1074 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during  
1075 office hours and not later than ~~[5 p.m.]~~ the close of normal office hours, between July 1 and  
1076 July 15 of any odd numbered year; and

1077 (ii) pay the filing fee, if one is required by municipal ordinance.

1078 (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of  
1079 persons registered to vote in the municipality on the January 1 of the municipal election year.

1080 (ii) A third, fourth, or fifth class city that used the convention system to nominate  
1081 candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the

1082 process contained in this Subsection (2)(b) in the last municipal election or a town that used the  
1083 convention system to nominate candidates in the last municipal election as authorized by  
1084 Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last  
1085 municipal election may, by ordinance, require, in lieu of the convention system, that candidates  
1086 for municipal office file a nominating petition signed by a percentage of registered voters at the  
1087 same time that the candidate files a declaration of candidacy.

1088 (iii) The ordinance shall specify the number of signatures that the candidate must  
1089 obtain on the nominating petition in order to become a candidate for municipal office under  
1090 this Subsection (2), but that number may not exceed 5% of registered voters.

1091 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

1092 (i) filing a nomination petition with the city recorder or town clerk during office hours,  
1093 but not later than ~~[5 p.m.]~~ the close of normal office hours, between July 1 and July 15 of any  
1094 odd-numbered year; and

1095 (ii) paying the filing fee, if one is required by municipal ordinance.

1096 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination  
1097 petition, the filing officer shall:

1098 (i) read to the prospective candidate or person filing the petition the constitutional and  
1099 statutory qualification requirements for the office that the candidate is seeking; and

1100 (ii) require the candidate or person filing the petition to state whether or not the  
1101 candidate meets those requirements.

1102 (b) If the prospective candidate does not meet the qualification requirements for the  
1103 office, the filing officer may not accept the declaration of candidacy or nomination petition.

1104 (c) If it appears that the prospective candidate meets the requirements of candidacy, the  
1105 filing officer shall:

1106 (i) inform the candidate that the candidate's name will appear on the ballot as it is  
1107 written on the declaration of candidacy;

1108 (ii) provide the candidate with a copy of the current campaign financial disclosure laws  
1109 for the office the candidate is seeking and inform the candidate that failure to comply will  
1110 result in disqualification as a candidate and removal of the candidate's name from the ballot;

1111 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
1112 Electronic Voter Information Website Program and inform the candidate of the submission

1113 deadline under Subsection 20A-7-801(4)(a);

1114 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
1115 described under Section 20A-9-206 and inform the candidate that:

1116 (A) signing the pledge is voluntary; and

1117 (B) signed pledges shall be filed with the filing officer; and

1118 (v) accept the declaration of candidacy or nomination petition.

1119 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
1120 officer shall:

1121 (i) accept the candidate's pledge; and

1122 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
1123 candidate's pledge to the chair of the county or state political party of which the candidate is a  
1124 member.

1125 (4) The declaration of candidacy shall substantially comply with the following form:

1126 "I, (print name) \_\_\_\_\_, being first sworn, say that I reside at \_\_\_\_\_ Street, City of \_\_\_\_\_,  
1127 County of \_\_\_\_\_, state of Utah, Zip Code \_\_\_\_\_, Telephone Number (if any) \_\_\_\_\_; that I am a  
1128 registered voter; and that I am a candidate for the office of \_\_\_\_\_ (stating the term). I will meet  
1129 the legal qualifications required of candidates for this office. I will file all campaign financial  
1130 disclosure reports as required by law and I understand that failure to do so will result in my  
1131 disqualification as a candidate for this office and removal of my name from the ballot. I  
1132 request that my name be printed upon the applicable official ballots. (Signed)

1133 \_\_\_\_\_

1134 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this  
1135 \_\_\_\_\_(month\day\year).

1136 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)"

1137 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that  
1138 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not  
1139 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated  
1140 for municipal office by submitting a petition signed by:

1141 (i) 25 residents of the municipality who are at least 18 years old; or

1142 (ii) 20% of the residents of the municipality who are at least 18 years old.

1143 (b) (i) The petition shall substantially conform to the following form:

1144 "NOMINATION PETITION

1145 The undersigned residents of (name of municipality) being 18 years old or older  
1146 nominate (name of nominee) to the office of \_\_\_\_ for the (two or four-year term, whichever is  
1147 applicable)."

1148 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
1149 persons signing the petition and their addresses and telephone numbers.

1150 (6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized  
1151 by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection  
1152 (2)(b), any registered voter may be nominated for municipal office by submitting a petition  
1153 signed by the same percentage of registered voters in the municipality as required by the  
1154 ordinance passed under authority of Subsection (2)(b).

1155 (b) (i) The petition shall substantially conform to the following form:

1156 "NOMINATION PETITION

1157 The undersigned residents of (name of municipality) being 18 years old or older  
1158 nominate (name of nominee) to the office of (name of office) for the (two or four-year term,  
1159 whichever is applicable)."

1160 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
1161 persons signing the petition and their addresses and telephone numbers.

1162 (7) If the declaration of candidacy or nomination petition fails to state whether the  
1163 nomination is for the two or four-year term, the clerk shall consider the nomination to be for  
1164 the four-year term.

1165 (8) (a) The clerk shall verify with the county clerk that all candidates are registered  
1166 voters.

1167 (b) Any candidate who is not registered to vote is disqualified and the clerk may not  
1168 print the candidate's name on the ballot.

1169 (9) Immediately after expiration of the period for filing a declaration of candidacy, the  
1170 clerk shall:

1171 (a) cause the names of the candidates as they will appear on the ballot to be published:

1172 (i) in at least two successive publications of a newspaper with general circulation in the  
1173 municipality; and

1174 (ii) as required in Section 45-1-101; and

1175 (b) notify the lieutenant governor of the names of the candidates as they will appear on  
1176 the ballot.

1177 (10) A declaration of candidacy or nomination petition filed under this section may not  
1178 be amended after the expiration of the period for filing a declaration of candidacy.

1179 (11) (a) A declaration of candidacy or nomination petition filed under this section is  
1180 valid unless a written objection is filed with the clerk within five days after the last day for  
1181 filing.

1182 (b) If an objection is made, the clerk shall:

1183 (i) mail or personally deliver notice of the objection to the affected candidate  
1184 immediately; and

1185 (ii) decide any objection within 48 hours after it is filed.

1186 (c) If the clerk sustains the objection, the candidate may correct the problem by  
1187 amending the declaration or petition within three days after the objection is sustained or by  
1188 filing a new declaration within three days after the objection is sustained.

1189 (d) (i) The clerk's decision upon objections to form is final.

1190 (ii) The clerk's decision upon substantive matters is reviewable by a district court if  
1191 prompt application is made to the district court.

1192 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
1193 of its discretion, agrees to review the lower court decision.

1194 (12) Any person who filed a declaration of candidacy and was nominated, and any  
1195 person who was nominated by a nomination petition, may, any time up to 23 days before the  
1196 election, withdraw the nomination by filing a written affidavit with the clerk.

1197 Section 14. Section **20A-9-503** is amended to read:

1198 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

1199 (1) After the certificate of nomination has been certified, executed, and acknowledged  
1200 by the county clerk, the candidate shall:

1201 (a) between the second Friday in March and ~~[5 p.m.]~~ the close of normal office hours  
1202 on the third Friday in March of the year in which the regular general election will be held, file  
1203 the petition in person with:

1204 (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or  
1205 a federal office; or

1206 (ii) the county clerk, if the office the candidate seeks is a county office; and  
1207 (iii) pay the filing fee; or  
1208 (b) not later than [~~5 p.m.~~] the close of normal office hours on July 15 of any  
1209 odd-numbered year, file the petition in person with:  
1210 (i) the municipal clerk, if the candidate seeks an office in a city or town;  
1211 (ii) the local district clerk, if the candidate seeks an office in a local district; and  
1212 (iii) pay the filing fee.  
1213 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall  
1214 read the constitutional and statutory requirements for candidacy to the candidate.  
1215 (b) If the candidate states that he does not meet the requirements, the filing officer may  
1216 not accept the petition.  
1217 (3) (a) Persons filing a certificate of nomination for President of the United States  
1218 under this section shall pay a filing fee of \$500.  
1219 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for  
1220 President or Vice President of the United States:  
1221 (i) may file the certificate of nomination between the second Friday in March and [~~5~~  
1222 ~~p.m.~~] the close of normal office hours on August 15 of the year in which the regular general  
1223 election will be held; and  
1224 (ii) may use a designated agent to file the certificate of nomination.  
1225 Section 15. Section **20A-11-101** is amended to read:  
1226 **20A-11-101. Definitions.**  
1227 As used in this chapter:  
1228 (1) "Address" means the number and street where an individual resides or where a  
1229 reporting entity has its principal office.  
1230 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
1231 amendments, and any other ballot propositions submitted to the voters that are authorized by  
1232 the Utah Code Annotated 1953.  
1233 (3) "Candidate" means any person who:  
1234 (a) files a declaration of candidacy for a public office; or  
1235 (b) receives contributions, makes expenditures, or gives consent for any other person to  
1236 receive contributions or make expenditures to bring about the person's nomination or election



1237 to a public office.

1238 (4) "Chief election officer" means:

1239 (a) the lieutenant governor for state office candidates, legislative office candidates,  
1240 officeholders, political parties, political action committees, corporations, political issues  
1241 committees, and state school board candidates; and

1242 (b) the county clerk for local school board candidates.

1243 (5) "Continuing political party" means an organization of voters that participated in the  
1244 last regular general election and polled a total vote equal to 2% or more of the total votes cast  
1245 for all candidates for the United States House of Representatives.

1246 (6) (a) "Contribution" means any of the following when done for political purposes:

1247 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
1248 value given to the filing entity;

1249 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
1250 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
1251 anything of value to the filing entity;

1252 (iii) any transfer of funds from another reporting entity or a corporation to the filing  
1253 entity;

1254 (iv) compensation paid by any person or reporting entity other than the filing entity for  
1255 personal services provided without charge to the filing entity;

1256 (v) remuneration from any organization or its directly affiliated organization that has a  
1257 registered lobbyist to compensate a legislator for a loss of salary or income while the  
1258 Legislature is in session;

1259 (vi) salaries or other remuneration paid to a legislator by any agency or subdivision of  
1260 the state, including school districts, for the period the Legislature is in session; and

1261 (vii) goods or services provided to or for the benefit of the filing entity at less than fair  
1262 market value.

1263 (b) "Contribution" does not include:

1264 (i) services provided without compensation by individuals volunteering a portion or all  
1265 of their time on behalf of the filing entity;

1266 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
1267 business; or

1268 (iii) goods or services provided for the benefit of a candidate or political party at less  
1269 than fair market value that are not authorized by or coordinated with the candidate or political  
1270 party.

1271 (7) "Coordinated with" means that goods or services provided for the benefit of a  
1272 candidate or political party are provided:

1273 (a) with the candidate's or political party's prior knowledge, if the candidate or political  
1274 party does not object;

1275 (b) by agreement with the candidate or political party;

1276 (c) in coordination with the candidate or political party; or

1277 (d) using official logos, slogans, and similar elements belonging to a candidate or  
1278 political party.

1279 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
1280 organization that is registered as a corporation or is authorized to do business in a state and  
1281 makes any expenditure from corporate funds for:

1282 (i) the purpose of expressly advocating for political purposes; or

1283 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
1284 proposition.

1285 (b) "Corporation" does not mean:

1286 (i) a business organization's political action committee or political issues committee; or

1287 (ii) a business entity organized as a partnership or a sole proprietorship.

1288 (9) "Detailed listing" means:

1289 (a) for each contribution or public service assistance:

1290 (i) the name and address of the individual or source making the contribution or public  
1291 service assistance;

1292 (ii) the amount or value of the contribution or public service assistance; and

1293 (iii) the date the contribution or public service assistance was made; and

1294 (b) for each expenditure:

1295 (i) the amount of the expenditure;

1296 (ii) the person or entity to whom it was disbursed;

1297 (iii) the specific purpose, item, or service acquired by the expenditure; and

1298 (iv) the date the expenditure was made.

- 1299 (10) "Election" means each:  
1300 (a) regular general election;  
1301 (b) regular primary election; and  
1302 (c) special election at which candidates are eliminated and selected.
- 1303 (11) (a) "Expenditure" means:  
1304 (i) any disbursement from contributions, receipts, or from the separate bank account  
1305 required by this chapter;  
1306 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
1307 or anything of value made for political purposes;  
1308 (iii) an express, legally enforceable contract, promise, or agreement to make any  
1309 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
1310 value for political purposes;  
1311 (iv) compensation paid by a corporation or filing entity for personal services rendered  
1312 by a person without charge to a reporting entity;  
1313 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
1314 committee; or  
1315 (vi) goods or services provided by the filing entity to or for the benefit of another  
1316 reporting entity for political purposes at less than fair market value.
- 1317 (b) "Expenditure" does not include:  
1318 (i) services provided without compensation by individuals volunteering a portion or all  
1319 of their time on behalf of a reporting entity;  
1320 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
1321 business; or  
1322 (iii) anything listed in Subsection (11)(a) that is given by a corporation or reporting  
1323 entity to candidates for office or officeholders in states other than Utah.
- 1324 (12) "Filing entity" means the reporting entity that is filing a financial statement  
1325 required by this chapter or Title 20A, Chapter 12, Part 2, Judicial Retention Elections.
- 1326 (13) "Financial statement" includes any summary report, interim report, verified  
1327 financial statement, or other statement disclosing contributions, expenditures, receipts,  
1328 donations, or disbursements that is required by this chapter.
- 1329 (14) "Governing board" means the individual or group of individuals that determine the

1330 candidates and committees that will receive expenditures from a political action committee.

1331 (15) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,  
1332 Incorporation, by which a geographical area becomes legally recognized as a city or town.

1333 (16) "Incorporation election" means the election authorized by Section 10-2-111.

1334 (17) "Incorporation petition" means a petition authorized by Section 10-2-109.

1335 (18) "Individual" means a natural person.

1336 (19) "Interim report" means a report identifying the contributions received and  
1337 expenditures made since the last report.

1338 (20) "Legislative office" means the office of state senator, state representative, speaker  
1339 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
1340 whip of any party caucus in either house of the Legislature.

1341 (21) "Legislative office candidate" means a person who:

1342 (a) files a declaration of candidacy for the office of state senator or state representative;

1343 (b) declares himself to be a candidate for, or actively campaigns for, the position of  
1344 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
1345 assistant whip of any party caucus in either house of the Legislature; [~~and~~] or

1346 (c) receives contributions, makes expenditures, or gives consent for any other person to  
1347 receive contributions or make expenditures to bring about the person's nomination or election  
1348 to a legislative office.

1349 (22) "Newly registered political party" means an organization of voters that has  
1350 complied with the petition and organizing procedures of this chapter to become a registered  
1351 political party.

1352 (23) "Officeholder" means a person who holds a public office.

1353 (24) "Party committee" means any committee organized by or authorized by the  
1354 governing board of a registered political party.

1355 (25) "Person" means both natural and legal persons, including individuals, business  
1356 organizations, personal campaign committees, party committees, political action committees,  
1357 political issues committees, labor unions, and labor organizations.

1358 (26) "Personal campaign committee" means the committee appointed by a candidate to  
1359 act for the candidate as provided in this chapter.

1360 (27) (a) "Political action committee" means an entity, or any group of individuals or

1361 entities within or outside this state, a major purpose of which is to:

1362 (i) solicit or receive contributions from any other person, group, or entity for political  
1363 purposes; or

1364 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
1365 vote for or against any candidate for a municipal or county office.

1366 (b) "Political action committee" includes groups affiliated with a registered political  
1367 party but not authorized or organized by the governing board of the registered political party  
1368 that receive contributions or makes expenditures for political purposes.

1369 (c) "Political action committee" does not mean:

1370 (i) a party committee;

1371 (ii) any entity that provides goods or services to a candidate or committee in the regular  
1372 course of its business at the same price that would be provided to the general public;

1373 (iii) an individual;

1374 (iv) individuals who are related and who make contributions from a joint checking  
1375 account;

1376 (v) a corporation, except a corporation a major purpose of which is to act as a political  
1377 action committee; or

1378 (vi) a personal campaign committee.

1379 (28) "Political convention" means a county or state political convention held by a  
1380 registered political party to select candidates.

1381 (29) (a) "Political issues committee" means an entity, or any group of individuals or  
1382 entities within or outside this state, a major purpose of which is to:

1383 (i) solicit or receive donations from any other person, group, or entity to assist in  
1384 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or  
1385 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

1386 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a  
1387 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any  
1388 proposed ballot proposition or an incorporation in an incorporation election; or

1389 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the  
1390 ballot or to assist in keeping a ballot proposition off the ballot.

1391 (b) "Political issues committee" does not mean:

- 1392 (i) a registered political party or a party committee;
- 1393 (ii) any entity that provides goods or services to an individual or committee in the
- 1394 regular course of its business at the same price that would be provided to the general public;
- 1395 (iii) an individual;
- 1396 (iv) individuals who are related and who make contributions from a joint checking
- 1397 account; or
- 1398 (v) a corporation, except a corporation a major purpose of which is to act as a political
- 1399 issues committee.
- 1400 (30) (a) "Political issues contribution" means any of the following:
- 1401 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
- 1402 anything of value given to a political issues committee;
- 1403 (ii) an express, legally enforceable contract, promise, or agreement to make a political
- 1404 issues donation to influence the approval or defeat of any ballot proposition;
- 1405 (iii) any transfer of funds received by a political issues committee from a reporting
- 1406 entity;
- 1407 (iv) compensation paid by another reporting entity for personal services rendered
- 1408 without charge to a political issues committee; and
- 1409 (v) goods or services provided to or for the benefit of a political issues committee at
- 1410 less than fair market value.
- 1411 (b) "Political issues contribution" does not include:
- 1412 (i) services provided without compensation by individuals volunteering a portion or all
- 1413 of their time on behalf of a political issues committee; or
- 1414 (ii) money lent to a political issues committee by a financial institution in the ordinary
- 1415 course of business.
- 1416 (31) (a) "Political issues expenditure" means any of the following:
- 1417 (i) any payment from political issues contributions made for the purpose of influencing
- 1418 the approval or the defeat of:
- 1419 (A) a ballot proposition; or
- 1420 (B) an incorporation petition or incorporation election;
- 1421 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
- 1422 the express purpose of influencing the approval or the defeat of:

- 1423 (A) a ballot proposition; or
- 1424 (B) an incorporation petition or incorporation election;
- 1425 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 1426 political issues expenditure;
- 1427 (iv) compensation paid by a reporting entity for personal services rendered by a person
- 1428 without charge to a political issues committee; or
- 1429 (v) goods or services provided to or for the benefit of another reporting entity at less
- 1430 than fair market value.
- 1431 (b) "Political issues expenditure" does not include:
- 1432 (i) services provided without compensation by individuals volunteering a portion or all
- 1433 of their time on behalf of a political issues committee; or
- 1434 (ii) money lent to a political issues committee by a financial institution in the ordinary
- 1435 course of business.
- 1436 (32) "Political purposes" means an act done with the intent or in a way to influence or
- 1437 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
- 1438 against any candidate for public office or municipal or county office at any caucus, political
- 1439 convention, primary, or election.
- 1440 (33) "Primary election" means any regular primary election held under the election
- 1441 laws.
- 1442 (34) "Public office" means the office of governor, lieutenant governor, state auditor,
- 1443 state treasurer, attorney general, state or local school board member, state senator, state
- 1444 representative, speaker of the House of Representatives, president of the Senate, and the leader,
- 1445 whip, and assistant whip of any party caucus in either house of the Legislature.
- 1446 (35) (a) "Public service assistance" means the following when given or provided to an
- 1447 officeholder to defray the costs of functioning in a public office or aid the officeholder to
- 1448 communicate with the officeholder's constituents:
- 1449 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
- 1450 money or anything of value to an officeholder; or
- 1451 (ii) goods or services provided at less than fair market value to or for the benefit of the
- 1452 officeholder.
- 1453 (b) "Public service assistance" does not include:

1454 (i) anything provided by the state;  
1455 (ii) services provided without compensation by individuals volunteering a portion or all  
1456 of their time on behalf of an officeholder;  
1457 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
1458 business;  
1459 (iv) news coverage or any publication by the news media; or  
1460 (v) any article, story, or other coverage as part of any regular publication of any  
1461 organization unless substantially all the publication is devoted to information about the  
1462 officeholder.

1463 (36) "Publicly identified class of individuals" means a group of 50 or more individuals  
1464 sharing a common occupation, interest, or association that contribute to a political action  
1465 committee or political issues committee and whose names can be obtained by contacting the  
1466 political action committee or political issues committee upon whose financial report they are  
1467 listed.

1468 (37) "Receipts" means contributions and public service assistance.

1469 (38) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
1470 Lobbyist Disclosure and Regulation Act.

1471 (39) "Registered political action committee" means any political action committee that  
1472 is required by this chapter to file a statement of organization with the lieutenant governor's  
1473 office.

1474 (40) "Registered political issues committee" means any political issues committee that  
1475 is required by this chapter to file a statement of organization with the lieutenant governor's  
1476 office.

1477 (41) "Registered political party" means an organization of voters that:  
1478 (a) participated in the last regular general election and polled a total vote equal to 2%  
1479 or more of the total votes cast for all candidates for the United States House of Representatives  
1480 for any of its candidates for any office; or  
1481 (b) has complied with the petition and organizing procedures of this chapter.

1482 (42) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
1483 an officeholder, a party committee, a political action committee, ~~and~~ a political issues  
1484 committee, or a corporation.



1485 (43) "School board office" means the office of state school board or local school board.

1486 (44) (a) "Source" means the person or entity that is the legal owner of the tangible or  
1487 intangible asset that comprises the contribution.

1488 (b) "Source" means, for political action committees and corporations, the political  
1489 action committee and the corporation as entities, not the contributors to the political action  
1490 committee or the owners or shareholders of the corporation.

1491 (45) "State office" means the offices of governor, lieutenant governor, attorney general,  
1492 state auditor, and state treasurer.

1493 (46) "State office candidate" means a person who:

1494 (a) files a declaration of candidacy for a state office; or

1495 (b) receives contributions, makes expenditures, or gives consent for any other person to  
1496 receive contributions or make expenditures to bring about the person's nomination or election  
1497 to a state office.

1498 (47) "Summary report" means the year end report containing the summary of a  
1499 reporting entity's contributions and expenditures.

1500 (48) "Supervisory board" means the individual or group of individuals that allocate  
1501 expenditures from a political issues committee.

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**Legislative Review Note**

**as of 11-18-09 12:15 PM**

**Office of Legislative Research and General Counsel**

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**S.B. 18 - Election Modifications**

**Fiscal Note**

2010 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

School districts holding bond elections independent of other elections may have to pay the costs.  
Individuals and businesses likely will not see direct, measurable costs and/or benefits.

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