

Senator Curtis S. Bramble proposes the following substitute bill:

ELECTION LAW AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Bradley M. Daw

LONG TITLE

General Description:

This bill amends provisions in Title 20A, Election Code.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ authorizes a person to vote in an election if the person registers to vote online at least 15 days before an election;
- ▶ authorizes the chief election officer to extend the time to file a financial statement in certain circumstances;
- ▶ prohibits the use of an electronic signature to:
 - qualify a candidate for the ballot;
 - qualify a ballot proposition for the ballot; or
 - sign a petition to organize and register a political party;
- ▶ establishes the time by which a petitioner shall deliver initiative packets to the county clerk;
- ▶ requires the amount of signatures necessary for an initiative or referendum to be submit to a legislative body or qualify for placement on the ballot to be calculated based on the votes cast for President of the United States; and



26 ▶ makes technical changes.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 This bill provides an immediate effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **20A-1-102**, as last amended by Laws of Utah 2010, Chapters 129, 197, and 254

34 **20A-2-102.5**, as last amended by Laws of Utah 2008, Chapter 225

35 **20A-2-206**, as enacted by Laws of Utah 2009, Chapter 89

36 **20A-7-201**, as last amended by Laws of Utah 2008, Chapter 237

37 **20A-7-206**, as last amended by Laws of Utah 2010, Chapter 225

38 **20A-7-301**, as last amended by Laws of Utah 1995, Chapter 153

39 **20A-7-501**, as last amended by Laws of Utah 2010, Chapter 324

40 **20A-7-506**, as last amended by Laws of Utah 2008, Chapter 237

41 **20A-7-601**, as last amended by Laws of Utah 2004, Chapter 258

42 **20A-11-103**, as last amended by Laws of Utah 2010, Chapter 389

43 ENACTS:

44 **20A-1-306**, Utah Code Annotated 1953



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

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

48 **20A-1-102. Definitions.**

49 As used in this title:

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

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

54 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
55 upon which a voter records the voter's votes.

56 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy

57 envelopes.

58 (4) "Ballot sheet":

59 (a) means a ballot that:

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

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

62 (b) includes punch card ballots and other ballots that are machine-countable.

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

64 (a) contain the names of offices and candidates and statements of ballot propositions to

65 be voted on; and

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

67 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters

68 on the ballot for their approval or rejection including:

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

70 (b) a constitutional amendment;

71 (c) an initiative;

72 (d) a referendum;

73 (e) a bond proposition;

74 (f) a judicial retention question; or

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

76 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and

77 20A-4-306 to canvass election returns.

78 (8) "Bond election" means an election held for the purpose of approving or rejecting

79 the proposed issuance of bonds by a government entity.

80 (9) "Book voter registration form" means voter registration forms contained in a bound

81 book that are used by election officers and registration agents to register persons to vote.

82 (10) "By-mail voter registration form" means a voter registration form designed to be

83 completed by the voter and mailed to the election officer.

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

85 election results by the board of canvassers.

86 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at

87 the canvass.

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

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

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

94 (16) "Counting poll watcher" means a person selected as provided in Section
95 20A-3-201 to witness the counting of ballots.

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

99 (18) "County officers" means those county officers that are required by law to be
100 elected.

101 (19) "Date of the election" or "election day" or "day of the election":

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

104 (b) does not include:

105 (i) deadlines established for absentee voting; or

106 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
107 Voting.

108 (20) "Election" means a regular general election, a municipal general election, a
109 statewide special election, a local special election, a regular primary election, a municipal
110 primary election, and a local district election.

111 (21) "Election Assistance Commission" means the commission established by Public
112 Law 107-252, the Help America Vote Act of 2002.

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

115 (23) "Election judge" means a poll worker that is assigned to:

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

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

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

- 119 (24) "Election officer" means:
120 (a) the lieutenant governor, for all statewide ballots;
121 (b) the county clerk or clerks for all county ballots and for certain ballots and elections
122 as provided in Section 20A-5-400.5;
123 (c) the municipal clerk for all municipal ballots and for certain ballots and elections as
124 provided in Section 20A-5-400.5;
125 (d) the local district clerk or chief executive officer for certain ballots and elections as
126 provided in Section 20A-5-400.5; and
127 (e) the business administrator or superintendent of a school district for certain ballots
128 or elections as provided in Section 20A-5-400.5.

129 (25) "Election official" means any election officer, election judge, or poll worker.

130 (26) "Election results" means, for bond elections, the count of those votes cast for and
131 against the bond proposition plus any or all of the election returns that the board of canvassers
132 may request.

133 (27) "Election returns" includes the pollbook, all affidavits of registration, the military
134 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
135 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
136 spoiled ballots, the ballot disposition form, and the total votes cast form.

137 (28) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
138 device or other voting device that records and stores ballot information by electronic means.

139 (29) "Electronic signature" means an electronic sound, symbol, or process attached to
140 or logically associated with a record and executed or adopted by a person with the intent to sign
141 the record.

142 [~~(29)~~] (30) (a) "Electronic voting device" means a voting device that uses electronic
143 ballots.

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

145 [~~(30)~~] (31) "Inactive voter" means a registered voter who has:

146 (a) been sent the notice required by Section 20A-2-306; and

147 (b) failed to respond to that notice.

148 [~~(31)~~] (32) "Inspecting poll watcher" means a person selected as provided in this title to
149 witness the receipt and safe deposit of voted and counted ballots.

150 [~~(32)~~] (33) "Judicial office" means the office filled by any judicial officer.

151 [~~(33)~~] (34) "Judicial officer" means any justice or judge of a court of record or any
152 county court judge.

153 [~~(34)~~] (35) "Local district" means a local government entity under Title 17B, Limited
154 Purpose Local Government Entities - Local Districts, and includes a special service district
155 under Title 17D, Chapter 1, Special Service District Act.

156 [~~(35)~~] (36) "Local district officers" means those local district officers that are required
157 by law to be elected.

158 [~~(36)~~] (37) "Local election" means a regular municipal election, a local special
159 election, a local district election, and a bond election.

160 [~~(37)~~] (38) "Local political subdivision" means a county, a municipality, a local
161 district, or a local school district.

162 [~~(38)~~] (39) "Local special election" means a special election called by the governing
163 body of a local political subdivision in which all registered voters of the local political
164 subdivision may vote.

165 [~~(39)~~] (40) "Municipal executive" means:

166 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;
167 or

168 (b) the mayor in the council-manager form of government defined in Subsection
169 10-3b-103(6).

170 [~~(40)~~] (41) "Municipal general election" means the election held in municipalities and
171 local districts on the first Tuesday after the first Monday in November of each odd-numbered
172 year for the purposes established in Section 20A-1-202.

173 [~~(41)~~] (42) "Municipal legislative body" means the council of the city or town in any
174 form of municipal government.

175 [~~(42)~~] (43) "Municipal officers" means those municipal officers that are required by
176 law to be elected.

177 [~~(43)~~] (44) "Municipal primary election" means an election held to nominate
178 candidates for municipal office.

179 [~~(44)~~] (45) "Official ballot" means the ballots distributed by the election officer to the
180 poll workers to be given to voters to record their votes.

181 [~~(45)~~] (46) "Official endorsement" means:

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

183 (i) the ballot as an official ballot;

184 (ii) the date of the election; and

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

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

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

188 (ii) the ballot number.

189 [~~(46)~~] (47) "Official register" means the official record furnished to election officials
190 by the election officer that contains the information required by Section 20A-5-401.

191 [~~(47)~~] (48) "Paper ballot" means a paper that contains:

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

194 (b) spaces for the voter to record the voter's vote for each office and for or against each
195 ballot proposition.

196 [~~(48)~~] (49) "Political party" means an organization of registered voters that has
197 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party
198 Formation and Procedures.

199 [~~(49)~~] (50) (a) "Poll worker" means a person assigned by an election official to assist
200 with an election, voting, or counting votes.

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

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

203 [~~(50)~~] (51) "Pollbook" means a record of the names of voters in the order that they
204 appear to cast votes.

205 [~~(51)~~] (52) "Polling place" means the building where voting is conducted.

206 [~~(52)~~] (53) "Position" means a square, circle, rectangle, or other geometric shape on a
207 ballot in which the voter marks the voter's choice.

208 [~~(53)~~] (54) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

212 [~~(54)~~] (55) "Provisional ballot envelope" means an envelope printed in the form
213 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
214 information to verify a person's legal right to vote.

215 [~~(55)~~] (56) "Primary convention" means the political party conventions at which
216 nominees for the regular primary election are selected.

217 [~~(56)~~] (57) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

220 [~~(57)~~] (58) "Qualify" or "qualified" means to take the oath of office and begin
221 performing the duties of the position for which the person was elected.

222 [~~(58)~~] (59) "Receiving judge" means the poll worker that checks the voter's name in the
223 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
224 after the voter has voted.

225 [~~(59)~~] (60) "Registration form" means a book voter registration form and a by-mail
226 voter registration form.

227 [~~(60)~~] (61) "Regular ballot" means a ballot that is not a provisional ballot.

228 [~~(61)~~] (62) "Regular general election" means the election held throughout the state on
229 the first Tuesday after the first Monday in November of each even-numbered year for the
230 purposes established in Section 20A-1-201.

231 [~~(62)~~] (63) "Regular primary election" means the election on the fourth Tuesday of
232 June of each even-numbered year, to nominate candidates of political parties and nonpolitical
233 groups to advance to the regular general election.

234 [~~(63)~~] (64) "Resident" means a person who resides within a specific voting precinct in
235 Utah.

236 [~~(64)~~] (65) "Sample ballot" means a mock ballot similar in form to the official ballot
237 printed and distributed as provided in Section 20A-5-405.

238 [~~(65)~~] (66) "Scratch vote" means to mark or punch the straight party ticket and then
239 mark or punch the ballot for one or more candidates who are members of different political
240 parties.

241 [~~(66)~~] (67) "Secrecy envelope" means the envelope given to a voter along with the
242 ballot into which the voter places the ballot after the voter has voted it in order to preserve the

243 secrecy of the voter's vote.

244 [~~(67)~~] (68) "Special election" means an election held as authorized by Section
245 20A-1-204.

246 [~~(68)~~] (69) "Spoiled ballot" means each ballot that:

247 (a) is spoiled by the voter;

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

249 (c) lacks the official endorsement.

250 [~~(69)~~] (70) "Statewide special election" means a special election called by the governor
251 or the Legislature in which all registered voters in Utah may vote.

252 [~~(70)~~] (71) "Stub" means the detachable part of each ballot.

253 [~~(71)~~] (72) "Substitute ballots" means replacement ballots provided by an election
254 officer to the poll workers when the official ballots are lost or stolen.

255 [~~(72)~~] (73) "Ticket" means each list of candidates for each political party or for each
256 group of petitioners.

257 [~~(73)~~] (74) "Transfer case" means the sealed box used to transport voted ballots to the
258 counting center.

259 [~~(74)~~] (75) "Vacancy" means the absence of a person to serve in any position created
260 by statute, whether that absence occurs because of death, disability, disqualification,
261 resignation, or other cause.

262 [~~(75)~~] (76) "Valid voter identification" means:

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

265 (i) a currently valid Utah driver license;

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

267 (A) the state; or

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

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

270 (iv) a currently valid United States passport; or

271 (v) a currently valid United States military identification card;

272 (b) one of the following identification cards, whether or not the card includes a
273 photograph of the voter:

274 (i) a valid tribal identification card;
275 (ii) a Bureau of Indian Affairs card; or
276 (iii) a tribal treaty card; or
277 (c) two forms of identification not listed under Subsection [~~(75)~~] (76)(a) or (b) but that
278 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
279 which may include:

280 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
281 election;

282 (ii) a bank or other financial account statement, or a legible copy thereof;

283 (iii) a certified birth certificate;

284 (iv) a valid Social Security card;

285 (v) a check issued by the state or the federal government or a legible copy thereof;

286 (vi) a paycheck from the voter's employer, or a legible copy thereof;

287 (vii) a currently valid Utah hunting or fishing license;

288 (viii) certified naturalization documentation;

289 (ix) a currently valid license issued by an authorized agency of the United States;

290 (x) a certified copy of court records showing the voter's adoption or name change;

291 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

292 (xii) a currently valid identification card issued by:

293 (A) a local government within the state;

294 (B) an employer for an employee; or

295 (C) a college, university, technical school, or professional school located within the
296 state; or

297 (xiii) a current Utah vehicle registration.

298 [~~(76)~~] (77) "Valid write-in candidate" means a candidate who has qualified as a
299 write-in candidate by following the procedures and requirements of this title.

300 [~~(77)~~] (78) "Voter" means a person who:

301 (a) meets the requirements for voting in an election;

302 (b) meets the requirements of election registration;

303 (c) is registered to vote; and

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

305 [(78)] (79) "Voter registration deadline" means the registration deadline provided in
306 Section 20A-2-102.5.

307 [(79)] (80) "Voting area" means the area within six feet of the voting booths, voting
308 machines, and ballot box.

309 [(80)] (81) "Voting booth" means:

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

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

313 [(81)] (82) "Voting device" means:

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

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

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

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

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

322 [(82)] (83) "Voting machine" means a machine designed for the sole purpose of
323 recording and tabulating votes cast by voters at an election.

324 [(83)] (84) "Voting poll watcher" means a person appointed as provided in this title to
325 witness the distribution of ballots and the voting process.

326 [(84)] (85) "Voting precinct" means the smallest voting unit established as provided by
327 law within which qualified voters vote at one polling place.

328 [(85)] (86) "Watcher" means a voting poll watcher, a counting poll watcher, an
329 inspecting poll watcher, and a testing watcher.

330 [(86)] (87) "Western States Presidential Primary" means the election established in
331 [~~Title 20A,~~] Chapter 9, Part 8.

332 [(87)] (88) "Write-in ballot" means a ballot containing any write-in votes.

333 [(88)] (89) "Write-in vote" means a vote cast for a person whose name is not printed on
334 the ballot according to the procedures established in this title.

335 Section 2. Section **20A-1-306** is enacted to read:

336 **20A-1-306. Electronic signatures.**
337 Notwithstanding Title 46, Chapter 4, Uniform Electronic Transactions Act, and
338 Sections 68-3-12 and 68-3-12.5, an electronic signature may not be used to sign a petition to:
339 (1) qualify a ballot proposition for the ballot under Chapter 7, Issues Submitted to the
340 Voters;
341 (2) organize and register a political party under Chapter 8, Political Party Formation
342 and Procedures; or
343 (3) qualify a candidate for the ballot under Chapter 9, Candidate Qualifications and
344 Nominating Procedures.

345 Section 3. Section **20A-2-102.5** is amended to read:

346 **20A-2-102.5. Voter registration deadline.**

347 (1) Except as provided in Section 20A-2-201, Section 20A-2-206, and [~~in Title 20A,~~]
348 Chapter 3, Part 4, Voting by Members of the Military and by Other Persons Living or Serving
349 Abroad, a person who fails to submit a correctly completed voter registration form on or before
350 the voter registration deadline shall not be permitted to vote in the election.

351 (2) The voter registration deadline shall be the date that is 30 calendar days before the
352 date of the election.

353 Section 4. Section **20A-2-206** is amended to read:

354 **20A-2-206. Electronic registration -- Requests for application.**

355 (1) The lieutenant governor may create and maintain an electronic system for voter
356 registration that is publicly available on the Internet.

357 (2) An electronic system for voter registration shall require:

358 (a) that an applicant have a valid driver license or identification card, issued under Title
359 53, Chapter 3, Uniform Driver License Act, that reflects the person's current principal place of
360 residence;

361 (b) that the applicant provide the information required by Section 20A-2-104, except
362 that the applicant's signature may be obtained in the manner described in Subsections (2)(d)
363 and (4);

364 (c) that the applicant attest to the truth of the information provided; and

365 (d) that the applicant authorize the lieutenant governor's and county clerk's use of the
366 applicant's driver license or identification card signature, obtained under Title 53, Chapter 3,

367 Uniform Driver License Act, for voter registration purposes.

368 (3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for
369 voter registration created under this section is not required to complete a printed registration
370 form.

371 (4) A system created and maintained under this section shall provide the notices
372 concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).

373 (5) The lieutenant governor shall obtain a digital copy of the applicant's driver license
374 or identification card signature from the Driver License Division.

375 (6) Upon receiving all information from an applicant and the Driver License Division,
376 the lieutenant governor shall send the information to the county clerk for the county in which
377 the applicant's principal place of residence is found for further action as required by Section
378 20A-2-304.

379 (7) The lieutenant governor may use additional security measures to ensure the
380 accuracy and integrity of an electronically submitted voter registration.

381 (8) (a) If an individual applies to register under this section during the period beginning
382 on the date after the voter registration deadline and ending on the date that is 15 calendar days
383 before the date of an election, the county clerk shall:

384 (i) accept the application for registration if the individual, on the date of the election,
385 will be legally qualified and entitled to vote in a voting precinct in the state; and

386 (ii) inform the individual that:

387 (A) the individual is registered to vote in the pending election; and

388 (B) for the pending election, the individual must vote on the day of the election and is
389 not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the
390 individual registered too late.

391 (b) If an individual applies to register under this section during the 14 calendar days
392 before an election, the county clerk shall:

393 (i) accept the application for registration if the individual, on the date of the election,
394 will be legally qualified and entitled to vote in a voting precinct in the state; and

395 (ii) inform the individual that the individual is registered to vote but may not vote in
396 the pending election because the individual registered too late.

397 (9) (a) A registered voter may file an application for an absentee ballot for a statewide

398 ballot in accordance with Section 20A-3-304 on the electronic system for voter registration
399 established under this section.

400 (b) The lieutenant governor shall provide a means by which a registered voter shall
401 sign the application form as provided in Section 20A-3-304.

402 Section 5. Section **20A-7-201** is amended to read:

403 **20A-7-201. Statewide initiatives -- Signature requirements -- Submission to the**
404 **Legislature or to a vote of the people.**

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

407 (i) legal signatures equal to 5% of the cumulative total of all votes cast by voters of this
408 state for all candidates for [~~governor~~] President of the United States at the last regular general
409 election at which a [~~governor~~] President of the United States was elected; and

410 (ii) from each of at least 26 Utah State Senate districts, legal signatures equal to 5% of
411 the total of all votes cast in that district for all candidates for [~~governor~~] President of the United
412 States at the last regular general election at which a [~~governor~~] President of the United States
413 was elected.

414 (b) If, at any time not less than 10 days before the beginning of an annual general
415 session of the Legislature, the lieutenant governor declares sufficient any initiative petition that
416 is signed by enough voters to meet the requirements of this Subsection (1), the lieutenant
417 governor shall deliver a copy of the petition and the cover sheet required by Subsection (1)(c)
418 to the president of the Senate, the speaker of the House, and the director of the Office of
419 Legislative Research and General Counsel.

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

422 (i) the cumulative total of all votes cast by voters of this state for all candidates for
423 [~~governor~~] President of the United States at the last regular general election at which a
424 [~~governor~~] President of the United States was elected;

425 (ii) the total of all votes cast in each Utah State Senate district for all candidates for
426 [~~governor~~] President of the United States at the last regular general election at which a
427 [~~governor~~] President of the United States was elected;

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

429 (iv) the total number of certified signatures received from each Utah State Senate
430 district for the submitted initiative.

431 (2) (a) A person seeking to have an initiative submitted to a vote of the people for
432 approval or rejection shall obtain:

433 (i) legal signatures equal to 10% of the cumulative total of all votes cast by voters of
434 this state for all candidates for [governor] President of the United States at the last regular
435 general election at which a [governor] President of the United States was elected; and

436 (ii) from each of at least 26 Utah State Senate districts, legal signatures equal to 10% of
437 the total of all votes cast in that district for all candidates for [governor] President of the United
438 States at the last regular general election at which a [governor] President of the United States
439 was elected.

440 (b) If an initiative petition meets the requirements of this part and the lieutenant
441 governor declares the initiative petition to be sufficient, the lieutenant governor shall submit
442 the proposed law to a vote of the people at the next regular general election.

443 (3) The lieutenant governor shall provide the following information from the official
444 canvass of the last regular general election at which a [governor] President of the United States
445 was elected to any interested person:

446 (a) the cumulative total of all votes cast by voters in this state for all candidates for
447 [governor] President of the United States; and

448 (b) for each Utah State Senate district, the total of all votes cast in that district for all
449 candidates for [governor] President of the United States.

450 Section 6. Section **20A-7-206** is amended to read:

451 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**
452 **county clerks -- Transfer to lieutenant governor.**

453 (1) In order to qualify an initiative petition for placement on the regular general
454 election ballot, the sponsors shall deliver each signed and verified initiative packet to the
455 county clerk of the county in which the packet was circulated ~~[no later than]~~ on or before the
456 sooner of:

457 (a) 316 days after the day on which the application is filed; or

458 (b) April 15 immediately before the next regular general election.

459 (2) No later than May 1 before the regular general election, the county clerk shall:

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

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

465 (3) No later than May 15 before the regular general election, the county clerk shall:

466 (a) determine whether or not each signer is a registered voter according to the
467 requirements of Section 20A-7-206.3;

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

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

470 (4) Upon receipt of an initiative packet under Subsection (3) and any statement
471 submitted under Subsection 20A-7-205(3), the lieutenant governor shall remove from the
472 initiative petition a voter's signature if the voter has requested the removal in accordance with
473 Subsection 20A-7-205(3).

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

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

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

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

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

486 (a) determine whether or not each signer is a registered voter according to the
487 requirements of Section 20A-7-206.3;

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

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

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

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

493 Section 7. Section **20A-7-301** is amended to read:

494 **20A-7-301. Referendum -- Signature requirements -- Submission to voters.**

495 (1) (a) A person seeking to have a law passed by the Legislature submitted to a vote of
496 the people shall obtain:

497 (i) legal signatures equal to 10% of the cumulative total of all votes cast by voters of
498 this state for all candidates for [governor] President of the United States at the last regular
499 general election at which a [governor] President of the United States was elected; and

500 (ii) from each of at least 15 counties, legal signatures equal to 10% of the total of all
501 votes cast in that county for all candidates for [governor] President of the United States at the
502 last regular general election at which a [governor] President of the United States was elected.

503 (b) When the lieutenant governor declares a referendum petition sufficient under this
504 part, the governor shall issue an executive order that:

505 (i) directs that the referendum be submitted to the voters at the next regular general
506 election; or

507 (ii) calls a special election according to the requirements of Section 20A-1-203 and
508 directs that the referendum be submitted to the voters at that special election.

509 (2) When a referendum petition has been declared sufficient, the law that is the subject
510 of the petition does not take effect unless and until it is approved by a vote of the people at a
511 regular general election or a statewide special election.

512 (3) The lieutenant governor shall provide to any interested person from the official
513 canvass of the last regular general election at which a [governor] President of the United States
514 was elected:

515 (a) the cumulative total of all votes cast by voters of this state for all candidates for
516 [governor] President of the United States; and

517 (b) for each county, the total of all votes cast in that county for all candidates for
518 [governor] President of the United States.

519 Section 8. Section **20A-7-501** is amended to read:

520 **20A-7-501. Initiatives.**

521 (1) (a) Except as provided in Subsection (1)(b), a person seeking to have an initiative

522 submitted to a local legislative body or to a vote of the people for approval or rejection shall
523 obtain legal signatures equal to:

524 (i) 10% of all the votes cast in the county, city, or town for all candidates for
525 [governor] President of the United States at the last election at which a [governor] President of
526 the United States was elected if the total number of votes exceeds 25,000;

527 (ii) 12-1/2% of all the votes cast in the county, city, or town for all candidates for
528 [governor] President of the United States at the last election at which a [governor] President of
529 the United States was elected if the total number of votes does not exceed 25,000 but is more
530 than 10,000;

531 (iii) 15% of all the votes cast in the county, city, or town for all candidates for
532 [governor] President of the United States at the last election at which a [governor] President of
533 the United States was elected if the total number of votes does not exceed 10,000 but is more
534 than 2,500;

535 (iv) 20% of all the votes cast in the county, city, or town for all candidates for
536 [governor] President of the United States at the last election at which a [governor] President of
537 the United States was elected if the total number of votes does not exceed 2,500 but is more
538 than 500;

539 (v) 25% of all the votes cast in the county, city, or town for all candidates for
540 [governor] President of the United States at the last election at which a [governor] President of
541 the United States was elected if the total number of votes does not exceed 500 but is more than
542 250; and

543 (vi) 30% of all the votes cast in the county, city, or town for all candidates for
544 [governor] President of the United States at the last election at which a [governor] President of
545 the United States was elected if the total number of votes does not exceed 250.

546 (b) In addition to the signature requirements of Subsection (1)(a), a person seeking to
547 have an initiative submitted to a local legislative body or to a vote of the people for approval or
548 rejection in a county, city, or town where the local legislative body is elected from council
549 districts shall obtain, from each of a majority of council districts, legal signatures equal to the
550 percentages established in Subsection (1)(a).

551 (2) If the total number of certified names from each verified signature sheet equals or
552 exceeds the number of names required by this section, the clerk or recorder shall deliver the

553 proposed law to the local legislative body at its next meeting.

554 (3) (a) The local legislative body shall either adopt or reject the proposed law without
555 change or amendment within 30 days of receipt of the proposed law.

556 (b) The local legislative body may:

557 (i) adopt the proposed law and refer it to the people;

558 (ii) adopt the proposed law without referring it to the people; or

559 (iii) reject the proposed law.

560 (c) If the local legislative body adopts the proposed law but does not refer it to the
561 people, it is subject to referendum as with other local laws.

562 (d) (i) If a county legislative body rejects a proposed county ordinance or amendment,
563 or takes no action on it, the county clerk shall submit it to the voters of the county at the next
564 regular general election.

565 (ii) If a local legislative body rejects a proposed municipal ordinance or amendment, or
566 takes no action on it, the municipal recorder or clerk shall submit it to the voters of the
567 municipality at the next municipal general election.

568 (e) (i) If the local legislative body rejects the proposed ordinance or amendment, or
569 takes no action on it, the local legislative body may adopt a competing local law.

570 (ii) The local legislative body shall prepare and adopt the competing local law within
571 the 30 days allowed for its action on the measure proposed by initiative petition.

572 (iii) If the local legislative body adopts a competing local law, the clerk or recorder
573 shall submit it to the voters of the county or municipality at the same election at which the
574 initiative proposal is submitted.

575 (f) If conflicting local laws are submitted to the people at the same election and two or
576 more of the conflicting measures are approved by the people, then the measure that receives the
577 greatest number of affirmative votes shall control all conflicts.

578 Section 9. Section **20A-7-506** is amended to read:

579 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
580 **county clerks -- Transfer to local clerk.**

581 (1) The sponsors shall deliver each signed and verified initiative packet to the county
582 clerk of the county in which the packet was circulated [~~no later than~~] on or before the sooner
583 of:

584 (a) for county initiatives[~~, no later than~~];
585 (i) 316 days after the day on which the application is filed; or
586 (ii) the April 15 [~~falling~~] immediately before the next regular general election; or
587 (b) for municipal initiatives[~~, no later than~~];
588 (i) 316 days after the day on which the application is filed; or
589 (ii) the April 15 [~~falling~~] immediately before the next municipal general election.
590 (2) No later than May 1, the county clerk shall:
591 (a) check the names of all persons completing the verification on the back of each
592 signature sheet to determine whether or not those persons are residents of Utah and are at least
593 18 years old; and
594 (b) submit the name of each of those persons who is not a Utah resident or who is not
595 at least 18 years old to the attorney general and county attorney.
596 (3) No later than May 15, the county clerk shall:
597 (a) determine whether or not each signer is a voter according to the requirements of
598 Section 20A-7-506.3;
599 (b) certify on the petition whether or not each name is that of a voter; and
600 (c) deliver all of the packets to the local clerk.
601 Section 10. Section **20A-7-601** is amended to read:
602 **20A-7-601. Referenda -- General signature requirements -- Signature**
603 **requirements for land use laws -- Time requirements.**
604 (1) Except as provided in Subsection (2), a person seeking to have a law passed by the
605 local legislative body submitted to a vote of the people shall obtain legal signatures equal to:
606 (a) 10% of all the votes cast in the county, city, or town for all candidates for
607 [~~governor~~] President of the United States at the last election at which a [~~governor~~] President of
608 the United States was elected if the total number of votes exceeds 25,000;
609 (b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for
610 [~~governor~~] President of the United States at the last election at which a [~~governor~~] President of
611 the United States was elected if the total number of votes does not exceed 25,000 but is more
612 than 10,000;
613 (c) 15% of all the votes cast in the county, city, or town for all candidates for
614 [~~governor~~] President of the United States at the last election at which a [~~governor~~] President of

615 the United States was elected if the total number of votes does not exceed 10,000 but is more
616 than 2,500;

617 (d) 20% of all the votes cast in the county, city, or town for all candidates for
618 [governor] President of the United States at the last election at which a [governor] President of
619 the United States was elected if the total number of votes does not exceed 2,500 but is more
620 than 500;

621 (e) 25% of all the votes cast in the county, city, or town for all candidates for
622 [governor] President of the United States at the last election at which a [governor] President of
623 the United States was elected if the total number of votes does not exceed 500 but is more than
624 250; and

625 (f) 30% of all the votes cast in the county, city, or town for all candidates for
626 [governor] President of the United States at the last election at which a [governor] President of
627 the United States was elected if the total number of votes does not exceed 250.

628 (2) (a) As used in this Subsection (2), "land use law" includes a land use development
629 code, an annexation ordinance, and comprehensive zoning ordinances.

630 (b) A person seeking to have a land use law passed by the local legislative body
631 submitted to a vote of the people shall obtain legal signatures equal to:

632 (i) in a county or in a city of the first or second class, 20% of all votes cast in the
633 county or city for all candidates for [governor] President of the United States at the last election
634 at which a [governor] President of the United States was elected; and

635 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the
636 city or town for all candidates for [governor] President of the United States at the last election
637 at which a [governor] President of the United States was elected.

638 (3) (a) Sponsors of any referendum petition challenging, under Subsection (1) or (2),
639 any local law passed by a local legislative body shall file the petition within 45 days after the
640 passage of the local law.

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

642 (4) If the referendum passes, the local law that was challenged by the referendum is
643 repealed as of the date of the election.

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

645 **20A-11-103. Notice of pending interim and summary reports -- Form of**

646 **submission -- Public availability.**

647 (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or
648 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections,
649 the chief election officer shall inform the filing entity by postal mail or, if requested by the
650 filing entity, by electronic mail:

- 651 (i) that the financial statement is due;
- 652 (ii) of the date that the financial statement is due; and
- 653 (iii) of the penalty for failing to file the financial statement.

654 (b) Notwithstanding the provisions of Subsection (1)(a), under this section the chief
655 election officer is not required to provide notice:

- 656 (i) to a candidate or political party of the financial statement that is due before the
657 candidate's political convention;
- 658 (ii) of a financial statement due in connection with a public hearing for an initiative
659 under the requirements of Section 20A-7-204.1; or
- 660 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

661 (2) A filing entity shall electronically file a financial statement via electronic mail or
662 the Internet according to specifications established by the chief election officer.

663 (3) (a) A financial statement is considered timely filed if it is received by the chief
664 election officer's office before the close of regular office hours on the date that it is due.

665 (b) A chief election officer may extend the time in which a filing entity is required to
666 file a financial statement if a filing entity notifies the chief election officer of the existence of
667 an extenuating circumstance that is outside the control of the filing entity.

668 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
669 Access and Management Act, the lieutenant governor shall:

670 (a) make each campaign finance statement filed by a candidate available for public
671 inspection and copying no later than one business day after the statement is filed; and

672 (b) post an electronic copy or the contents of each financial statement in a searchable
673 format on a website established by the lieutenant governor:

674 (i) for campaign finance statements submitted to the lieutenant governor under the
675 requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after
676 the date of receipt of the campaign finance statement; or

677 (ii) for a summary report or interim report filed under the requirements of this chapter
678 or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the
679 date the statement is electronically filed.

680 (5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5,
681 elects to provide campaign finance disclosure on its own website, rather than through the
682 lieutenant governor, the website established by the lieutenant governor shall contain a link or
683 other access point to the municipality or county website.

684 Section 12. **Effective date.**

685 If approved by two-thirds of all the members elected to each house, this bill takes effect
686 upon approval by the governor, or the day following the constitutional time limit of Utah
687 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
688 the date of veto override.

FISCAL NOTE

S.B. 165 1st Sub. (Green)

SHORT TITLE: Election Law Amendments

SPONSOR: Bramble, C.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.