1 **RECALL ELECTIONS AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Gage Froerer**

5 Senate Sponsor: _____

6 ═══

7 **LONG TITLE**

8 **General Description:**

9   This bill adds to the Election Code, subject to passage of an enabling amendment to the

10 Utah Constitution, recall election provisions for the recall of the governor, the state

11 auditor, the state treasurer, or the attorney general.

12 **Highlighted Provisions:**

13   This bill:

14   ▸ defines terms;

15   ▸ enacts a chapter governing a recall election of the governor, the state auditor, the

16 state treasurer, or the attorney general;

17   ▸ describes application and petition requirements for a recall election;

18   ▸ describes signature requirements and provides a process for a voter to remove the

19 voter's signature from a petition;

20   ▸ describes the signatures that are required, together with other requirements, to

21 qualify for a recall election to be held;

22   ▸ describes the process for submission and review of recall election packets;

23   ▸ describes duties of the lieutenant governor and county clerks with respect to a recall

24 election petition;

25   ▸ establishes an appeals process if the lieutenant governor determines that a recall

26 election petition is insufficient;

27   ▸ describes circumstances under which a recall election may not be held;

28   ‣   describes the ballot and election date of a recall election;

29   ‣   provides for removal from office of an executive branch elected official who is

30   recalled;

31   ‣   describes unlawful conduct in relation to provisions of this bill; and

32   ‣   makes passage of this bill contingent upon passage of an enabling amendment to the

33   Utah Constitution.

34   **Money Appropriated in this Bill:**

35   None

36   **Other Special Clauses:**

37   This bill provides a contingent effective date of January 1, 2015.

38   **Utah Code Sections Affected:**

39   ENACTS:

40   **20A-17-101**, Utah Code Annotated 1953

41   **20A-17-102**, Utah Code Annotated 1953

42   **20A-17-201**, Utah Code Annotated 1953

43   **20A-17-202**, Utah Code Annotated 1953

44   **20A-17-203**, Utah Code Annotated 1953

45   **20A-17-204**, Utah Code Annotated 1953

46   **20A-17-205**, Utah Code Annotated 1953

47   **20A-17-206**, Utah Code Annotated 1953

48   **20A-17-301**, Utah Code Annotated 1953

49   **20A-17-302**, Utah Code Annotated 1953

50   **20A-17-303**, Utah Code Annotated 1953

51   **20A-17-304**, Utah Code Annotated 1953

52   **20A-17-401**, Utah Code Annotated 1953

53   **20A-17-402**, Utah Code Annotated 1953

54   **20A-17-403**, Utah Code Annotated 1953

55   **20A-17-404**, Utah Code Annotated 1953

56   **20A-17-501**, Utah Code Annotated 1953

57   **20A-17-502**, Utah Code Annotated 1953

58

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

60   Section 1. Section **20A-17-101** is enacted to read:

61   **CHAPTER 17. RECALL ELECTIONS**

62   **Part 1. General Provisions**

63   **20A-17-101. Title.**

64   (1) This chapter is known as "Recall Elections."

65   (2) This part is known as "General Provisions."

66   Section 2. Section **20A-17-102** is enacted to read:

67   **20A-17-102. Definitions.**

68   As used in this chapter:

69   (1) "Executive branch elected official" means the governor, the state auditor, the state

70   treasurer, or the attorney general.

71   (2) "Legal voter" means an individual who:

72   (a) is registered to vote; or

73   (b) intends to register to vote within 30 days after the day on which the individual signs

74   a recall election petition.

75   Section 3. Section **20A-17-201** is enacted to read:

76   **Part 2. Application and Petition Requirements**

77   **20A-17-201. Title.**

78   This part is known as "Application and Petition Requirements."

79   Section 4. Section **20A-17-202** is enacted to read:

80   **20A-17-202. Application for recall election.**

81   (1) A person who desires to subject an executive branch elected official to a recall

82   election shall file a recall election application with the lieutenant governor.

83   (2) The application shall be on a form provided by the lieutenant governor's office that

84   contains:

85   (a) the name and residential address of at least five sponsors of the recall election

86   application;

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

88   (i) is a resident of Utah; and

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

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

91   (d) the name and office of the executive branch elected official whom the sponsors

92   desire to subject to a recall election; and

93   (e) a statement indicating whether any person may be paid to gather signatures for the

94   recall election petition.

95   (3) The application and the application's contents are public when filed with the

96   lieutenant governor.

97   Section 5. Section **20A-17-203** is enacted to read:

98   **20A-17-203. Form of recall election petition and signature sheets.**

99   (1) A recall election petition is invalid unless:

100   (a) the recall election petition is printed in substantially the following form:

101   "RECALL ELECTION PETITION

102   To the Honorable   , Lieutenant Governor:

103   We, the undersigned citizens of Utah, respectfully demand that   (name

104   and office of the executive branch elected official sought to be recalled) be subjected to a recall

105   election;

106   Each signer says:

107   I have personally signed this petition;

108   I am registered to vote in Utah or intend to become registered to vote in Utah within 30

109   days after the day on which I sign this petition; and

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

111   (b) each signature sheet:

112   (i) is printed on sheets of paper 8-1/2 inches long and 11 inches wide;

113   (ii) is ruled with a horizontal line three-fourths inch from the top, with the space above

114   that line blank for the purpose of binding;

115   (iii) contains the words "Recall Election Petition for," followed immediately by the

116   name and office of the executive branch elected official sought to be recalled, printed below

117   the horizontal line;

118   (iv) contains the word "Warning" printed or typed at the top of each signature sheet;

119   (v) contains, to the right of the word "Warning," the following statement printed or

120   typed in not less than eight-point, single leaded type:

121   "It is a class A misdemeanor for an individual to sign a recall election petition with any

122 other name than the individual's own name, to knowingly sign the individual's name more than

123 once for the same recall election, or to sign a recall election petition when the individual knows

124 the individual is not a registered voter and does not intend to become a registered voter within

125 30 days after the day on which the individual signs the election recall petition."; and

126   (vi) is vertically divided into columns as follows:

127   (A) the first column shall appear at the extreme left of the sheet, be five-eighths inch

128 wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down

129 the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

130   (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed

131 Name (must be legible to be counted)";

132   (C) the next column shall be 2-1/2 inches wide, headed "Signature of Registered

133 Voter";

134   (D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

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

136 Code"; and

137   (F) at the bottom of the sheet, contain the following statement: "Birth date or age

138 information is not required, but may be used to verify your identity with voter registration

139 records. If you choose not to provide this information, your signature may not be verified as a

140 valid signature if you change your address before petition signatures are verified or if the

141 information you provide does not match your voter registration records."

142   (2) The final page of each recall election packet shall contain the following printed or

143 typed statement:

144   "Verification

145   State of Utah, County of _____

146   I, _____, of _____, hereby state that:

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

148   All the names that appear in this packet were signed by individuals who professed to be

149 the individuals whose names appear in it, and each of the individuals signed the individual's

150 name on it in my presence;

151   I believe that each individual printed and signed the individual's name and wrote the

152 individual's post office address and residence correctly and that each signer is registered to vote

153 in Utah or intends to become registered to vote within 30 days after the day on which the

154 individual signed the petition.

155   I have not paid or given anything of value to any individual who signed this recall

156 petition to encourage that individual to sign it.

157 _____

158   (Name)   (Residence Address)   (Date)"

159   (3) The forms prescribed in this section are not mandatory, and, if substantially

160 followed, the recall election petitions are sufficient, notwithstanding clerical or technical errors.

161   Section 6. Section **20A-17-204** is enacted to read:

162   **20A-17-204. Circulation requirements -- Lieutenant governor to provide sponsors**

163 **with materials.**

164   (1) In order to obtain the necessary number of signatures required by this chapter, the

165 sponsors shall circulate recall election packets that meet the form requirements of this part.

166   (2) The lieutenant governor shall provide the sponsors with a copy of the recall election

167 petition and one signature sheet.

168   (3) The sponsors of the recall election petition shall:

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

170 sheets; and

171   (b) ensure that the copies of the petition and signature sheets meet the requirements of

172 this part.

173   (4) (a) The sponsors may prepare the recall election petition for circulation by creating

174 multiple recall election packets.

175   (b) The sponsors shall create the recall election packets by binding a copy of the recall

176 election petition and no more than 50 signature sheets together at the top in a manner that the

177 packets may be conveniently opened for signing.

178   (c) The sponsors are not required to attach a uniform number of signature sheets to

179 each recall election packet.

180   (5) (a) After the sponsors have prepared sufficient recall election packets, the sponsors

181 shall deliver the recall election packets to the lieutenant governor.

182   (b) The lieutenant governor shall:

183   (i) within five working days after the day on which the sponsors delivered the recall

184   election packets to the lieutenant governor under Subsection (5)(a), number and return the

185   recall election packets to the sponsors; and

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

187   Section 7. Section **20A-17-205** is enacted to read:

188   **20A-17-205. Obtaining signatures -- Verification -- Removal of signature.**

189   (1) A Utah voter may sign a recall election petition if the voter is a legal voter.

190   (2) (a) The sponsors shall ensure that the individual in whose presence each signature

191   sheet is signed:

192   (i) is at least 18 years old and meets the residency requirements described in Section

193   20A-2-105; and

194   (ii) verifies each signature sheet by completing the verification printed on the last page

195   of each recall election packet.

196   (b) An individual may not sign the verification printed on the last page of the recall

197   election packet if the person signed a signature sheet in the recall election packet.

198   (3) (a) A voter who signs a recall election petition may have the voter's signature

199   removed from the petition by, before the day on which the lieutenant governor completes the

200   process of removing signatures described in Section 20A-17-304, submitting to the county

201   clerk a statement requesting that the voter's signature be removed.

202   (b) The statement described in Subsection (3)(a) shall include:

203   (i) the name of the voter;

204   (ii) the resident address at which the voter is registered to vote;

205   (iii) the last four digits of the voter's Social Security number;

206   (iv) the voter's driver license or identification card number; and

207   (v) the signature of the voter.

208   (c) A voter may not submit the statement described in this Subsection (3) by email or

209   other electronic means.

210   (d) The county clerk shall deliver all statements received under this Subsection (3):

211   (i) with the recall election packets delivered to the lieutenant governor; or

212   (ii) in a supplemental delivery to the lieutenant governor for a statement submitted

213   after the county clerk delivers the recall election packets.

214   (e) An individual may only remove a signature from a recall election petition in

215   accordance with this Subsection (3).

216   Section 8. Section **20A-17-206** is enacted to read:

217   **20A-17-206. Signature requirements -- Submission to a vote of the people.**

218   (1) A recall election of the executive branch elected official named in a recall election

219   petition may not be held unless:

220   (a) the sponsors obtain legal signatures that, after the verification and evaluation

221   process described in Sections 20A-17-303 and 20A-17-304, are equal to or greater than:

222   (i) 10% of the cumulative total of all votes cast by voters of this state for all candidates

223   for president of the United States at the last regular general election at which a president of the

224   United States was elected; and

225   (ii) for each of at least 26 Utah state Senate districts, 10% of the total of all votes cast

226   in that district for all candidates for president of the United States at the last regular general

227   election at which a president of the United States was elected;

228   (b) the sponsors obtain the signatures described in Subsection (1)(a) within the period

229   of time that:

230   (i) begins on the day on which the lieutenant governor returns the recall election

231   packets to a sponsor under Subsection 20A-17-204(5)(b); and

232   (ii) ends 180 days after the day described in Subsection (1)(b)(i); and

233   (c) the recall election petition is declared sufficient in accordance with Section

234   20A-17-304.

235   (2) The lieutenant governor shall provide the following information from the official

236   canvass of the last regular general election at which a president of the United States was elected

237   to any interested person:

238   (a) the cumulative total of all votes cast by voters in this state for all candidates for

239   president of the United States; and

240   (b) for each Utah state Senate district, the total of all votes cast in that district for all

241   candidates for president of the United States.

242   (3) A person may not use signature sheets, or signatures collected on those signature

243   sheets, in relation to a previous recall election petition for a subsequent recall election petition.

244   Section 9. Section **20A-17-301** is enacted to read:

245   **Part 3. Submission and Review of Petition**

246   **20A-17-301. Title.**

247   This part is known as "Submission and Review of Petition."

248   Section 10. Section **20A-17-302** is enacted to read:

249   **20A-17-302. Submitting recall election petition -- Certification of signatures by**

250   **county clerks -- Transfer to lieutenant governor.**

251   (1) (a) In order to qualify for holding a recall election, the sponsors of a recall election

252   petition shall deliver each signed and verified recall election packet to the county clerk of the

253   county in which the packet was circulated no later than 180 days after the day on which the

254   lieutenant governor returns the recall election packets to a sponsor under Subsection

255   20A-17-204(5)(b).

256   (b) A sponsor may not submit a recall election packet after the deadline described in

257   Subsection (1)(a).

258   (2) Within 30 days after the day on which a county clerk receives each signed and

259   verified recall election packet that was circulated in the county, the county clerk shall:

260   (a) check the name of each individual who completed the verification for each recall

261   election packet to determine whether each individual is a resident of Utah and is at least 18

262   years old; and

263   (b) submit to the attorney general and the county attorney the name of each individual

264   who completed the verification for a recall election packet who is not a Utah resident or who is

265   not at least 18 years old.

266   (3) The county clerk may not certify a signature under Subsection (4) on a recall

267   election packet that is not verified in accordance with Section 20A-17-205.

268   (4) No later than 30 days after the day on which a county clerk receives each signed

269   and verified recall election packet that was circulated in the county, the county clerk shall:

270   (a) determine whether each signer is a registered voter in accordance with the

271   requirements of Section 20A-17-303;

272   (b) certify on each recall election packet whether each name in the packet is the name

273   of a registered voter; and

274   (c) deliver each verified recall election packet to the lieutenant governor.

275   (5) Upon receipt of a recall election packet under Subsection (4) and any statement

276 timely submitted under Subsection 20A-17-205(3), the lieutenant governor shall remove from
277 the recall election petition a voter's signature if the voter has requested removal in accordance
278 with Subsection 20A-17-205(3).
279   (6) A sponsor or an agent of a sponsor may not retrieve a recall election packet from a
280 county clerk or the lieutenant governor after the sponsor or an agent of the sponsor submits the
281 recall election packet to the county clerk.
282   Section 11. Section **20A-17-303** is enacted to read:
283   **20A-17-303. Verification of petition signatures.**
284   (1) As used in this section:
285   (a) "Substantially similar name" means:
286   (i) the given name or surname shown on the petition, or both, contain only minor
287 spelling differences when compared to the given name or surname shown on the official
288 register;
289   (ii) the surname shown on the petition exactly matches the surname shown on the
290 official register, and the given names differ only because one of the given names shown is a
291 commonly used abbreviation or variation of the other given name;
292   (iii) the surname shown on the petition exactly matches the surname shown on the
293 official register, and the given names differ only because one of the given names shown is
294 accompanied by a first or middle initial or a middle name that is not shown on the other record;
295 or
296   (iv) the surname shown on the petition exactly matches the surname shown on the
297 official register, and the given names differ only because one of the given names shown is an
298 alphabetically corresponding initial that has been provided in the place of a given name shown
299 on the other record.
300   (b) "Substantially similar name" does not include a name with an initial or a middle
301 name shown on the petition that does not match a different initial or middle name shown on the
302 official register.
303   (2) The county clerk shall use the following procedures in determining whether a
304 signer is a registered voter:
305   (a) when a signer's name and address shown on the petition exactly match a name and
306 address shown on the official register and the signer's signature appears substantially similar to

307   the signature on the statewide voter registration database, the county clerk shall declare the

308   signature valid;

309   (b) when there is no exact match of an address and a name, the county clerk shall

310   declare the signature valid if:

311   (i) the address on the petition matches the address of an individual on the official

312   register with a substantially similar name; and

313   (ii) the signer's signature appears substantially similar to the signature on the statewide

314   voter registration database of the individual described in Subsection (2)(b)(i); or

315   (c) when there is no match of an address, but a substantially similar name, the county

316   clerk shall declare the signature valid if:

317   (i) the birth date or age on the petition matches the birth date or age of an individual on

318   the official register with a substantially similar name; and

319   (ii) the signer's signature appears substantially similar to the signature on the statewide

320   voter registration database of the individual described in Subsection (2)(c)(i).

321   (3) If a signature is not declared valid under Subsection (2), the county clerk shall

322   declare the signature to be invalid.

323   Section 12. Section **20A-17-304** is enacted to read:

324   **20A-17-304. Evaluation by the lieutenant governor.**

325   (1) When a recall election packet is received from a county clerk, the lieutenant

326   governor shall check off from the record the number of the recall election packet filed.

327   (2) Within 15 days after the day on which the lieutenant governor receives all of the

328   recall election packets, the lieutenant governor shall:

329   (a) remove the signatures as required by Section 20A-17-205; and

330   (b) after removing the signatures as required by Section 20A-17-205:

331   (i) count the number of the names certified by the county clerks that remain on each

332   verified signature sheet; and

333   (ii) declare the recall election petition to be sufficient or insufficient.

334   (3) (a) If the total number of names counted under Subsection (2)(b)(i) equals or

335   exceeds the number of names required under Section 20A-17-206 and the requirements of this

336   chapter are met, the lieutenant governor shall mark upon the front of the recall election petition

337   the word "sufficient."

338   (b) If the total number of names counted under Subsection (2)(b)(i) does not equal or

339 exceed the number of names required under Section 20A-17-206 or a requirement of this

340 chapter is not met, the lieutenant governor shall mark upon the front of the recall election

341 petition the word "insufficient."

342   (c) The lieutenant governor shall, on the day on which the lieutenant governor marks

343 the recall election petition "sufficient" or "insufficient":

344   (i) send notice of the lieutenant governor's action to any one of the sponsors; and

345   (ii) post notice of the lieutenant governor's action on the lieutenant governor's website.

346   (4) After the lieutenant governor declares a recall election petition to be insufficient,

347 the sponsors may not submit additional signatures to qualify the petition for the ballot.

348   (5) (a) If the lieutenant governor marks a recall election petition "insufficient" or fails

349 to timely comply with Subsection (2)(b)(ii), any voter who believes that the recall election

350 petition is sufficient may, within 15 days after the earlier of the day on which the lieutenant

351 governor makes the notification described in Subsection (3)(c) or the day on which the deadline

352 described in Subsection (2) expires, apply to the Supreme Court for an extraordinary writ to

353 compel the lieutenant governor to declare the election petition to be sufficient.

354   (b) The Supreme Court shall:

355   (i) determine whether the recall election petition is legally sufficient; and

356   (ii) certify the court's findings to the lieutenant governor.

357   (c) If the supreme Court certifies that the recall election petition is legally sufficient,

358 the lieutenant governor shall, within one business day after the day on which the Supreme

359 Court certifies that the recall election petition is legally sufficient:

360   (i) attach a verified copy of the judgment to the recall election petition; and

361   (ii) mark the petition as "sufficient."

362   (d) If the Supreme Court determines that a recall election petition is not legally

363 sufficient, the Supreme Court may enjoin the lieutenant governor and all other officers from

364 proceeding with the recall election.

365   (6) A petition determined to be sufficient in accordance with this section is qualified

366 for the ballot.

367   Section 13. Section **20A-17-401** is enacted to read:

368   **Part 4. Recall Election**

369   **20A-17-401. Title.**

370   This part is known as "Recall Election."

371   Section 14. Section **20A-17-402** is enacted to read:

372   **20A-17-402. Recall election dates -- Cancellation of recall election.**

373   (1) Except as provided in Subsection (2), the lieutenant governor and each county clerk

374   shall ensure that a recall election, based on a recall election petition that is declared to be

375   sufficient under Section 20A-17-304, is held on the earlier of:

376   (a) the next Western States Presidential Primary that will occur at least 65 days after

377   the day on which the recall election petition is declared to be sufficient under Section

378   20A-17-304;

379   (b) the next regular primary election that will occur at least 65 days after the day on

380   which the recall election petition is declared to be sufficient under Section 20A-17-304;

381   (c) the next regular general election that will occur at least 65 days after the day on

382   which the recall election petition is declared to be sufficient under Section 20A-17-304; or

383   (d) the next statewide special election called by the governor or the Legislature that

384   will occur at least 65 days after the day on which the recall election petition is declared to be

385   sufficient under Section 20A-17-304, regardless of whether the special election is called for the

386   purpose of the recall election.

387   (2) A recall election may not be held if:

388   (a) the executive branch elected official who is the subject of the recall election

389   petition resigns or is otherwise removed from office before the day on which the recall election

390   will be held;

391   (b) (i) the executive branch elected official's term of office will end within 90 days

392   after the day on which the recall election petition is declared to be sufficient under Section

393   20A-17-304; and

394   (ii) the executive branch elected official will not be on the ballot for reelection; or

395   (c) (i) the recall election would, under Subsection (1), be held at the next general

396   election; and

397   (ii) the executive branch elected official will be on the ballot for reelection in a regular

398   general election.

399   Section 15. Section **20A-17-403** is enacted to read:

400	**20A-17-403.** **Form of ballot -- Manner of voting.**
401	(1) The county clerks shall ensure that the portion of a ballot for a recall election of an
402	executive branch elected official is presented on the official ballot as follows:
403	(a) the name of the executive branch elected official who is the subject of the recall
404	election petition shall appear on the ballot;
405	(b) immediately after the executive branch elected official's name shall appear the
406	name of the registered political party of which the executive branch elected official is a
407	member;
408	(c) immediately after the name and political party described in Subsections
409	(1) (a) and (b) shall appear the question, "Shall (name of the executive branch
410	elected official) be retained as (position that the executive branch elected official
411	holds)?"; and
412	(d) immediately adjacent to the question described in Subsection (1)(c) shall appear the
413	words "Yes" and "No," each word presented with an adjacent square in which the elector may
414	indicate the elector's vote.
415	(2) Electors desiring to retain the executive branch elected official in office shall mark
416	the square adjacent to the word "Yes," and electors desiring to remove the executive branch
417	elected official from office shall mark the square adjacent to the word "No."
418	Section 16. Section **20A-17-404** is enacted to read:
419	**20A-17-404.** **Return and canvass -- Retention -- Removal from office.**
420	(1) The votes in a recall election shall be counted, canvassed, and delivered as provided
421	in Title 20A, Chapter 4, Part 3, Canvassing Returns.
422	(2) After the state board of canvassers completes its canvass, the lieutenant governor
423	shall issue a proclamation that:
424	(a) certifies the number of votes for and against retaining the executive branch elected
425	official in office; and
426	(b) (i) if the number of votes for retaining the executive branch elected official in office
427	equals or exceeds the number of votes against retaining the executive branch elected official in
428	office, declares that the executive branch elected official is retained in office; or
429	(ii) if the number of votes for retaining the executive branch elected official in office
430	does not equal or exceed the number of votes against retaining the executive branch elected

431   official in office, declares that the executive branch elected official is removed from office and

432   that the office is vacant.

433   Section 17. Section **20A-17-501** is enacted to read:

434   **Part 5. Unlawful Conduct**

435   **20A-17-501. Title.**

436   This part is known as "Unlawful Conduct."

437   Section 18. Section **20A-17-502** is enacted to read:

438   **20A-17-502. Misconduct of electors, officers, and others -- Penalties.**

439   (1) It is a class B misdemeanor for a person to:

440   (a) sign any name other than the person's own name to a recall election petition;

441   (b) knowingly sign the person's name more than once for the same recall election

442   petition;

443   (c) sign a recall election petition if, at the time that the person signs the recall election

444   petition, the person:

445   (i) knows that the person is not a legal voter; and

446   (ii) does not intend to become a legal voter within 30 days after the day on which the

447   person signs the recall election petition; or

448   (d) knowingly and willfully violate any provision of this part that is not described in

449   Subsections (1)(a) through (c), (2), or (3).

450   (2) It is a class B misdemeanor for an individual to sign the verification for a recall

451   election packet knowing that:

452   (a) the individual does not meet the residency requirements described in Section

453   20A-2-105;

454   (b) the individual did not witness the signatures of the individuals whose names appear

455   in the recall election packet; or

456   (c) an individual whose signature appears in the recall election packet:

457   (i) is not registered to vote in Utah; and

458   (ii) does not intend to become registered to vote in Utah within 30 days after the day on

459   which the individual signs the recall election packet.

460   (3) A person is guilty of a class A misdemeanor if the person:

461   (a) pays an individual to sign a recall election petition;

462   (b) pays an individual to remove the individual's signature from a recall election

463   petition;

464   (c) accepts payment to sign a recall election petition;

465   (d) accepts payment to have the individual's name removed from a recall election

466   petition; or

467   (e) removes an individual's name from a recall election petition, unless authorized by

468   law to remove the individual's name from the recall election petition.

469   Section 19. **Effective date.**

470   This bill takes effect on January 1, 2015, if the amendment to the Utah Constitution

471   proposed by H.J.R. 4, Joint Resolution on Recall Elections, 2014 General Session, passes the

472   Legislature and is approved by a majority of those voting on the amendment at the next regular

473   general election.