

AMENDMENTS TO ELECTION LAW

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: Lee B. Perry

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

General Description:

This bill amends provisions relating to elections.

Highlighted Provisions:

This bill:

- ▶ changes the deadline for publication of a municipal election notice;
- ▶ amends provisions relating to a midterm vacancy in a municipal office;
- ▶ provides a deadline for informing a voter registration applicant of action taken on the application;
- ▶ amends provisions relating to a local voter information pamphlet;
- ▶ amends political party registration petition requirements;
- ▶ amends provisions relating to municipal elections;
- ▶ amends provisions relating to the certification provided by the lieutenant governor for a regular primary election;
- ▶ changes the deadline for a qualified political party to provide certification regarding who may vote for the qualified political party's candidates in a primary election;
- ▶ amends provisions relating to the declaration of candidacy for the office of lieutenant governor;
- ▶ amends provisions relating to an election to create a new school district; and



28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **10-2a-214**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and
36 amended by Laws of Utah 2015, Chapter 352

37 **10-2a-305.1**, as enacted by Laws of Utah 2015, Chapter 111 and last amended by
38 Coordination Clause, Laws of Utah 2015, Chapter 352

39 **10-3-301**, as last amended by Laws of Utah 2014, Chapter 38

40 **20A-1-510**, as last amended by Laws of Utah 2012, Chapter 327

41 **20A-2-304**, as last amended by Laws of Utah 2006, Chapter 264

42 **20A-7-402**, as last amended by Laws of Utah 2016, Chapter 53

43 **20A-8-103**, as last amended by Laws of Utah 2013, Chapter 253

44 **20A-9-203**, as last amended by Laws of Utah 2014, Chapter 38

45 **20A-9-403**, as last amended by Laws of Utah 2016, Chapter 28

46 **20A-9-404**, as last amended by Laws of Utah 2013, Chapter 402

47 **20A-9-406**, as last amended by Laws of Utah 2016, Chapters 16 and 66

48 **20A-9-407**, as last amended by Laws of Utah 2015, Chapter 296

49 **20A-9-408**, as last amended by Laws of Utah 2016, Chapter 28

50 **20A-9-409**, as enacted by Laws of Utah 2014, Chapter 17

51 **53A-2-117**, as last amended by Laws of Utah 2011, Chapters 300 and 369

52 **53A-2-118**, as last amended by Laws of Utah 2010, Chapter 230

53 **53A-2-118.1**, as last amended by Laws of Utah 2011, Chapter 300



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

56 Section 1. Section **10-2a-214** is amended to read:

57 **10-2a-214. Notice of number of commission or council members to be elected and**
58 **of district boundaries -- Declaration of candidacy for city office.**

59 (1) (a) Within 20 days of the county legislative body's receipt of the information under
60 Subsection 10-2a-213(1)(d), the county clerk shall publish, in accordance with Subsection
61 (1)(b), notice containing:

- 62 (i) the number of commission or council members to be elected for the new city;
63 (ii) if some or all of the commission or council members are to be elected by district, a
64 description of the boundaries of those districts as designated by the petition sponsors under
65 Subsection 10-2a-213(1)(b);
66 (iii) information about the deadline for filing a declaration of candidacy for those
67 seeking to become candidates for mayor or city commission or council; and
68 (iv) information about the length of the initial term of each of the city officers, as
69 determined by the petition sponsors under Subsection 10-2a-213(1)(c).

70 (b) The notice under Subsection (1)(a) shall be published:

- 71 (i) in a newspaper of general circulation within the future city at least once a week for
72 two successive weeks; and
73 (ii) in accordance with Section 45-1-101 for two weeks.

74 (c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general
75 circulation within the future city, the county clerk shall post at least one notice per 1,000
76 population in conspicuous places within the future city that are most likely to give notice to the
77 residents of the future city.

78 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under
79 Subsection (1)(a).

80 (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least
81 seven days before the deadline for filing a declaration of candidacy under Subsection (2).

82 (2) Notwithstanding Subsection 20A-9-203~~(2)~~(3)(a), each ~~[person]~~ individual seeking
83 to become a candidate for mayor or city commission or council of a city incorporating under
84 this part shall file a declaration of candidacy with the clerk of the county in which the future
85 city is located and in accordance with the deadlines set by the clerk as authorized by Section
86 10-2a-215.

87 Section 2. Section 10-2a-305.1 is amended to read:

88 **10-2a-305.1. Notice of number of council members to be elected and of district**
89 **boundaries -- Declaration of candidacy for city office -- Occupation of office.**

90 (1) (a) Within 20 days of the county legislative body's receipt of the information under
91 Subsection 10-2a-305(2)(b), the county clerk shall publish, in accordance with Subsection
92 (1)(b), notice containing:

93 (i) information about the deadline for filing a declaration of candidacy for those
94 seeking to become candidates for mayor or town council; and

95 (ii) information about the length of the initial term of each of the town officers, as
96 determined by the petition sponsors under Subsection 10-2a-305(2)(a).

97 (b) The notice under Subsection (1)(a) shall be published:

98 (i) in a newspaper of general circulation within the future town at least once a week for
99 two successive weeks; and

100 (ii) in accordance with Section 45-1-101 for two weeks.

101 (c) (i) In accordance with Subsection (1)(b)(i), if there is no newspaper of general
102 circulation within the future city, the county clerk shall post at least one notice per 1,000
103 population in conspicuous places within the future town that are most likely to give notice to
104 the residents of the future town.

105 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under
106 Subsection (1)(a).

107 (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least
108 seven days before the deadline for filing a declaration of candidacy under Subsection (2).

109 (2) Notwithstanding Subsection 20A-9-203~~(2)~~(3)(a), each [person] individual seeking
110 to become a candidate for mayor or town council of a town incorporating under this part shall,
111 within 45 days of the incorporation election under Section 10-2a-304, file a declaration of
112 candidacy with the clerk of the county in which the future town is located.

113 Section 3. Section 10-3-301 is amended to read:

114 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**
115 **office -- Mayor and recorder limitations.**

116 (1) (a) On or before ~~February~~ May 1 in a year in which there is a municipal general
117 election, the municipal clerk shall publish a notice that identifies:

118 (i) the municipal offices to be voted on in the municipal general election; and

119 (ii) the dates for filing a declaration of candidacy for the offices identified under
120 Subsection (1)(a)(i).

121 (b) The municipal clerk shall publish the notice described in Subsection (1)(a):
122 (i) on the Utah Public Notice Website established by Section 63F-1-701; and
123 (ii) in at least one of the following ways:
124 (A) at the principal office of the municipality;
125 (B) in a newspaper of general circulation within the municipality at least once a week
126 for two successive weeks in accordance with Section 45-1-101;

127 (C) in a newsletter produced by the municipality;
128 (D) on a website operated by the municipality; or
129 (E) with a utility enterprise fund customer's bill.

130 (2) (a) [~~A person filing~~] An individual who files a declaration of candidacy for a
131 municipal office shall [~~meet~~] comply with the requirements [~~of~~] described in Section
132 20A-9-203.

133 (b) (i) Except as provided in Subsection (2)(b)(ii), the city recorder or town clerk of
134 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in
135 Subsections 20A-9-203[~~(2)~~](3)(a)(i) and (b)(i) unless the date occurs on a:

136 (A) Saturday or Sunday; or
137 (B) state holiday as listed in Section 63G-1-301.

138 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that
139 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection
140 (2)(b)(i) without maintaining office hours by:

141 (A) posting the recorder's or clerk's contact information, including a phone number and
142 email address, on the recorder's or clerk's office door, the main door to the municipal offices,
143 and, if available, on the municipal website; and

144 (B) being available [~~at that contact information~~] from 8 a.m. to 5 p.m. on the dates
145 described in Subsection (2)(b)(i), via the contact information described in Subsection
146 (2)(b)(ii)(A).

147 (3) [~~Any person~~] An individual elected to municipal office shall be a registered voter in
148 the municipality in which the [~~person was~~] individual is elected.

149 (4) (a) Each elected officer of a municipality shall maintain residency within the
150 boundaries of the municipality during the officer's term of office.

151 (b) If an elected officer of a municipality establishes a principal place of residence as

152 provided in Section 20A-2-105 outside the municipality during the officer's term of office, the
153 office is automatically vacant.

154 (5) If an elected municipal officer is absent from the municipality any time during the
155 officer's term of office for a continuous period of more than 60 days without the consent of the
156 municipal legislative body, the municipal office is automatically vacant.

157 (6) (a) A mayor of a municipality may not also serve as the municipal recorder or
158 treasurer.

159 (b) The recorder of a municipality may not also serve as the municipal treasurer.

160 Section 4. Section 20A-1-510 is amended to read:

161 **20A-1-510. Midterm vacancies in municipal offices.**

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

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

168 (i) give public notice of the vacancy at least two weeks before the municipal legislative
169 body meets to fill the vacancy;

170 (ii) identify, in the notice:

171 (A) the date, time, and place of the meeting where the vacancy will be filled;

172 (B) the person to whom [~~a person~~] an individual interested in being appointed to fill
173 the vacancy may submit the interested [~~person's~~] individual's name for consideration; and

174 (C) the deadline for submitting an interested [~~person's~~] individual's name; and

175 (iii) in an open meeting, interview each [~~person~~] individual whose name [~~was~~] is
176 submitted for consideration, and who meets the qualifications for office, regarding the
177 [~~person's~~] individual's qualifications.

178 (c) (i) If, for any reason, the municipal legislative body does not fill the vacancy within
179 30 days after the day on which the vacancy occurs, the municipal legislative body shall fill the
180 vacancy from among the names that have been submitted.

181 (ii) The two [~~persons~~] individuals having the highest number of votes of the municipal
182 legislative body after a first vote is taken shall appear before the municipal legislative body and

183 the municipal legislative body shall vote again.

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

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

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

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

193 (b) In appointing an interim replacement, the municipal legislative body shall:

194 (i) comply with the notice requirements of this section; and

195 (ii) in an open meeting, interview each ~~[person]~~ individual whose name ~~[was]~~ is
196 submitted for consideration, and who meets the qualifications for office, regarding the
197 ~~[person's]~~ individual's qualifications.

198 (3) (a) In a municipality operating under the council-mayor form of government, as
199 defined in Section [10-3b-102](#):

200 (i) the council may appoint ~~[a person]~~ an individual to fill a vacancy in the office of
201 mayor before the effective date of the mayor's resignation by making the effective date of the
202 appointment the same as the effective date of the mayor's resignation; and

203 (ii) if a vacancy in the office of mayor occurs before the effective date of an
204 appointment under Subsection (1) or (2) to fill the vacancy, the council chair shall serve as
205 acting mayor during the time between the creation of the vacancy and the effective date of the
206 appointment to fill the vacancy.

207 (b) While serving as acting mayor under Subsection (3)(a)(ii), the council chair
208 continues to:

209 (i) act as a council member; and

210 (ii) vote at council meetings.

211 Section 5. Section **20A-2-304** is amended to read:

212 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

213 Each county clerk shall:

214 (1) register to vote each applicant for registration who meets the requirements for
215 registration and who:

216 (a) submits a completed voter registration form to the county clerk on or before the
217 voter registration deadline;

218 (b) submits a completed voter registration form to the Driver License Division, a
219 public assistance agency, or a discretionary voter registration agency on or before the voter
220 registration deadline; or

221 (c) mails a completed by-mail voter registration form to the county clerk on or before
222 the voter registration deadline; and

223 (2) within 30 days after the day on which the county clerk processes a voter registration
224 application, send a notice to the [~~voter informing the voter~~] individual who submits the
225 application that:

226 (a) [~~the voter's~~] informs the individual that the individual's application for voter
227 registration has been accepted and that the [~~voter~~] individual is registered to vote;

228 (b) [~~the voter's~~] informs the individual that the individual's application for voter
229 registration has been rejected and the reason for the rejection; or

230 (c) (i) informs the individual that the application for voter registration is being returned
231 to the [~~voter~~] individual for further action because the application is incomplete; and [~~giving~~]

232 (ii) gives instructions to the [~~voter about~~] individual on how to properly complete the
233 application.

234 Section 6. Section 20A-7-402 is amended to read:

235 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**

236 **Preparation -- Statement on front cover.**

237 (1) The county or municipality that is subject to a ballot proposition shall prepare a
238 local voter information pamphlet that [~~meets~~] complies with the requirements of this part.

239 (2) (a) The arguments for or against a ballot proposition shall conform to the
240 requirements of this section.

241 (b) To prepare an argument for or against a ballot proposition, an eligible voter shall
242 file a request with the election officer at least 65 days before the election at which the ballot
243 proposition is to be voted on.

244 (c) If more than one eligible voter requests the opportunity to prepare an argument for

245 or against a ballot proposition, the election officer shall make the final designation according to
246 the following criteria:

247 (i) sponsors have priority in preparing an argument regarding a ballot proposition; and
248 (ii) members of the local legislative body have priority over others.

249 (d) (i) Except as provided in Subsection (2)(e), a sponsor of a ballot proposition may
250 prepare an argument in favor of the ballot proposition.

251 (ii) Except as provided in Subsection (2)(e), and subject to Subsection (2)(c), an
252 eligible voter opposed to the ballot proposition who submits a request under Subsection (2)(b)
253 may prepare an argument against the ballot proposition.

254 (e) (i) For a referendum, subject to Subsection (2)(c), an eligible voter who is in favor
255 of a law that is referred to the voters and who submits a request under Subsection (2)(b) may
256 prepare an argument for adoption of the law.

257 (ii) The sponsors of a referendum may prepare an argument against the adoption of a
258 law that is referred to the voters.

259 (f) An eligible voter who submits an argument under this section shall:

260 (i) ensure that the argument does not exceed 500 words in length;

261 (ii) ensure that the argument does not list more than five names as sponsors;

262 (iii) submit the argument to the election officer no later than 60 days before the
263 election day on which the ballot proposition will be submitted to the voters; and

264 (iv) include with the argument the eligible voter's name, residential address, postal
265 address, email address if available, and phone number.

266 (g) An election officer shall refuse to accept and publish an argument that is submitted
267 after the deadline described in Subsection (2)(f)(iii).

268 (3) (a) An election officer who timely receives the arguments in favor of and against a
269 ballot proposition shall, within one business day after the day on which the election office
270 receives both arguments, send, via mail or email:

271 (i) a copy of the argument in favor of the ballot proposition to the eligible voter who
272 submitted the argument against the ballot proposition; and

273 (ii) a copy of the argument against the ballot proposition to the eligible voter who
274 submitted the argument in favor of the ballot proposition.

275 (b) The eligible voter who submitted a timely argument in favor of the ballot

276 proposition:

277 (i) may submit to the election officer a rebuttal argument of the argument against the
278 ballot proposition;

279 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and

280 (iii) shall submit the rebuttal argument no later than 45 days before the election day on
281 which the ballot proposition will be submitted to the voters.

282 (c) The eligible voter who submitted a timely argument against the ballot proposition:

283 (i) may submit to the election officer a rebuttal argument of the argument in favor of
284 the ballot proposition;

285 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and

286 (iii) shall submit the rebuttal argument no later than 45 days before the election day on
287 which the ballot proposition will be submitted to the voters.

288 (d) An election officer shall refuse to accept and publish a rebuttal argument that is
289 submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).

290 (4) (a) Except as provided in Subsection (4)(b):

291 (i) an eligible voter may not modify an argument or rebuttal argument after the eligible
292 voter submits the argument or rebuttal argument to the election officer; and

293 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
294 modify an argument or rebuttal argument.

295 (b) The election officer, and the eligible voter who submits an argument or rebuttal
296 argument, may jointly agree to modify an argument or rebuttal argument in order to:

297 (i) correct factual, grammatical, or spelling errors; and

298 (ii) reduce the number of words to come into compliance with the requirements of this
299 section.

300 (c) An election officer shall refuse to accept and publish an argument or rebuttal
301 argument if the eligible voter who submits the argument or rebuttal argument fails to negotiate,
302 in good faith, to modify the argument or rebuttal argument in accordance with Subsection
303 (4)(b).

304 (5) An election officer may designate another eligible voter to take the place of an
305 eligible voter described in this section if the original eligible voter is, due to injury, illness,
306 death, or another circumstance, unable to continue to fulfill the duties of an eligible voter

307 described in this section.

308 (6) The local voter information pamphlet shall include a copy of the initial fiscal
309 impact estimate prepared for each initiative under Section [20A-7-502.5](#).

310 (7) (a) In preparing the local voter information pamphlet, the election officer shall:

311 (i) ensure that the arguments are printed on the same sheet of paper upon which the
312 ballot proposition is also printed;

313 (ii) ensure that the following statement is printed on the front cover or the heading of
314 the first page of the printed arguments:

315 "The arguments for or against a ballot proposition are the opinions of the authors.";

316 (iii) pay for the printing and binding of the local voter information pamphlet; and

317 (iv) ~~[distribute either the pamphlets or the notice described in Subsection (7)(c) either~~
318 ~~by mail or carrier]~~ not less than 15 days before, but not more than 45 days before, the election
319 at which the ballot [propositions are to be voted upon.] proposition will be voted on, distribute,
320 by mail or carrier, to each registered voter entitled to vote on the ballot proposition:

321 (A) a voter information pamphlet; or

322 (B) the notice described in Subsection (7)(c).

323 (b) (i) If the proposed measure exceeds 500 words in length, the election officer may
324 summarize the measure in 500 words or less.

325 (ii) The summary shall state where a complete copy of the ballot proposition is
326 available for public review.

327 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
328 preaddressed return form that a person may use to request delivery of a voter information
329 pamphlet by mail.

330 (ii) The notice described in Subsection (7)(c)(i) shall include:

331 (A) the address of the Statewide Electronic Voter Information Website authorized by
332 Section [20A-7-801](#); and

333 (B) the phone number a voter may call to request delivery of a voter information
334 pamphlet by mail or carrier.

335 Section 7. Section **20A-8-103** is amended to read:

336 **20A-8-103. Petition procedures -- Criminal penalty.**

337 (1) As used in this section, the proposed name or emblem of a registered political party

338 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a
339 difference between the proposed name or emblem and any name or emblem currently being
340 used by another registered political party.

341 (2) To become a registered political party, an organization of registered voters that is
342 not a continuing political party shall:

343 (a) circulate a petition seeking registered political party status beginning no earlier than
344 the date of the statewide canvass held after the last regular general election and ending no later
345 than ~~the February~~ November 15 of the year before the year in which the next regular general
346 election will be held; ~~and~~

347 (b) file a petition with the lieutenant governor that is signed, with a holographic
348 signature, by at least 2,000 registered voters on or before ~~February~~ November 15 of the year
349 in which a regular general election will be held~~[-]; and~~

350 (c) file, with the petition described in Subsection (2)(b), a document certifying:

351 (i) the identity of one or more registered political parties whose members may vote for
352 the organization's candidates;

353 (ii) whether unaffiliated voters may vote for the organization's candidates; and

354 (iii) whether, for the next election, the organization intends to nominate the
355 organization's candidates in accordance with the provisions of Section [20A-9-406](#).

356 (3) The petition shall:

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

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

360 (c) contain the name of the political party and the words "Political Party Registration
361 Petition" printed directly below the horizontal line;

362 (d) contain the word "Warning" printed directly under the words described in
363 Subsection (3)(c);

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

366 "It is a class A misdemeanor for anyone to knowingly sign a political party registration
367 petition signature sheet with any name other than the ~~person's~~ individual's own name or more
368 than once for the same party or if the ~~person~~ individual is not registered to vote in this state

369 and does not intend to become registered to vote in this state before the petition is submitted to
370 the lieutenant governor.";

371 (f) contain the following statement directly under the statement described in Subsection
372 (3)(e):

373 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
374 Lieutenant Governor:

375 We, the undersigned citizens of Utah, seek registered political party status for _____
376 (name);

377 Each signer says:

378 I have personally signed this petition with a holographic signature;

379 I am registered to vote in Utah or will register to vote in Utah before the petition is
380 submitted to the lieutenant governor;

381 I am or desire to become a member of the political party; and

382 My street address is written correctly after my name."; and

383 (g) be vertically divided into columns as follows:

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

387 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
388 Name (must be legible to be counted)";

389 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
390 Registered Voter";

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

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

394 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
395 information is not required, but it may be used to verify your identity with voter registration
396 records. If you choose not to provide it, your signature may not be certified as a valid signature
397 if you change your address before petition signatures are certified or if the information you
398 provide does not match your voter registration records.";

399 (h) have a final page bound to one or more signature sheets that are bound together that

400 contains the following printed statement:

401 "Verification

402 State of Utah, County of _____

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

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

405 All the names that appear on the signature sheets bound to this page were signed by
406 ~~[persons]~~ individuals who professed to be the ~~[persons]~~ individuals whose names appear on the
407 signature sheets, and each ~~[of them]~~ individual signed the ~~[person's]~~ individual's name on the
408 signature sheets in my presence;

409 I believe that each individual has printed and signed the ~~[person's]~~ individual's name
410 and written the ~~[person's]~~ individual's street address correctly, and that each ~~[signer]~~ individual
411 is registered to vote in Utah or will register to vote in Utah before the petition is submitted to
412 the lieutenant governor.

413 _____
414 (Signature) (Residence Address) (Date)"; and

415 (i) be bound to a cover sheet that:

416 (i) identifies the political party's name, which may not exceed four words, and the
417 emblem of the party;

418 (ii) states the process that the organization will follow to organize and adopt a
419 constitution and bylaws; and

420 (iii) is signed by a filing officer, who agrees to receive communications on behalf of
421 the organization.

422 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the ~~[person]~~
423 individual in whose presence each signature sheet is signed:

424 (a) is at least 18 years old;

425 (b) meets the residency requirements of Section [20A-2-105](#); and

426 (c) verifies each signature sheet by completing the verification bound to one or more
427 signature sheets that are bound together.

428 (5) ~~[A person]~~ An individual may not sign the verification if the ~~[person]~~ individual
429 signed a signature sheet bound to the verification.

430 (6) The lieutenant governor shall:

- 431 (a) determine whether the required number of voters appears on the petition;
- 432 (b) review the proposed name and emblem to determine if they are "distinguishable"
- 433 from the names and emblems of other registered political parties; and
- 434 (c) certify the lieutenant governor's findings to the filing officer described in
- 435 Subsection (3)(i)(iii) within 30 days of the filing of the petition.
- 436 (7) (a) If the lieutenant governor determines that the petition meets the requirements of
- 437 this section, and that the proposed name and emblem are distinguishable, the lieutenant
- 438 governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the
- 439 prospective political party.
- 440 (b) If the lieutenant governor finds that the name, emblem, or both are not
- 441 distinguishable from the names and emblems of other registered political parties, the lieutenant
- 442 governor shall notify the filing officer that the filing officer has seven days to submit a new
- 443 name or emblem to the lieutenant governor.
- 444 (8) A registered political party may not change its name or emblem during the regular
- 445 general election cycle.
- 446 (9) (a) It is unlawful for ~~[any person]~~ an individual to:
- 447 (i) knowingly sign a political party registration petition:
- 448 (A) with any name other than the ~~[person's]~~ individual's own name;
- 449 (B) more than once for the same political party; or
- 450 (C) if the ~~[person]~~ individual is not registered to vote in this state and does not intend
- 451 to become registered to vote in this state before the petition is submitted to the lieutenant
- 452 governor; or
- 453 (ii) sign the verification of a political party registration petition signature sheet if the
- 454 ~~[person]~~ individual:
- 455 (A) does not meet the residency requirements of Section [20A-2-105](#);
- 456 (B) has not witnessed the signing by those ~~[persons]~~ individuals whose names appear
- 457 on the political party registration petition signature sheet; or
- 458 (C) knows that ~~[a person]~~ an individual whose signature appears on the political party
- 459 registration petition signature sheet is not registered to vote in this state and does not intend to
- 460 become registered to vote in this state.
- 461 (b) ~~[Any person violating]~~ An individual who violates this Subsection (9) is guilty of a

462 class A misdemeanor.

463 Section 8. Section **20A-9-203** is amended to read:

464 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

465 (1) ~~[(a)(i) A person]~~ An individual may become a candidate for any municipal office
466 if:

467 ~~[(A) the person]~~ (a) the individual is a registered voter; and

468 ~~[(B)(i) the person]~~ (b) (i) the individual has resided within the municipality in which
469 ~~[that person]~~ the individual seeks to hold elective office for the 12 consecutive months

470 immediately before the date of the election; or

471 ~~[(H) if]~~ (ii) the territory in which the ~~[person]~~ individual resides was annexed into the
472 municipality, the ~~[person]~~ individual has resided within the annexed territory or the
473 municipality the 12 consecutive months immediately before the date of the election.

474 ~~[(ii)]~~ (2) (a) For purposes of determining whether ~~[a person]~~ an individual meets the
475 residency requirement of Subsection ~~[(1)(a)(i)(B)(i)]~~ (1)(b)(i) in a municipality that was
476 incorporated less than 12 months before the election, the municipality ~~[shall be]~~ is considered
477 to have been incorporated 12 months before the date of the election.

478 (b) In addition to the requirements of Subsection (1)~~[(a)]~~, each candidate for a
479 municipal council position shall, if elected from a district, be a resident of the council district
480 from which the candidate is elected.

481 (c) In accordance with Utah Constitution₂, Article IV, Section 6, any mentally
482 incompetent person, any person convicted of a felony, or any person convicted of treason or a
483 crime against the elective franchise may not hold office in this state until the right to hold
484 elective office is restored under Section **20A-2-101.3** or **20A-2-101.5**.

485 ~~[(2)(a) A person]~~ (3) (a) An individual seeking to become a candidate for a municipal
486 office shall, regardless of the nomination method by which the individual is seeking to become
487 a candidate:

488 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during
489 the office hours described in Section **10-3-301** and not later than the close of those office
490 hours, between June 1 and June 7 of any odd-numbered year; and

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

492 (b) Any resident of a municipality may nominate a candidate for a municipal office by:

493 (i) filing a nomination petition with the city recorder or town clerk during the office
494 hours described in Section 10-3-301 and not later than the close of those office hours, between
495 June 1 and June 7 of any odd-numbered year; and

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

497 ~~[(3)]~~ (4) (a) Before the filing officer may accept any declaration of candidacy or
498 nomination petition, the filing officer shall:

499 (i) read to the prospective candidate or ~~[person]~~ individual filing the petition the
500 constitutional and statutory qualification requirements for the office that the candidate is
501 seeking; and

502 (ii) require the candidate or ~~[person]~~ individual filing the petition to state whether the
503 candidate meets those requirements.

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

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

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

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

513 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
514 Electronic Voter Information Website Program and inform the candidate of the submission
515 deadline under Subsection 20A-7-801(4)(a);

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

518 (A) signing the pledge is voluntary; and

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

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

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

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

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

527 ~~[(4)]~~ (5) Notwithstanding the requirement in Subsection ~~[(2)]~~ (3)(a)(i) to file a
528 declaration of candidacy in person, ~~[a person]~~ an individual may designate an agent to file the
529 form described in Subsection ~~[(5)]~~ (6) in person with the city recorder or town clerk if:

530 (a) the ~~[person]~~ individual is located outside the state during the filing period because:

531 (i) of employment with the state or the United States; or

532 (ii) the ~~[person]~~ individual is a member of:

533 (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or
534 Coast Guard of the United States who is on active duty;

535 (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the
536 commissioned corps of the National Oceanic and Atmospheric Administration of the United
537 States; or

538 (C) the National Guard on activated status;

539 (b) the ~~[person]~~ individual makes the declaration of candidacy described in Subsection
540 ~~[(5) to a person]~~ (6) to an individual qualified to administer an oath;

541 (c) the ~~[person]~~ individual communicates with the city recorder or town clerk using an
542 electronic device that allows the ~~[person]~~ individual and the city recorder or town clerk to see
543 and hear each other; and

544 (d) the ~~[person]~~ individual provides the city recorder or town clerk with an email
545 address to which the filing officer may send the copies described in Subsection ~~[(3)]~~ (4).

546 ~~[(5)]~~ (6) (a) The declaration of candidacy shall substantially comply with the following
547 form:

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

555 _____

556 Subscribed and sworn to (or affirmed) before me by ____ on this

557 _____(month\day\year).

558 (Signed) _____ (Clerk or other officer qualified to administer oath)";

559 (b) An agent designated to file a declaration of candidacy under Subsection [~~(4)~~] (5)

560 may not sign the form described in Subsection [~~(5)~~] (6)(a).

561 [~~(6)~~] (7) (a) A registered voter may be nominated for municipal office by submitting a
562 petition signed, with a holographic signature, by:

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

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

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

566 "NOMINATION PETITION

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

570 (ii) The remainder of the petition shall contain lines and columns for the signatures of
571 [~~persons~~] individuals signing the petition and [~~their~~] the individuals' addresses and telephone
572 numbers.

573 [~~(7)~~] (8) If the declaration of candidacy or nomination petition fails to state whether the
574 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
575 for the four-year term.

576 [~~(8)~~] (9) (a) The clerk shall verify with the county clerk that all candidates are
577 registered voters.

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

580 [~~(9)~~] (10) Immediately after expiration of the period for filing a declaration of
581 candidacy, the clerk shall:

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

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

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

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

588 ~~[(10)]~~ (11) A declaration of candidacy or nomination petition filed under this section
589 may not be amended after the expiration of the period for filing a declaration of candidacy.

590 ~~[(11)]~~ (12) (a) A declaration of candidacy or nomination petition filed under this
591 section is valid unless a written objection is filed with the clerk within five days after the last
592 day for filing.

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

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

596 (ii) decide any objection within 48 hours after ~~[it]~~ the objection is filed.

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

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

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

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

605 ~~[(12)]~~ (13) ~~[Any person who filed]~~ An individual who files a declaration of candidacy
606 and ~~[was]~~ is nominated, and ~~[any person who was]~~ an individual who is nominated by a
607 nomination petition, may, any time up to 23 days before the election, withdraw the nomination
608 by filing a written affidavit with the clerk.

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

610 **20A-9-403. Regular primary elections.**

611 (1) (a) Candidates for elective office that are to be filled at the next regular general
612 election shall be nominated in a regular primary election by direct vote of the people in the
613 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is
614 designated as regular primary election day. Nothing in this section shall affect a candidate's
615 ability to qualify for a regular general election's ballot as an unaffiliated candidate under
616 Section **20A-9-501** or to participate in a regular general election as a write-in candidate under

617 Section 20A-9-601.

618 (b) Each registered political party that chooses to have the names of [its] the registered
619 political party's candidates for elective office featured with party affiliation on the ballot at a
620 regular general election shall comply with the requirements of this section and shall nominate
621 [its] the registered political party's candidates for elective office in the manner [~~prescribed~~]
622 described in this section.

623 (c) A filing officer may not permit an official ballot at a regular general election to be
624 produced or used if the ballot denotes affiliation between a registered political party or any
625 other political group and a candidate for elective office who [~~was~~] is not nominated in the
626 manner prescribed in this section or in Subsection 20A-9-202(4).

627 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
628 even-numbered year in which a regular general election will be held.

629 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
630 shall:

631 (i) either declare [~~their~~] the registered political party's intent to participate in the next
632 regular primary election or declare that the registered political party chooses not to have the
633 names of [its] the registered political party's candidates for elective office featured on the ballot
634 at the next regular general election; and

635 (ii) if the registered political party participates in the upcoming regular primary
636 election, identify one or more registered political parties whose members may vote for the
637 registered political party's candidates and whether [~~or not persons~~] individuals identified as
638 unaffiliated with a political party may vote for the registered political party's candidates.

639 (b) (i) A registered political party that is a continuing political party [~~must~~] shall file
640 the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m.
641 on November 15 of each odd-numbered year.

642 (ii) An organization that is seeking to become a registered political party under Section
643 20A-8-103 [~~must~~] shall file the statement described in Subsection (2)(a) at the time that the
644 registered political party files the petition described in Section 20A-8-103.

645 (3) (a) Except as provided in Subsection (3)(e), [~~a person who has submitted~~] an
646 individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a
647 candidate for elective office on the regular primary ballot of the registered political party listed

648 on the declaration of candidacy only if the ~~[person]~~ individual is certified by the appropriate
649 filing officer as having submitted a set of nomination petitions that was:

650 (i) circulated and completed in accordance with Section ~~20A-9-405~~; and

651 (ii) signed by at least ~~[two percent]~~ 2% of the registered political party's members who
652 reside in the political division of the office that the ~~[person]~~ individual seeks.

653 (b) (i) A candidate for elective office shall submit nomination petitions to the
654 appropriate filing officer for verification and certification no later than 5 p.m. on the final day
655 in March. ~~[Candidates]~~

656 (ii) A candidate may supplement ~~[their]~~ the candidate's submissions at any time on or
657 before the filing deadline.

658 (c) (i) The lieutenant governor shall determine for each elective office the total number
659 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate
660 number of ~~[persons]~~ individuals residing in each elective office's political division who have
661 designated a particular registered political party on ~~[their]~~ the individuals' voter registration
662 forms ~~[as of]~~ on or before November 1 of each odd-numbered year.

663 (ii) The lieutenant governor shall publish ~~[this]~~ the determination for each elective
664 office no later than November 15 of each odd-numbered year.

665 (d) The filing officer shall:

666 (i) verify signatures on nomination petitions in a transparent and orderly manner;

667 (ii) for all qualifying candidates for elective office who ~~[submitted]~~ submit nomination
668 petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5
669 p.m. on the first Monday after the third Saturday in April;

670 (iii) consider active and inactive voters eligible to sign nomination petitions;

671 (iv) consider ~~[a person]~~ an individual who signs a nomination petition a member of a
672 registered political party for purposes of Subsection (3)(a)(ii) if the ~~[person]~~ individual has
673 designated that registered political party as the ~~[person's]~~ individual's party membership on the
674 ~~[person's]~~ individual's voter registration form; and

675 (v) utilize procedures described in Section ~~20A-7-206.3~~ to verify submitted nomination
676 petition signatures, or use statistical sampling procedures to verify submitted nomination
677 petition signatures ~~[pursuant to]~~ in accordance with rules made under Subsection (3)(f).

678 (e) Notwithstanding any other provision in this Subsection (3), a candidate for

679 lieutenant governor may appear on the regular primary ballot of a registered political party
680 without submitting nomination petitions if the candidate files a declaration of candidacy and
681 complies with Subsection 20A-9-202(3).

682 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
683 director of elections, within the Office of the Lieutenant Governor, shall make rules that:

684 (i) provide for the use of statistical sampling procedures that:

685 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

686 (B) reflect a bona fide effort to determine the validity of a candidate's entire

687 submission, using widely recognized statistical sampling techniques; and

688 (ii) provide for the transparent, orderly, and timely submission, verification, and
689 certification of nomination petition signatures.

690 (g) The county clerk shall:

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

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

696 (iii) determine the order of the local board of education candidates' names on the ballot
697 in accordance with Section 20A-6-305.

698 (4) (a) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
699 governor shall provide to the county clerks:

700 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
701 county, and county offices who have received certifications under Subsection (3), along with
702 instructions on how those names shall appear on the [~~primary-election~~] primary election ballot
703 in accordance with Section 20A-6-305; and

704 (ii) a list of unopposed candidates for elective office who have been nominated by a
705 registered political party under Subsection (5)(c) and instruct the county clerks to exclude
706 [~~such~~] the unopposed candidates from the [~~primary-election~~] primary election ballot.

707 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
708 joint-ticket running mates shall appear jointly on the [~~primary-election~~] primary election ballot.

709 (c) After the county clerk receives the certified list from the lieutenant governor under

710 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
711 substantially the following form:

712 "Notice is given that a primary election will be held Tuesday, June _____,
713 _____(year), to nominate party candidates for the parties and candidates for nonpartisan
714 local school board positions listed on the primary ballot. The polling place for voting precinct
715 _____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
716 Attest: county clerk."

717 (5) (a) [~~Candidates~~] A candidate, other than a presidential [candidates, receiving]
718 candidate, who, at the regular primary election, receives the highest number of votes cast for
719 [each office at the regular primary election are] the office sought by the candidate is:

720 (i) nominated for that office by [their] the candidate's registered political party [for that
721 office or are nominated as a candidate]; or

722 (ii) for a nonpartisan local school board position, nominated for that office.

723 (b) If two or more candidates, other than presidential candidates, are to be elected to
724 the office at the regular general election, those party candidates equal in number to positions to
725 be filled who receive the highest number of votes at the regular primary election are the
726 nominees of [~~their~~] the candidates' party for those positions.

727 [~~(c) A candidate who is unopposed for an elective office in the regular primary election~~
728 ~~of a registered political party is nominated by the party for that office without appearing on the~~
729 ~~primary ballot. A]~~

730 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

731 (A) no [person] individual other than the candidate [has received] receives a
732 certification under Subsection (3) for the regular primary election ballot of the candidate's
733 registered political party for a particular elective office[-]; or

734 (B) for an office where more than one individual is to be elected or nominated, the
735 number of candidates who receive certification under Subsection (3) for the regular primary
736 election of the candidate's registered political party does not exceed the total number of
737 candidates to be elected or nominated for that office.

738 (ii) A candidate who is unopposed for an elective office in the regular primary election
739 of a registered political party is nominated by the party for that office without appearing on the
740 primary election ballot.

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

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

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

753 (8) An individual may not file a declaration of candidacy for a registered political party
754 of which the individual is not a member, except to the extent that the registered political party
755 permits otherwise under the registered political party's bylaws.

756 Section 10. Section **20A-9-404** is amended to read:

757 **20A-9-404. Municipal primary elections.**

758 (1) (a) Except as otherwise provided in this section, candidates for municipal office in
759 all municipalities shall be nominated at a municipal primary election.

760 (b) Municipal primary elections shall be held:

761 (i) consistent with Section [20A-1-201.5](#), on the second Tuesday following the first
762 Monday in the August before the regular municipal election; and

763 (ii) whenever possible, at the same polling places as the regular municipal election.

764 (2) If the number of candidates for a particular municipal office does not exceed twice
765 the number of ~~[persons]~~ individuals needed to fill that office, a primary election for that office
766 may not be held and the candidates are considered nominated.

767 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
768 of voters or delegates.

769 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
770 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
771 by providing that the nomination of candidates for municipal office to be voted upon at a

772 municipal election be nominated by a political party convention or committee.

773 (ii) Any primary election exemption ordinance adopted under the authority of this

774 [~~subsection~~] Subsection (3) remains in effect until repealed by ordinance.

775 (c) (i) A convention or committee may not nominate:

776 (A) an individual who has not submitted a declaration of candidacy, or has not been
777 nominated by a nomination petition, under Section 20A-9-203; or

778 (B) more than one group of candidates, or have placed on the ballot more than one
779 group of candidates, for the municipal offices to be voted upon at the municipal election.

780 (ii) A convention or committee may nominate [~~a person~~] an individual who has been
781 nominated by a different convention or committee.

782 (iii) A political party may not have more than one group of candidates placed upon the
783 ballot and may not group the same candidates on different tickets by the same party under a
784 different name or emblem.

785 (d) (i) The convention or committee shall prepare a certificate of nomination for each
786 [~~person~~] individual nominated.

787 (ii) The certificate of nomination shall:

788 (A) contain the name of the office for which each [~~person~~] individual is nominated, the
789 name, post office address, and, if in a city, the street number of residence and place of business,
790 if any, of each [~~person~~] individual nominated;

791 (B) designate in not more than five words the political party that the convention or
792 committee represents;

793 (C) contain a copy of the resolution passed at the convention that authorized the
794 committee to make the nomination;

795 (D) contain a statement certifying that the name of the candidate nominated by the
796 political party will not appear on the ballot as a candidate for any other political party;

797 (E) be signed by the presiding officer and secretary of the convention or committee;
798 and

799 (F) contain a statement identifying the residence and post office address of the
800 presiding officer and secretary and certifying that the presiding officer and secretary were
801 officers of the convention or committee and that the certificates are true to the best of their
802 knowledge and belief.

803 (iii) Certificates of nomination shall be filed with the clerk not later than 80 days
804 before the municipal general election.

805 (e) A committee appointed at a convention, if authorized by an enabling resolution,
806 may also make nominations or fill vacancies in nominations made at a convention.

807 (f) The election ballot shall substantially comply with the form prescribed in Title 20A,
808 Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
809 be included with the candidate's name.

810 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1
811 that falls before the regular municipal election that:

812 (i) exempts the city from the other methods of nominating candidates to municipal
813 office provided in this section; and

814 (ii) provides for a partisan primary election method of nominating candidates as
815 provided in this Subsection (4).

816 (b) (i) Any party that was a registered political party at the last regular general election
817 or regular municipal election is a municipal political party under this section.

818 (ii) Any political party may qualify as a municipal political party by presenting a
819 petition to the city recorder that:

820 (A) is signed, with a holographic signature, by registered voters within the municipality
821 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
822 municipal election at which a mayor was elected;

823 (B) is filed with the city recorder by May 31 of any odd-numbered year;

824 (C) is substantially similar to the form of the signature sheets described in Section
825 [20A-7-303](#); and

826 (D) contains the name of the municipal political party using not more than five words.

827 (c) (i) If the number of candidates for a particular office does not exceed twice the
828 number of offices to be filled at the regular municipal election, no partisan primary election for
829 that office shall be held and the candidates are considered to be nominated.

830 (ii) If the number of candidates for a particular office exceeds twice the number of
831 offices to be filled at the regular municipal election, those candidates for municipal office shall
832 be nominated at a partisan primary election.

833 (d) The clerk shall ensure that:

- 834 (i) the partisan municipal primary ballot is similar to the ballot forms required by
835 Sections [20A-6-401](#) and [20A-6-401.1](#);
- 836 (ii) the candidates for each municipal political party are listed in one or more columns
837 under their party name and emblem;
- 838 (iii) the names of candidates of all parties are printed on the same ballot, but under
839 their party designation;
- 840 (iv) every ballot is folded and perforated [~~so as to separate~~] in a manner that separates
841 the candidates of one party from those of the other parties and [~~so as to enable the elector~~]
842 enables the voter to separate the part of the ballot containing the names of the party of [~~his~~] the
843 voter's choice from the remainder of the ballot; and
- 844 (v) the side edges of all ballots are perforated so that the outside sections of the ballots,
845 when detached, are similar in appearance to inside sections when detached.
- 846 (e) After marking a municipal primary ballot, the voter shall:
- 847 (i) detach the part of the ballot containing the names of the candidates of the party [~~he~~]
848 the voter has voted from the rest of the ballot;
- 849 (ii) fold the detached part so that its face is concealed and deposit it in the ballot box;
850 and
- 851 (iii) fold the remainder of the ballot containing the names of the candidates of the
852 parties for whom the elector did not vote and deposit it in the blank ballot box.
- 853 (f) Immediately after the canvass, the election judges shall, without examination,
854 destroy the tickets deposited in the blank ballot box.
- 855 Section 11. Section [20A-9-406](#) is amended to read:
- 856 **[20A-9-406. Qualified political party -- Requirements and exemptions.](#)**
- 857 The following provisions apply to a qualified political party:
- 858 (1) the qualified political party shall, no later than 5 p.m. on [~~March 1 of each~~
859 ~~even-numbered~~] November 15 of each odd-numbered year, certify to the lieutenant governor
860 the identity of one or more registered political parties whose members may vote for the
861 qualified political party's candidates and whether unaffiliated voters may vote for the qualified
862 political party's candidates;
- 863 (2) the provisions of Subsections [20A-9-403](#)(1) through (4)(a), Subsection
864 [20A-9-403](#)(5)(c), and Section [20A-9-405](#) do not apply to a nomination for the qualified

865 political party;

866 (3) an individual may only seek the nomination of the qualified political party by using
867 a method described in Section 20A-9-407, Section 20A-9-408, or both;

868 (4) the qualified political party shall comply with the provisions of Sections
869 20A-9-407, 20A-9-408, and 20A-9-409;

870 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(g), or (2)(a), each election officer
871 shall ensure that a ballot described in Section 20A-6-301 includes each ~~[person]~~ individual
872 nominated by a qualified political party:

873 (a) under the qualified political party's name, if any; or

874 (b) under the title of the qualified registered political party as designated by the
875 qualified political party in the certification described in Subsection (1), or, if none is
876 designated, then under some suitable title;

877 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
878 paper ballots in regular general elections, that each candidate who is nominated by the qualified
879 political party is listed by party;

880 (7) notwithstanding Subsection 20A-6-303(1)(d), each election officer shall ensure that
881 the party designation of each candidate who is nominated by the qualified political party is
882 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

883 (8) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that
884 the party designation of each candidate who is nominated by the qualified political party is
885 displayed adjacent to the candidate's name on an electronic ballot;

886 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
887 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
888 20A-9-408 to run in a regular general election for a federal office, constitutional office,
889 multicounty office, or county office;

890 (10) an individual who is nominated by, or seeking the nomination of, the qualified
891 political party is not required to comply with Subsection 20A-9-201(1)(c);

892 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
893 to have each of the qualified political party's candidates for elective office appear on the
894 primary ballot of the qualified political party with an indication that each candidate is a
895 candidate for the qualified political party;

896 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
897 on the list provided by the lieutenant governor to the county clerks:

898 (a) the names of all candidates of the qualified political party for federal, constitutional,
899 multicounty, and county offices; and

900 (b) the names of unopposed candidates for elective office who have been nominated by
901 the qualified political party and instruct the county clerks to exclude such candidates from the
902 primary-election ballot;

903 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
904 elective office in the regular primary election of the qualified political party is nominated by
905 the party for that office without appearing on the primary ballot; and

906 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
907 20A-9-405, the qualified political party is entitled to have the names of its candidates for
908 elective office featured with party affiliation on the ballot at a regular general election.

909 Section 12. Section 20A-9-407 is amended to read:

910 **20A-9-407. Convention process to seek the nomination of a qualified political**
911 **party.**

912 (1) This section describes the requirements for a member of a qualified political party
913 who is seeking the nomination of a qualified political party for an elective office through the
914 qualified political party's convention process.

915 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
916 candidacy for a member of a qualified political party who is nominated by, or who is seeking
917 the nomination of, the qualified political party under this section shall be substantially as
918 described in Section 20A-9-408.5.

919 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
920 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
921 nomination of the qualified political party for an elective office that is to be filled at the next
922 general election, shall:

923 (a) file a declaration of candidacy in person with the filing officer on or after the
924 second Friday in March and before 5 p.m. on the third Thursday in March before the next
925 regular general election; and

926 (b) pay the filing fee.

927 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
928 party who, under this section, is seeking the nomination of the qualified political party for the
929 office of district attorney within a multicounty prosecution district that is to be filled at the next
930 general election shall:

931 (a) file a declaration of candidacy with the county clerk designated in the interlocal
932 agreement creating the prosecution district on or after the second Friday in March and before 5
933 p.m. on the third Thursday in March before the next regular general election; and

934 (b) pay the filing fee.

935 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
936 who files as the joint-ticket running mate of an individual who is nominated by a qualified
937 political party, under this section, for the office of governor shall, on or before 5 p.m. on the
938 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter
939 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket
940 running mate.

941 (6) (a) A qualified political party that nominates a candidate under this section shall
942 certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday
943 after the fourth Saturday in April.

944 (b) The lieutenant governor shall ensure that the certification described in Subsection
945 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
946 under this section.

947 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
948 is nominated by a qualified political party under this section, designate the qualified political
949 party that nominated the candidate.

950 Section 13. Section 20A-9-408 is amended to read:

951 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
952 **political party.**

953 (1) This section describes the requirements for a member of a qualified political party
954 who is seeking the nomination of the qualified political party for an elective office through the
955 signature-gathering process described in this section.

956 (2) Notwithstanding Subsection 20A-9-201(4)(a), the form of the declaration of
957 candidacy for a member of a qualified political party who is nominated by, or who is seeking

958 the nomination of, the qualified political party under this section shall be substantially as
959 described in Section 20A-9-408.5.

960 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
961 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
962 nomination of the qualified political party for an elective office that is to be filled at the next
963 general election shall:

964 (a) within the period beginning on January 1 before the next regular general election
965 and ending on the third Thursday in March of the same year, and before gathering signatures
966 under this section, file with the filing officer on a form approved by the lieutenant governor a
967 notice of intent to gather signatures for candidacy that includes:

968 (i) the name of the member who will attempt to become a candidate for a registered
969 political party under this section;

970 (ii) the name of the registered political party for which the member is seeking
971 nomination;

972 (iii) the office for which the member is seeking to become a candidate;

973 (iv) the address and telephone number of the member; and

974 (v) other information required by the lieutenant governor;

975 (b) file a declaration of candidacy, in person, with the filing officer on or after the
976 second Friday in March and before 5 p.m. on the third Thursday in March before the next
977 regular general election; and

978 (c) pay the filing fee.

979 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
980 party who, under this section, is seeking the nomination of the qualified political party for the
981 office of district attorney within a multicounty prosecution district that is to be filled at the next
982 general election shall:

983 (a) on or after January 1 before the next regular general election, and before gathering
984 signatures under this section, file with the filing officer on a form approved by the lieutenant
985 governor a notice of intent to gather signatures for candidacy that includes:

986 (i) the name of the member who will attempt to become a candidate for a registered
987 political party under this section;

988 (ii) the name of the registered political party for which the member is seeking

989 nomination;

990 (iii) the office for which the member is seeking to become a candidate;

991 (iv) the address and telephone number of the member; and

992 (v) other information required by the lieutenant governor;

993 (b) file a declaration of candidacy, in person, with the filing officer on or after the
994 second Friday in March and before 5 p.m. on the third Thursday in March before the next
995 regular general election; and

996 (c) pay the filing fee.

997 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
998 who files as the joint-ticket running mate of an individual who is nominated by a qualified
999 political party, under this section, for the office of governor shall, on or before 5 p.m. on the
1000 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter
1001 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket
1002 running mate.

1003 (6) The lieutenant governor shall ensure that the certification described in Subsection
1004 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party
1005 under this section.

1006 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
1007 is nominated by a qualified political party under this section, designate the qualified political
1008 party that nominated the candidate.

1009 (8) A member of a qualified political party may seek the nomination of the qualified
1010 political party for an elective office by:

1011 (a) complying with the requirements described in this section; and

1012 (b) collecting signatures, on a form approved by the lieutenant governor, during the
1013 period beginning on January 1 of an even-numbered year and ending 14 days before the day on
1014 which the qualified political party's convention for the office is held, in the following amounts:

1015 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
1016 permitted by the qualified political party to vote for the qualified political party's candidates in
1017 a primary election;

1018 (ii) for a congressional district race, 7,000 signatures of registered voters who are
1019 residents of the congressional district and are permitted by the qualified political party to vote

1020 for the qualified political party's candidates in a primary election;

1021 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
1022 residents of the state Senate district and are permitted by the qualified political party to vote for
1023 the qualified political party's candidates in a primary election;

1024 (iv) for a state House district race, 1,000 signatures of registered voters who are
1025 residents of the state House district and are permitted by the qualified political party to vote for
1026 the qualified political party's candidates in a primary election;

1027 (v) for a State Board of Education race, the lesser of:

1028 (A) 2,000 signatures of registered voters who are residents of the State Board of
1029 Education district and are permitted by the qualified political party to vote for the qualified
1030 political party's candidates in a primary election; or

1031 (B) 3% of the registered voters of the qualified political party who are residents of the
1032 applicable State Board of Education district; and

1033 (vi) for a county office race, signatures of 3% of the registered voters who are residents
1034 of the area permitted to vote for the county office and are permitted by the qualified political
1035 party to vote for the qualified political party's candidates in a primary election.

1036 (9) (a) In order for a member of the qualified political party to qualify as a candidate
1037 for the qualified political party's nomination for an elective office under this section, the
1038 member shall:

1039 (i) collect the signatures on a form approved by the lieutenant governor, using the same
1040 circulation and verification requirements described in Sections [20A-7-204](#) and [20A-7-205](#); and

1041 (ii) submit the signatures to the election officer no later than 14 days before the day on
1042 which the qualified political party holds its convention to select candidates, for the elective
1043 office, for the qualified political party's nomination.

1044 (b) An individual may not gather signatures under this section until after the individual
1045 files a notice of intent to gather signatures for candidacy described in this section.

1046 (c) An individual who files a notice of intent to gather signatures for candidacy,
1047 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files
1048 the notice of intent to gather signatures for candidacy:

1049 (i) required to comply with the reporting requirements that a candidate for office is
1050 required to comply with; and

1051 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
1052 apply to a candidate for office in relation to the reporting requirements described in Subsection
1053 (9)(c)(i).

1054 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the
1055 election officer shall, no later than one day before the day on which the qualified political party
1056 holds the convention to select a nominee for the elective office to which the signature packets
1057 relate:

1058 (i) check the name of each individual who completes the verification for a signature
1059 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1060 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a
1061 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1062 (iii) determine whether each signer is a registered voter who is qualified to sign the
1063 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature
1064 on a petition;

1065 (iv) certify whether each name is that of a registered voter who is qualified to sign the
1066 signature packet; and

1067 (v) notify the qualified political party and the lieutenant governor of the name of each
1068 member of the qualified political party who qualifies as a nominee of the qualified political
1069 party, under this section, for the elective office to which the convention relates.

1070 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
1071 this section, the lieutenant governor shall post the notice of intent to gather signatures for
1072 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
1073 posts a declaration of candidacy.

1074 Section 14. Section **20A-9-409** is amended to read:

1075 **20A-9-409. Primary election provisions relating to qualified political party.**

1076 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular
1077 primary election day.

1078 (2) A qualified political party that nominates one or more candidates for an elective
1079 office under Section [20A-9-407](#) and does not have a candidate qualify as a candidate for that
1080 office under Section [20A-9-408](#), may, but is not required to, participate in the primary election
1081 for that office.

1082 (3) A qualified political party that has only one candidate qualify as a candidate for an
1083 elective office under Section 20A-9-408 and does not nominate a candidate for that office
1084 under Section 20A-9-407, may, but is not required to, participate in the primary election for
1085 that office.

1086 (4) A qualified political party that nominates one or more candidates for an elective
1087 office under Section 20A-9-407 and has one or more candidates qualify as a candidate for that
1088 office under Section 20A-9-408 shall participate in the primary election for that office.

1089 (5) A qualified political party that has two or more candidates qualify as candidates for
1090 an elective office under Section 20A-9-408 and does not nominate a candidate for that office
1091 under Section 20A-9-407 shall participate in the primary election for that office.

1092 (6) (a) As used in this Subsection (6), a candidate is "unopposed" if:

1093 (i) no individual other than the candidate receives a certification, from the appropriate
1094 filing officer, for the regular primary election ballot of the candidate's registered political party
1095 for a particular elective office; or

1096 (ii) for an office where more than one individual is to be elected or nominated, the
1097 number of candidates who receive certification, from the appropriate filing officer, for the
1098 regular primary election of the candidate's registered political party does not exceed the total
1099 number of candidates to be elected or nominated for that office.

1100 (b) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
1101 governor shall:

1102 (i) provide to the county clerks:

1103 (A) a list of the names of all candidates for federal, constitutional, multi-county, single
1104 county, and county offices who have received certifications from the appropriate filing officer,
1105 along with instructions on how those names shall appear on the primary election ballot in
1106 accordance with Section 20A-6-305; and

1107 (B) a list of unopposed candidates for elective office who have been nominated by a
1108 registered political party; and

1109 (ii) instruct the county clerks to exclude unopposed candidates from the primary
1110 election ballot.

1111 Section 15. Section 53A-2-117 is amended to read:

1112 **53A-2-117. Definitions.**

1113 As used in Sections 53A-2-117 through 53A-2-122, except Section 53A-2-118.4:

1114 (1) "Allocation date" means:

1115 (a) June 30 of the second calendar year after the local school board general election
1116 date described in Subsection 53A-2-118.1(3)(a)(i); or

1117 (b) another date that the transition teams under Section 53A-2-118.1 mutually agree to.

1118 (2) "Canvass date" means the date of the canvass of an election under Subsection

1119 53A-2-118~~(5)~~(9) at which voters approve the creation of a new school district under Section
1120 53A-2-118.1.

1121 (3) "Creation election date" means the date of the election under Subsection

1122 53A-2-118~~(5)~~(9) at which voters approve the creation of a new school district under Section
1123 53A-2-118.1.

1124 (4) "Divided school district, "existing district," or "existing school district" means a
1125 school district from which a new district is created.

1126 (5) "New district" or "new school district" means a school district created under
1127 Section 53A-2-118 or 53A-2-118.1.

1128 (6) "Remaining district" or "remaining school district" means an existing district after
1129 the creation of a new district.

1130 Section 16. Section 53A-2-118 is amended to read:

1131 **53A-2-118. Creation of new school district -- Initiation of process -- Procedures**
1132 **to be followed.**

1133 (1) A new school district may be created from one or more existing school districts, as
1134 provided in this section.

1135 (2) ~~(a)~~ The process to create a new school district may be initiated:

1136 ~~(i)~~ (a) through a citizens' initiative petition;

1137 ~~(ii)~~ (b) at the request of the board of the existing district or districts to be affected by
1138 the creation of the new district; or

1139 ~~(iii)~~ (c) at the request of a city within the boundaries of the school district or at the
1140 request of interlocal agreement participants, pursuant to Section 53A-2-118.1.

1141 ~~(b)(i) Each~~ (3) (a) An initiative petition submitted under Subsection (2)(a)~~(i)~~ shall
1142 be signed by qualified electors residing within the geographical boundaries of the proposed
1143 new school district in an amount equal ~~in number~~ to at least 15% of ~~the number of electors~~

1144 ~~in the area who voted for the office of governor]~~ all votes cast within the geographic
 1145 boundaries of the proposed new school district for all candidates for president of the United
 1146 States at the last regular general election at which a president of the United States was elected.

1147 ~~[(ii)]~~ (b) Each request or petition submitted under Subsection (2)~~[(a)]~~ shall:

1148 ~~[(A)]~~ (i) be filed with the clerk of each county in which any part of the proposed new
 1149 school district is located;

1150 ~~[(B)]~~ (ii) indicate the typed or printed name and current residence address of each
 1151 governing board member making a request, or registered voter signing a petition, as the case
 1152 may be;

1153 ~~[(C)]~~ (iii) describe the proposed new school district boundaries; and

1154 ~~[(D)]~~ (iv) designate up to five signers of the petition or request as sponsors, one of
 1155 whom shall be designated as the contact sponsor, with the mailing address and telephone
 1156 number of each.

1157 ~~[(c) A signer of a petition under Subsection (2)(a)(i) may withdraw or, once withdrawn,~~
 1158 ~~reinstate the signer's signature at any time before the filing of the petition by filing a written~~
 1159 ~~withdrawal or reinstatement with the county clerk.]~~

1160 ~~[(d)]~~ (c) The process ~~[under]~~ described in Subsection (2)(a)~~[(i)]~~ may only be initiated
 1161 once during any four-year period.

1162 ~~[(e)]~~ (d) A new district may not be formed ~~[pursuant to]~~ under Subsection (2)~~[(a)]~~ if the
 1163 student population of the proposed new district is less than 3,000 or the existing district's
 1164 student population would be less than 3,000 because of the creation of the new school district.

1165 (4) A signer of a petition described in Subsection (2)(a) may withdraw or, once
 1166 withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing
 1167 a written request for withdrawal or reinstatement with the county clerk.

1168 ~~[(f)]~~ (5) Within 45 days after the ~~[filing of]~~ day on which a petition ~~[under]~~ described
 1169 in Subsection (2)(a)~~[(i)]~~ is filed, or five business days after the ~~[filing of]~~ day on which a
 1170 request ~~[under]~~ described in Subsection (2)~~[(a)(ii) or (iii)]~~ (b) or (c) is filed, the clerk of each
 1171 county with which ~~[a]~~ the request or petition is filed shall:

1172 ~~[(i)]~~ (a) determine whether the request or petition complies with Subsections (2)~~[(a);~~
 1173 ~~(b), (d), and (e)]~~ and (3), as applicable; and

1174 ~~[(ii)-(A)]~~ (b) (i) if the county clerk determines that the request or petition complies with

1175 the applicable requirements:

1176 ~~[(F)]~~ (A) certify the request or petition and deliver the certified request or petition to the
1177 county legislative body; and

1178 ~~[(H)]~~ (B) mail or deliver written notification of the certification to the contact sponsor;
1179 or

1180 ~~[(B)]~~ (ii) if the county clerk determines that the request or petition fails to comply with
1181 any of the applicable requirements, reject the request or petition and notify the contact sponsor
1182 in writing of the rejection and reasons for the rejection.

1183 ~~[(g)]~~ (6) (a) If the county clerk fails to certify or reject a request or petition within the
1184 time specified in Subsection ~~[(2)(f)]~~ (5), the request or petition ~~[shall be]~~ is considered to be
1185 certified.

1186 ~~[(H)]~~ (b) (i) If the county clerk rejects a request or petition, the person that submitted
1187 the request or petition may ~~[be amended]~~ amend the request or petition to correct the
1188 deficiencies for which ~~[it]~~ the request or petition was rejected, and ~~[then refiled]~~ refile the
1189 request or petition.

1190 (ii) Subsection ~~[(2)(d)]~~ (3)(c) does not apply to a request or petition that is amended
1191 and refiled after having been rejected by a county clerk.

1192 ~~[(i)]~~ (c) If, on or before December 1, a county legislative body receives a request from
1193 a school board under Subsection (2)~~[(a)(ii)]~~(b) or a petition under Subsection (2)(a)~~[(i) which]~~
1194 that is certified by the county clerk ~~[on or before December 1]~~:

1195 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided
1196 ~~[by]~~ in Subsection ~~[(3)]~~ (7), on or before January 1;

1197 (ii) the ad hoc advisory committee shall submit its report and recommendations to the
1198 county legislative body, as provided ~~[by]~~ in Subsection ~~[(3)]~~ (7), on or before July 1; and

1199 (iii) if the legislative body of each county with which a request or petition is filed
1200 approves a proposal to create a new district, ~~[the proposal shall be submitted]~~ each legislative
1201 body shall submit the proposal to the respective county clerk to be voted on by the electors of
1202 each existing district at the regular general or municipal general election held in November.

1203 ~~[(3)]~~ (7) (a) The legislative body of each county with which a request or petition is
1204 filed shall appoint an ad hoc advisory committee to review and make recommendations on a
1205 request for the creation of a new school district submitted under Subsection (2)(a)~~[(i) or (ii)]~~ or

1206 (b).

1207 (b) The advisory committee shall:

1208 (i) seek input from:

1209 (A) those requesting the creation of the new school district;

1210 (B) the school board and school personnel of each existing school district;

1211 (C) those citizens residing within the geographical boundaries of each existing school
1212 district;

1213 (D) the State Board of Education; and

1214 (E) other interested parties;

1215 (ii) review data and gather information on at least:

1216 (A) the financial viability of the proposed new school district;

1217 (B) the proposal's financial impact on each existing school district;

1218 (C) the exact placement of school district boundaries; and

1219 (D) the positive and negative effects of creating a new school district and whether the
1220 positive effects outweigh the negative if a new school district were to be created; and

1221 (iii) make a report to the county legislative body in a public meeting on the committee's
1222 activities, together with a recommendation on whether to create a new school district.

1223 ~~[(4)]~~ (8) For a request or petition submitted under Subsection (2)(a)~~[(i) or (2)(a)(ii)]~~ or

1224 (b):

1225 (a) The county legislative body shall provide for a 45-day public comment period on
1226 the report and recommendation to begin on the day the report is given under Subsection ~~[(3)]~~
1227 ~~(7)~~(b)(iii).

1228 (b) Within 14 days after the end of the comment period, the legislative body of each
1229 county with which a request or petition is filed shall vote on the creation of the proposed new
1230 school district.

1231 (c) The proposal is approved if a majority of the members of the legislative body of
1232 each county with which a request or petition is filed votes in favor of the proposal.

1233 (d) If the proposal is approved, the legislative body of each county with which a
1234 request or petition is filed shall submit the proposal to the county clerk to be voted on:

1235 (i) by the legal voters of each existing school district affected by the proposal;

1236 (ii) in accordance with the procedures and requirements applicable to a regular general

1237 election under Title 20A, Election Code; and

1238 (iii) at the next regular general election or municipal general election, whichever is
1239 first.

1240 (e) Creation of the new school district shall occur if a majority of the electors within
1241 both the proposed school district and each remaining school district voting on the proposal vote
1242 in favor of the creation of the new district.

1243 (f) Each county legislative body shall comply with the requirements of Section
1244 [53A-2-101.5](#).

1245 (g) If a proposal submitted under Subsection (2)(a)~~[(i) or (ii)]~~ or (b) to create a new
1246 district is approved by the electors, the existing district's documented costs to study and
1247 implement the proposal shall be reimbursed by the new district.

1248 ~~[(5)]~~ (9) (a) If a proposal submitted under Subsection (2)~~[(a)(iii)]~~(c) is certified under
1249 Subsection ~~[(2)(f) or (g)]~~ (5) or (6)(a), the legislative body of each county in which part of the
1250 proposed new school district is located shall submit the proposal to the respective clerk of each
1251 county to be voted on:

1252 (i) by the legal voters residing within the proposed new school district boundaries;

1253 (ii) in accordance with the procedures and requirements applicable to a regular general
1254 election under Title 20A, Election Code; and

1255 (iii) at the next regular general election or municipal general election, whichever is
1256 first.

1257 (b) (i) If a majority of the legal voters within the proposed new school district
1258 boundaries voting on the proposal at an election under Subsection ~~[(5)]~~ (9)(a) vote in favor of
1259 the creation of the new district:

1260 (A) each county legislative body shall comply with the requirements of Section
1261 [53A-2-101.5](#); and

1262 (B) upon the lieutenant governor's issuance of the certificate under Section [67-1a-6.5](#),
1263 the new district is created.

1264 (ii) Notwithstanding the creation of a new district as provided in Subsection ~~[(5)]~~
1265 [\(9\)\(b\)\(i\)\(B\)](#):

1266 (A) a new school district may not begin to provide educational services to the area
1267 within the new district until July 1 of the second calendar year following the school board

1268 general election date described in Subsection 53A-2-118.1(3)(a)(i);

1269 (B) a remaining district may not begin to provide educational services to the area
1270 within the remaining district until the time specified in Subsection [~~(5)~~] (9)(b)(ii)(A); and

1271 (C) each existing district shall continue, until the time specified in Subsection [~~(5)~~]
1272 (9)(b)(ii)(A), to provide educational services within the entire area covered by the existing
1273 district.

1274 Section 17. Section 53A-2-118.1 is amended to read:

1275 **53A-2-118.1. Proposal initiated by a city or by interlocal agreement participants**
1276 **to create a school district -- Boundaries -- Election of local school board members --**
1277 **Allocation of assets and liabilities -- Startup costs -- Transfer of title.**

1278 (1) (a) After conducting a feasibility study, a city with a population of at least 50,000,
1279 as determined by the lieutenant governor using the process described in Subsection 67-1a-2(3),
1280 may by majority vote of the legislative body, submit for voter approval a measure to create a
1281 new school district with boundaries contiguous with that city's boundaries, in accordance with
1282 Section 53A-2-118.

1283 (b) (i) The determination of all matters relating to the scope, adequacy, and other
1284 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the
1285 city's legislative body.

1286 (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of
1287 a legal action or other challenge to:

1288 (A) an election for voter approval of the creation of a new school district; or

1289 (B) the creation of the new school district.

1290 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,
1291 may, together with one or more other cities, towns, or the county enter into an interlocal
1292 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose
1293 of submitting for voter approval a measure to create a new school district.

1294 (b) (i) In accordance with Section 53A-2-118, interlocal agreement participants under
1295 Subsection (2)(a) may submit a proposal for voter approval if:

1296 (A) the interlocal agreement participants conduct a feasibility study prior to submitting
1297 the proposal to the county;

1298 (B) the combined population within the proposed new school district boundaries is at

1299 least 50,000;

1300 (C) the new school district boundaries:

1301 (I) are contiguous;

1302 (II) do not completely surround or otherwise completely geographically isolate a

1303 portion of an existing school district that is not part of the proposed new school district from

1304 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

1305 (III) include the entire boundaries of each participant city or town, except as provided

1306 in Subsection (2)(d)(ii); and

1307 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and

1308 (D) the combined population within the proposed new school district of interlocal

1309 agreement participants that have entered into an interlocal agreement proposing to create a new

1310 school district is at least 80% of the total population of the proposed new school district.

1311 (ii) The determination of all matters relating to the scope, adequacy, and other aspects

1312 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new

1313 feasibility study or revise a previous feasibility study due to a change in the proposed new

1314 school district boundaries, is within the exclusive discretion of the legislative bodies of the

1315 interlocal agreement participants that enter into an interlocal agreement to submit for voter

1316 approval a measure to create a new school district.

1317 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the

1318 basis of a legal action or other challenge to:

1319 (A) an election for voter approval of the creation of a new school district; or

1320 (B) the creation of the new school district.

1321 (iv) For purposes of determining whether the boundaries of a proposed new school

1322 district cross county lines under Subsection (2)(b)(i)(C)(IV):

1323 (A) a municipality located in more than one county and entirely within the boundaries

1324 of a single school district is considered to be entirely within the same county as other

1325 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's

1326 land area and population is located in that same county than outside the county; and

1327 (B) a municipality located in more than one county that participates in an interlocal

1328 agreement under Subsection (2)(a) with respect to some but not all of the area within the

1329 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may

1330 not be considered to cross county lines.

1331 (c) (i) A county may only participate in an interlocal agreement under this Subsection
1332 (2) for the unincorporated areas of the county.

1333 (ii) Boundaries of a new school district created under this section may include:

1334 (A) a portion of one or more existing school districts; and

1335 (B) a portion of the unincorporated area of a county, including a portion of a township.

1336 (d) (i) As used in this Subsection (2)(d):

1337 (A) "Isolated area" means an area that:

1338 (I) is entirely within the boundaries of a municipality that, except for that area, is
1339 entirely within a school district different than the school district in which the area is located;
1340 and

1341 (II) would, because of the creation of a new school district from the existing district in
1342 which the area is located, become completely geographically isolated.

1343 (B) "Municipality's school district" means the school district that includes all of the
1344 municipality in which the isolated area is located except the isolated area.

1345 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in
1346 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area
1347 within the municipality's boundaries if:

1348 (A) the portion of the municipality proposed to be included in the new school district
1349 would, if not included, become an isolated area upon the creation of the new school district; or

1350 (B) (I) the portion of the municipality proposed to be included in the new school
1351 district is within the boundaries of the same school district that includes the other interlocal
1352 agreement participants; and

1353 (II) the portion of the municipality proposed to be excluded from the new school
1354 district is within the boundaries of a school district other than the school district that includes
1355 the other interlocal agreement participants.

1356 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school
1357 district may be submitted for voter approval pursuant to an interlocal agreement under
1358 Subsection (2)(a), even though the new school district boundaries would create an isolated
1359 area, if:

1360 (I) the potential isolated area is contiguous to one or more of the interlocal agreement

1361 participants;

1362 (II) the interlocal participants submit a written request to the municipality in which the
1363 potential isolated area is located, requesting the municipality to enter into an interlocal
1364 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to
1365 create a new school district that includes the potential isolated area; and

1366 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the
1367 municipality has not entered into an interlocal agreement as requested in the request.

1368 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold
1369 one or more public hearings to allow input from the public and affected school districts
1370 regarding whether or not the municipality should enter into an interlocal agreement with
1371 respect to the potential isolated area.

1372 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

1373 (Aa) a new school district is created under this section after a measure is submitted to
1374 voters based on the authority of Subsection (2)(d)(iii)(A); and

1375 (Bb) the creation of the new school district results in an isolated area.

1376 (II) The isolated area shall, on July 1 of the second calendar year following the local
1377 school board general election date described in Subsection (3)(a)(i), become part of the
1378 municipality's school district.

1379 (III) Unless the isolated area is the only remaining part of the existing district, the
1380 process described in Subsection (4) shall be modified to:

1381 (Aa) include a third transition team, appointed by the local school board of the
1382 municipality's school district, to represent that school district; and

1383 (Bb) require allocation of the existing district's assets and liabilities among the new
1384 district, the remaining district, and the municipality's school district.

1385 (IV) The existing district shall continue to provide educational services to the isolated
1386 area until July 1 of the second calendar year following the local school board general election
1387 date described in Subsection (3)(a)(i).

1388 (3) (a) If a proposal under this section is approved by voters:

1389 (i) an election shall be held at the next regular general election to elect:

1390 (A) members to the local school board of the existing school district whose terms are
1391 expiring;

- 1392 (B) all members to the local school board of the new school district; and
1393 (C) all members to the local school board of the remaining district;
1394 (ii) the assets and liabilities of the existing school district shall be divided between the
1395 remaining school district and the new school district as provided in Subsection (5) and Section
1396 [53A-2-121](#);
- 1397 (iii) transferred employees shall be treated in accordance with Sections [53A-2-116](#) and
1398 [53A-2-122](#);
- 1399 (iv) (A) an individual residing within the boundaries of a new school district at the
1400 time the new school district is created may, for six school years after the creation of the new
1401 school district, elect to enroll in a secondary school located outside the boundaries of the new
1402 school district if:
- 1403 (I) the individual resides within the boundaries of that secondary school as of the day
1404 before the new school district is created; and
1405 (II) the individual would have been eligible to enroll in that secondary school had the
1406 new school district not been created; and
- 1407 (B) the school district in which the secondary school is located shall provide
1408 educational services, including, if provided before the creation of the new school district,
1409 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school
1410 year for which the individual makes the election; and
- 1411 (v) within one year after the new district begins providing educational services, the
1412 superintendent of each remaining district affected and the superintendent of the new district
1413 shall meet, together with the Superintendent of Public Instruction, to determine if further
1414 boundary changes should be proposed in accordance with Section [53A-2-104](#).
- 1415 (b) (i) The terms of the initial members of the local school board of the new district and
1416 remaining district shall be staggered and adjusted by the county legislative body so that
1417 approximately half of the local school board is elected every two years.
- 1418 (ii) The term of a member of the existing local school board, including a member
1419 elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local
1420 school board general election date described in Subsection (3)(a)(i), regardless of when the
1421 term would otherwise have terminated.
- 1422 (iii) Notwithstanding the existence of a local school board for the new district and a

1423 local school board for the remaining district under Subsection (3)(a)(i), the local school board
1424 of the existing district shall continue, until the time specified in Subsection
1425 53A-2-118~~(5)~~(9)(b)(ii)(A), to function and exercise authority as a local school board to the
1426 extent necessary to continue to provide educational services to the entire existing district.

1427 (iv) ~~[A person]~~ An individual may simultaneously serve as or be elected to be a
1428 member of the local school board of an existing district and a member of the local school board
1429 of:

1430 (A) a new district; or

1431 (B) a remaining district.

1432 (4) (a) Within 45 days after the canvass date for the election at which voters approve
1433 the creation of a new district:

1434 (i) a transition team to represent the remaining district shall be appointed by the
1435 members of the existing local school board who reside within the area of the remaining district,
1436 in consultation with:

1437 (A) the legislative bodies of all municipalities in the area of the remaining district; and

1438 (B) the legislative body of the county in which the remaining district is located, if the
1439 remaining district includes one or more unincorporated areas of the county; and

1440 (ii) another transition team to represent the new district shall be appointed by:

1441 (A) for a new district located entirely within the boundaries of a single city, the
1442 legislative body of that city; or

1443 (B) for each other new district, the legislative bodies of all interlocal agreement
1444 participants.

1445 (b) The local school board of the existing school district shall, within 60 days after the
1446 canvass date for the election at which voters approve the creation of a new district:

1447 (i) prepare an inventory of the existing district's:

1448 (A) assets, both tangible and intangible, real and personal; and

1449 (B) liabilities; and

1450 (ii) deliver a copy of the inventory to each of the transition teams.

1451 (c) The transition teams appointed under Subsection (4)(a) shall:

1452 (i) determine the allocation of the existing district's assets and, except for indebtedness
1453 under Section 53A-2-121, liabilities between the remaining district and the new district in

1454 accordance with Subsection (5);
1455 (ii) prepare a written report detailing how the existing district's assets and, except for
1456 indebtedness under Section 53A-2-121, liabilities are to be allocated; and
1457 (iii) deliver a copy of the written report to:
1458 (A) the local school board of the existing district;
1459 (B) the local school board of the remaining district; and
1460 (C) the local school board of the new district.
1461 (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and
1462 deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the
1463 election at which voters approve the creation of a new district, unless that deadline is extended
1464 by the mutual agreement of:
1465 (i) the local school board of the existing district; and
1466 (ii) (A) the legislative body of the city in which the new district is located, for a new
1467 district located entirely within a single city; or
1468 (B) the legislative bodies of all interlocal agreement participants, for each other new
1469 district.
1470 (e) (i) All costs and expenses of the transition team that represents a remaining district
1471 shall be borne by the remaining district.
1472 (ii) All costs and expenses of the transition team that represents a new district shall
1473 initially be borne by:
1474 (A) the city whose legislative body appoints the transition team, if the transition team
1475 is appointed by the legislative body of a single city; or
1476 (B) the interlocal agreement participants, if the transition team is appointed by the
1477 legislative bodies of interlocal agreement participants.
1478 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal
1479 agreement participants for:
1480 (A) transition team costs and expenses; and
1481 (B) startup costs and expenses incurred by the city or interlocal agreement participants
1482 on behalf of the new district.
1483 (5) (a) As used in this Subsection (5):
1484 (i) "Associated property" means furniture, equipment, or supplies located in or

1485 specifically associated with a physical asset.

1486 (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection
1487 (5)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or
1488 employee by law or school district accounting practice.

1489 (B) "Discretionary asset or liability" does not include a physical asset, associated
1490 property, a vehicle, or bonded indebtedness.

1491 (iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection
1492 (5)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee
1493 by law or school district accounting practice.

1494 (B) "Nondiscretionary asset or liability" does not include a physical asset, associated
1495 property, a vehicle, or bonded indebtedness.

1496 (iv) "Physical asset" means a building, land, or water right together with revenue
1497 derived from the lease or use of the building, land, or water right.

1498 (b) Except as provided in Subsection (5)(c), the transition teams appointed under
1499 Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the
1500 allocation date, both tangible and intangible, real and personal, to the new district and
1501 remaining district as follows:

1502 (i) a physical asset and associated property shall be allocated to the school district in
1503 which the physical asset is located;

1504 (ii) a discretionary asset or liability shall be allocated between the new district and
1505 remaining district in proportion to the student populations of the school districts;

1506 (iii) a nondiscretionary asset shall be allocated to the school district where the project,
1507 school, student, or employee to which the nondiscretionary asset is tied will be located;

1508 (iv) vehicles used for pupil transportation shall be allocated:

1509 (A) according to the transportation needs of schools, as measured by the number and
1510 assortment of vehicles used to serve transportation routes serving schools within the new
1511 district and remaining district; and

1512 (B) in a manner that gives each school district a fleet of vehicles for pupil
1513 transportation that is equivalent in terms of age, condition, and variety of carrying capacities;
1514 and

1515 (v) other vehicles shall be allocated:

- 1516 (A) in proportion to the student populations of the school districts; and
- 1517 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,
- 1518 condition, and carrying capacities.
- 1519 (c) By mutual agreement, the transition teams may allocate an asset or liability in a
- 1520 manner different than the allocation method specified in Subsection (5)(b).
- 1521 (6) (a) As used in this Subsection (6):
- 1522 (i) "New district startup costs" means:
- 1523 (A) costs and expenses incurred by a new district in order to prepare to begin providing
- 1524 educational services on July 1 of the second calendar year following the local school board
- 1525 general election date described in Subsection (3)(a)(i); and
- 1526 (B) the costs and expenses of the transition team that represents the new district.
- 1527 (ii) "Remaining district startup costs" means:
- 1528 (A) costs and expenses incurred by a remaining district in order to:
- 1529 (I) make necessary adjustments to deal with the impacts resulting from the creation of
- 1530 the new district; and
- 1531 (II) prepare to provide educational services within the remaining district once the new
- 1532 district begins providing educational services within the new district; and
- 1533 (B) the costs and expenses of the transition team that represents the remaining district.
- 1534 (b) (i) By January 1 of the year following the local school board general election date
- 1535 described in Subsection (3)(a)(i), the existing district shall make half of the undistributed
- 1536 reserve from its General Fund, to a maximum of \$9,000,000, available for the use of the
- 1537 remaining district and the new district, as provided in this Subsection (6).
- 1538 (ii) The existing district may make additional funds available for the use of the
- 1539 remaining district and the new district beyond the amount specified in Subsection (6)(b)(i)
- 1540 through an interlocal agreement.
- 1541 (c) The existing district shall make the money under Subsection (6)(b) available to the
- 1542 remaining district and the new district proportionately based on student population.
- 1543 (d) The money made available under Subsection (6)(b) may be accessed and spent by:
- 1544 (i) for the remaining district, the local school board of the remaining district; and
- 1545 (ii) for the new district, the local school board of the new district.
- 1546 (e) (i) The remaining district may use its portion of the money made available under

1547 Subsection (6)(b) to pay for remaining district startup costs.

1548 (ii) The new district may use its portion of the money made available under Subsection
1549 (6)(b) to pay for new district startup costs.

1550 (7) (a) The existing district shall transfer title or, if applicable, partial title of property
1551 to the new school district in accordance with the allocation of property by the transition teams,
1552 as stated in the report under Subsection (4)(c)(ii).

1553 (b) The existing district shall complete each transfer of title or, if applicable, partial
1554 title to real property and vehicles by July 1 of the second calendar year following the local
1555 school board general election date described in Subsection (3)(a)(i), except as that date is
1556 changed by the mutual agreement of:

1557 (i) the local school board of the existing district;

1558 (ii) the local school board of the remaining district; and

1559 (iii) the local school board of the new district.

1560 (c) The existing district shall complete the transfer of all property not included in
1561 Subsection (7)(b) by November 1 of the second calendar year after the local school board
1562 general election date described in Subsection (3)(a)(i).

1563 (8) Except as provided in Subsections (6) and (7), after the creation election date an
1564 existing school district may not transfer or agree to transfer title to district property without the
1565 prior consent of:

1566 (a) the legislative body of the city in which the new district is located, for a new district
1567 located entirely within a single city; or

1568 (b) the legislative bodies of all interlocal agreement participants, for each other new
1569 district.

1570 (9) This section does not apply to the creation of a new district initiated through a
1571 citizens' initiative petition or at the request of a local school board under Section [53A-2-118](#).