

**CITIZEN POLITICAL PROCESS AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K. Thurston**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill amends initiative and referendum provisions and nomination petition provisions.

**Highlighted Provisions:**

This bill:

- ▶ modifies signature sheets for initiative and referendum petitions;
  - ▶ modifies the required contents of, and the deadline for submitting, a statement requesting removal of a signature on an initiative or referendum petition;
  - ▶ requires initiative and referendum signature packets to be submitted, and the signatures certified, on an ongoing basis during the signature-gathering process;
  - ▶ requires a county clerk to post the names of initiative and referendum petition signers on the county's website;
  - ▶ modifies appeal provisions for an initiative or referendum petition that is declared insufficient;
  - ▶ makes it a crime to knowingly place or verify a false signature date on an initiative or referendum signature packet;
  - ▶ makes it a crime for a person to pay or accept payment in exchange for a person signing a referendum petition or removing a person's signature from a referendum petition;
  - ▶ modifies the deadline for a filing officer to verify candidate nomination signatures;
- and
- ▶ makes technical and conforming changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill provides coordination clauses.

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36 **20A-1-609**, as last amended by Laws of Utah 2018, Chapter 19
- 37 **20A-7-101**, as last amended by Laws of Utah 2017, Chapter 291
- 38 **20A-7-203**, as last amended by Laws of Utah 2017, Chapter 291
- 39 **20A-7-205**, as last amended by Laws of Utah 2011, Chapter 17
- 40 **20A-7-206**, as last amended by Laws of Utah 2013, Chapter 231
- 41 **20A-7-206.3**, as last amended by Laws of Utah 2011, Chapter 17
- 42 **20A-7-207**, as last amended by Laws of Utah 2011, Chapter 17
- 43 **20A-7-213**, as last amended by Laws of Utah 2013, Chapter 253
- 44 **20A-7-303**, as last amended by Laws of Utah 2014, Chapter 329
- 45 **20A-7-305**, as last amended by Laws of Utah 2011, Chapter 17
- 46 **20A-7-306**, as last amended by Laws of Utah 2011, Chapter 17
- 47 **20A-7-307**, as last amended by Laws of Utah 2011, Chapter 17
- 48 **20A-7-312**, as last amended by Laws of Utah 2013, Chapter 253
- 49 **20A-9-403**, as last amended by Laws of Utah 2018, Chapter 80
- 50 **20A-9-408**, as last amended by Laws of Utah 2018, Chapter 11

51 **Utah Code Sections Affected by Coordination Clause:**

- 52 **20A-7-205**, as last amended by Laws of Utah 2011, Chapter 17
- 53 **20A-7-206**, as last amended by Laws of Utah 2013, Chapter 231
- 54 **20A-7-207**, as last amended by Laws of Utah 2011, Chapter 17
- 55 **20A-7-305**, as last amended by Laws of Utah 2011, Chapter 17
- 56 **20A-7-306**, as last amended by Laws of Utah 2011, Chapter 17

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

59 Section 1. Section **20A-1-609** is amended to read:

60 **20A-1-609. Omnibus penalties.**

61 (1) (a) Except as provided in Subsection (1)(b), a person who violates any provision of  
62 this title is guilty of a class B misdemeanor.

63 (b) Subsection (1)(a) does not apply to a provision of this title for which another  
64 penalty is expressly stated.

65 (c) An individual is not guilty of a crime for, by signing a petition for an initiative or  
66 referendum, falsely making the statement described in Subsection [20A-7-203\(2\)\(e\)\(ii\)](#),  
67 [20A-7-303\(2\)\(h\)\(ii\)](#), [20A-7-503\(2\)\(e\)](#), or [20A-7-603\(2\)\(h\)](#).

68 (2) Except as provided by Section [20A-2-101.3](#) or [20A-2-101.5](#), an individual  
69 convicted of any offense under this title may not:

70 (a) file a declaration of candidacy for any office or appear on the ballot as a candidate  
71 for any office during the election cycle in which the violation occurred;

72 (b) take or hold the office to which the individual was elected; and

73 (c) receive the emoluments of the office to which the individual was elected.

74 (3) (a) Any individual convicted of any offense under this title forfeits the right to vote  
75 at any election unless the right to vote is restored as provided in Section [20A-2-101.3](#) or  
76 [20A-2-101.5](#).

77 (b) Any person may challenge the right to vote of a person described in Subsection  
78 (3)(a) by following the procedures and requirements of Section [20A-3-202](#).

79 Section 2. Section **20A-7-101** is amended to read:

80 **20A-7-101. Definitions.**

81 As used in this chapter:

82 (1) "Budget officer" means:

83 (a) for a county, the person designated as budget officer in Section [17-19a-203](#);

84 (b) for a city, the person designated as budget officer in Subsection [10-6-106\(5\)](#);

85 (c) for a town, the town council; or

86 (d) for a metro township, the person described in Subsection (1)(a) for the county in  
87 which the metro township is located.

88 (2) "Certified" means that the county clerk has acknowledged a signature as being the  
89 signature of a registered voter.

90 (3) "Circulation" means the process of submitting an initiative or referendum petition  
91 to legal voters for their signature.

92 (4) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,  
93 city, or town that is holding an election on a ballot proposition.

94 (5) "Final fiscal impact statement" means a financial statement prepared after voters  
95 approve an initiative that contains the information required by Subsection [20A-7-202.5\(2\)](#) or  
96 [20A-7-502.5\(2\)](#).

97 (6) "Initial fiscal impact estimate" means:

98 (a) a financial statement prepared under Section [20A-7-202.5](#) after the filing of an  
99 application for an initiative petition; or

100 (b) a financial and legal statement prepared under Section [20A-7-502.5](#) or [20A-7-602.5](#)  
101 for an initiative or referendum petition.

102 (7) "Initiative" means a new law proposed for adoption by the public as provided in  
103 this chapter.

104 (8) "Initiative packet" means a copy of the initiative petition, a copy of the proposed  
105 law, and the signature sheets, all of which have been bound together as a unit.

106 (9) "Legal signatures" means the number of signatures of legal voters that:

107 (a) meet the numerical requirements of this chapter; and

108 (b) have been certified and verified as provided in this chapter.

109 (10) "Legal voter" means a person who:

110 (a) is registered to vote; or

111 (b) becomes registered to vote before the county clerk certifies the signatures on an  
112 initiative or referendum petition.

113 (11) "Local attorney" means the county attorney, city attorney, or town attorney in

114 whose jurisdiction a local initiative or referendum petition is circulated.

115 (12) "Local clerk" means the county clerk, city recorder, or town clerk in whose  
116 jurisdiction a local initiative or referendum petition is circulated.

117 (13) (a) "Local law" includes:

118 (i) an ordinance;

119 (ii) a resolution;

120 (iii) a master plan;

121 (iv) a comprehensive zoning regulation adopted by ordinance or resolution; or

122 (v) other legislative action of a local legislative body.

123 (b) "Local law" does not include an individual property zoning decision.

124 (14) "Local legislative body" means the legislative body of a county, city, town, or  
125 metro township.

126 (15) "Local obligation law" means a local law passed by the local legislative body  
127 regarding a bond that was approved by a majority of qualified voters in an election.

128 (16) "Local tax law" means a law, passed by a political subdivision with an annual or  
129 biannual calendar fiscal year, that increases a tax or imposes a new tax.

130 (17) "Measure" means a proposed constitutional amendment, an initiative, or  
131 referendum.

132 (18) "Referendum" means a process by which a law passed by the Legislature or by a  
133 local legislative body is submitted or referred to the voters for their approval or rejection.

134 (19) "Referendum packet" means a copy of the referendum petition, a copy of the law  
135 being submitted or referred to the voters for their approval or rejection, and the signature  
136 sheets, all of which have been bound together as a unit.

137 (20) (a) "Signature" means a holographic signature.

138 (b) "Signature" does not mean an electronic signature.

139 (21) "Signature sheets" means sheets in the form required by this chapter that are used  
140 to collect signatures in support of an initiative or referendum.

141 (22) "Sponsors" means the legal voters who support the initiative or referendum and

142 who sign the application for petition copies.

143 [~~(23)~~] "~~Sufficient~~" means that the signatures submitted in support of an initiative or  
144 referendum petition have been certified and verified as required by this chapter.]

145 [~~(24)~~] (23) "Tax percentage difference" means the difference between the tax rate  
146 proposed by an initiative or an initiative petition and the current tax rate.

147 [~~(25)~~] (24) "Tax percentage increase" means a number calculated by dividing the tax  
148 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

149 [~~(26)~~] (25) "Verified" means acknowledged by the person circulating the petition as  
150 required in Sections 20A-7-205 and 20A-7-305.

151 Section 3. Section 20A-7-203 is amended to read:

152 **20A-7-203. Form of initiative petition and signature sheets.**

153 (1) (a) Each proposed initiative petition shall be printed in substantially the following  
154 form:

155 "INITIATIVE PETITION To the Honorable \_\_\_\_, Lieutenant Governor:

156 We, the undersigned citizens of Utah, respectfully demand that the following proposed  
157 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the  
158 regular general election/session to be held/ beginning on \_\_\_\_\_(month\day\year);

159 Each signer says:

160 I have personally signed this petition;

161 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
162 certification of the petition names by the county clerk; and

163 My residence and post office address are written correctly after my name.

164 NOTICE TO SIGNERS:

165 Public hearings to discuss this petition were held at: (list dates and locations of public  
166 hearings.)"

167 (b) If the initiative petition proposes a tax increase, the following statement shall  
168 appear, in at least 14-point, bold type, immediately following the information described in  
169 Subsection (1)(a):

170 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert  
 171 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)  
 172 percent increase in the current tax rate."

173 (c) The sponsors of an initiative shall attach a copy of the proposed law to each  
 174 initiative petition.

175 (2) Each signature sheet shall:

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

177 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above  
 178 that line blank for the purpose of binding;

179 (c) contain the title of the initiative printed below the horizontal line, in at least  
 180 14-point, bold type;

181 (d) be vertically divided into columns as follows:

182 (i) the edge of the first column shall appear [at] .5 inch from the extreme left of the  
 183 sheet, be [~~five-eighths~~] .25 inch wide, and be headed, together with the second column, "For  
 184 Office Use Only[;]" [and be subdivided with a light vertical line down the middle with the left  
 185 subdivision entitled "Registered" and the right subdivision left untitled];

186 (ii) the second column shall be .25 inch wide;

187 [~~(ii)~~] (iii) the [next] third column shall be [2-1/2] 2.5 inches wide, headed "Registered  
 188 Voter's Printed Name (must be legible to be counted)";

189 [~~(iii)~~] (iv) the [next] fourth column shall be [2-1/2] 2.5 inches wide, headed "Signature  
 190 of Registered Voter";

191 (v) the fifth column shall be .75 inch wide, headed "Date Signed";

192 [~~(iv)~~] (vi) the [next] sixth column shall be [one inch] three inches wide, headed ["Birth  
 193 Date or Age (Optional)"] "Street Address, City, Zip Code"; and

194 [~~(v)~~] (vii) the [final] seventh column shall be [4-3/8 inches] .75 inch wide, headed  
 195 ["Street Address, City, Zip Code"] "Birth Date or Age (Optional)";

196 [~~(e) spanning the sheet horizontally beneath each row on which a registered voter may~~  
 197 ~~submit the information described in Subsection (2)(d),]~~

198 (e) be horizontally divided into rows as follows:

199 (i) the top of the first row, for the purpose of entering the information described in  
200 Subsection (2)(d), shall be .5 inch high;

201 (ii) the second row shall be .15 inch high and contain the following statement printed  
202 or typed in not less than [~~eight~~] 12-point type:

203 "By signing this petition, you are stating that you have read and understand the law  
204 proposed by this petition."; and

205 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the  
206 bottom of the sheet for the information described in Subsection (2)(f); and

207 (f) at the bottom of the sheet, contain in the following order:

208 (i) the title of the initiative, in at least 14-point, bold type;

209 (ii) the initial fiscal impact estimate's summary statement issued by the Governor's  
210 Office of Management and Budget in accordance with Subsection 20A-7-202.5(2)(b),  
211 including any update in accordance with Subsection 20A-7-204.1(4), and the cost estimate for  
212 printing and distributing information related to the initiative petition in accordance with  
213 Subsection 20A-7-202.5(3), in not less than 12-point, bold type;

214 (iii) the word "Warning," followed by the following statement in not less than  
215 eight-point type:

216 "It is a class A misdemeanor for an individual to sign an initiative petition with a name  
217 other than the individual's own name, or to knowingly sign the individual's name more than  
218 once for the same measure, or to sign an initiative petition when the individual knows that the  
219 individual is not a registered voter and knows that the individual does not intend to become  
220 registered to vote before the certification of the petition names by the county clerk.";

221 (iv) the following statement: "Birth date or age information is not required, but it may  
222 be used to verify your identity with voter registration records. If you choose not to provide it,  
223 your signature may not be verified as a valid signature if you change your address before  
224 petition signatures are verified or if the information you provide does not match your voter  
225 registration records."; and



226 (v) if the initiative petition proposes a tax increase, spanning the bottom of the sheet,  
227 horizontally, in not less than 14-point, bold type, the following statement:

228 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert  
229 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)  
230 percent increase in the current tax rate."

231 (3) The final page of each initiative packet shall contain the following printed or typed  
232 statement:

233 "Verification

234 State of Utah, County of \_\_\_\_

235 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

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

237 All the names that appear in this packet were signed by individuals who professed to be  
238 the individuals whose names appear in it, and each of the individuals signed the individual's  
239 name on it in my presence;

240 I believe that each individual has printed and signed the individual's name and written  
241 the individual's post office address and residence correctly, that each signer has read and  
242 understands the law proposed by the initiative, and that each signer is registered to vote in Utah  
243 or intends to become registered to vote before the certification of the petition names by the  
244 county clerk.

245 Each individual who signed the packet wrote the correct date of signature next to the  
246 individual's name.

247 I have not paid or given anything of value to any [person] individual who signed this  
248 petition to encourage that [person] individual to sign it.

249 \_\_\_\_\_  
250 (Name) (Residence Address) (Date)"

251 (4) [~~The forms prescribed in this section are not mandatory, and, if~~] If the forms  
252 described in this section are substantially followed, the initiative petitions are sufficient,  
253 notwithstanding clerical and merely technical errors.

254 Section 4. Section 20A-7-205 is amended to read:

255 **20A-7-205. Obtaining signatures -- Verification -- Removal of signature.**

256 (1) A Utah voter may sign an initiative petition if the voter is a legal voter.

257 (2) (a) The sponsors shall ensure that the ~~[person]~~ individual in whose presence each  
258 signature sheet was signed:

259 (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;  
260 ~~[and]~~

261 (ii) verifies each signature sheet by completing the verification printed on the last page  
262 of each initiative packet~~[-]~~; and

263 (iii) is informed that each signer is required to read and understand the law proposed by  
264 the initiative.

265 (b) A person may not sign the verification printed on the last page of the initiative  
266 packet if the person signed a signature sheet in the initiative packet.

267 (3) (a) A voter who has signed an initiative petition may have the voter's signature  
268 removed from the petition by submitting to the county clerk a statement requesting that the  
269 voter's signature be removed~~[-]~~ before 5 p.m. no later than the earlier of:

270 (i) for an initiative packet received by the county clerk before December 1:

271 (A) 30 days after the day on which the voter signs the signature removal statement; or

272 (B) 90 days after the day on which the county clerk posts the voter's name under

273 Subsection 20A-7-206(2)(c); or

274 (ii) for an initiative packet received by the county clerk on or after December 1:

275 (A) 30 days after the day on which the voter signs the signature removal statement; or

276 (B) 45 days after the day on which the county clerk posts the voter's name under

277 Subsection 20A-7-206(3)(c);

278 (b) (i) The statement shall include:

279 ~~[(i)]~~ (A) the name of the voter;

280 ~~[(ii)]~~ (B) the resident address at which the voter is registered to vote;

281 ~~[(iii) the last four digits of the voter's Social Security number;]~~

282 ~~[(iv) the driver license or identification card number; and]~~

283 ~~[(v)]~~ (C) the signature of the voter[-]; and

284 (D) the date of the signature described in Subsection (3)(b)(i)(C).

285 (ii) To increase the likelihood of the voter's signature being identified and removed, the  
286 statement may include the voter's birth date or age.

287 (c) A voter may not submit a statement by email or other electronic means.

288 ~~[(d) In order for the signature to be removed, the statement must be received by the~~  
289 ~~county clerk before May 15.]~~

290 ~~[(e) The county clerk shall deliver all statements received under this Subsection (3):]~~

291 ~~[(i) with the initiative petition packets delivered to the lieutenant governor; or]~~

292 ~~[(ii) in a supplemental delivery to the lieutenant governor for a statement submitted~~  
293 ~~after the county clerk delivered the initiative packets.]~~

294 ~~[(f)]~~ (d) A person may only remove a signature from an initiative petition in  
295 accordance with this Subsection (3).

296 (e) A county clerk shall analyze a signature, for purposes of removing a signature from  
297 an initiative petition, in accordance with Section [20A-7-206.3](#).

298 Section 5. Section **20A-7-206** is amended to read:

299 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**  
300 **county clerks -- Transfer to lieutenant governor.**

301 (1) (a) In order to qualify an initiative petition for placement on the regular general  
302 election ballot, the sponsors shall deliver ~~[each]~~ a signed and verified initiative packet to the  
303 county clerk of the county in which the packet was circulated ~~[on or before the sooner]~~ before 5  
304 p.m. no later than the earlier of:

305 (i) 30 days after the day on which the first individual signs the initiative packet;

306 ~~[(i)]~~ (ii) 316 days after the day on which the application for the initiative petition is  
307 filed; or

308 ~~[(ii)]~~ (iii) the ~~[April]~~ February 15 immediately before the next regular general election  
309 immediately after the application is filed under Section [20A-7-202](#).

310 (b) A sponsor may not submit an initiative packet after the deadline [~~established~~]  
311 described in [this] Subsection (1)(a).

312 (2) [~~(a) No later than May 1 before the regular general election,]~~ For an initiative  
313 packet received by the county clerk before December 1, the county clerk shall, within 30 days  
314 after the day on which the county clerk receives the packet:

315 [~~(i) check the names of all persons completing the verification for the initiative packet~~  
316 ~~to determine whether those persons are residents of Utah and are at least 18 years old; and]~~

317 [~~(ii) submit the name of each of those persons who is not a Utah resident or who is not~~  
318 ~~at least 18 years old to the attorney general and county attorney.]~~

319 [~~(b) The county clerk may not certify a signature under Subsection (3) on an initiative~~  
320 ~~packet that is not verified in accordance with Section [20A-7-205](#).]~~

321 [~~(3) No later than May 15 before the regular general election, the county clerk shall:]~~

322 (a) determine whether each signer is a registered voter according to the requirements of  
323 Section [20A-7-206.3](#);

324 (b) certify on the petition whether each name is that of a registered voter; [~~and]~~

325 (c) post the name and voter identification number of each registered voter certified  
326 under Subsection (2)(b) in a conspicuous location on the county's website for at least 90 days;  
327 and

328 [~~(c)~~] (d) deliver [~~all of~~] the verified initiative [~~packets~~] packet to the lieutenant  
329 governor.

330 [~~(4) Upon receipt of an initiative packet under Subsection (3) and any statement~~  
331 ~~submitted under Subsection [20A-7-205](#)(3), the lieutenant governor shall remove from the~~  
332 ~~initiative petition a voter's signature if the voter has requested the removal in accordance with~~  
333 ~~Subsection [20A-7-205](#)(3).]~~

334 (3) For an initiative packet received by the county clerk on or after December 1, the  
335 county clerk shall, within 21 days after the day on which the county clerk receives the packet:

336 (a) determine whether each signer is a registered voter according to the requirements of  
337 Section [20A-7-206.3](#);

- 338 (b) certify on the petition whether each name is that of a registered voter;  
339 (c) post the name and precinct of each registered voter certified under Subsection (2)(b)  
340 in a conspicuous location on the county's website for at least 45 days; and  
341 (d) deliver the verified initiative packet to the lieutenant governor.  
342 (4) Within seven days after timely receipt of a statement described in Subsection  
343 20A-7-205(3), the county clerk shall:  
344 (a) remove the voter's signature from the posting described in Subsection (2)(e) or  
345 (3)(e); and  
346 (b) (i) remove the voter's signature from the signature packet totals; and  
347 (ii) inform the lieutenant governor of the removal.  
348 (5) The county clerk may not certify a signature under Subsection (2) or (3):  
349 (a) on an initiative packet that is not verified in accordance with Section 20A-7-205; or  
350 (b) that does not have a date of signature next to the signature.  
351 ~~[(5)]~~ (6) In order to qualify an initiative petition for submission to the Legislature, the  
352 sponsors shall deliver each signed and verified initiative packet to the county clerk of the  
353 county in which the packet was circulated ~~[by]~~ before 5 p.m. no later than the November 15  
354 before the next annual general session of the Legislature immediately after the application is  
355 filed under Section 20A-7-202.  
356 ~~[(6) (a) No later than December 1 before the annual general session of the Legislature,~~  
357 ~~the county clerk shall:]~~  
358 ~~[(i) check the names of all persons completing the verification for the initiative packet~~  
359 ~~to determine whether those persons are Utah residents and are at least 18 years old; and]~~  
360 ~~[(ii) submit the name of each of those persons who is not a Utah resident or who is not~~  
361 ~~at least 18 years old to the attorney general and county attorney.]~~  
362 ~~[(b)]~~ (7) The county clerk may not certify a signature under Subsection ~~[(7)]~~ (8) on an  
363 initiative packet that is not verified in accordance with Section 20A-7-205.  
364 ~~[(7)]~~ (8) No later than December 15 before the annual general session of the  
365 Legislature, the county clerk shall, for an initiative described in Subsection (6):

366 (a) determine whether each signer is a registered voter according to the requirements of  
367 Section [20A-7-206.3](#);

368 (b) certify on the petition whether each name is that of a registered voter; and

369 (c) deliver all of the verified initiative packets to the lieutenant governor.

370 ~~[(8) The sponsor or their representatives may not retrieve initiative packets from the~~  
371 ~~county clerks once they have submitted them.]~~

372 (9) The sponsor or a sponsor's representative may not retrieve an initiative packet from  
373 a county clerk after the initiative packet is submitted to the county clerk.

374 Section 6. Section **20A-7-206.3** is amended to read:

375 **20A-7-206.3. Verification of petition signatures.**

376 (1) ~~[(a) For the purposes of]~~ As used in this section~~[-"substantially"]~~;

377 (a) "Substantially similar name" means:

378 (i) the given name and surname shown on the petition, or both, contain only minor  
379 spelling differences when compared to the given name and surname shown on the official  
380 register;

381 (ii) the surname shown on the petition exactly matches the surname shown on the  
382 official register, and the given names differ only because one of the given names shown is a  
383 commonly used abbreviation or variation of the other;

384 (iii) the surname shown on the petition exactly matches the surname shown on the  
385 official register, and the given names differ only because one of the given names shown is  
386 accompanied by a first or middle initial or a middle name which is not shown on the other  
387 record; or

388 (iv) the surname shown on the petition exactly matches the surname shown on the  
389 official register, and the given names differ only because one of the given names shown is an  
390 alphabetically corresponding initial that has been provided in the place of a given name shown  
391 on the other record.

392 (b) ~~[For the purposes of this section, "substantially"]~~ "Substantially similar name" does  
393 not ~~[mean]~~ include a name having an initial or a middle name shown on the petition that does

394 not match a different initial or middle name shown on the official register.

395 (2) The county clerk shall use the following procedures in determining whether [~~or not~~]  
 396 a signer is a registered voter:

397 (a) [~~When~~] if a signer's name and address shown on the petition exactly match a name  
 398 and address shown on the official register and the signer's signature appears substantially  
 399 similar to the signature on the statewide voter registration database, the county clerk shall  
 400 declare the signature valid[-];

401 (b) [~~When~~] if there is no exact match of an address and a name, the county clerk shall  
 402 declare the signature valid if:

403 (i) the address on the petition matches the address of [~~a person~~] an individual on the  
 404 official register with a substantially similar name; and

405 (ii) the signer's signature appears substantially similar to the signature on the statewide  
 406 voter registration database of the [~~person~~] individual described in Subsection (2)(b)(i)[-];

407 (c) [~~When~~] if there is no match of an address and a substantially similar name, the  
 408 county clerk shall declare the signature valid if:

409 (i) the birth date or age on the petition matches the birth date or age of [~~a person~~] an  
 410 individual on the official register with a substantially similar name; and

411 (ii) the signer's signature appears substantially similar to the signature on the statewide  
 412 voter registration database of the [~~person~~] individual described in Subsection (2)(c)(i)[-]; and

413 (d) [~~If~~] if a signature is not declared valid under Subsection (2)(a), [~~(2)~~](b), or [~~(2)~~](c),  
 414 the county clerk shall declare the signature to be invalid.

415 (3) The county clerk shall use the following procedures in determining whether to  
 416 remove a signature from a petition after receiving a timely, valid statement requesting removal  
 417 of the signature:

418 (a) if a signer's name and address shown on the statement and the petition exactly  
 419 match a name and address shown on the official register and the signer's signature on both the  
 420 statement and the petition appears substantially similar to the signature on the statewide voter  
 421 registration database, the county clerk shall remove the signature from the petition;

422 (b) if there is no exact match of an address and a name, the county clerk shall remove  
423 the signature from the petition if:

424 (i) the address on the statement and the petition matches the address of an individual  
425 on the official register with a substantially similar name; and

426 (ii) the signer's signature on both the statement and the petition appears substantially  
427 similar to the signature on the statewide voter registration database of the individual described  
428 in Subsection (3)(b)(i);

429 (c) if there is no match of an address and a substantially similar name, the county clerk  
430 shall remove the signature from the petition if:

431 (i) the birth date or age on the statement and petition match the birth date or age of an  
432 individual on the official register with a substantially similar name; and

433 (ii) the signer's signature on both the statement and the petition appears substantially  
434 similar to the signature on the statewide voter registration database of the individual described  
435 in Subsection (3)(c)(i); and

436 (d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the  
437 county clerk may not remove the signature from the petition.

438 Section 7. Section **20A-7-207** is amended to read:

439 **20A-7-207. Evaluation by the lieutenant governor.**

440 (1) When ~~[each]~~ an initiative packet is received from a county clerk, the lieutenant  
441 governor shall check off from the record the number of ~~[each]~~ the initiative packet ~~[filed]~~  
442 received.

443 (2) (a) ~~[After all of the initiative packets have been received by the lieutenant governor~~  
444 ~~and the lieutenant governor has removed the signatures as required by Section ~~20A-7-206~~, the]~~  
445 The lieutenant governor shall, within 14 days after the day on which the lieutenant governor  
446 receives an initiative packet from a county clerk:

447 (i) count the number of the names certified by the county clerks ~~[that remain]~~ on each  
448 verified signature sheet; and

449 (ii) update on the lieutenant governor's website the number of signatures certified as of



450 the date of the update.

451 ~~[(ii)]~~ (b) The lieutenant governor shall declare the petition to be sufficient or  
 452 insufficient ~~[by June 1]~~ on or before April 30 before the regular general election described in  
 453 Subsection 20A-7-201(2)(b).

454 ~~[(b)]~~ (c) If the total number of names ~~[counted]~~ certified under this Subsection  
 455 (2)~~[(a)(i)]~~ equals or exceeds the number of names required ~~[by]~~ under Section 20A-7-201, and  
 456 the requirements of this part are met, the lieutenant governor shall mark upon the front of the  
 457 petition the word "sufficient."

458 ~~[(e)]~~ (d) If the total number of names ~~[counted]~~ certified under this Subsection  
 459 (2)~~[(a)(i)]~~ does not equal or exceed the number of names required ~~[by]~~ under Section  
 460 20A-7-201 or a requirement of this part is not met, the lieutenant governor shall mark upon the  
 461 front of the petition the word "insufficient."

462 ~~[(d)]~~ (e) The lieutenant governor shall immediately notify any one of the sponsors of  
 463 the lieutenant governor's finding.

464 (3) ~~[Once]~~ After a petition is declared insufficient, the sponsors may not submit  
 465 additional signatures to qualify the petition for the ballot.

466 (4) (a) If the lieutenant governor refuses to accept and file ~~[any]~~ an initiative petition  
 467 that a sponsor believes is legally sufficient, any voter may, ~~[by June]~~ not later than May 15,  
 468 apply to the ~~[supreme]~~ appropriate court for an extraordinary writ to compel the lieutenant  
 469 governor to ~~[do so]~~ accept and file the initiative petition.

470 ~~[(b) The supreme court shall:]~~

471 ~~[(i) determine whether or not the initiative petition is legally sufficient, and]~~

472 ~~[(ii) certify its findings to the lieutenant governor:]~~

473 ~~[(e)]~~ (b) If the ~~[supreme]~~ court certifies that the initiative petition is legally sufficient,  
 474 the lieutenant governor shall file ~~[it]~~ the initiative petition, with a verified copy of the judgment  
 475 attached to ~~[it]~~ the initiative petition, as of the date on which ~~[it]~~ the initiative petition was  
 476 originally offered for filing in the lieutenant governor's office.

477 ~~[(d)]~~ (c) If the ~~[supreme]~~ court determines that ~~[any]~~ a petition filed is not legally

478 sufficient, the [~~supreme~~] court may enjoin the lieutenant governor and all other officers from  
479 certifying or printing the ballot title and numbers of that measure on the official ballot.

480 (5) A petition determined to be sufficient in accordance with this section is qualified  
481 for the ballot.

482 Section 8. Section **20A-7-213** is amended to read:

483 **20A-7-213. Misconduct of electors and officers -- Penalty.**

484 (1) It is unlawful for any person to:

485 (a) sign any name other than the person's own to [~~any~~] an initiative petition or a  
486 statement described in Subsection 20A-7-205(3);

487 (b) knowingly sign the person's name more than once for the same measure at one  
488 election;

489 (c) knowingly indicate on an initiative packet that a person who signed the packet  
490 signed the packet on a date other than the date that the person signed the packet;

491 [~~(e)~~] (d) sign an initiative knowing the person is not a legal voter; or

492 [~~(d)~~] (e) knowingly and willfully violate any provision of this part.

493 (2) It is unlawful for any person to sign the verification for an initiative packet knowing  
494 that:

495 (a) the person does not meet the residency requirements of Section **20A-2-105**;

496 (b) the signature date next to the person's name on the initiative packet is not the date  
497 that the person signed the packet;

498 [~~(b)~~] (c) the person has not witnessed the signatures of those persons whose names  
499 appear in the initiative packet; or

500 [~~(e)~~] (d) one or more persons whose signatures appear in the initiative packet is either:

501 (i) not registered to vote in Utah; or

502 (ii) does not intend to become registered to vote in Utah.

503 (3) It is unlawful for any person to:

504 (a) pay a person to sign an initiative petition;

505 (b) pay a person to remove the person's signature from an initiative petition;

- 506 (c) accept payment to sign an initiative petition; or
- 507 (d) accept payment to have the person's name removed from an initiative petition.
- 508 (4) Any person violating this section is guilty of a class A misdemeanor.

509 Section 9. Section **20A-7-303** is amended to read:

510 **20A-7-303. Form of referendum petition and signature sheets.**

511 (1) (a) Each proposed referendum petition shall be printed in substantially the  
512 following form:

513 "REFERENDUM PETITION To the Honorable \_\_\_\_, Lieutenant Governor:

514 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.  
515 \_\_\_\_, entitled (title of act, and, if the petition is against less than the whole act, set forth here  
516 the part or parts on which the referendum is sought), passed by the \_\_\_\_ Session of the  
517 Legislature of the state of Utah, be referred to the people of Utah for their approval or rejection  
518 at a regular general election or a statewide special election;

519 Each signer says:

520 I have personally signed this petition;

521 I am registered to vote in Utah or intend to become registered to vote in Utah before the  
522 certification of the petition names by the county clerk; and

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

524 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the  
525 referendum to each referendum petition.

526 (2) Each signature sheet shall:

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

528 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above  
529 that line blank for the purpose of binding;

530 (c) contain the title of the referendum printed below the horizontal line, in at least  
531 14-point, bold type;

532 (d) contain the word "Warning" printed or typed at the top of each signature sheet  
533 under the title of the referendum;

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

536 "It is a class A misdemeanor for ~~[anyone]~~ an individual to sign ~~[any]~~ a referendum  
537 petition with any other name than [his own] the individual's own name, or knowingly to sign  
538 ~~[his]~~ the individual's name more than once for the same measure, or to sign a referendum  
539 petition when ~~[he]~~ the individual knows ~~[he]~~ that the individual is not a registered voter and  
540 knows that ~~[he]~~ the individual does not intend to become registered to vote before the  
541 certification of the petition names by the county clerk.";

542 (f) contain horizontally ruled lines, three-eighths inch apart under the "Warning"  
543 statement required by this section; and

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

545 (i) the edge of the first column shall appear [at] .5 inch from the extreme left of the  
546 sheet, be ~~[five-eighths]~~ .25 inch wide, and be headed, together with the second column, "For  
547 Office Use Only[;]" ~~[and be subdivided with a light vertical line down the middle];~~

548 (ii) the second column shall be .25 inch wide;

549 ~~[(ii)]~~ (iii) the ~~[next]~~ third column shall be ~~[2-1/2]~~ 2.5 inches wide, headed "Registered  
550 Voter's Printed Name (must be legible to be counted)";

551 ~~[(iii)]~~ (iv) the ~~[next]~~ fourth column shall be ~~[2-1/2]~~ 2.5 inches wide, headed "Signature  
552 of Registered Voter";

553 (v) the fifth column shall be .75 inch wide, headed "Date Signed";

554 ~~[(iv)]~~ (vi) the ~~[next]~~ sixth column shall be ~~[one inch]~~ three inches wide, headed ["~~Birth~~  
555 ~~Date or Age (Optional)~~" "Street Address, City, Zip Code"; and

556 ~~[(v)]~~ (vii) the ~~[final]~~ seventh column shall be ~~[4-3/8 inches]~~ .75 inch wide, headed  
557 ["~~Street Address, City, Zip Code~~"; "~~Birth Date or Age (Optional)~~";

558 (h) be horizontally divided into rows as follows:

559 (i) the top of the first row, for the purpose of entering the information described in  
560 Subsection (2)(g), shall be .5 inch high;

561 ~~[(h)]~~ spanning the sheet horizontally beneath each row on which a registered voter may

562 ~~submit the information described in Subsection (2)(g),]~~

563 (ii) the second row shall be .15 inch high and contain the following statement printed  
564 or typed in not less than ~~[eight-point, single-leaded]~~ 12-point type:

565 "By signing this petition, you are stating that you have read and understand the law this  
566 petition seeks to overturn."; and

567 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the  
568 bottom of the sheet for the information described in Subsection (2)(i); and

569 (i) at the bottom of the sheet, contain the following statement: "Birth date or age  
570 information is not required, but it may be used to verify your identity with voter registration  
571 records. If you choose not to provide it, your signature may not be verified as a valid signature  
572 if you change your address before petition signatures are verified or if the information you  
573 provide does not match your voter registration records."

574 (3) The final page of each referendum packet shall contain the following printed or  
575 typed statement:

576 "Verification  
577 State of Utah, County of \_\_\_\_

578 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

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

580 All the names that appear in this packet were signed by ~~[persons]~~ individuals who  
581 professed to be the ~~[persons]~~ individuals whose names appear in it, and each of ~~[them]~~ the  
582 individuals signed ~~[his]~~ the individual's name on it in my presence;

583 I believe that each individual has printed and signed ~~[his]~~ the individual's name and  
584 written ~~[his]~~ the individual's post office address and residence correctly, that each signer has  
585 read and understands the law that the referendum seeks to overturn, and that each signer is  
586 registered to vote in Utah or intends to become registered to vote before the certification of the  
587 petition names by the county clerk.

588 Each individual who signed the packet wrote the correct date of signature next to the  
589 individual's name.

590 I have not paid or given anything of value to any individual who signed this petition to  
591 encourage that individual to sign it.

592 \_\_\_\_\_  
593 (Name) (Residence Address) (Date)"

594 (4) [~~The forms prescribed in this section are not mandatory, and, if~~ If the forms  
595 described in this section are substantially followed, the referendum petitions are sufficient,  
596 notwithstanding clerical and merely technical errors.

597 Section 10. Section **20A-7-305** is amended to read:

598 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

599 (1) A Utah voter may sign a referendum petition if the voter is a legal voter.

600 (2) (a) The sponsors shall ensure that the [~~person~~] individual in whose presence each  
601 signature sheet was signed:

602 (i) is at least 18 years old and meets the residency requirements of Section **20A-2-105**;  
603 [~~and~~]

604 (ii) verifies each signature sheet by completing the verification printed on the last page  
605 of each referendum packet[~~;~~]; and

606 (iii) is informed that each signer is required to read and understand the law that the  
607 referendum seeks to overturn.

608 (b) A person may not sign the verification printed on the last page of the referendum  
609 packet if the person signed a signature sheet in the referendum packet.

610 (3) (a) [~~(f)~~] A voter who has signed a referendum petition may have the voter's  
611 signature removed from the petition by submitting to the county clerk a statement requesting  
612 that the voter's signature be removed[~~;~~] no later than the earlier of:

613 (i) 14 days after the day on which the voter signs the statement; or

614 (ii) 45 days after the day on which the county clerk posts the voter's name under

615 Subsection **20A-7-306(3)(c)**.

616 (b) (i) The statement shall include:

617 [~~(f)~~] (A) the name of the voter;

618            ~~[(ii)]~~ (B) the resident address at which the voter is registered to vote;

619            ~~[(iii) the last four digits of the voter's Social Security number;]~~

620            ~~[(iv) the driver license or identification card number; and]~~

621            ~~[(v)]~~ (C) the signature of the voter[-]; and

622            (D) the date of the signature described in Subsection (3)(b)(i)(C).

623            (ii) To increase the likelihood of the voter's signature being identified and removed, the

624 statement may include the voter's birth date or age.

625            (c) A voter may not submit a statement by email or other electronic means.

626            (d) In order for the signature to be removed, the county clerk must receive the

627 statement [must be received by the county clerk before the day which is 55 days after the end of

628 the legislative session at which the law passed] before 5 p.m. no later than 45 days after the day

629 on which the county clerk posts the voter's name under Subsection [20A-7-306\(3\)\(c\)](#).

630            ~~[(e) The county clerk shall deliver all statements received under this Subsection (3):]~~

631            ~~[(i) with the referendum petition packets to the lieutenant governor; or]~~

632            ~~[(ii) in a supplemental delivery to the lieutenant governor for a statement submitted~~

633 ~~after the county clerk delivered the referendum petition packets.]~~

634            ~~[(f)]~~ (e) A person may only remove a signature from a referendum petition in

635 accordance with this Subsection (3).

636            (f) A county clerk shall analyze a signature, for purposes of removing a signature from

637 a referendum petition, in accordance with Section [20A-7-206.3](#).

638            Section 11. Section **20A-7-306** is amended to read:

639            **20A-7-306. Submitting the referendum petition -- Certification of signatures by**

640 **the county clerks -- Transfer to lieutenant governor.**

641            (1) (a) ~~[No later than 40 days after the end of the legislative session at which the law~~

642 ~~passed, the]~~ The sponsors shall deliver [each] a signed and verified referendum packet to the

643 county clerk of the county in which the packet was circulated[-] before 5 p.m. no later than the

644 earlier of:

645            (i) 14 days after the day on which the first individual signs the referendum packet; or

646 (ii) 40 days after the end of the legislative session at which the law passed.

647 (b) A sponsor may not submit a referendum packet after the deadline [~~established in~~  
648 ~~this~~] described in Subsection (1)(a).

649 (2) (a) No later than [~~55 days after the end of the legislative session at which the law~~  
650 ~~passed~~] 14 days after the day on which the county clerk receives a verified referendum packet,  
651 the county clerk shall:

652 (i) check the [~~names of all persons completing~~] name of each individual who completes  
653 the verification on the last page of each referendum packet to determine whether [~~or not those~~  
654 ~~persons are Utah residents and are~~] the individual is a resident of Utah and is at least 18 years  
655 old; and

656 (ii) submit the name of each [~~of those persons~~] individual who is not a Utah resident or  
657 who is not at least 18 years old to the attorney general and county attorney.

658 (b) The county clerk may not certify a signature under Subsection (3):

659 (i) on a referendum packet that is not verified in accordance with Section  
660 [20A-7-305](#)[:]; or

661 (ii) that does not have a date of signature next to the signature.

662 (3) No later than [~~55 days after the end of the legislative session at which the law~~  
663 ~~passed~~] 14 days after the day on which the county clerk receives a verified referendum packet,  
664 the county clerk shall:

665 (a) determine whether each signer is a registered voter according to the requirements of  
666 Section [20A-7-306.3](#);

667 (b) certify on the referendum petition whether each name is that of a registered voter;  
668 [~~and~~]

669 (c) post the name and voter identification number of each registered voter certified  
670 under Subsection (3)(b) in a conspicuous location on the county's website for at least 45 days;  
671 and

672 [~~(c)~~] (d) deliver [~~all of~~] the verified referendum [~~packets~~] packet to the lieutenant  
673 governor.



674 ~~[(4) Upon receipt of a referendum packet under Subsection (3) and any statement~~  
675 ~~submitted under Subsection 20A-7-305(3), the lieutenant governor shall remove from the~~  
676 ~~referendum petition a voter's signature if the voter has requested the removal in accordance~~  
677 ~~with Subsection 20A-7-305(3).]~~

678 (4) Within two business days after timely receipt of a statement described in  
679 Subsection 20A-7-305(3), the county clerk shall:

680 (a) remove the voter's signature from the posting described in Subsection (3)(c); and

681 (b) inform the lieutenant governor of the removal.

682 (5) The sponsor or a sponsor's representative may not retrieve a referendum packet  
683 from a county clerk after the referendum packet is submitted to the county clerk.

684 Section 12. Section **20A-7-307** is amended to read:

685 **20A-7-307. Evaluation by the lieutenant governor.**

686 (1) When ~~[each]~~ a referendum packet is received from a county clerk, the lieutenant  
687 governor shall check off from the record the number of ~~[each]~~ the referendum packet ~~[filed]~~  
688 received.

689 (2) (a) ~~[After all of the referendum packets have been received by the lieutenant~~  
690 ~~governor and the lieutenant governor has removed the signatures as required by Section~~  
691 ~~20A-7-306, the]~~ The lieutenant governor shall, within 14 days after the day on which the  
692 lieutenant governor receives a referendum packet from a county clerk:

693 (i) count the number of the names certified by the county clerks [that remain] on each  
694 verified signature sheet; and

695 (ii) update on the lieutenant governor's website the number of signatures certified as of  
696 the date of the update.

697 (b) The lieutenant governor shall:

698 (i) within one business day after the day on which the lieutenant governor provides the  
699 notification described in Subsection 20A-7-306(4)(a)(ii), subtract the number of signatures  
700 removed from the number of signatures certified and update the number on the lieutenant  
701 governor's website accordingly; and

702 (ii) declare the petition to be sufficient or insufficient [~~no later than 60~~] 95 days after  
703 the end of the legislative session at which the law passed.

704 ~~[(b)]~~ (c) If the total number of names [~~counted~~] certified under this Subsection  
705 ~~(2)[(a)(i)]~~ equals or exceeds the number of names required [~~by~~] under Section 20A-7-301, and  
706 the requirements of this part are met, the lieutenant governor shall mark upon the front of the  
707 petition the word "sufficient."

708 ~~[(c)]~~ (d) If the total number of names [~~counted~~] certified under this Subsection  
709 ~~(2)[(a)(i)]~~ does not equal or exceed the number of names required [~~by~~] under Section  
710 20A-7-301 or a requirement of this part is not met, the lieutenant governor shall mark upon the  
711 front of the petition the word "insufficient."

712 ~~[(d)]~~ (e) The lieutenant governor shall immediately notify any one of the sponsors of  
713 the lieutenant governor's finding.

714 (f) After a petition is declared insufficient, the sponsors may not submit additional  
715 signatures to qualify the petition for the ballot.

716 (3) (a) If the lieutenant governor refuses to accept and file [~~any~~] a referendum petition,  
717 any voter may, not later than 10 days after the day on which the lieutenant governor declares  
718 the petition insufficient, apply to the [supreme] appropriate court for an extraordinary writ to  
719 compel the lieutenant governor to [do so within 10 days after the refusal.] accept and file the  
720 referendum petition.

721 (b) If the [~~supreme~~] court determines that the referendum petition is legally sufficient,  
722 the lieutenant governor shall file [~~it~~] the referendum petition, with a verified copy of the  
723 judgment attached to [~~it~~] the referendum petition, as of the date on which [~~it~~] the referendum  
724 petition was originally offered for filing in the lieutenant governor's office.

725 (c) If the [~~supreme~~] court determines that [~~any~~] a petition filed is not legally sufficient,  
726 the [~~supreme~~] court may enjoin the lieutenant governor and all other officers from certifying or  
727 printing the ballot title and numbers of that measure on the official ballot.

728 (4) A petition determined to be sufficient in accordance with this section is qualified  
729 for the ballot.

730 Section 13. Section **20A-7-312** is amended to read:

731 **20A-7-312. Misconduct of electors and officers -- Penalty.**

732 (1) It is unlawful for any person to:

733 (a) sign any name other than the person's own to ~~[any]~~ a referendum petition;

734 (b) knowingly sign the person's name more than once for the same measure at one

735 election;

736 (c) knowingly indicate on a referendum packet that a person who signed the packet

737 signed the packet on a date other than the date that the person signed the packet;

738 ~~[(c)]~~ (d) sign a referendum knowing the person is not a legal voter; or

739 ~~[(d)]~~ (e) knowingly and willfully violate any provision of this part.

740 (2) It is unlawful for any person to sign the verification for a referendum packet

741 knowing that:

742 (a) the person does not meet the residency requirements of Section **20A-2-105**;

743 (b) the signature date next to the person's name on the referendum packet is not the

744 date that the person signed the packet;

745 ~~[(b)]~~ (c) the person has not witnessed the signatures of those persons whose names

746 appear in the referendum packet; or

747 ~~[(c)]~~ (d) one or more persons whose signatures appear in the referendum packet is

748 either:

749 (i) not registered to vote in Utah; or

750 (ii) does not intend to become registered to vote in Utah.

751 (3) It is unlawful for any person to:

752 (a) pay a person to sign a referendum petition;

753 (b) pay a person to remove the person's signature from a referendum petition;

754 (c) accept payment to sign a referendum petition; or

755 (d) accept payment to have the person's name removed from a referendum petition.

756 ~~[(3)]~~ (4) Any person violating this section is guilty of a class A misdemeanor.

757 Section 14. Section **20A-9-403** is amended to read:

758           **20A-9-403. Regular primary elections.**

759           (1) (a) Candidates for elective office that are to be filled at the next regular general  
760 election shall be nominated in a regular primary election by direct vote of the people in the  
761 manner prescribed in this section. The fourth Tuesday of June of each even-numbered year is  
762 designated as regular primary election day. Nothing in this section shall affect a candidate's  
763 ability to qualify for a regular general election's ballot as an unaffiliated candidate under  
764 Section 20A-9-501 or to participate in a regular general election as a write-in candidate under  
765 Section 20A-9-601.

766           (b) Each registered political party that chooses to have the names of the registered  
767 political party's candidates for elective office featured with party affiliation on the ballot at a  
768 regular general election shall comply with the requirements of this section and shall nominate  
769 the registered political party's candidates for elective office in the manner described in this  
770 section.

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

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

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

779           (i) either declare the registered political party's intent to participate in the next regular  
780 primary election or declare that the registered political party chooses not to have the names of  
781 the registered political party's candidates for elective office featured on the ballot at the next  
782 regular general election; and

783           (ii) if the registered political party participates in the upcoming regular primary  
784 election, identify one or more registered political parties whose members may vote for the  
785 registered political party's candidates and whether individuals identified as unaffiliated with a

786 political party may vote for the registered political party's candidates.

787 (b) (i) A registered political party that is a continuing political party shall file the  
788 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on  
789 November 30 of each odd-numbered year.

790 (ii) An organization that is seeking to become a registered political party under Section  
791 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered  
792 political party files the petition described in Section 20A-8-103.

793 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a  
794 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective  
795 office on the regular primary ballot of the registered political party listed on the declaration of  
796 candidacy only if the individual is certified by the appropriate filing officer as having submitted  
797 a set of nomination petitions that was:

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

799 (ii) signed by at least 2% of the registered political party's members who reside in the  
800 political division of the office that the individual seeks.

801 (b) (i) A candidate for elective office shall submit nomination petitions to the  
802 appropriate filing officer for verification and certification no later than 5 p.m. on the final day  
803 in March.

804 (ii) A candidate may supplement the candidate's submissions at any time on or before  
805 the filing deadline.

806 (c) (i) The lieutenant governor shall determine for each elective office the total number  
807 of signatures that must be submitted under Subsection (3)(a)(ii) by counting the aggregate  
808 number of individuals residing in each elective office's political division who have designated a  
809 particular registered political party on the individuals' voter registration forms on or before  
810 November 15 of each odd-numbered year.

811 (ii) The lieutenant governor shall publish the determination for each elective office no  
812 later than November 30 of each odd-numbered year.

813 (d) The filing officer shall:

814 (i) verify signatures on nomination petitions in a transparent and orderly manner, no  
815 later than 14 days after the day on which a candidate submits the signatures to the filing officer;

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

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

820 (iv) consider an individual who signs a nomination petition a member of a registered  
821 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that  
822 registered political party as the individual's party membership on the individual's voter  
823 registration form; and

824 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination  
825 petition signatures, or use statistical sampling procedures to verify submitted nomination  
826 petition signatures in accordance with rules made under Subsection (3)(f).

827 (e) Notwithstanding any other provision in this Subsection (3), a candidate for  
828 lieutenant governor may appear on the regular primary ballot of a registered political party  
829 without submitting nomination petitions if the candidate files a declaration of candidacy and  
830 complies with Subsection [20A-9-202\(3\)](#).

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

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

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

835 (B) reflect a bona fide effort to determine the validity of a candidate's entire  
836 submission, using widely recognized statistical sampling techniques; and

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

839 (g) The county clerk shall:

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

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

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

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

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

853 (ii) a list of unopposed candidates for elective office who have been nominated by a  
854 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the  
855 unopposed candidates from the primary election ballot.

856 (b) A candidate for lieutenant governor and a candidate for governor campaigning as  
857 joint-ticket running mates shall appear jointly on the primary election ballot.

858 (c) After the county clerk receives the certified list from the lieutenant governor under  
859 Subsection (4)(a), the county clerk shall post or publish a primary election notice in  
860 substantially the following form:

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

866 (5) (a) A candidate, other than a presidential candidate, who, at the regular primary  
867 election, receives the highest number of votes cast for the office sought by the candidate is:

868 (i) nominated for that office by the candidate's registered political party; or

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

870 (b) If two or more candidates, other than presidential candidates, are to be elected to  
871 the office at the regular general election, those party candidates equal in number to positions to  
872 be filled who receive the highest number of votes at the regular primary election are the  
873 nominees of the candidates' party for those positions.

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

875 (A) no individual other than the candidate receives a certification under Subsection (3)  
876 for the regular primary election ballot of the candidate's registered political party for a  
877 particular elective office; or

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

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

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

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

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

897 (8) An individual may not file a declaration of candidacy for a registered political party



898 of which the individual is not a member, except to the extent that the registered political party  
899 permits otherwise under the registered political party's bylaws.

900 Section 15. Section **20A-9-408** is amended to read:

901 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
902 **political party.**

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

906 (2) Notwithstanding Subsection [20A-9-201\(7\)\(a\)](#), the form of the declaration of  
907 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
908 the nomination of, the qualified political party under this section shall be substantially as  
909 described in Section [20A-9-408.5](#).

910 (3) Notwithstanding Subsection [20A-9-202\(1\)\(a\)](#), and except as provided in Subsection  
911 [20A-9-202\(4\)](#), a member of a qualified political party who, under this section, is seeking the  
912 nomination of the qualified political party for an elective office that is to be filled at the next  
913 general election shall:

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

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

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

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

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

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

925 (b) except as provided in Subsection [20A-9-202\(1\)\(b\)](#), file a declaration of candidacy,

926 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on  
927 the third Thursday in March before the next regular general election; and

928 (c) pay the filing fee.

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

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

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

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

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

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

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

943 (b) except as provided in Subsection 20A-9-202(1)(b), file a declaration of candidacy,  
944 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on  
945 the third Thursday in March before the next regular general election; and

946 (c) pay the filing fee.

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

953 (6) The lieutenant governor shall ensure that the certification described in Subsection

954 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
955 under this section.

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

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

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

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

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

968 (ii) for a congressional district race, 7,000 signatures of registered voters who are  
969 residents of the congressional district and are permitted by the qualified political party to vote  
970 for the qualified political party's candidates in a primary election;

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

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

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

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

981 (B) 3% of the registered voters of the qualified political party who are residents of the

982 applicable State Board of Education district; and

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

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

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

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

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

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

999 (i) required to comply with the reporting requirements that a candidate for office is  
1000 required to comply with; and

1001 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that  
1002 apply to a candidate for office in relation to the reporting requirements described in Subsection  
1003 (9)(c)(i).

1004 (d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the  
1005 election officer shall, no later than the earlier of 14 days after the day on which the election  
1006 officer receives the signatures, or one day before the day on which the qualified political party  
1007 holds the convention to select a nominee for the elective office to which the signature packets  
1008 relate:

1009 (i) check the name of each individual who completes the verification for a signature

1010 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

1011 (ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a  
1012 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

1013 (iii) determine whether each signer is a registered voter who is qualified to sign the  
1014 petition, using the same method, described in Section [20A-7-206.3](#), used to verify a signature  
1015 on a petition; and

1016 (iv) certify whether each name is that of a registered voter who is qualified to sign the  
1017 signature packet[~~;~~ and].

1018 [~~(v)~~] (e) Upon timely receipt of the signatures described in Subsections (8) and (9)(a),  
1019 the election officer shall, no later than one day before the day on which the qualified political  
1020 party holds the convention to select a nominee for the elective office to which the signature  
1021 packets relate, notify the qualified political party and the lieutenant governor of the name of  
1022 each member of the qualified political party who qualifies as a nominee of the qualified  
1023 political party, under this section, for the elective office to which the convention relates.

1024 [~~(e)~~] (f) Upon receipt of a notice of intent to gather signatures for candidacy described  
1025 in this section, the lieutenant governor shall post the notice of intent to gather signatures for  
1026 candidacy on the lieutenant governor's website in the same location that the lieutenant governor  
1027 posts a declaration of candidacy.

1028 Section 16. **Coordinating H.B. 145 with H.B. 195 and S.B. 33 -- Substantive and**  
1029 **technical amendments.**

1030 (1) If this H.B. 145, H.B. 195, Initiative and Referendum Amendments, and S.B. 33,  
1031 Political Procedures Amendments, all pass and become law, it is the intent of the Legislature  
1032 that the Office of Legislative Research and General Counsel shall prepare the Utah Code  
1033 database for publication, as follows:

1034 (a) the changes to Section [20A-7-205](#) in H.B. 145 supercede the changes to Section  
1035 [20A-7-205](#) in H.B. 195 and S.B. 33; and

1036 (b) the changes to Section [20A-7-206](#) in H.B. 145 supercede the changes to Section  
1037 [20A-7-206](#) in H.B. 195 and S.B. 33.

1038           (2) If this H.B. 145 and H.B. 195, Initiative and Referendum Amendments, both pass  
1039 and become law, but S.B. 33, Political Procedures Amendments, does not pass, it is the intent  
1040 of the Legislature that the Office of Legislative Research and General Counsel shall prepare the  
1041 Utah Code database for publication, as follows:

1042           (a) the changes to Section [20A-7-205](#) in H.B. 145 supercede the changes to Section  
1043 [20A-7-205](#) in H.B. 195; and

1044           (b) the changes to Section [20A-7-206](#) in H.B. 145 supercede the changes to Section  
1045 [20A-7-206](#) in H.B. 195.

1046           (3) If this H.B. 145 and S.B. 33, Political Procedures Amendments, both pass and  
1047 become law, but H.B. 195, Initiative and Referendum Amendments, does not pass, it is the  
1048 intent of the Legislature that the Office of Legislative Research and General Counsel shall  
1049 prepare the Utah Code database for publication, as follows:

1050           (a) the changes to Section [20A-7-205](#) in H.B. 145 supercede the changes to Section  
1051 [20A-7-205](#) in S.B. 33; and

1052           (b) the changes to Section [20A-7-206](#) in H.B. 145 supercede the changes to Section  
1053 [20A-7-206](#) in S.B. 33.

1054           Section 17. **Coordinating H.B. 145 with H.B. 195 -- Substantive and technical**  
1055 **amendments.**

1056           If this H.B. 145 and H.B. 195, Initiative and Referendum Amendments, both pass and  
1057 become law, it is the intent of the Legislature that the Office of Legislative Research and  
1058 General Counsel shall prepare the Utah Code database for publication so that the changes to  
1059 Section [20A-7-207](#) in H.B. 145 supercede the changes to Section [20A-7-207](#) in H.B. 195.

1060           Section 18. **Coordinating H.B. 145 with S.B. 33 -- Substantive and technical**  
1061 **amendments.**

1062           If this H.B. 145 and S.B. 33, Political Procedures Amendments, both pass and become  
1063 law, it is the intent of the Legislature that the Office of Legislative Research and General  
1064 Counsel shall prepare the Utah Code database for publication, as follows:

1065           (1) the changes to Section [20A-7-305](#) in H.B. 145 supercede the changes to Section

1066 [20A-7-305](#) in S.B. 33; and

1067 (2) the changes to Section [20A-7-306](#) in H.B. 145 supercede the changes to Section

1068 [20A-7-306](#) in S.B. 33.