

## HB0145S02 compared with HB0145S01

~~deleted text~~ shows text that was in HB0145S01 but was deleted in HB0145S02.

Inserted text shows text that was not in HB0145S01 but was inserted into HB0145S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Norman K. Thurston proposes the following substitute bill:

### CITIZEN POLITICAL PROCESS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K. Thurston**

Senate Sponsor: Curtis S. Bramble

---

#### 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;

## **HB0145S02 compared with HB0145S01**

- ▶ 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.

### **Money Appropriated in this Bill:**

None

### **Other Special Clauses:**

None

### **Utah Code Sections Affected:**

#### **AMENDS:**

**20A-1-609**, as last amended by Laws of Utah 2018, Chapter 19

**20A-7-101**, as last amended by Laws of Utah 2017, Chapter 291

**20A-7-203**, as last amended by Laws of Utah 2017, Chapter 291

**20A-7-205**, as last amended by Laws of Utah 2011, Chapter 17

**20A-7-206**, as last amended by Laws of Utah 2013, Chapter 231

**[20A-7-206.3](#)**, as last amended by **[Laws of Utah 2011, Chapter 17](#)**

**20A-7-207**, as last amended by Laws of Utah 2011, Chapter 17

**20A-7-213**, as last amended by Laws of Utah 2013, Chapter 253

**20A-7-303**, as last amended by Laws of Utah 2014, Chapter 329

**20A-7-305**, as last amended by Laws of Utah 2011, Chapter 17

**20A-7-306**, as last amended by Laws of Utah 2011, Chapter 17

**20A-7-307**, as last amended by Laws of Utah 2011, Chapter 17

**20A-7-312**, as last amended by Laws of Utah 2013, Chapter 253

**20A-9-403**, as last amended by Laws of Utah 2018, Chapter 80

**20A-9-408**, as last amended by Laws of Utah 2018, Chapter 11

## HB0145S02 compared with HB0145S01

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As used in this chapter:

(1) "Budget officer" means:

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

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

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

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

## **HB0145S02 compared with HB0145S01**

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

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

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

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

(6) "Initial fiscal impact estimate" means:

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

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

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

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

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

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

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

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

(a) is registered to vote; or

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

(11) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.

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

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

(i) an ordinance;

## HB0145S02 compared with HB0145S01

- (ii) a resolution;
- (iii) a master plan;
- (iv) a comprehensive zoning regulation adopted by ordinance or resolution; or
- (v) other legislative action of a local legislative body.

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

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

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

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

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

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

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

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

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

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

(22) "Sponsors" means the legal voters who support the initiative or referendum and who sign the application for petition copies.

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

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

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

~~[(26)]~~ (25) "Verified" means acknowledged by the person circulating the petition as

## HB0145S02 compared with HB0145S01

required in Sections 20A-7-205 and 20A-7-305.

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

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

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

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

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

Each signer says:

I have personally signed this petition;

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

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

NOTICE TO SIGNERS:

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

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

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

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

(2) Each signature sheet shall:

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

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

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

## HB0145S02 compared with HB0145S01

(d) be vertically divided into columns as follows:

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

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

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

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

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

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

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

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

(e) be horizontally divided into rows as follows:

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

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

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

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

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

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

(ii) the initial fiscal impact estimate's summary statement issued by the Governor's Office of Management and Budget in accordance with Subsection 20A-7-202.5(2)(b), including any update in accordance with Subsection 20A-7-204.1(4), and the cost estimate for

## HB0145S02 compared with HB0145S01

printing and distributing information related to the initiative petition in accordance with Subsection 20A-7-202.5(3), in not less than 12-point, bold type;

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

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

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

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

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

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

"Verification

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

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

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

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

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law proposed by the initiative, and that each signer is registered to vote in Utah



## HB0145S02 compared with HB0145S01

or intends to become registered to vote before the certification of the petition names by the county clerk.

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

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

---

(Name)	(Residence Address)	(Date)"
--------	---------------------	---------

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

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

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

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

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

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

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

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

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

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

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

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

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

## HB0145S02 compared with HB0145S01

Subsection 20A-7-206(2)(e); or

(ii) for an initiative packet received by the county clerk on or after

~~November~~ December 1:

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

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

Subsection 20A-7-206(3)(e);

(b) (i) The statement shall include:

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

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

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

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

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

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

(ii) To increase the likelihood of the voter's signature being identified and removed, the statement may include:

~~— (A) the last four digits of~~ the voter's ~~{social security number; and~~

~~— (B) the voter's driver license or identification card number.~~

~~birth date or age.~~

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

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

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

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

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

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

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

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

**20A-7-206. Submitting the initiative petition -- Certification of signatures by the**

## HB0145S02 compared with HB0145S01

### county clerks -- Transfer to lieutenant governor.

(1) (a) In order to qualify an initiative petition for placement on the regular general election ballot, the sponsors shall deliver ~~[each]~~ a signed and verified initiative packet to the county clerk of the county in which the packet was circulated on or before the ~~[sooner]~~ earlier of:

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

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

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

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

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

~~[(+)]~~ ~~{(a)}~~ check the ~~{}~~ names of all persons completing ~~{ name of each individual who completes}~~ the verification for the initiative packet to determine whether ~~{}~~ those persons are residents ~~{ the individual is a resident}~~ of Utah and ~~{}~~ are ~~{ is}~~ at least 18 years old; and

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

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

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

~~{(a)}~~ ~~{(c)}~~ determine whether each signer is a registered voter according to the requirements of Section 20A-7-206.3;

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

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

## HB0145S02 compared with HB0145S01

~~[(e)]~~ ~~(~~ff~~d)~~ deliver ~~[all of]~~ the verified initiative ~~[packets]~~ packet to the lieutenant governor.

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

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

~~{~~ ~~——~~ ~~(a) check the name of each individual who completes the verification for the initiative packet to determine whether the individual is a resident of Utah and is least 18 years old; and~~  
~~——~~ ~~(b) submit the name of each individual who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney;~~

~~†~~ (~~fe~~a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-206.3;

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

(~~fe~~c) post the name and precinct of each registered voter certified under Subsection (2)(~~fd~~b) in a conspicuous location on the county's website for at least 45 days; and

(~~ff~~d) deliver the verified initiative packet to the lieutenant governor.

(4) Within seven days after timely receipt of a statement described in Subsection 20A-7-205(3), the county clerk shall:

(a) remove the voter's signature from the posting described in Subsection (2)(e) or (3)(e); and

(b) (i) remove the voter's signature from the signature packet totals; and

(ii) inform the lieutenant governor of the removal.

(5) The county clerk may not certify a signature under Subsection (2) or (3):

(a) on an initiative packet that is not verified in accordance with Section 20A-7-205; or

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

~~[(5)]~~ (6) In order to qualify an initiative petition for submission to the Legislature, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated by the November 15 before the next annual general

## HB0145S02 compared with HB0145S01

session of the Legislature immediately after the application is filed under Section 20A-7-202.

~~[(6)] ~~[(7)]~~ (a) No later than December 1 before the annual general session of the Legislature, the county clerk shall ~~{, for an initiative described in Subsection (6)}:~~~~

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

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

~~[(b)]~~ [(7)] The county clerk may not certify a signature under Subsection ~~[(7)]~~ [(8)] on an initiative packet that is not verified in accordance with Section 20A-7-205.

~~[(7)]~~ [(8)] No later than December 15 before the annual general session of the Legislature, the county clerk shall, for an initiative described in Subsection (6):

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

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

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

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

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

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

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

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

[(a)] "Substantially similar name" means:

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

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

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is

## HB0145S02 compared with HB0145S01

accompanied by a first or middle initial or a middle name which is not shown on the other record; or

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

(b) ~~For the purposes of this section, "substantially~~ "Substantially similar name" does not ~~mean~~ include a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

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

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

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

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

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

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

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

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

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

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

## HB0145S02 compared with HB0145S01

of the signature:

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

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

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

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

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

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

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

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

Section ~~6~~7. Section 20A-7-207 is amended to read:

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

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

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

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

## HB0145S02 compared with HB0145S01

verified signature sheet; and

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

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

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

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

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

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

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

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

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

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

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

~~[(d)]~~ (c) If the ~~[supreme]~~ court determines that ~~[any]~~ a petition filed is not legally sufficient, the ~~[supreme]~~ court may enjoin the lieutenant governor and all other officers from



## HB0145S02 compared with HB0145S01

certifying or printing the ballot title and numbers of that measure on the official ballot.

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

Section ~~{7}~~8. Section 20A-7-213 is amended to read:

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

(1) It is unlawful for any person to:

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

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

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

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

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

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

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

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

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

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

(i) not registered to vote in Utah; or

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

(3) It is unlawful for any person to:

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

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

(c) accept payment to sign an initiative petition; or

(d) accept payment to have the person's name removed from an initiative petition.

(4) Any person violating this section is guilty of a class A misdemeanor.

Section ~~{8}~~9. Section 20A-7-303 is amended to read:

## HB0145S02 compared with HB0145S01

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

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

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

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

Each signer says:

I have personally signed this petition;

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

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

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

(2) Each signature sheet shall:

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

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

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

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

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

"It is a class A misdemeanor for [~~anyone~~] an individual to sign [~~any~~] a referendum petition with any other name than [~~his own~~] the individual's own name, or knowingly to sign [~~his~~] the individual's name more than once for the same measure, or to sign a referendum petition when [~~he~~] the individual knows [~~he~~] that the individual is not a registered voter and knows that [~~he~~] the individual does not intend to become registered to vote before the

## HB0145S02 compared with HB0145S01

certification of the petition names by the county clerk.";

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

(g) be vertically divided into columns as follows:

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

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

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

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

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

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

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

(h) be horizontally divided into rows as follows:

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

~~[(h) spanning the sheet horizontally beneath each row on which a registered voter may submit the information described in Subsection (2)(g);]~~

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

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

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

(i) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature

## HB0145S02 compared with HB0145S01

if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

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

"Verification

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

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

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

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

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

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

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

---

(Name) (Residence Address) (Date)"

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

Section ~~9~~10. Section **20A-7-305** is amended to read:

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

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

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

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

## HB0145S02 compared with HB0145S01

[and]

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

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

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

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

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

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

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

(b) (i) The statement shall include:

[(†)] (A) the name of the voter;

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

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

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

[(†††††)] (C) the signature of the voter[-]; and

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

(ii) To increase the likelihood of the voter's signature being identified and removed, the statement may include:

~~— (A) the last four digits of;~~ the voter's {social security number; and

~~— (B) the voter's driver license or identification card number.~~

{birth date or age.

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

(d) In order for the signature to be removed, the county clerk must receive the statement [~~must be received by the county clerk before the day which is 55 days after the end of the legislative session at which the law passed~~] no later than 45 days after the day on which the county clerk posts the voter's name under Subsection 20A-7-306(3)(c).

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

## HB0145S02 compared with HB0145S01

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

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

~~[(ff)]~~ (e) A person may only remove a signature from a referendum petition in accordance with this Subsection (3).

(f) A county clerk shall analyze a signature, for purposes of removing a signature from a referendum petition, in accordance with Section 20A-7-206.3.

Section ~~{10}~~ 11. Section **20A-7-306** is amended to read:

**20A-7-306. Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.**

(1) (a) ~~[No later than 40 days after the end of the legislative session at which the law passed, the]~~ The sponsors shall deliver [each] a signed and verified referendum packet to the county clerk of the county in which the packet was circulated[.] on or before the earlier of:

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

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

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

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

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

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

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

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

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

(3) No later than ~~[55 days after the end of the legislative session at which the law~~

## HB0145S02 compared with HB0145S01

~~passed]~~ 14 days after the day on which the county clerk receives a verified referendum packet,  
the county clerk shall:

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

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

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

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

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

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

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

(b) inform the lieutenant governor of the removal.

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

Section ~~{H}~~12. Section **20A-7-307** is amended to read:

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

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

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

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

## HB0145S02 compared with HB0145S01

verified signature sheet; and

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

(b) The lieutenant governor shall:

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

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

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

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

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

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

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

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



## HB0145S02 compared with HB0145S01

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

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

Section ~~{12}~~13. Section 20A-7-312 is amended to read:

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

(1) It is unlawful for any person to:

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

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

(c) knowingly indicate on a referendum packet that a person who signed the packet signed the packet on a date other than the date that the person signed the packet;

~~{c}~~ (d) sign a referendum knowing the person is not a legal voter; or

~~{d}~~ (e) knowingly and willfully violate any provision of this part.

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

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

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

~~{b}~~ (c) the person has not witnessed the signatures of those persons whose names appear in the referendum packet; or

~~{c}~~ (d) one or more persons whose signatures appear in the referendum packet is either:

(i) not registered to vote in Utah; or

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

(3) It is unlawful for any person to:

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

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

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

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

## HB0145S02 compared with HB0145S01

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

Section ~~{13}~~14. Section **20A-9-403** is amended to read:

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

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

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

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

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

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

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

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

## HB0145S02 compared with HB0145S01

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

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

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

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

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

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

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

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

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

(d) The filing officer shall:

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

(ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than 5 p.m. on the

## HB0145S02 compared with HB0145S01

first Monday after the third Saturday in April;

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

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

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

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

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

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

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

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

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

(g) The county clerk shall:

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

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

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

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

## HB0145S02 compared with HB0145S01

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

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

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

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

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

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

- (i) nominated for that office by the candidate's registered political party; or
- (ii) for a nonpartisan local school board position, nominated for that office.

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

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

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

(B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3) for the regular primary

## HB0145S02 compared with HB0145S01

election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.

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

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

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

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

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

Section ~~{14}~~15. Section **20A-9-408** is amended to read:

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

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

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

(3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection

## **HB0145S02 compared with HB0145S01**

20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election shall:

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

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

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

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

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

(v) other information required by the lieutenant governor;

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

(c) pay the filing fee.

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

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

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

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

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

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

## **HB0145S02 compared with HB0145S01**

(v) other information required by the lieutenant governor;

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

(c) pay the filing fee.

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

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

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

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

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

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

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

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

(iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for



## HB0145S02 compared with HB0145S01

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

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

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

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

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

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

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

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

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

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

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

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

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

## HB0145S02 compared with HB0145S01

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

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

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

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

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

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

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