

Representative Christine F. Watkins proposes the following substitute bill:

COUNTY OFFICES AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill allows a county to select certain county officers by appointment rather than by election.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ recodifies and reorganizes Title 17, Chapter 16, County Officers, and related provisions;
- ▶ establishes a process by which a county may provide for the appointment of one or more of the following county officers by appointment rather than by election:
 - county treasurer;
 - county clerk;
 - county auditor;
 - county recorder;
 - county surveyor;
 - county assessor;
 - county sheriff;
 - county attorney; or



- 26 • district attorney;
- 27 ▶ provides that the process to change how a county officer is selected may be
- 28 initiated:
- 29 • by the county legislative body through resolution;
- 30 • by the citizens of the county through petition; or
- 31 • through an optional plan adopted at the time the county changes the county's
- 32 form of county government;
- 33 ▶ establishes signature thresholds and other requirements for a citizen petition that
- 34 initiates the process to change how a county officer is selected;
- 35 ▶ requires the county legislative body to hold public hearings on a proposal to change
- 36 how a county officer is selected;
- 37 ▶ provides that a county's change in how a county officer is selected is only effective
- 38 if approved by the county's voters at an election;
- 39 ▶ establishes requirements and processes for an election to determine whether a
- 40 county will change how one or more of the county's officers are selected;
- 41 ▶ establishes provisions related to a county's transition after making a change under
- 42 this bill;
- 43 ▶ establishes a selection committee to select appointed county officers;
- 44 ▶ provides that an appointed county office is a career service position of the county
- 45 and that the recruitment, hiring, compensation, discipline, and termination of an
- 46 appointed county officer is conducted under the career service provisions of law;
- 47 ▶ provides additional processes for the termination of an appointed county officer;
- 48 ▶ amends provisions related to the consolidation of certain county offices; and
- 49 ▶ makes technical and conforming changes.

50 **Money Appropriated in this Bill:**

51 None

52 **Other Special Clauses:**

53 None

54 **Utah Code Sections Affected:**

55 AMENDS:

56 11-51-102, as last amended by Laws of Utah 2016, Chapter 348

57 [11-51a-102](#), as enacted by Laws of Utah 2015, Chapter 419
58 [17-16a-4](#), as last amended by Laws of Utah 2013, Chapters 142 and 445
59 [17-17-1](#), as last amended by Laws of Utah 2010, Chapter 381
60 [17-17-2](#), as repealed and reenacted by Laws of Utah 2016, Chapter 285
61 [17-18a-204](#), as enacted by Laws of Utah 2013, Chapter 237
62 [17-18a-301](#), as enacted by Laws of Utah 2013, Chapter 237
63 [17-20-1](#), as last amended by Laws of Utah 2008, Chapter 3
64 [17-22-1.5](#), as last amended by Laws of Utah 2011, Chapter 58
65 [17-23-1](#), as last amended by Laws of Utah 2001, Chapter 241
66 [17-23-2](#), as last amended by Laws of Utah 2001, Chapter 241
67 [17-24-1](#), as last amended by Laws of Utah 2017, Chapter 460
68 [17-33-8](#), as last amended by Laws of Utah 2008, Chapters 25 and 172
69 [17-52a-204](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
70 [17-52a-404](#), as renumbered and amended by Laws of Utah 2018, Chapter 68
71 [17-53-104](#), as renumbered and amended by Laws of Utah 2000, Chapter 133
72 [17-53-106](#), as last amended by Laws of Utah 2002, Chapters 11 and 185
73 [17-53-317](#), as last amended by Laws of Utah 2011, Chapter 209
74 [17D-2-203](#), as last amended by Laws of Utah 2018, Chapter 68
75 [20A-1-102](#), as last amended by Laws of Utah 2018, Chapters 187 and 274
76 [20A-1-404](#), as last amended by Laws of Utah 2008, Chapter 13
77 [20A-1-501](#), as last amended by Laws of Utah 2016, Chapter 16
78 [20A-1-508](#), as last amended by Laws of Utah 2018, Chapters 68 and 199
79 [20A-1-509.1](#), as last amended by Laws of Utah 2011, Chapters 297 and 327
80 [20A-1-509.2](#), as last amended by Laws of Utah 2013, Chapter 237
81 [20A-1-901](#), as enacted by Laws of Utah 2018, Chapter 259
82 [20A-6-302](#), as last amended by Laws of Utah 2014, Chapter 17
83 [20A-9-101](#), as last amended by Laws of Utah 2018, Chapter 19
84 [20A-11-103](#), as last amended by Laws of Utah 2016, Chapter 16
85 [41-1a-1320](#), as last amended by Laws of Utah 2006, Chapter 39
86 [51-7-15](#), as last amended by Laws of Utah 2017, Chapter 338
87 [51-9-408](#), as last amended by Laws of Utah 2014, Chapter 267

- 88 [59-2-407](#), as last amended by Laws of Utah 2018, Chapters 432 and 436
- 89 [59-2-1302](#), as last amended by Laws of Utah 2011, Chapter 163
- 90 [59-2-1303](#), as last amended by Laws of Utah 2009, Chapter 388
- 91 [59-2-1305](#), as last amended by Laws of Utah 2018, Chapter 197
- 92 [59-2-1316](#), as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 93 [63I-1-217](#), as last amended by Laws of Utah 2018, Chapters 236 and 347
- 94 [63J-1-602.2](#), as repealed and reenacted by Laws of Utah 2018, Chapter 469
- 95 [63L-8-304](#), as last amended by Laws of Utah 2017, Chapter 451
- 96 [65A-8-212](#), as last amended by Laws of Utah 2018, Chapter 189

97 ENACTS:

- 98 [17-16-101](#), Utah Code Annotated 1953
- 99 [17-16-102](#), Utah Code Annotated 1953
- 100 [17-16-306](#), Utah Code Annotated 1953
- 101 [17-16-307](#), Utah Code Annotated 1953
- 102 [17-16-401](#), Utah Code Annotated 1953
- 103 [17-16-402](#), Utah Code Annotated 1953
- 104 [17-16-403](#), Utah Code Annotated 1953
- 105 [17-16-404](#), Utah Code Annotated 1953
- 106 [17-16-405](#), Utah Code Annotated 1953
- 107 [17-16-406](#), Utah Code Annotated 1953
- 108 [17-16-407](#), Utah Code Annotated 1953
- 109 [17-16-408](#), Utah Code Annotated 1953
- 110 [17-16-409](#), Utah Code Annotated 1953
- 111 [17-16-501](#), Utah Code Annotated 1953
- 112 [17-16-502](#), Utah Code Annotated 1953
- 113 [17-16-503](#), Utah Code Annotated 1953
- 114 [17-16-504](#), Utah Code Annotated 1953
- 115 [17-16-505](#), Utah Code Annotated 1953

116 RENUMBERS AND AMENDS:

- 117 [17-16-103](#), (Renumbered from 17-16-3, as last amended by Laws of Utah 2006,
- 118 Chapter 3)

119 **17-16-104**, (Renumbered from 17-16-4, as last amended by Laws of Utah 2011,
120 Chapter 297)
121 **17-16-105**, (Renumbered from 17-16-5.5, as last amended by Laws of Utah 2006,
122 Chapter 39)
123 **17-16-106**, (Renumbered from 17-16-7, as last amended by Laws of Utah 2001,
124 Chapter 241)
125 **17-16-107**, (Renumbered from 17-16-9, as last amended by Laws of Utah 2011,
126 Chapter 297)
127 **17-16-108**, (Renumbered from 17-16-11, as last amended by Laws of Utah 2007,
128 Chapter 268)
129 **17-16-109**, (Renumbered from 17-16-21, as last amended by Laws of Utah 2018,
130 Chapter 347)
131 **17-16-301**, (Renumbered from 17-16-202, as enacted by Laws of Utah 2016, Chapter
132 50)
133 **17-16-302**, (Renumbered from 17-53-101, as last amended by Laws of Utah 2018,
134 Chapter 68)
135 **17-16-303**, (Renumbered from 17-16-1, as last amended by Laws of Utah 2013,
136 Chapter 237)
137 **17-16-304**, (Renumbered from 17-16-6, as last amended by Laws of Utah 2018,
138 Chapter 68)
139 **17-16-305**, (Renumbered from 17-16-6.5, as last amended by Laws of Utah 2016,
140 Chapters 16 and 409)
141 **17-16-308**, (Renumbered from 17-16-203, as enacted by Laws of Utah 2016, Chapter
142 50)
143 **17-16-309**, (Renumbered from 17-16-10.5, as last amended by Laws of Utah 2006,
144 Chapter 321)
145 **17-16-310**, (Renumbered from 17-16-12, Utah Code Annotated 1953)
146 **17-16-311**, (Renumbered from 17-16-14, as last amended by Laws of Utah 1993,
147 Chapter 227)
148 **17-16-312**, (Renumbered from 17-16-18, as last amended by Laws of Utah 2014,
149 Chapter 176)

150 **17-16-313**, (Renumbered from 17-16-19, as last amended by Laws of Utah 1993,
151 Chapter 227)

152 **17-16-314**, (Renumbered from 17-16-20, as last amended by Laws of Utah 1993,
153 Chapter 227)

154 **17-16-315**, (Renumbered from 17-16-17, as last amended by Laws of Utah 1993,
155 Chapter 227)

156 **17-16-316**, (Renumbered from 17-16-16, as last amended by Laws of Utah 2017,
157 Chapter 70)

158 **17-18a-704**, (Renumbered from 17-16-2.5, as last amended by Laws of Utah 2013,
159 Chapter 237)

160 REPEALS:

161 **17-16-8**, Utah Code Annotated 1953

162 **17-16-201**, as enacted by Laws of Utah 2016, Chapter 50

163

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

165 Section 1. Section **11-51-102** is amended to read:

166 **11-51-102. Definitions.**

167 As used in this chapter:

168 (1) "Chief executive officer" means:

169 (a) for a municipality:

170 (i) the mayor, if the municipality is operating under a form of municipal government
171 other than the council-manager form of government; or

172 (ii) the city manager, if the municipality is operating under the council-manager form
173 of government; or

174 (b) for a county:

175 (i) the chair of the county commission, if the county is operating under the county
176 commission or expanded county commission form of government;

177 (ii) the county executive officer, if the county is operating under the county-executive
178 council form of government; or

179 (iii) the county manager, if the county is operating under the council-manager form of
180 government.

181 (2) "County sheriff" means an individual [~~elected to the office of county sheriff~~] who
182 holds the office of county sheriff in the state and who meets the qualifications described in
183 Section 17-22-1.5.

184 (3) "Federal agency" means the United States Bureau of Land Management, the United
185 States Forest Service, the United States Fish and Wildlife Service, or the National Park
186 Service.

187 (4) "Federally managed land" means land that is managed by the United States Bureau
188 of Land Management, the United States Forest Service, or the National Park Service.

189 (5) "National monument" means a national monument designated or declared in
190 accordance with the Antiquities Act of 1906, 54 U.S.C. Sec. 320301 et seq.

191 (6) "National recreation area" means a recreation area designated by an act of
192 Congress.

193 (7) "Political subdivision" means a municipality or county.

194 Section 2. Section **11-51a-102** is amended to read:

195 **11-51a-102. Definitions.**

196 As used in this chapter:

197 (1) "Catastrophic public nuisance" means a condition on state or federal land where
198 natural resources and biota have been managed or neglected to such an extent as to cause:

199 (a) the threat of a catastrophic wildfire demonstrated by:

200 (i) stand density, basal area, or ground fuel load greater than 150% of land health
201 standards; or

202 (ii) an insect or disease infestation severe enough to threaten the mortality of at least
203 20% of the trees in the area; or

204 (b) a condition in the area that threatens the:

205 (i) quantity or quality of the public water supply of a political subdivision;

206 (ii) health, safety, or welfare of the citizens of a political subdivision;

207 (iii) air quality of a nonattainment area; or

208 (iv) vegetative resources required to support land health and authorized livestock
209 grazing.

210 (2) "Chief executive officer" means:

211 (a) for a municipality:

212 (i) the mayor, if the municipality is operating under a form of municipal government
213 other than the council-manager form of government; or

214 (ii) the city manager, if the municipality is operating under the council-manager form
215 of government;

216 (b) for a county:

217 (i) the chair of the county commission, if the county is operating under the county
218 commission or expanded county commission form of government;

219 (ii) the county executive officer, if the county is operating under the county-executive
220 form of government; or

221 (iii) the county manager, if the county is operating under the council-manager form of
222 government.

223 (3) "County sheriff" means an individual:

224 (a) ~~[elected to]~~ who holds the office of county sheriff; and

225 (b) who fulfills the duties described in Subsection 17-22-1.5(1).

226 (4) "Federal agency" means the:

227 (a) United States Bureau of Land Management;

228 (b) United States Forest Service;

229 (c) United States Fish and Wildlife Service; or

230 (d) National Park Service.

231 (5) "Federally managed land" means land that is managed by a federal agency.

232 (6) "Political subdivision" means a municipality or county.

233 Section 3. Section 17-16-101 is enacted to read:

234 **CHAPTER 16. COUNTY OFFICERS**

235 **Part 1. General Provisions**

236 **17-16-101. Title.**

237 This chapter is known as "County Officers."

238 Section 4. Section 17-16-102 is enacted to read:

239 **17-16-102. Definitions.**

240 As used in this chapter:

241 (1) "Appointed county office" means an office that is filled by appointment under Title
242 17, Chapter 16, Part 5, Appointed County Officers.

243 (2) "Appointed county officer" means an individual who holds an appointed county
244 office.

245 (3) "County office" means an elected county office or an appointed county office.

246 (4) "County officer" means an individual who holds a county office.

247 (5) (a) "Elected county office" means an office that is filled by election under Title 17,
248 Chapter 16, Part 3, Elected County Officers.

249 (b) "Elected county office" does not include an appointed county office.

250 (6) "Elected county officer" means an individual who holds an elected county office.

251 Section 5. Section **17-16-103**, which is renumbered from Section 17-16-3 is
252 renumbered and amended to read:

253 **[17-16-3]. 17-16-103. Consolidating county offices.**

254 (1) ~~[A]~~ Except as provided in Subsection (2), a county legislative body may~~[, unless~~
255 ~~prohibited by Subsection (2);]~~ pass an ordinance that:

256 (a) consolidates county offices and establishes the duties of those consolidated offices;

257 (b) separates any previously consolidated county offices and reconsolidates ~~[them]~~
258 those offices differently; or

259 (c) separates any previously consolidated county offices without reconsolidating ~~[them]~~
260 those offices.

261 (2) A county legislative body may not:

262 (a) consolidate the offices of county commissioner, county council member, or county
263 treasurer with the office of county auditor;

264 (b) consolidate the office of county executive with the office of county auditor, unless a
265 referendum approving that consolidation passes; ~~[or]~~

266 (c) consolidate the offices of county commissioner, county council member, county
267 executive, county assessor, or county auditor with the office of county treasurer~~[:]; or~~

268 (d) consolidate an appointed county office with an elected county office.

269 (3) ~~[Each]~~ A county legislative body shall ensure that any ordinance consolidating or
270 separating elected county offices:

271 (a) is enacted before the February 1 of the year in which elected county officers are
272 elected; and

273 (b) takes effect on the first Monday in January after the year in which elected county

274 officers are elected.

275 ~~[(4) (a) Each county legislative body shall:]~~

276 ~~[(i) enact an ordinance by February 1, 2010, separating any county offices that are~~
277 ~~prohibited from consolidation by this section; and]~~

278 ~~[(ii) publish, by February 15, 2010, a notice once in a newspaper of general circulation~~
279 ~~in the county identifying the county offices that will be filled in the November 2010 election.]~~

280 ~~[(b) (i) If a county legislative body has, by February 1, 2006, enacted an ordinance, in~~
281 ~~compliance with this Subsection (4) then in effect, separating county offices that are prohibited~~
282 ~~from consolidation by this section, the county legislative body may repeal that ordinance.]~~

283 ~~[(ii) If a county legislative body has published notice in a newspaper identifying the~~
284 ~~county offices that will be filled in the November 2006 election, and that notice, because of a~~
285 ~~repeal of an ordinance under Subsection (4)(b)(i), is incorrect, the county legislative body shall~~
286 ~~publish notice once in a newspaper of general circulation in the county indicating that the~~
287 ~~previous notice was incorrect and correctly identifying the county offices that will be filled in~~
288 ~~the November 2006 election.]~~

289 Section 6. Section **17-16-104**, which is renumbered from Section 17-16-4 is
290 renumbered and amended to read:

291 ~~[17-16-4].~~ **17-16-104. Filling a consolidated office.**

292 When two or more county offices are ~~[united and]~~ consolidated:

293 (1) (a) if the consolidated offices are elected county offices, only one [person shall]
294 individual may be elected to fill the [united and consolidated offices; and] consolidated office;
295 or

296 (b) if the consolidated offices are appointed county offices, only one individual may be
297 appointed to fill the consolidated office; and

298 (2) the ~~[person]~~ individual who is elected or appointed to fill the consolidated office
299 shall:

300 (a) take the oath and give the bond required for each of the offices; and

301 (b) discharge all the duties pertaining to each of the offices.

302 Section 7. Section **17-16-105**, which is renumbered from Section 17-16-5.5 is
303 renumbered and amended to read:

304 ~~[17-16-5.5].~~ **17-16-105. Reassignment of certain assessor duties to treasurer.**

305 A county legislative body may by ordinance reassign to the treasurer the duties of the
306 assessor under Sections [41-1a-1320](#), [59-2-407](#), [59-2-1302](#), [59-2-1303](#), and [59-2-1305](#).

307 Section 8. Section **17-16-106**, which is renumbered from Section 17-16-7 is
308 renumbered and amended to read:

309 ~~[17-16-7]~~. **17-16-106**. **Appointment of deputy to county officers -- Deputy may**
310 **serve despite vacancy in office of appointing officer.**

311 (1) (a) A county officer or precinct officer, including an elected county executive,
312 except a county commissioner or county council member, may, with the consent of the county
313 legislative body, appoint deputies and employees as necessary for the discharge of the duties of
314 the officer's office.

315 (b) The county legislative body's consent power under Subsection (1)(a) shall be
316 defined in county ordinance and may include consent by:

- 317 (i) the budget approval process;
- 318 (ii) approval of an allocation of a certain number of positions; or
- 319 (iii) approval or disapproval of the hiring of individual applicants.

320 (c) A county legislative body may by ordinance delegate to the county executive the
321 authority to consent to the appointment of deputies and employees under this Subsection (1).

322 ~~[(2) If the county clerk performs district court clerk functions, the legislative body of~~
323 ~~that county shall provide the clerk with deputies and employees for the business of the district~~
324 ~~courts as considered necessary and advisable by the judge or judges of the district court,~~
325 ~~consistent with the level of funding for clerk services from the court administrator's office.]~~

326 ~~[(3)]~~ (2) (a) Each officer appointing a deputy shall, for each deputy appointed, file a
327 signed writing with the county clerk that memorializes the appointment.

328 (b) The officer appointing the deputy is liable for all official acts of the deputy.

329 (c) If the office of the officer who appointed the deputy becomes vacant, the deputy
330 may continue to serve despite the vacancy.

331 (3) If a law or ordinance grants powers or imposes duties on a county officer, a deputy
332 appointed under this section has the same powers and duties as the county officer.

333 Section 9. Section **17-16-107**, which is renumbered from Section 17-16-9 is
334 renumbered and amended to read:

335 ~~[17-16-9]~~. **17-16-107**. **Officers at county seats -- Office hours.**

336 (1) The ~~elect~~ county officers of all counties, except those in counties having a
337 population of less than 8,000, shall have their offices at the county seats.

338 (2) (a) In all counties the clerk, sheriff, recorder, auditor, treasurer, assessor, and
339 attorney shall keep their offices open for the transaction of business as authorized by
340 resolution of the county legislative body.

341 (b) If the county legislative body does not authorize hours of operation for Saturdays,
342 then the hours served by the employees of the county may not be less than under their present
343 schedule.

344 (c) (i) Any act authorized, required, or permitted to be performed at or by, or with
345 respect to, any county office on a Saturday when the county office is closed, may be performed
346 on the next business day.

347 (ii) No liability or loss of rights of any kind may result from the delay described in
348 Subsection (2)(c)(i).

349 Section 10. Section ~~17-16-108~~, which is renumbered from Section 17-16-11 is
350 renumbered and amended to read:

351 ~~[17-16-11]~~. **17-16-108. Fidelity bonds and theft or crime insurance.**

352 (1) As used in this section, "county officials" means:

353 (a) the members of the county legislative body;

354 (b) the county executive;

355 (c) the county clerk;

356 (d) the county auditor;

357 (e) the county sheriff;

358 (f) the county attorney;

359 (g) in a county that is within a prosecution district, the district attorney;

360 (h) the county recorder;

361 (i) the county assessor;

362 (j) the county surveyor;

363 (k) each justice court judge and constable within the county;

364 (l) the county treasurer; and

365 (m) each deputy or assistant of those listed in Subsections (1)(a) through (l) for whom
366 the county legislative body determines a general fidelity bond or theft or crime insurance

367 should be acquired.

368 (2) (a) The legislative body of each county shall prescribe the amount of each general
369 fidelity bond or of theft or crime insurance to be acquired for county officials, except the
370 county treasurer, before the county officials, except the county treasurer, may discharge the
371 duties of their respective offices.

372 (b) The State Money Management Council created in Section 51-7-16 shall prescribe
373 the amount of a general fidelity bond or theft or crime insurance to be acquired for the county
374 treasurer before the county treasurer may discharge the duties of that office.

375 (c) A county legislative body may acquire a fidelity bond or theft or crime insurance on
376 all county officials as a group rather than individually.

377 (3) (a) The county legislative body shall approve the premium for each fidelity bond
378 before the bond may be filed.

379 (b) The cost of each fidelity bond and theft or crime insurance policy shall be paid
380 from county funds.

381 (4) Each fidelity bond shall be filed and maintained in the office of the county clerk.

382 (5) (a) The district attorney of each multicounty prosecution district shall:

383 (i) execute a fidelity bond or acquire theft or crime insurance in the amount specified in
384 the interlocal agreement that created the prosecution district; and

385 (ii) file each fidelity bond with the county clerk as specified in the interlocal agreement.

386 (b) The cost of each fidelity bond or theft or crime insurance policy under Subsection
387 (5)(a) shall be paid as specified in the interlocal agreement that created the prosecution district.

388 Section 11. Section 17-16-109, which is renumbered from Section 17-16-21 is
389 renumbered and amended to read:

390 ~~[17-16-21].~~ **17-16-109. Fees of county officers.**

391 (1) As used in this section, "county officer" [~~means a county officer enumerated in~~
392 ~~Section 17-53-101 except~~] does not include a county recorder, a county constable, or a county
393 sheriff.

394 (2) (a) A county officer shall collect, in advance, for exclusive county use and benefit:

395 (i) a fee established by the county legislative body under Section 17-53-211; and

396 (ii) any other fee authorized or required by law.

397 (b) As long as the Children's Legal Defense Account is authorized by Section

398 51-9-408, the county clerk shall:

399 (i) assess \$10 in addition to whatever fee for a marriage license is established under
400 authority of this section; and

401 (ii) transmit \$10 from each marriage license fee to the Division of Finance for deposit
402 in the Children's Legal Defense Account.

403 (c) (i) As long as the Division of Child and Family Services, created in Section
404 62A-4a-103, has the responsibility under Section 62A-4a-105 to provide services, including
405 temporary shelter, for victims of domestic violence, the county clerk shall:

406 (A) collect \$10 in addition to whatever fee for a marriage license is established under
407 authority of this section and in addition to the amount described in Subsection (2)(b), if an
408 applicant chooses, as provided in Subsection (2)(c)(ii), to pay the additional \$10; and

409 (B) to the extent actually paid, transmit \$10 from each marriage license fee to the
410 Division of Finance for distribution to the Division of Child and Family Services for the
411 operation of shelters for victims of domestic violence.

412 (ii) (A) The county clerk shall provide a method for an applicant for a marriage license
413 to choose to pay the additional \$10 referred to in Subsection (2)(c)(i).

414 (B) An applicant for a marriage license may choose not to pay the additional \$10
415 referred to in Subsection (2)(c)(i) without affecting the applicant's ability to be issued a
416 marriage license.

417 (d) If a county operates an online marriage application system, the county clerk of that
418 county:

419 (i) may assess \$20 in addition to the other fees for a marriage license established under
420 this section;

421 (ii) except as provided in Subsection (2)(d)(iii), shall transmit \$20 from the marriage
422 license fee to the state treasurer for deposit annually as follows:

423 (A) the first \$400,000 shall accrue to the Utah Marriage Commission, created in
424 Section 62A-1-120, as dedicated credits for the operation of the Utah Marriage Commission;
425 and

426 (B) proceeds in excess of \$400,000 shall be deposited into the General Fund; and

427 (iii) may not transmit \$20 from the marriage license fee to the state treasurer under this
428 Subsection (2)(d) if both individuals seeking the marriage license certify that they have

429 completed premarital counseling or education in accordance with Section 30-1-34.

430 (3) This section does not apply to a fee currently being assessed by the state but
431 collected by a county officer.

432 Section 12. Section 17-16-301, which is renumbered from Section 17-16-202 is
433 renumbered and amended to read:

434 **Part 3. Elected County Officers**

435 ~~[17-16-202].~~ **17-16-301. Definitions.**

436 As used in this part:

437 (1) (a) [~~Except as provided in Subsection (1)(b), "contribution"~~] "Contribution" means
438 any of the following when done for a political purpose:

439 (i) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
440 given to the filing entity;

441 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
442 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything
443 of value to the filing entity;

444 (iii) any transfer of funds from another reporting entity to the filing entity;

445 (iv) compensation paid by any person or reporting entity other than the filing entity for
446 personal services provided without charge to the filing entity;

447 (v) a loan made by a county office candidate or local school board candidate deposited
448 into the county office candidate's or local school board candidate's own campaign account; or

449 (vi) an in-kind contribution.

450 (b) "Contribution" does not include:

451 (i) services provided by an individual volunteering a portion or all of the individual's
452 time on behalf of the filing entity if the services are provided without compensation by the
453 filing entity or any other person;

454 (ii) money lent to the filing entity by a financial institution in the ordinary course of
455 business; or

456 (iii) goods or services provided for the benefit of a county office candidate or local
457 school board candidate at less than fair market value that are not authorized by or coordinated
458 with the county office candidate or the local school board candidate.

459 [~~(2) "County office" means an office described in Section 17-53-101 that is required to~~

460 ~~be filled by an election.]~~

461 ~~[(3)]~~ (2) "County office candidate" means an individual who:

462 (a) files a declaration of candidacy for [a] an elected county office; or

463 (b) receives a contribution, makes an expenditure, or gives consent for any other person
464 to receive a contribution or make an expenditure to bring about the individual's nomination or
465 election to [a] an elected county office.

466 ~~[(4)] "County officer" means an individual who holds a county office.]~~

467 ~~[(5)]~~ (3) (a) ~~[Except as provided in Subsection (5)(b), "expenditure"]~~ "Expenditure"
468 means any of the following made by a reporting entity or an agent of a reporting entity on
469 behalf of the reporting entity:

470 (i) any disbursement from contributions, receipts, or the separate bank account required
471 under Section ~~[17-16-6.5]~~ 17-16-305 or 17-16-306;

472 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
473 or anything of value made for a political purpose;

474 (iii) an express, legally enforceable contract, promise, or agreement to make any
475 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
476 value for a political purpose;

477 (iv) compensation paid by a filing entity for personal services rendered by a person
478 without charge to a reporting entity;

479 (v) a transfer of funds between the filing entity and a county office candidate's, or a
480 local school board candidate's, personal campaign committee; or

481 (vi) goods or services provided by the filing entity to or for the benefit of another
482 reporting entity for a political purpose at less than fair market value.

483 (b) "Expenditure" does not include:

484 (i) services provided without compensation by an individual volunteering a portion or
485 all of the individual's time on behalf of a reporting entity;

486 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
487 business; or

488 (iii) anything described in Subsection ~~[(5)]~~ (3)(a) that is given by a reporting entity to a
489 candidate or officer in another state.

490 ~~[(6)]~~ (4) "Filing entity" means:

- 491 (a) a county office candidate;
- 492 (b) [a] an elected county officer;
- 493 (c) a local school board candidate;
- 494 (d) a local school board member; or
- 495 (e) a reporting entity that is required to meet a campaign finance disclosure
- 496 requirement [~~adopted by a county in accordance with Section 17-16-6.5~~] under Section
- 497 17-16-305 or 17-16-306.

498 [(7)] (5) "In-kind contribution" means anything of value, other than money, that is

499 accepted by or coordinated with a filing entity.

500 [(8)] (6) "Local school board candidate" means an individual who:

- 501 (a) files a declaration of candidacy for local school board; or
- 502 (b) receives a contribution, makes an expenditure, or gives consent for any other person
- 503 to receive a contribution or make an expenditure to bring about the individual's nomination or
- 504 election to a local school board.

505 [(9)] (7) (a) "Personal use expenditure" means an expenditure that:

506 (i) (A) is not excluded from the definition of personal use expenditure by Subsection

507 [(9)] (7)(c); and

508 (B) primarily furthers a personal interest of a county office candidate, elected county

509 officer, local school board candidate, or a local school board member, or a member of a county

510 office candidate's, elected county officer's, local school board candidate's, or local school board

511 member's family; or

512 (ii) would cause the county office candidate, elected county officer, local school board

513 candidate, or local school board member to recognize the expenditure as taxable income under

514 federal law.

515 (b) "Personal use expenditure" includes:

- 516 (i) a mortgage, rent, utility, or vehicle payment;
- 517 (ii) a household food item or supply;
- 518 (iii) clothing, except for clothing:

519 (A) bearing the county office candidate's or local school board candidate's name or

520 campaign slogan or logo; and

521 (B) used in the county office candidate's or local school board member's campaign;

- 522 (iv) admission to a sporting, artistic, or recreational event or other form of
523 entertainment;
- 524 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
- 525 (vi) a salary payment made to:
- 526 (A) a county office candidate, elected county officer, local school board candidate, or
527 local school board member; or
- 528 (B) a person who has not provided a bona fide service to a county candidate, elected
529 county officer, local school board candidate, or local school board member;
- 530 (vii) a vacation;
- 531 (viii) a vehicle expense;
- 532 (ix) a meal expense;
- 533 (x) a travel expense;
- 534 (xi) payment of an administrative, civil, or criminal penalty;
- 535 (xii) satisfaction of a personal debt;
- 536 (xiii) a personal service, including the service of an attorney, accountant, physician, or
537 other professional person;
- 538 (xiv) a membership fee for a professional or service organization; and
- 539 (xv) a payment in excess of the fair market value of the item or service purchased.
- 540 (c) "Personal use expenditure" does not include an expenditure made:
- 541 (i) for a political purpose;
- 542 (ii) for candidacy for an elected county office or local school board;
- 543 (iii) to fulfill a duty or activity of [a] an elected county officer or local school board
544 member;
- 545 (iv) for a donation to a registered political party;
- 546 (v) for a contribution to another candidate's campaign account, including sponsorship
547 of or attendance at an event, the primary purpose of which is to solicit a contribution for
548 another candidate's campaign account;
- 549 (vi) to return all or a portion of a contribution to a contributor;
- 550 (vii) for the following items, if made in connection with the candidacy for an elected
551 county office or local school board, or an activity or duty of [a] an elected county officer or
552 local school board member:

- 553 (A) a mileage allowance at the rate established by the political subdivision that
554 provides the mileage allowance;
- 555 (B) for motor fuel or special fuel, as defined in Section 59-13-102;
- 556 (C) a meal expense;
- 557 (D) a travel expense, including an expense incurred for airfare or a rental vehicle;
- 558 (E) a payment for a service provided by an attorney or accountant;
- 559 (F) a tuition payment or registration fee for participation in a meeting or conference;
- 560 (G) a gift;
- 561 (H) a payment for rent, utilities, a supply, or furnishings, in connection with an office
562 space;
- 563 (I) a booth at a meeting or event; or
- 564 (J) educational material;
- 565 (viii) to purchase or mail informational material, a survey, or a greeting card;
- 566 (ix) for a donation to a charitable organization, as defined in Section 13-22-2, including
567 admission to or sponsorship of an event, the primary purpose of which is charitable solicitation,
568 as defined in Section 13-22-2;
- 569 (x) to repay a loan a county office candidate or local school board candidate makes
570 from the candidate's personal account to the candidate's campaign account;
- 571 (xi) to pay membership dues to a national organization whose primary purpose is to
572 address general public policy;
- 573 (xii) for admission to or sponsorship of an event, the primary purpose of which is to
574 promote the social, educational, or economic well-being of the state or the county candidate's,
575 elected county officer's, local school board candidate's, or local school board member's
576 community;
- 577 (xiii) for one or more guests of a county office candidate, elected county officer, local
578 school board candidate, or local school board member to attend an event, meeting, or
579 conference described in this Subsection [~~(9)~~] (7)(c); or
- 580 (xiv) that is connected with the performance of an activity as a county office candidate
581 or local school board member, or an activity or duty of [a] an elected county officer or local
582 school board member.
- 583 [~~(10)~~] (8) "Political purpose" means an act done with the intent or in a way to influence

584 or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
585 against any candidate or a person seeking an office at any caucus, political convention, or
586 election.

587 ~~[(11)]~~ (9) "Reporting entity":

588 (a) means the same as that term is defined in Subsection 20A-11-101(52); and

589 (b) includes a county office candidate, a county office candidate's personal campaign
590 committee, ~~[a]~~ an elected county officer, a local school board candidate, a local school board
591 candidate's personal campaign committee, and a local school board member.

592 Section 13. Section 17-16-302, which is renumbered from Section 17-53-101 is
593 renumbered and amended to read:

594 ~~[17-53-101].~~ **17-16-302. Elected county officers enumerated.**

595 (1) The elected officers of a county are:

596 (a) (i) in a county operating under a county commission or expanded county
597 commission form of government, county commission members; or

598 (ii) in a county operating under one of the other forms of county government under
599 Subsection 17-52a-405(1)(a), county legislative body members and the county executive;

600 (b) except as provided in Title 17, Chapter 16, Part 5, Appointed County Officers, a
601 county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a county
602 attorney, a district attorney in a county which is part of a prosecution district, a county
603 surveyor, and a county assessor; and

604 (c) any others provided by law.

605 (2) Notwithstanding Subsection (1), in counties having a taxable value of less than
606 \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the
607 duties of the office without extra compensation.

608 Section 14. Section 17-16-303, which is renumbered from Section 17-16-1 is
609 renumbered and amended to read:

610 ~~[17-16-1].~~ **17-16-303. Eligibility and residency requirements for elected county**
611 **office or district, precinct, or prosecution district office.**

612 (1) ~~[A person]~~ An individual filing a declaration of candidacy for ~~[a county,]~~ an elected
613 county office or a district, precinct, or prosecution district office shall:

614 (a) be a United States citizen;

615 (b) except as provided in Section [20A-1-509.2](#) with respect to the office of county
 616 attorney or district attorney, as of the date of the election, have been a resident for at least one
 617 year of the county, district, precinct, or prosecution district in which the person seeks office;
 618 and

619 (c) be a registered voter in the county, district, precinct, or prosecution district in which
 620 the person seeks office.

621 (2) (a) [~~A county,~~] An elected county officer or a district, precinct, or prosecution
 622 district officer shall maintain residency within the county, district, precinct, or prosecution
 623 district in which the officer was elected during the officer's term of office.

624 (b) If [~~a county,~~] an elected county officer or a district, precinct, or prosecution district
 625 officer establishes the officer's principal place of residence as provided in Section [20A-2-105](#)
 626 outside the county, district, precinct, or prosecution district in which the officer was elected,
 627 the office is automatically vacant.

628 Section 15. Section **17-16-304**, which is renumbered from Section 17-16-6 is
 629 renumbered and amended to read:

630 **~~[17-16-6].~~ 17-16-304. Elected county officers -- Time of holding elections --**
 631 **County commissioners -- Terms of office.**

632 (1) Except as otherwise provided in an optional plan adopted under Chapter 52a,
 633 Changing Forms of County Government:

634 (a) each elected county officer shall be elected at the regular general election every four
 635 years in accordance with Section [20A-1-201](#), except as otherwise provided in this title;

636 (b) county commissioners shall be elected at the times, in the manner, and for the terms
 637 provided in Section [17-52a-201](#); and

638 (c) an elected county officer shall hold office for the term for which the officer is
 639 elected, beginning at noon on the first Monday in January following the officer's election and
 640 until a successor is elected or appointed and qualified, except as provided in Section [~~17-16-1~~]
 641 [17-16-303](#).

642 (2) (a) The terms of county officers shall be staggered in accordance with this
 643 Subsection (2).

644 (b) Except as provided in Subsection (2)(c), in the 2014 general election:

645 (i) the following elected county officers shall be elected to one six-year term and

646 thereafter elected to a four-year term:

647 (A) county treasurer;

648 (B) county recorder;

649 (C) county surveyor; and

650 (D) county assessor; and

651 (ii) all other elected county officers shall be elected to a four-year term.

652 (c) If a county legislative body consolidates two or more elected county offices in
653 accordance with Section [~~17-16-3~~] 17-16-103, and the consolidated offices are on conflicting
654 election schedules, the county legislative body shall pass an ordinance that sets the election
655 schedule for the consolidated offices in a reasonable manner that staggers the terms of county
656 officers as provided in this Subsection (2).

657 Section 16. Section **17-16-305**, which is renumbered from Section 17-16-6.5 is
658 renumbered and amended to read:

659 [~~17-16-6.5~~]. **17-16-305. County ordinance regarding financial disclosure in**
660 **county elections.**

661 (1) [~~(a)~~] A county shall adopt an ordinance establishing campaign finance disclosure
662 requirements for:

663 [(i)] (a) [~~candidates for~~] county office candidates; and

664 [(ii)] (b) [~~candidates for~~] local school board [~~office~~] candidates who reside in that
665 county.

666 [(b)] (2) The ordinance [~~required by~~] described in Subsection (1)[~~(a)~~] shall include:

667 [(i)] (a) a requirement that each [~~candidate for~~] county office candidate or local school
668 board [~~office~~] candidate report the candidate's itemized and total campaign contributions and
669 expenditures at least once within the two weeks before the election and at least once within two
670 months after the election;

671 [(ii)] (b) a definition of "contribution" and "expenditure" that requires reporting of
672 nonmonetary contributions such as in-kind contributions and contributions of tangible things;

673 [(iii)] (c) a requirement that the financial reports identify:

674 [(A)] (i) for each contribution, the name of the donor of the contribution, if known, and
675 the amount of the contribution; and

676 [(B)] (ii) for each expenditure, the name of the recipient and the amount of the

677 expenditure;

678 ~~[(iv)]~~ (d) a requirement that a ~~[candidate for]~~ county office candidate or local school
679 board ~~[office]~~ candidate deposit a contribution in a separate campaign account in a financial
680 institution;

681 ~~[(v)]~~ (e) a prohibition against a ~~[candidate for]~~ county office candidate or local school
682 board ~~[office]~~ candidate depositing or mingling any contributions received into a personal or
683 business account; and

684 ~~[(vi)]~~ (f) a requirement that a ~~[candidate for]~~ county office candidate who receives a
685 contribution that is cash or a negotiable instrument, exceeds \$50, and is from a donor whose
686 name is unknown, shall, within 30 days after receiving the contribution, disburse the amount of
687 the contribution to:

688 ~~[(A)]~~ (i) the treasurer of the state or a political subdivision for deposit into the state's or
689 political subdivision's general fund; or

690 ~~[(B)]~~ (ii) an organization that is exempt from federal income taxation under Section
691 501(c)(3), Internal Revenue Code.

692 ~~[(c)]~~ (3) (a) As used in this Subsection ~~[(1)]~~ (3), "account" means an account in a
693 financial institution:

694 ~~[(A)]~~ (i) that is not described in Subsection ~~[(1)(b)]~~ (2)(d); and

695 ~~[(B)]~~ (ii) into which or from which ~~[a person]~~ an individual who, as a candidate for an
696 office, other than ~~[a]~~ an elected county office for which the ~~[person]~~ individual files a
697 declaration of candidacy or federal office, or as a holder of an office, other than ~~[a]~~ an elected
698 county office for which the ~~[person]~~ individual files a declaration of candidacy or federal
699 office, deposits a contribution or makes an expenditure.

700 ~~[(1)]~~ (b) The ordinance required by Subsection (1)~~[(a)]~~ shall include a requirement that
701 a ~~[candidate for]~~ county office candidate or local school board ~~[office]~~ candidate include on a
702 financial report filed in accordance with the ordinance a contribution deposited in or an
703 expenditure made from an account:

704 ~~[(A)]~~ (i) since the last financial report was filed; or

705 ~~[(B)]~~ (ii) that has not been reported under a statute or ordinance that governs the
706 account.

707 ~~[(2)]~~ If any county fails to adopt a campaign finance disclosure ordinance described in

708 ~~Subsection (1), candidates for county office, other than community council office, and~~
709 ~~candidates for local school board office shall comply with the financial reporting requirements~~
710 ~~contained in Subsections (3) through (8).]~~

711 ~~[(3) A candidate for elective office in a county or local school board office:]~~

712 ~~[(a) shall deposit a contribution in a separate campaign account in a financial~~
713 ~~institution; and]~~

714 ~~[(b) may not deposit or mingle any contributions received into a personal or business~~
715 ~~account.]~~

716 ~~[(4) Each candidate for elective office in any county who is not required to submit a~~
717 ~~campaign financial statement to the lieutenant governor, and each candidate for local school~~
718 ~~board office, shall file a signed campaign financial statement with the county clerk:]~~

719 ~~[(a) seven days before the date of the regular general election, reporting each~~
720 ~~contribution and each expenditure as of 10 days before the date of the regular general election;~~
721 ~~and]~~

722 ~~[(b) no later than 30 days after the date of the regular general election.]~~

723 ~~[(5)(a) The statement filed seven days before the regular general election shall~~
724 ~~include:]~~

725 ~~[(i) a list of each contribution received by the candidate, and the name of the donor, if~~
726 ~~known; and]~~

727 ~~[(ii) a list of each expenditure for political purposes made during the campaign period;~~
728 ~~and the recipient of each expenditure.]~~

729 ~~[(b) The statement filed 30 days after the regular general election shall include:]~~

730 ~~[(i) a list of each contribution received after the cutoff date for the statement filed~~
731 ~~seven days before the election, and the name of the donor; and]~~

732 ~~[(ii) a list of all expenditures for political purposes made by the candidate after the~~
733 ~~cutoff date for the statement filed seven days before the election, and the recipient of each~~
734 ~~expenditure.]~~

735 ~~[(6)(a) As used in this Subsection (6), "account" means an account in a financial~~
736 ~~institution:]~~

737 ~~[(i) that is not described in Subsection (3)(a); and]~~

738 ~~[(ii) into which or from which a person who, as a candidate for an office, other than a~~

739 county office for which the person filed a declaration of candidacy or federal office, or as a
 740 holder of an office, other than a county office for which the person filed a declaration of
 741 candidacy or federal office, deposits a contribution or makes an expenditure.]

742 ~~[(b) A county office candidate and a local school board office candidate shall include~~
 743 ~~on any campaign financial statement filed in accordance with Subsection (4) or (5):]~~

744 ~~[(i) a contribution deposited in an account:]~~

745 ~~[(A) since the last campaign finance statement was filed; or]~~

746 ~~[(B) that has not been reported under a statute or ordinance that governs the account;~~

747 ~~or]~~

748 ~~[(ii) an expenditure made from an account:]~~

749 ~~[(A) since the last campaign finance statement was filed; or]~~

750 ~~[(B) that has not been reported under a statute or ordinance that governs the account.]~~

751 ~~[(7) Within 30 days after receiving a contribution that is cash or a negotiable~~

752 ~~instrument, exceeds \$50, and is from a donor whose name is unknown, a county office~~

753 ~~candidate shall disburse the amount of the contribution to:]~~

754 ~~[(a) the treasurer of the state or a political subdivision for deposit into the state's or~~
 755 ~~political subdivision's general fund; or]~~

756 ~~[(b) an organization that is exempt from federal income taxation under Section~~
 757 ~~501(c)(3), Internal Revenue Code:]~~

758 ~~[(8) Candidates for elective office in any county, and candidates for local school board~~

759 ~~office, who are eliminated at a primary election shall file a signed campaign financial statement~~

760 ~~containing the information required by this section not later than 30 days after the primary~~

761 ~~election.]~~

762 ~~[(9) Any person who fails to comply with this section is guilty of an infraction:]~~

763 ~~[(10)]~~ (4) (a) Counties may, by ordinance, enact requirements that:

764 (i) require greater disclosure of campaign contributions and expenditures than those

765 that are described in Section 17-16-306; and

766 (ii) impose additional penalties.

767 (b) The requirements described in Subsection ~~[(10)]~~ (4)(a) apply to a local school

768 board ~~[office]~~ candidate who resides in that county.

769 ~~[(11) If a candidate fails to file an interim report due before the election, the county~~

770 clerk:]

771 ~~[(a) may send an electronic notice to the candidate and the political party of which the~~
772 ~~candidate is a member, if any, that states:]~~

773 ~~[(i) that the candidate failed to timely file the report; and]~~

774 ~~[(ii) that, if the candidate fails to file the report within 24 hours after the deadline for~~
775 ~~filing the report, the candidate will be disqualified and the political party will not be permitted~~
776 ~~to replace the candidate; and]~~

777 ~~[(b) impose a fine of \$100 on the candidate.]~~

778 ~~[(12)(a) The county clerk shall disqualify a candidate and inform the appropriate~~
779 ~~election officials that the candidate is disqualified if the candidate fails to file an interim report~~
780 ~~described in Subsection (11) within 24 hours after the deadline for filing the report.]~~

781 ~~[(b) The political party of a candidate who is disqualified under Subsection (12)(a) may~~
782 ~~not replace the candidate.]~~

783 ~~[(13) If a candidate is disqualified under Subsection (12)(a) the election official:]~~

784 ~~[(a) (i) shall, if practicable, remove the name of the candidate by blacking out the~~
785 ~~candidate's name before the ballots are delivered to voters; or]~~

786 ~~[(ii) shall, if removing the candidate's name from the ballot is not practicable, inform~~
787 ~~the voters by any practicable method that the candidate has been disqualified and that votes~~
788 ~~cast for the candidate will not be counted; and]~~

789 ~~[(b) may not count any votes for that candidate.]~~

790 ~~[(14) An election official may fulfill the requirement described in Subsection (13)(a) in~~
791 ~~relation to an absentee voter, including a military or overseas absentee voter, by including with~~
792 ~~the absentee ballot a written notice directing the voter to a public website that will inform the~~
793 ~~voter whether a candidate on the ballot is disqualified.]~~

794 ~~[(15) A candidate is not disqualified if:]~~

795 ~~[(a) the candidate files the interim reports described in Subsection (11) no later than 24~~
796 ~~hours after the applicable deadlines for filing the reports;]~~

797 ~~[(b) the reports are completed, detailing accurately and completely the information~~
798 ~~required by this section except for inadvertent omissions or insignificant errors or inaccuracies;~~
799 ~~and]~~

800 ~~[(c) the omissions, errors, or inaccuracies are corrected in an amended report or in the~~

801 next scheduled report.]

802 [~~(16) (a) A report is considered timely filed if:~~]

803 [~~(i) the report is received in the county clerk's office no later than midnight, Mountain~~
804 ~~Time, at the end of the day on which the report is due;~~]

805 [~~(ii) the report is received in the county clerk's office with a United States Postal~~
806 ~~Service postmark three days or more before the date that the report was due; or]~~

807 [~~(iii) the candidate has proof that the report was mailed, with appropriate postage and~~
808 ~~addressing, three days before the report was due.]~~

809 [~~(b) For a county clerk's office that is not open until midnight at the end of the day on~~
810 ~~which a report is due, the county clerk shall permit a candidate to file the report via email or~~
811 ~~another electronic means designated by the county clerk.]~~

812 [~~(17) (a) Any private party in interest may bring a civil action in district court to~~
813 ~~enforce the provisions of this section or any ordinance adopted under this section.]~~

814 [~~(b) In a civil action filed under Subsection (17)(a), the court shall award costs and~~
815 ~~attorney fees to the prevailing party.]~~

816 [~~(18) Notwithstanding any provision of Title 63G, Chapter 2, Government Records~~
817 ~~Access and Management Act, the county clerk shall:]~~

818 [~~(a) make each campaign finance statement filed by a candidate available for public~~
819 ~~inspection and copying no later than one business day after the statement is filed; and]~~

820 [~~(b) make the campaign finance statement filed by a candidate available for public~~
821 ~~inspection by:]~~

822 [~~(i) (A) posting an electronic copy or the contents of the statement on the county's~~
823 ~~website no later than seven business days after the statement is filed; and]~~

824 [~~(B) verifying that the address of the county's website has been provided to the~~
825 ~~lieutenant governor in order to meet the requirements of Subsection [20A-11-103\(5\)](#); or]~~

826 [~~(ii) submitting a copy of the statement to the lieutenant governor for posting on the~~
827 ~~website established by the lieutenant governor under Section [20A-11-103](#) no later than two~~
828 ~~business days after the statement is filed.]~~

829 Section 17. Section **17-16-306** is enacted to read:

830 **17-16-306. County campaign finance requirements in absence of county**
831 **ordinance.**

832 (1) If a county fails to adopt a campaign finance disclosure ordinance described in
833 Section 17-16-305, county office candidates and local school board candidates shall comply
834 with the financial reporting requirements contained in this section.

835 (2) A county office candidate or local school board candidate:

836 (a) shall deposit a contribution in a separate campaign account in a financial institution;
837 and

838 (b) may not deposit or mingle any contributions received into a personal or business
839 account.

840 (3) Each county office candidate who is not required to submit a campaign financial
841 statement to the lieutenant governor, and each local school board candidate, shall file a signed
842 campaign financial statement with the county clerk:

843 (a) seven days before the date of the regular general election, reporting each
844 contribution and each expenditure as of 10 days before the date of the regular general election;
845 and

846 (b) no later than 30 days after the date of the regular general election.

847 (4) (a) The statement filed seven days before the regular general election shall include:

848 (i) a list of each contribution received by the candidate, and the name of the donor, if
849 known; and

850 (ii) a list of each expenditure for political purposes made during the campaign period,
851 and the recipient of each expenditure.

852 (b) The statement filed 30 days after the regular general election shall include:

853 (i) a list of each contribution received after the cutoff date for the statement filed seven
854 days before the election, including the name of the donor; and

855 (ii) a list of all expenditures for political purposes made by the candidate after the
856 cutoff date for the statement filed seven days before the election, and the recipient of each
857 expenditure.

858 (5) (a) As used in this Subsection (5), "account" means an account in a financial
859 institution:

860 (i) that is not described in Subsection (2)(a); and

861 (ii) into which or from which an individual who, as a candidate for an office, other than
862 an elected county office for which the individual files a declaration of candidacy or federal

863 office, or as a holder of an office, other than an elected county office for which the individual
864 files a declaration of candidacy or federal office, deposits a contribution or makes an
865 expenditure.

866 (b) A county office candidate and a local school board candidate shall include on any
867 campaign financial statement filed in accordance with Subsection (3) or (4):

868 (i) a contribution deposited into an account:

869 (A) since the last campaign finance statement was filed; or

870 (B) that has not been reported under a statute or ordinance that governs the account; or

871 (ii) an expenditure made from an account:

872 (A) since the last campaign finance statement was filed; or

873 (B) that has not been reported under a statute or ordinance that governs the account.

874 (6) Within 30 days after the day on which a county office candidate receives a
875 contribution that is cash or a negotiable instrument that exceeds \$50 and is from a donor whose
876 name is unknown, the county office candidate shall disburse the amount of the contribution to:

877 (a) the treasurer of the state or a political subdivision for deposit into the state's or
878 political subdivision's general fund; or

879 (b) an organization that is exempt from federal income taxation under Section
880 501(c)(3), Internal Revenue Code.

881 (7) A county office candidate or a local school board candidate who is eliminated at a
882 primary election shall file a signed campaign financial statement containing the information
883 required by this section not later than 30 days after the primary election.

884 (8) A person who fails to comply with this section is guilty of an infraction.

885 Section 18. Section **17-16-307** is enacted to read:

886 **17-16-307. Penalties for violation of campaign finance law or ordinance.**

887 (1) If a candidate fails to file an interim report due before the election, the county clerk:

888 (a) may send an electronic notice to the candidate and the political party of which the
889 candidate is a member, if any, that states:

890 (i) that the candidate failed to timely file the report; and

891 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for
892 filing the report, the candidate will be disqualified and the political party will not be permitted
893 to replace the candidate; and

894 (b) impose a fine of \$100 on the candidate.

895 (2) (a) The county clerk shall disqualify a candidate and inform the appropriate election
896 officials that the candidate is disqualified if the candidate fails to file an interim report
897 described in Subsection (1) within 24 hours after the deadline for filing the report.

898 (b) The political party of a candidate who is disqualified under Subsection (2)(a) may
899 not replace the candidate.

900 (3) If a candidate is disqualified under Subsection (2)(a) the election official:

901 (a) (i) shall, if practicable, remove the name of the candidate by blacking out the
902 candidate's name before the ballots are delivered to voters; or

903 (ii) shall, if removing the candidate's name from the ballot is not practicable, inform
904 the voters by any practicable method that the candidate has been disqualified and that votes
905 cast for the candidate will not be counted; and

906 (b) may not count any votes for that candidate.

907 (4) An election official may comply with the requirement described in Subsection
908 (3)(a) in relation to an absentee voter, including a military or overseas absentee voter, by
909 including with the absentee ballot a written notice directing the voter to a public website that
910 will inform the voter whether a candidate on the ballot is disqualified.

911 (5) A candidate is not disqualified if:

912 (a) the candidate files the interim reports described in Subsection (1) no later than 24
913 hours after the applicable deadlines for filing the reports;

914 (b) the reports are completed, detailing accurately and completely the information
915 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;
916 and

917 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the
918 next scheduled report.

919 (6) (a) A report is considered timely filed if:

920 (i) the report is received in the county clerk's office no later than midnight, Mountain
921 Time, at the end of the day on which the report is due;

922 (ii) the report is received in the county clerk's office with a United States Postal Service
923 postmark three days or more before the date that the report was due; or

924 (iii) the candidate has proof that the report was mailed, with appropriate postage and

925 address, three days before the report was due.

926 (b) For a county clerk's office that is not open until midnight at the end of the day on
 927 which a report is due, the county clerk shall permit a candidate to file the report via email or
 928 other electronic means designated by the county clerk.

929 (7) (a) Any private party in interest may bring a civil action in district court to enforce
 930 the provisions of this section or any ordinance adopted under Section [17-16-305](#).

931 (b) In a civil action filed under Subsection (7)(a), the court shall award costs and
 932 attorney fees to the prevailing party.

933 (8) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
 934 Access and Management Act, the county clerk shall:

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

937 (b) make the campaign finance statement filed by a candidate available for public
 938 inspection by:

939 (i) (A) posting an electronic copy or the contents of the statement on the county's
 940 website no later than seven business days after the statement is filed; and

941 (B) verifying that the address of the county's website has been provided to the
 942 lieutenant governor in order to comply with Subsection [20A-11-103\(5\)](#); or

943 (ii) submitting a copy of the statement to the lieutenant governor for posting on the
 944 website established by the lieutenant governor under Section [20A-11-103](#) no later than two
 945 business days after the statement is filed.

946 Section 19. Section **17-16-308**, which is renumbered from Section 17-16-203 is
 947 renumbered and amended to read:

948 ~~[17-16-203]~~. **17-16-308. Personal use expenditure -- Authorized and**
 949 **prohibited uses of campaign funds -- Enforcement -- Penalties.**

950 (1) A county office candidate, elected county officer, local school board candidate, or
 951 local school board member may not use money deposited into the separate bank account
 952 ~~[required under Section [17-16-6.5](#)]~~ described in Section [17-16-305](#) or [17-16-306](#) for:

953 (a) a personal use expenditure; or

954 (b) an expenditure prohibited by law.

955 (2) (a) A county clerk shall enforce this section prohibiting a personal use expenditure

956 by:

957 (i) evaluating a financial statement to identify a personal use expenditure; and
958 (ii) commencing an adjudicative proceeding in accordance with applicable county
959 ordinance or policy if the county clerk has probable cause to believe a county office candidate,
960 elected county officer, local school board candidate, or local school board member has made a
961 personal use expenditure.

962 (b) Following the proceeding, the county clerk may issue a signed order requiring a
963 county office candidate, elected county officer, local school board candidate, or local school
964 board member who has made a personal use expenditure to:

965 (i) remit an administrative penalty of an amount equal to 50% of the personal use
966 expenditure to the county clerk; and

967 (ii) deposit the amount of the personal use expenditure in the campaign account from
968 which the personal use expenditure was disbursed.

969 (c) The county clerk shall deposit money received under Subsection (2)(b)(i) into the
970 county's general fund.

971 Section 20. Section ~~17-16-309~~, which is renumbered from Section 17-16-10.5 is
972 renumbered and amended to read:

973 ~~[17-16-10.5].~~ **17-16-309. Failure to perform duties constitutes malfeasance**
974 **in office -- Felony charges arising from official duties -- Paid administrative leave --**
975 **Reassignment of duties.**

976 (1) The failure of an elected county officer or prosecution district officer substantially
977 to perform the officer's official duties constitutes malfeasance in office under Section ~~77-6-1~~.

978 (2) (a) If an elected county officer or prosecution district officer is charged with the
979 commission of a felony arising from conduct related to the officer's official duties, the [~~officer~~
980 ~~shall be placed~~] county's legislative body shall place the officer on paid administrative leave
981 ~~[by the county legislative body]~~ until:

982 (i) the charges are dismissed or the officer is acquitted, at which time the officer shall
983 be entitled to return to office, unless the officer's term of office has in the meantime expired; or

984 (ii) the officer is convicted of a felony or attempt to commit a felony arising from
985 conduct related to the officer's official duties, in which case the sentencing judge shall order the
986 officer removed from office.

987 (b) A conviction or a plea of guilty or nolo contendere, relating to a felony charge
 988 described in Subsection (2)(a), constitutes malfeasance in office for purposes of Section
 989 [77-6-1](#).

990 (c) Entry of a plea in abeyance is the equivalent of a conviction for purposes of
 991 Subsection (2)(a)(ii), even if the charge is later dismissed pursuant to a plea in abeyance
 992 agreement.

993 (d) The provisions under this Subsection (2) for the removal of a county or prosecution
 994 district officer are in addition to and do not replace or supersede the removal provisions under
 995 Title 77, Chapter 6, Removal by Judicial Proceedings.

996 (3) (a) During the time that an elected county officer or prosecution district officer is
 997 on paid administrative leave under Subsection (2), the officer's duties may, except as provided
 998 in Subsection (3)(c), be temporarily:

- 999 (i) reassigned to another officer by the county legislative body; or
- 1000 (ii) performed by a person employed for that purpose.

1001 (b) For purposes of Subsection (3)(a) with respect to a prosecution district officer in a
 1002 multi-county prosecution district, "county legislative body" means the legislative bodies of all
 1003 counties included in the prosecution district.

1004 (c) A reassignment under Subsection (3)(a) may not result in the same person
 1005 exercising the duties of:

- 1006 (i) both a county legislative body member or county treasurer and county auditor; or
- 1007 (ii) both a county executive and county auditor.

1008 Section 21. Section **17-16-310**, which is renumbered from Section 17-16-12 is
 1009 renumbered and amended to read:

1010 ~~[17-16-12].~~ **17-16-310. Business to be finished before expiration of term.**

1011 ~~[It shall be the duty of all officers in this title named to complete the business of their~~
 1012 ~~respective offices to the time of the expiration of their respective terms, and in case an officer~~
 1013 ~~at the close of his term shall leave to his]~~

1014 (1) An elected county officer shall complete the business of the office the elected
 1015 county officer holds until the elected county officer's term expires.

1016 (2) If an elected county officer leaves to the elected county officer's successor official
 1017 labor to be performed for which [he] the elected county officer has received compensation [or

1018 ~~which it was his], or that was the elected county officer's duty to perform, [he shall be] the~~
1019 ~~elected county officer is liable to pay [his] the successor the full value of [such service] that~~
1020 ~~labor.~~

1021 Section 22. Section **17-16-311**, which is renumbered from Section 17-16-14 is
1022 renumbered and amended to read:

1023 ~~[17-16-14].~~ **17-16-311. Salaries of elected county officers.**

1024 ~~[The annual salaries of the officers of all counties in the state shall be fixed by the~~
1025 ~~respective county legislative bodies] The county legislative body shall fix the annual salary of~~
1026 ~~an elected county officer, provided no changes [shall be] are made in existing salaries of~~
1027 ~~[county officers] an elected county officer until the county legislative body [in a county~~
1028 ~~desiring to change existing salaries of county officers shall first hold] holds a public hearing at~~
1029 ~~which all interested persons [shall be] are given an opportunity to be heard.~~

1030 Section 23. Section **17-16-312**, which is renumbered from Section 17-16-18 is
1031 renumbered and amended to read:

1032 ~~[17-16-18].~~ **17-16-312. Salaries paid out of general fund.**

1033 ~~[The]~~ Upon the order of the county legislative body, the salaries of elected county
1034 officers shall be paid monthly, semi-monthly, or bi-weekly, as determined by the county
1035 legislative body, out of the county general fund or the county salary fund [upon the order of the
1036 county legislative body].

1037 Section 24. Section **17-16-313**, which is renumbered from Section 17-16-19 is
1038 renumbered and amended to read:

1039 ~~[17-16-19].~~ **17-16-313. Salaries to be full compensation -- Compensation for**
1040 **deputies.**

1041 (1) ~~[The salaries herein provided for]~~ The salary described in Section [17-16-312](#) shall
1042 be full compensation for all services [of every kind and description rendered by the officers
1043 named herein; and where deputies or assistants have been allowed to any such officers the]
1044 rendered by the elected county officer.

1045 (2) The county legislative body shall fix the salary of any deputy or assistant [shall be
1046 fixed by the county legislative body, and shall be a county charge] to an elected county officer.

1047 Section 25. Section **17-16-314**, which is renumbered from Section 17-16-20 is
1048 renumbered and amended to read:

1049 ~~[17-16-20].~~ **17-16-314. Salaries in case of consolidated offices.**

1050 ~~[Whenever the county legislative body shall combine the duties of any county officers~~
 1051 ~~the salary of the person discharging the duties of such offices shall be fixed at a sum not~~
 1052 ~~exceeding] If the county legislative body consolidates elected county offices, the county~~
 1053 ~~legislative body shall fix the salary for the office in an amount that does not exceed the sum of:~~

1054 ~~(1) the highest salary [paid to either of the officers whose offices are so combined, in~~
 1055 ~~addition to an amount not exceeding] of the county offices that are combined; and~~

1056 ~~(2) (a) if only two offices are combined, one-half of the salary [fixed for the other~~
 1057 ~~officer, when only two offices are combined, or when] of the other combined office; or~~

1058 ~~(b) if more than two offices are combined, [in addition to such highest salary,]~~
 1059 ~~one-third of the combined salaries of [such other officers] all the other combined offices.~~

1060 Section 26. Section **17-16-315**, which is renumbered from Section 17-16-17 is
 1061 renumbered and amended to read:

1062 ~~[17-16-17].~~ **17-16-315. Change of class -- Effect on elected officer salaries --**
 1063 **Salaries for new counties.**

1064 ~~(1) (a) If the taxable value of any existing county has been reduced below or raised~~
 1065 ~~above the class and rank first assumed, the county legislative body of the county shall:~~

1066 ~~(i) designate the class to which the county has been reduced or raised, and the county is~~
 1067 ~~in that class[;]; and~~

1068 ~~(ii) except as provided in Subsection (1)(b), adjust the salaries of elected county~~
 1069 ~~officers [shall be adjusted] on or before the next January 1 [~~next succeeding by the county~~~~
 1070 ~~legislative body, but in no event may the salaries be reduced].~~

1071 ~~(b) The county legislative body may not reduce the salaries of elected county officers~~
 1072 ~~under Subsection (1)(a)(ii) for the term for which the elected officers were elected and [are]~~
 1073 ~~qualified.~~

1074 ~~(2) The county legislative body in a newly created county shall at its first meeting after~~
 1075 ~~the organization of the county, for the purpose of fixing salaries and compensation of elected~~
 1076 ~~county officers, determine to which class the county belongs, and fix the salaries for the first~~
 1077 ~~term of the elected officers accordingly.~~

1078 Section 27. Section **17-16-316**, which is renumbered from Section 17-16-16 is
 1079 renumbered and amended to read:

1080 ~~[17-16-16]~~. 17-16-316. Commissioners' traveling expenses.

1081 (1) The members of the board of county commissioners may not receive any
1082 compensation in addition to that provided in Section ~~[17-16-14]~~ 17-16-311 for any special or
1083 committee work, but, subject to Subsection (2), each member shall receive travel expenses for
1084 attending the regular and special sessions of the board and in the discharge of necessary duties,
1085 in accordance with Section 11-55-103.

1086 (2) Before receiving travel expenses described in Subsection (1), the member shall:

1087 (a) submit an itemized statement showing in detail the expenses incurred; and

1088 (b) subscribe and swear to the statement described in Subsection (2)(a).

1089 Section 28. Section ~~17-16-401~~ is enacted to read:

1090 **Part 4. Change of County Officer Selection Method**

1091 **17-16-401. Definitions.**

1092 (1) "Appointment change" means to change the process by which a county office is
1093 filled in order to fill the office by appointment rather than by election.

1094 (2) "Appointment reversal" means to change the process by which a county office is
1095 filled in order to fill the office by election rather than by appointment.

1096 Section 29. Section ~~17-16-402~~ is enacted to read:

1097 **17-16-402. County option for appointed officers.**

1098 (1) In accordance with this part, a county may:

1099 (a) make an appointment change in order to fill one or more of the county offices
1100 described in Section 17-16-502 by appointment under Title 17, Chapter 16, Part 5, Appointed
1101 County Officers, rather than by election; or

1102 (b) after the county makes an appointment change described in Subsection (1)(a) for a
1103 county office, make an appointment reversal in order to fill that county office by election rather
1104 than by appointment.

1105 (2) (a) A county may not vote at an election described in Section 17-16-408 on an
1106 appointment reversal for an appointed county office until the third regular general election after
1107 the election in which the county approved the appointment change for that county office.

1108 (b) If a county approves at an election described in Section 17-16-408 to make an
1109 appointment reversal for a county office, the county may not vote on an appointment change
1110 for that office until the third regular general election after the election in which the county

1111 approved the appointment reversal.

1112 Section 30. Section **17-16-403** is enacted to read:

1113 **17-16-403. Procedure for initiating appointment change or appointment reversal**

1114 **-- Limitations.**

1115 The process to make an appointment change or appointment reversal may be initiated:

1116 (1) by the county legislative body under Section [17-16-404](#);

1117 (2) by registered voters of the county under Section [17-16-405](#); or

1118 (3) through an optional plan adopted under Title 17, Chapter 52a, Changing Forms of

1119 County Government.

1120 Section 31. Section **17-16-404** is enacted to read:

1121 **17-16-404. County legislative body initiation of appointment change or**

1122 **appointment reversal -- Procedure.**

1123 (1) A county legislative body may initiate an appointment change or appointment

1124 reversal by adopting a resolution to submit to the voters the question whether the county should

1125 make the appointment change or appointment reversal.

1126 (2) The county legislative body shall ensure that a resolution adopted under Subsection

1127 (1):

1128 (a) indicates one or more of the county offices described in Section [17-16-502](#) that the

1129 county legislative body proposes should be subject to an appointment change or appointment

1130 reversal; and

1131 (b) requires the question described in Subsection (1), including a list of the county

1132 offices described in Subsection (2)(a), to be submitted to the registered voters of the county at

1133 the next regular general election in accordance with Subsection [17-16-408](#)(2).

1134 (3) A resolution adopted under this section may not be rescinded.

1135 (4) A county legislative body may not propose an appointment change and an

1136 appointment reversal in the same resolution adopted under this section.

1137 Section 32. Section **17-16-405** is enacted to read:

1138 **17-16-405. Registered voter initiation of appointment change or appointment**

1139 **reversal -- Procedure.**

1140 (1) (a) Registered voters of a county may initiate an appointment change or

1141 appointment reversal by filing with the county clerk a notice of intent to gather signatures for a

1142 petition to submit to the voters the question whether the county should make the appointment
1143 change or appointment reversal.

1144 (b) Registered voters who submit a notice of intent described in Subsection (1)(a) shall
1145 ensure that the notice of intent:

1146 (i) designates five sponsors for the petition;

1147 (ii) designates a contact sponsor to serve as the primary contact for the petition
1148 sponsors;

1149 (iii) lists the mailing address and telephone number of each of the petition sponsors;

1150 (iv) indicates one or more of the county offices described in Section [17-16-502](#) that the
1151 sponsors propose should be subject to an appointment change or appointment reversal; and

1152 (v) is signed by each of the petition sponsors.

1153 (c) Sponsors of a petition described in this Subsection (1) may not propose an
1154 appointment change and an appointment reversal in the same petition.

1155 (2) (a) The sponsors of a petition may circulate the petition after filing a notice of
1156 intent to gather signatures under Subsection (1).

1157 (b) To be considered valid, the petition shall be signed by registered voters residing in
1158 the county equal in number to at least 3% of the total number of votes cast in the county for all
1159 candidates for president of the United States at the most recent election at which a president of
1160 the United States was elected.

1161 (c) Except as provided in Subsection (5)(b)(ii), the sponsors of the petition shall submit
1162 the completed petition and any amended or supplemental petition described in Subsection (5)
1163 with the county clerk not more than 180 days after the day on which the sponsors file the notice
1164 described in Subsection (1).

1165 (3) Within 30 days after the day on which the sponsors submit a petition under
1166 Subsection (2)(c), or an amended or supplemental petition under Subsection (5), the county
1167 clerk shall:

1168 (a) determine whether the petition or amended or supplemental petition has been
1169 signed by the required number of registered voters; and

1170 (b) (i) if the petition was signed by a sufficient number of registered voters, the county
1171 clerk shall:

1172 (A) certify the petition;

1173 (B) deliver the petition to the county legislative body; and
1174 (C) notify the contact sponsor in writing of the certification; or
1175 (ii) if the petition was not signed by a sufficient number of registered voters:
1176 (A) reject the petition; and
1177 (B) notify the county legislative body and the contact sponsor in writing of the
1178 rejection and the reasons for the rejection.
1179 (4) A petition that is certified under Subsection (3) may not be rescinded.
1180 (5) The sponsors of a petition circulated under this section may submit amended or
1181 supplemental signatures for the petition:
1182 (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and
1183 (b) before the earlier of:
1184 (i) the deadline described in Subsection (2)(c); or
1185 (ii) 20 days after the day on which the county clerk rejects the petition under
1186 Subsection (3)(b)(ii).
1187 Section 33. Section **17-16-406** is enacted to read:
1188 **17-16-406. Public hearings.**
1189 The county legislative body shall hold two public hearings on a proposed appointment
1190 change or appointment reversal within 45 days after the day on which:
1191 (1) the county legislative body adopts a resolution under Section [17-16-404](#); or
1192 (2) the county clerk certifies a petition described in Section [17-16-405](#) in accordance
1193 with Subsection [17-16-405](#)(3).
1194 Section 34. Section **17-16-407** is enacted to read:
1195 **17-16-407. Voter information pamphlet.**
1196 (1) In anticipation of an election described in Section [17-16-408](#), the county clerk may
1197 prepare a voter information pamphlet to inform the public of the proposed appointment change
1198 or appointment reversal.
1199 (2) In preparing a voter information pamphlet under this section, the county clerk may:
1200 (a) allow proponents and opponents of the proposed appointment change or
1201 appointment reversal to provide written statements to be included in the pamphlet; and
1202 (b) use as a guideline the provisions of Title 20A, Chapter 7, Part 7, Voter Information
1203 Pamphlet.

1204 (3) A county clerk who prepares a voter information pamphlet under this section shall
1205 cause the publication and distribution of the pamphlet in a manner that the county clerk
1206 determines is adequate.

1207 Section 35. Section **17-16-408** is enacted to read:

1208 **17-16-408. Election to determine appointment change or appointment reversal.**

1209 (1) The county legislative body shall hold an election under this section if:

1210 (a) the county legislative body adopts a resolution under Section [17-16-404](#); or

1211 (b) the county clerk certifies a petition described in Section [17-16-405](#) in accordance
1212 with Subsection [17-16-405](#)(3).

1213 (2) An election described in Subsection (1) shall be held:

1214 (a) on the date of the next regular general election if the resolution described in Section
1215 [17-16-404](#) is adopted, or the petition described in Subsection [17-16-405](#)(3) is certified, more
1216 than 75 days before the next regular general election; or

1217 (b) on the date of the regular general election following the next regular general
1218 election if the resolution described in Section [17-16-404](#) is adopted, or the petition described in
1219 Subsection [17-16-405](#)(3) is certified, less than 75 days before the next regular general election.

1220 (3) The county clerk shall prepare the ballot for an election described in Subsection (1)
1221 with a question that asks substantially the following:

1222 (a) for a proposed appointment change:

1223 "Shall _____ County change its governing structure so that the (position/positions) of
1224 (insert the name[s] of the county office[s] specified under Subsection [17-16-404](#)(2)(a) or
1225 [17-16-405](#)(1)(b)(iv)) (is/are) filled by appointment rather than by election?"; or

1226 (b) for a proposed appointment reversal:

1227 "Shall _____ County change its governing structure so that the (position/positions) of
1228 (insert the name[s] of the county office[s] specified under Subsection [17-16-404](#)(2)(a) or
1229 [17-16-405](#)(1)(b)(iv)) (is/are) filled by election rather than by appointment?";

1230 (4) A county clerk shall declare a proposal to make an appointment change or
1231 appointment reversal as adopted by the voters if a majority of voters voting on the proposal
1232 vote in favor of the proposal.

1233 Section 36. Section **17-16-409** is enacted to read:

1234 **17-16-409. Adoption of appointment change or appointment reversal --**

1235 **Appointment of new county officers.**

1236 (1) (a) If a county adopts a proposal to fill a county office by appointment under
1237 Section 17-16-408 rather than by election, a selection committee shall select an individual to
1238 fill the appointed county office in accordance with Section 17-16-503 no earlier than January 1
1239 and no later than April 30 following the election.

1240 (b) Notwithstanding Section 17-16-304, an individual who holds an elected county
1241 office on the December 31 following an election at which a county approves an appointment
1242 change to fill that office by appointment shall continue to hold that office until a successor for
1243 the office is appointed in accordance with Section 17-16-503.

1244 (c) Subject to Subsection (1)(b), and notwithstanding Section 20A-4-304, a county
1245 officer that is elected in an election may not take office if, in the same election, the voters
1246 approve an appointment change under Section 17-16-408 for the office to which the county
1247 officer was elected.

1248 (2) If a county adopts a proposal to fill a county office by election under Section
1249 17-16-408 rather than by appointment, the county office shall be filled at the next regular
1250 general election following the election at which the county adopts the proposal.

1251 (3) If a county adopts a proposal to make an appointment change or appointment
1252 reversal:

1253 (a) all public officers and employees shall cooperate fully in making the appointment
1254 change or appointment reversal; and

1255 (b) the county legislative body may enact ordinances to facilitate the appointment
1256 change or appointment reversal.

1257 Section 37. Section 17-16-501 is enacted to read:

1258 **Part 5. Appointed County Officers**

1259 **17-16-501. Definitions.**

1260 As used in this part, "selection committee" means a county officer selection committee
1261 established under Section 17-16-503.

1262 Section 38. Section 17-16-502 is enacted to read:

1263 **17-16-502. Appointed county officers enumerated -- Provisions applicable to**
1264 **appointed county officers.**

1265 (1) Notwithstanding Title 17, Chapter 16, Part 3, Elected County Officers, the

1266 following county offices, that are approved in an election held under Section [17-16-408](#) or
1267 [17-52a-501](#) to be filled by appointment rather than by election, shall be filled by appointment
1268 in accordance with this part:

1269 (a) county treasurer;

1270 (b) county clerk;

1271 (c) county auditor;

1272 (d) county recorder;

1273 (e) county surveyor;

1274 (f) county assessor;

1275 (g) county sheriff;

1276 (h) county attorney; and

1277 (i) district attorney in a county that is a part of a prosecution district.

1278 (2) An appointed county officer:

1279 (a) is not subject to Title 17, Chapter 16, Part 3, Elected County Officers; and

1280 (b) is subject to this part.

1281 (3) Notwithstanding Subsection (1), in counties having a taxable value of less than
1282 \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the
1283 duties of the office without additional compensation.

1284 Section 39. Section **17-16-503** is enacted to read:

1285 **17-16-503. Selection of appointed county officer -- Filling vacancies.**

1286 (1) A county officer selection committee shall appoint each appointed county officer by
1287 majority vote.

1288 (2) A selection committee is composed of the following three members:

1289 (a) one member of the county's governing body, selected by a majority vote of the
1290 county's governing body;

1291 (b) (i) the county's director of personnel management described in Section [17-33-5](#);

1292 (ii) if the county does not have a director of personnel management, the county's
1293 human resource manager or the functional equivalent of the county's human resource manager;

1294 (iii) if the county does not have an individual described in Subsection (2)(b)(i) or (ii),
1295 the county administrator or the functional equivalent of the county administrator; or

1296 (iv) if the county does not have an individual described in Subsection (2)(b)(i) through

1297 (iii):

1298 (A) the county sheriff; or

1299 (B) if the selection committee is selecting a county sheriff, the county attorney; and

1300 (c) a third individual jointly selected by the members described in Subsections (2)(a)

1301 and (b).

1302 (3) The selection committee shall, by majority vote, select an individual to fill a vacant
1303 appointed county office:

1304 (a) within 90 days after the day on which the office becomes vacant; or

1305 (b) after an election described in Section 17-16-408, within the time period described
1306 in Subsection 17-16-409(1)(a).

1307 Section 40. Section 17-16-504 is enacted to read:

1308 **17-16-504. Appointed county officers employees of the county.**

1309 (1) Except as provided in Subsections 17-18a-301(3) and (4), an appointed county
1310 office is a permanent, full-time, career service position of the county under Title 17, Chapter
1311 33, County Personnel Management Act.

1312 (2) Except as provided in this part, a county shall provide for the recruitment, hiring,
1313 compensation, discipline, and termination of an appointed county officer in accordance with
1314 Title 17, Chapter 33, County Personnel Management Act.

1315 Section 41. Section 17-16-505 is enacted to read:

1316 **17-16-505. Terminating appointed county officer.**

1317 (1) An appointed county officer may be terminated only by a majority vote of a
1318 selection committee.

1319 (2) Except as provided in Subsection (3), a selection committee may only terminate an
1320 appointed county officer for cause.

1321 (3) A selection committee may terminate an appointed county officer without cause
1322 during the probationary period described in Subsection 17-33-5(3)(b)(viii).

1323 Section 42. Section 17-16a-4 is amended to read:

1324 **17-16a-4. Prohibited use of official position -- Exception.**

1325 (1) Except as provided in Subsection (3) or (5), it is an offense for an elected or
1326 appointed officer to:

1327 (a) disclose confidential information acquired by reason of the officer's official position

1328 or use that information to secure special privileges or exemptions for [~~himself~~] the officer or
1329 others;

1330 (b) use or attempt to use the officer's official position to secure special privileges for
1331 the officer or for others; or

1332 (c) knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or
1333 loan for the officer or for another, if the gift or loan tends to influence the officer in the
1334 discharge of the officer's official duties.

1335 (2) This section is inapplicable to:

1336 (a) an occasional nonpecuniary gift having a value of less than \$50;

1337 (b) an award publicly presented;

1338 (c) any bona fide loan made in the ordinary course of business; or

1339 (d) political campaign contributions subject to Section [~~17-16-6.5~~] 17-16-305 or
1340 17-16-306.

1341 (3) A member of a county legislative body who is also a member of the governing
1342 board of a provider of mental health or substance abuse services under contract with the county
1343 does not commit an offense under Subsection (1)(a) or (b) by discharging, in good faith, the
1344 duties and responsibilities of each position, if the county legislative body member does not
1345 participate in the process of selecting the mental health or substance abuse service provider.

1346 (4) Notwithstanding the provisions of this section, a county or county official may
1347 encourage support from a public or private individual or institution, whether in financial
1348 contributions or by other means, on behalf of an organization or activity that benefits the
1349 community.

1350 (5) This section does not apply to an elected or appointed officer who engages in
1351 conduct that constitutes a violation of this section to the extent that the elected or appointed
1352 officer is chargeable, for the same conduct, under Section 76-8-105.

1353 Section 43. Section ~~17-17-1~~ is amended to read:

1354 **17-17-1. Duties of assessor -- Effective date of boundary changes for assessment.**

1355 (1) The assessor, in cooperation with the State Tax Commission, shall:

1356 (a) perform the duties required in Title 59, Chapter 2, Part 13, Collection of Taxes,
1357 except those duties that have been reassigned to the treasurer in an ordinance adopted under
1358 Section [~~17-16-5.5~~] 17-16-105; and

1359 (b) perform any other duties required by law.

1360 (2) An assessment shall be collected in accordance with the effective date and
1361 boundary adjustment provisions in Subsection [17-2-209](#)(4).

1362 Section 44. Section **17-17-2** is amended to read:

1363 **17-17-2. Assessor to be state qualified -- Vacancy -- Filling vacancy.**

1364 (1) As used in this section:

1365 (a) "Selection committee" means the same as that term is defined in Section [17-16-501](#).

1366 ~~(a)~~ (b) "State-certified appraiser" means a state-certified general appraiser or
1367 state-certified residential appraiser as those terms are defined in Section [61-2g-102](#).

1368 ~~(b)~~ (c) "State-licensed appraiser" means the same as that term is defined in Section
1369 [61-2g-102](#).

1370 (2) (a) An individual elected to the office of county assessor shall~~[(a)]~~ meet the
1371 requirements described in Section ~~[[17-16-1](#), and] [17-16-303](#).~~

1372 (b) An individual elected or appointed to the office of county assessor shall:

1373 (i) except as provided in Subsection (2)(b)(ii), [if elected on or after November 1,
1374 1993,] become a state-licensed or state-certified appraiser no later than 36 months after the day
1375 on which the [individual's term of office begins] individual takes office; or

1376 (ii) if elected or appointed on or after January 1, 2010, in a county of the first, second,
1377 or third class, be a state-licensed or state-certified appraiser before filing a declaration of
1378 candidacy for or applying to fill the office of county assessor.

1379 (3) The county assessor's office is vacant if:

1380 (a) an assessor fails to meet the requirements described in Subsection (2); or

1381 (b) no individual who meets the requirements described in Subsection (2):

1382 (i) timely files a declaration of candidacy for the office [of county assessor.]; or

1383 (ii) submits an application for the office, if the office is filled by appointment under
1384 Chapter 16, Part 5, Appointed County Officers.

1385 (4) (a) If a vacancy described in Subsection (3) occurs, the county legislative body
1386 shall:

1387 (i) if the vacancy occurs in a county with an elected assessor, fill the vacancy in
1388 accordance with [Sections ~~[17-53-104](#) and [20A-1-508](#).] Section [20A-1-508](#); or~~

1389 (ii) if the vacancy occurs in a county with an appointed assessor, fill the vacancy in

1390 accordance with Section 17-16-503.

1391 (b) The individual who the county legislative body selects to fill the vacancy under
1392 Section 20A-1-508, or that the selection committee selects to fill the vacancy under Section
1393 17-16-503, shall be a state-licensed or state-certified appraiser before the individual assumes
1394 the office of county assessor.

1395 (5) If the county legislative body or a selection committee cannot find an individual
1396 who meets the requirements described in Subsection (2) to fill a vacancy described in
1397 Subsection (3), the county legislative body may contract with a state-licensed or state-certified
1398 appraiser from outside the county to:

1399 (a) fill the remainder of the county assessor's term of office~~[-];~~ or

1400 (b) in a county with an appointed assessor, fill the office of county assessor until the
1401 selection committee finds an individual to fill the vacancy that meets the requirements
1402 described in Subsection (2).

1403 Section 45. Section **17-18a-204** is amended to read:

1404 **17-18a-204. Consolidated office.**

1405 Within a prosecution district, the duties and responsibilities of the district attorney and
1406 county attorney may be consolidated into one office as provided in Section [~~17-16-3~~]
1407 17-16-103.

1408 Section 46. Section **17-18a-301** is amended to read:

1409 **17-18a-301. County officers.**

1410 (1) [~~The~~] Except as provided in Chapter 16, Part 5, Appointed County Officers, the
1411 county attorney is an elected officer as described in Section [~~17-53-101~~] 17-16-302.

1412 (2) (a) If the boundaries of a prosecution district are located entirely within one county,
1413 the district attorney of the prosecution district is an [~~elected~~] officer of that county.

1414 (b) If the boundaries of a prosecution district include more than one county, the
1415 interlocal agreement that creates that prosecution district in accordance with Section
1416 17-18a-602 may designate the district attorney as an [~~elected~~] officer in one or more of the
1417 counties in which the prosecution district is located.

1418 (3) The district attorney:

1419 (a) is a full-time employee of the prosecution district; and

1420 (b) may not engage in the private practice of law.

1421 (4) A county attorney may:
1422 (a) serve as a part-time employee; and
1423 (b) engage in the private practice of law, subject to Section 17-18a-605 and the Rules
1424 of Professional Conduct.

1425 Section 47. Section 17-18a-704, which is renumbered from Section 17-16-2.5 is
1426 renumbered and amended to read:

1427 ~~[17-16-2.5].~~ **17-18a-704. Creation of Office of District Attorney.**

1428 For each prosecution district created in accordance with ~~[Chapter 18a, Part 7,~~
1429 ~~Prosecution District]~~ this part, there is created the Office of District Attorney.

1430 Section 48. Section 17-20-1 is amended to read:

1431 **17-20-1. County clerk -- District court clerk duties.**

1432 (1) The county clerk is the clerk of the legislative body of the county. The clerk shall
1433 act as clerk of the district court in secondary counties of the state district court administrative
1434 system and those counties not in the system, and shall perform the duties listed in Section
1435 78A-5-108.

1436 (2) If the county clerk performs district court clerk functions, the legislative body of the
1437 county shall provide the clerk with deputies and employees to conduct district court business as
1438 considered necessary and advisable by the judge or judges of the district court, consistent with
1439 the level of funding for clerk services from the court administrator's office.

1440 Section 49. Section 17-22-1.5 is amended to read:

1441 **17-22-1.5. County sheriff qualifications.**

1442 (1) (a) ~~[Each person filing]~~ Except as provided in Subsection (1)(b), each individual
1443 who files a declaration of candidacy for the office of county sheriff shall submit to the county
1444 clerk, at the time of filing a declaration of candidacy, a certificate that complies with
1445 Subsection (1)(c).

1446 (b) Each individual who files an application for the office of county sheriff in a county
1447 where the office of county sheriff is filled by appointment under Chapter 16, Part 5, Appointed
1448 County Officers, shall submit to the selection committee, at the time the individual files the
1449 application, a certificate that complies with Subsection (1)(c).

1450 (c) A certificate described in Subsections (1)(a) and (b) shall be issued by the Peace
1451 Officer Standards and Training Division created under Section 53-6-103 stating that the

1452 candidate has:

1453 ~~[(a)]~~ (i) (A) successfully met the standards and training requirements established for
1454 peace officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act;

1455 or

1456 ~~[(ii)]~~ (B) met the waiver requirements in Section 53-6-206; and

1457 ~~[(b)]~~ (ii) met the qualifications to be certified as a law enforcement officer, as defined
1458 in Section 53-13-103.

1459 (2) In addition to the general qualifications required of county officers by Title 17,
1460 Chapter 16, County Officers, each county sheriff shall:

1461 (a) at the time of taking office:

1462 (i) (A) have successfully met the standards and training requirements established for
1463 peace officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act;

1464 or

1465 (B) have met the waiver requirements in Section 53-6-206; and

1466 (ii) be qualified to be certified as ~~[(A)]~~ a law enforcement officer, as defined in
1467 Section 53-13-103; and

1468 ~~[(B) if the person is elected to the office of county sheriff in any election held after the
1469 2008 general election:]~~

1470 (iii) if the individual takes office after January 1, 2009, be qualified to be certified as:

1471 ~~[(F)]~~ (A) a correctional officer, as defined in Section 53-13-104; or

1472 ~~[(H)]~~ (B) a correctional facility manager by having successfully completed a
1473 correctional facility management course that is offered by a certified academy in both an online
1474 web-based format and in a classroom format and that is approved by the Peace Officer
1475 Standards and Training Council created in Section 53-6-106;

1476 (b) satisfactorily complete annual certified training as required in Section 53-13-103;

1477 and

1478 (c) after certification as provided in Subsection (2)(a), remain certified ~~[during the
1479 sheriff's term of office as]~~ while the sheriff is in office as:

1480 (i) a law enforcement officer; and

1481 (ii) if the ~~[person is elected to the office of county sheriff in any election held after the
1482 2008 general election]~~ individual takes office after January 1, 2009:

1483 (A) a correctional officer; or

1484 (B) a correctional facility manager by having completed a correctional facility
1485 management course approved by the Peace Officer Standards and Training Council.

1486 (3) If [~~a~~] an elected county sheriff resigns, retires, dies, or otherwise does not complete
1487 the term of office, the [~~person~~] individual appointed to serve for the remainder of the term
1488 shall, within 60 days after the date of appointment, complete the training and exam required
1489 under Subsection (2)(a)(ii)(B).

1490 (4) The county legislative body shall declare the office of sheriff to be vacant if at any
1491 time the incumbent sheriff fails to meet the qualifications for office under Subsection (2).

1492 Section 50. Section 17-23-1 is amended to read:

1493 **17-23-1. Filling office of county surveyor -- Requirement to be licensed land**
1494 **surveyor -- Authority to contract with licensed land surveyor if no elected county**
1495 **surveyor -- County surveyor duties.**

1496 (1) (a) [~~The~~] Except as provided in Chapter 16, Part 5, Appointed County Officers, the
1497 office of the county surveyor in each county shall be filled by election [~~and, except~~].

1498 (b) Except as provided in Subsection (1)[~~(b)~~](c), the county surveyor shall be a
1499 licensed professional land surveyor in the state.

1500 [~~(b)~~] (c) In a county where the office of county surveyor is consolidated under Section
1501 17-16-103 with another [~~elected~~] office, all county surveying work shall be performed by a
1502 licensed professional land surveyor.

1503 [~~(c)~~] (d) In a county where there is no [~~elected~~] county surveyor that complies with
1504 Subsection (1)(b):

1505 (i) the county executive or legislative body may, consistent with Section 17-53-313,
1506 contract with a licensed professional land surveyor to perform those duties;

1507 (ii) all county survey work shall be done by a licensed land surveyor;

1508 (iii) the county recorder shall assume and perform all statutory functions and duties of
1509 the county surveyor related to the retention and maintenance of survey records;

1510 (iv) the recorder's office shall act as the county surveyor's office only for the purpose of
1511 accepting, retaining, and managing county survey records;

1512 (v) the county shall furnish sufficient office space, furniture, stationery, and record
1513 books necessary for the county recorder's office to fulfill its functions and duties under

1514 Subsection (1)(~~(c)~~)(d)(iv); and
1515 (vi) for purposes of this chapter, "county surveyor" means:
1516 (A) for purposes of the retention and management of county survey records, the county
1517 recorder; and
1518 (B) except as provided in Subsection (1)(~~(c)~~)(d)(vi)(A), the licensed land surveyor
1519 under contract with the county to perform county surveyor duties.
1520 (2) The county surveyor shall execute:
1521 (a) all orders directed to the surveyor by any court; and
1522 (b) all orders of survey required by the county executive or county legislative body.
1523 (3) (a) The surveyor of each county shall:
1524 (i) advise the county executive and county legislative body regarding all surveying
1525 work;
1526 (ii) perform or arrange for the performance of all surveying work for the county;
1527 (iii) permanently keep at county government offices at the county seat a fair and
1528 accurate record of all surveys made, including legal descriptions and geographic coordinates,
1529 all surveys received pursuant to Section 17-23-17, and all corner files received pursuant to
1530 Section 17-23-17.5;
1531 (iv) number progressively all surveys received and state by whom and for whom the
1532 surveys were made;
1533 (v) deliver a copy of any survey to any person or court requiring the survey after the
1534 payment of the fee established by the county legislative body;
1535 (vi) ensure that all surveys of legal subdivisions of sections are made according to the
1536 United States Manual of Surveying Instructions in effect at the time the survey is completed;
1537 (vii) verify the correctness of or establish correct coordinates for all survey reference
1538 monuments set in place and shown on all subdivision maps and plats which have a spatial
1539 relationship with any section or quarter section corner; and
1540 (viii) perform other duties required by law.
1541 (b) In arranging for the performance of surveying work for the county under Subsection
1542 (3)(a)(ii), a surveyor may comply with Section 17-53-313.
1543 (4) (a) The county surveyor or ~~[his]~~ the county surveyor's designee shall establish all
1544 corners of government surveys and reestablish all corners of government surveys where corners

1545 have been destroyed and where witness markers or other evidences of the government corners
1546 remain so that the corners established by government survey can be positively located.

1547 (b) The corners shall be reestablished in the manner provided in Section 17-23-13 for
1548 establishing corners.

1549 (c) The county surveyor shall keep a separate record of the established and
1550 reestablished corners of government surveys, giving the date and names of persons present and
1551 shall provide those records to [his] the county surveyor's successor when [he] the county
1552 surveyor vacates [his] the county surveyor's office.

1553 (d) Established or reestablished corners shall be recognized as the legal and permanent
1554 corners.

1555 (5) The county executive or legislative body may direct the county surveyor or [his] the
1556 county surveyor's staff to perform engineering and architectural work if the county surveyor or
1557 [his] the county surveyor's staff is qualified and licensed to perform that work.

1558 Section 51. Section 17-23-2 is amended to read:

1559 **17-23-2. Office furnishings and supplies -- Filing and indexing fees -- Records**
1560 **remain county property.**

1561 (1) The county shall furnish an office, furniture, and all stationery and record books
1562 necessary for the surveyor's office.

1563 (2) The county legislative body, by ordinance or resolution, may establish the fee to be
1564 collected by the county for filing and indexing a map of a survey. Fees for filing of maps under
1565 Section 17-23-17 shall be governed by Section 17-23-19.

1566 (3) All records, maps, plats, profiles, calculations, and field notes of all surveys made
1567 by the county surveyor in an official capacity [~~during the surveyor's term of~~] while the surveyor
1568 holds the office, or by persons designated by the surveyor to do survey work on behalf of the
1569 county, or maps of a survey filed under Section 17-23-17, shall be the property of the county,
1570 open to the inspection of any person, and shall be delivered by the surveyor to a successor in
1571 office.

1572 Section 52. Section 17-24-1 is amended to read:

1573 **17-24-1. General duties of treasurer.**

1574 The county treasurer shall:

1575 (1) receive all money belonging to the county and all other money by law directed to be

1576 paid to the treasurer, including proceeds of bonds, notes, or other evidences of indebtedness
1577 issued under Title 11, Chapter 14, Local Government Bonding Act;

1578 (2) deposit and invest all money received under Title 51, Chapter 7, State Money
1579 Management Act;

1580 (3) keep a record of the receipts and expenditures of all such money;

1581 (4) disburse county money:

1582 (a) on a county warrant issued by the county auditor; or

1583 (b) subject to Section [17-19a-301](#), by a county check or such other payment mechanism
1584 as may be adopted pursuant to Chapter 36, Uniform Fiscal Procedures Act for Counties;

1585 (5) perform the duties assigned to the treasurer under Title 59, Chapter 2, Part 13,
1586 Collection of Taxes;

1587 (6) perform the duties under Title 59, Chapter 2, Part 13, Collection of Taxes, that have
1588 been reassigned to the treasurer in an ordinance adopted under Section [~~17-16-5.5~~] [17-16-105](#);

1589 (7) provide the notice required under Section [10-11-4](#) or [17B-1-902](#); and

1590 (8) perform other duties that are required by law or ordinance.

1591 Section 53. Section **17-33-8** is amended to read:

1592 **17-33-8. Career service -- Exempt positions.**

1593 (1) The career service:

1594 (a) is a permanent service to which this chapter applies; and

1595 (b) comprises all tenured county positions in the public service, except:

1596 (i) subject to Subsection (2):

1597 (A) the county executive, members of the county legislative body, and other elected
1598 officials; and

1599 (B) each major department head charged directly by the county legislative body, or by a
1600 board appointed by the county legislative body, with the responsibility of assisting to formulate
1601 and carry out policy matters;

1602 (ii) one confidential secretary for each elected county officer and major department
1603 head, if a confidential secretary is assigned;

1604 (iii) an administrative assistant to the county executive, each member of the county
1605 legislative body, and each elected official, if an administrative assistant is assigned;

1606 (iv) each duly appointed chief deputy of any elected county officer who takes over and

1607 discharges the duties of the elected county officer in the absence or disability of the elected
1608 county officer;

1609 (v) subject to Subsection (3), a person who is:

1610 (A) appointed by an elected county officer to be a division director, to administer
1611 division functions in furtherance of the performance of the elected officer's professional duties;

1612 (B) in a confidential relationship with the elected county officer; and

1613 (C) not in a law enforcement rank position of captain or below;

1614 (vi) each person employed to make or conduct a temporary and special inquiry,
1615 investigation, or examination on behalf of the county legislative body or one of its committees;

1616 (vii) each noncareer employee:

1617 (A) compensated for the employee's services on a seasonal or contractual basis; and

1618 (B) hired on emergency or seasonal appointment basis, as approved by the council; and

1619 (viii) each provisional employee, as defined by the county's policies and procedures or
1620 its rules and regulations;

1621 (ix) each part-time employee, as defined by the county's policies and procedures or its
1622 rules and regulations;

1623 (x) each employee appointed to perform:

1624 (A) work that does not exceed three years in duration; or

1625 (B) work with limited funding; and

1626 (xi) each position that[-];

1627 (A) by its confidential or key policy-determining nature, cannot or should not be
1628 appropriately included in the career service[-]; and

1629 (B) is not an appointed county officer under Chapter 16, Part 5, Appointed County
1630 Officers.

1631 (2) Before a position under Subsection (1)(b)(i) may be changed from its current status
1632 to exempt or tenured, the career service council shall, after giving due notice, hold a public
1633 hearing on the proposed change of status.

1634 (3) (a) Subsection (1)(b)(v) may not be construed to cause a person serving as a
1635 nonexempt employee on May 5, 2008 in a position described in that subsection to lose the
1636 nonexempt status.

1637 (b) The elected county officer in a supervisory position over an employee described in

1638 Subsection (3)(a) shall work with the county's office of personnel management to develop
1639 financial and other incentives to encourage a nonexempt employee to convert voluntarily to
1640 exempt status.

1641 (4) (a) Rules and regulations promulgated under this chapter shall list by job title and
1642 department, office or agency, each position designated as exempt under Subsection (1)(b)(xi).

1643 (b) A change in exempt status of a position designated as being exempt under
1644 Subsection (1)(b)(xi) constitutes an amendment to the rules and regulations promulgated under
1645 this chapter.

1646 Section 54. Section **17-52a-204** is amended to read:

1647 **17-52a-204. Council-manager form of county government.**

1648 (1) (a) The following shall govern a county operating under the form of government
1649 known as the "council-manager" form:

1650 (i) an elected county council;

1651 (ii) a county manager appointed by the council; and

1652 (iii) other officers and employees authorized by law.

1653 (b) The optional plan shall provide for the qualifications, time and manner of
1654 appointment subject to Subsections (6) and (7), term of office, compensation, and removal of
1655 the county manager.

1656 (2) The county manager is the administrative head of the county government and has
1657 the powers, functions, and duties of a county executive, except:

1658 (a) as the county legislative body otherwise provides by ordinance; and

1659 (b) that the county manager may not veto any ordinances enacted by the council.

1660 (3) (a) A member of the council may not directly or indirectly, by suggestion or
1661 otherwise:

1662 (i) attempt to influence or coerce the manager in:

1663 (A) making any appointment;

1664 (B) removing any officer or employee; or

1665 (C) purchasing supplies;

1666 (ii) attempt to exact any promise relative to any appointment from any candidate for
1667 manager; or

1668 (iii) discuss directly or indirectly with the manager the matter of specific appointments

1669 to any county office or employment.

1670 (b) (i) A person who violates the provisions of this Subsection (3) shall forfeit the
1671 office of the offending member of the council.

1672 (ii) Nothing in this section shall be construed, however, as prohibiting the council
1673 while in open session from fully and freely discussing with or suggesting to the manager
1674 anything pertaining to county affairs or the interests of the county.

1675 (iii) Neither manager nor any person in the employ of the county shall take part in
1676 securing, or contributing any money toward, the nomination or election of any candidate for a
1677 county office.

1678 (iv) The optional plan may provide procedures for implementing this Subsection (3).

1679 (4) In the council-manager form of county government:

1680 (a) the legislative powers of the county are vested in the county council; and

1681 (b) the executive powers of the county are vested in the county manager.

1682 (5) A reference in statute or state rule to the "governing body" or the "board of county
1683 commissioners" of the county, in the council-manager form of county government, means:

1684 (a) the county council, with respect to legislative functions, duties, and powers; and

1685 (b) the county manager, with respect to executive functions, duties, and powers.

1686 (6) (a) As used in this Subsection (6), "interim vacancy period" means the period of
1687 time that:

1688 (i) begins on the day on which a general election described in Section [~~17-16-6~~]

1689 [17-16-304](#) is held to elect a council member; and

1690 (ii) ends on the day on which the council member-elect begins the council member's
1691 term.

1692 (b) (i) The county council may not appoint a county manager during an interim vacancy
1693 period.

1694 (ii) Notwithstanding Subsection (6)(b)(i):

1695 (A) the county council may appoint an interim county manager during an interim
1696 vacancy period; and

1697 (B) the interim county manager's term shall expire once a new county manager is
1698 appointed by the new administration after the interim vacancy period has ended.

1699 (c) Subsection (6)(b) does not apply if all the county council members who held office

1700 on the day of the county general election whose term of office was vacant for the election are
1701 re-elected to the council for the following term.

1702 (7) A county council that appoints a county manager in accordance with this section
1703 may not, on or after May 10, 2011, enter into an employment contract that contains an
1704 automatic renewal provision with the county manager.

1705 Section 55. Section 17-52a-404 is amended to read:

1706 **17-52a-404. Contents of proposed optional plan.**

1707 (1) The study committee, a county legislative body that adopts a resolution described in
1708 Subsection 17-52a-302(1)(b), or the sponsors of a petition described in Subsection
1709 17-52a-303(1)(a)(ii) shall ensure that each optional plan the committee, legislative body, or
1710 registered voters propose under this chapter, respectively:

1711 (a) proposes the adoption of one of the forms of county government listed in
1712 Subsection 17-52a-405(1)(a);

1713 (b) contains detailed provisions relating to the transition from the existing form of
1714 county government to the form proposed in the optional plan, including provisions relating to
1715 the:

1716 (i) ~~[election or appointment of]~~ selection of county officers specified in the optional
1717 plan for the new form of county government[;], including:

1718 (A) which county offices will be filled by election under Chapter 16 Part 3, Elected
1719 County Officers; and

1720 (B) which county offices will be filled by appointment under Chapter 16, Part 5,
1721 Appointed County Officers.

1722 (ii) retention, elimination, or combining of existing offices and, if an office is
1723 eliminated, the division or department of county government responsible for performing the
1724 duties of the eliminated office;

1725 (iii) continuity of existing ordinances and regulations;

1726 (iv) continuation of pending legislative, administrative, or judicial proceedings;

1727 (v) making of interim and temporary appointments; and

1728 (vi) preparation, approval, and adjustment of necessary budget appropriations;

1729 (c) specifies the date the optional plan becomes effective if adopted, which may not be
1730 earlier than the first day of January next following the election of officers under the new plan;

1731 and

1732 (d) notwithstanding any other provision of this title and except with respect to an
1733 optional plan that proposes the adoption of the county commission or expanded county
1734 commission form of government, with respect to the county budget provides that:

1735 (i) the county executive's role is to prepare and present a proposed budget to the county
1736 legislative body; and

1737 (ii) the county legislative body's role is to adopt a final budget.

1738 (2) Subject to Subsection (3), an optional plan may include provisions that are
1739 considered necessary or advisable to the effective operation of the proposed optional plan.

1740 (3) An optional plan may not include any provision that is inconsistent with or
1741 prohibited by the Utah Constitution or any statute.

1742 (4) The optional plan proponent described in Subsection (1) shall ensure that each
1743 optional plan proposing to change the form of government to the county executive-council
1744 form under Section 17-52a-203 or the council-manager form under Section 17-52a-204:

1745 (a) provides for the same executive and legislative officers as are specified in the
1746 applicable section for the form of government that the optional plan proposes;

1747 (b) provides for the election of the county council;

1748 (c) specifies the number of county council members, which shall be an odd number
1749 from three to nine;

1750 (d) specifies whether the members of the county council are to be elected from districts,
1751 at large, or by a combination of at large and by district;

1752 (e) specifies county council members' qualifications and terms and whether the terms
1753 are to be staggered;

1754 (f) contains procedures for filling vacancies on the county council, consistent with the
1755 provisions of Section 20A-1-508; and

1756 (g) states the initial compensation, if any, of county council members and procedures
1757 for prescribing and changing compensation.

1758 (5) The optional plan proponent described in Subsection (1) shall ensure that each
1759 optional plan proposing to change the form of government to the county commission form
1760 under Section 17-52a-201 or the expanded county commission form under Section 17-52a-202
1761 specifies:

1762 (a) (i) for the county commission form of government, that the county commission
1763 shall have three members; or

1764 (ii) for the expanded county commission form of government, whether the county
1765 commission shall have five or seven members;

1766 (b) the terms of office for county commission members and whether the terms are to be
1767 staggered;

1768 (c) whether members of the county commission are to be elected from districts, at
1769 large, or by a combination of at large and from districts;

1770 (d) if any members of the county commission are to be elected from districts, the
1771 district residency requirements for those commission members; and

1772 (e) if any members of the county commission are to be elected at large, whether the
1773 election of county commission members is subject to the provisions of Subsection
1774 [17-52a-201\(6\)](#) or Subsection [17-52a-202\(6\)](#).

1775 Section 56. Section **17-53-104** is amended to read:

1776 **17-53-104. Vacancy in a county office -- Vacancies in the office of county attorney**
1777 **or district attorney.**

1778 (1) Except as provided in Subsection (2) or (3), a vacancy in [~~a~~] an elected county
1779 office shall be filled as provided in Section [20A-1-508](#).

1780 (2) A vacancy in the office of county attorney or district attorney shall be filled as
1781 provided in Sections [20A-1-509.1](#), [20A-1-509.2](#), and [20A-1-509.3](#).

1782 (3) A vacancy in an appointed county office, as defined in Section [17-16-102](#), shall be
1783 filled in accordance with Section [17-16-503](#).

1784 Section 57. Section **17-53-106** is amended to read:

1785 **17-53-106. Supervision of elected county officers -- Legislative body and**
1786 **executive may examine and audit accounts and conduct investigation.**

1787 (1) As used in this section, "professional duties" means a county elected officer's
1788 functions, duties, and responsibilities specifically provided for by law and includes:

1789 (a) the exercise of professional judgment and discretion reasonably related to the
1790 elected county officer's required functions, duties, and responsibilities; and

1791 (b) the management of deputies and other employees under the supervision of the
1792 elected county officer under statute or county ordinance, policy, or regulation.

1793 (2) (a) A county legislative body and a county executive each:
1794 (i) may generally direct and supervise all elected county officers and employees to
1795 ensure compliance with general county administrative ordinances, rules, or policies;
1796 (ii) may not direct or supervise other elected county officers or ~~[their]~~ an elected county
1797 officer's sworn deputies with respect to the performance of the professional duties of the
1798 elected county officers or the elected county officer's deputies;
1799 (iii) may examine and audit the accounts of all county officers having the care,
1800 management, collection, or distribution of money belonging to the county, appropriated to the
1801 county, or otherwise available for the county's use and benefit; and
1802 (iv) may investigate any matter pertaining to a county officer or to the county or its
1803 business or affairs, and may require the attendance of witnesses and take evidence in any such
1804 investigation.

1805 (b) In an investigation under Subsection (2)(a)(iv):
1806 (i) the county executive or any member of the county legislative body may issue
1807 subpoenas and administer oaths to witnesses; and
1808 (ii) if the county legislative body appoints members of the legislative body as a
1809 committee and confers on the committee power to hear or take evidence, the committee shall
1810 have the same power as the full county legislative body.

1811 (3) Nothing in this section may be construed to prohibit the county executive or county
1812 legislative body from initiating an action for removal or prosecution of an elected county
1813 officer as provided by statute.

1814 Section 58. Section **17-53-317** is amended to read:

1815 **17-53-317. Executive appointment with advice and consent of county legislative**
1816 **body.**

1817 (1) The appointment of a person to fill a position on a board, committee, or similar
1818 body whose membership is appointed by the county shall be by the county executive, with the
1819 advice and consent of the county legislative body.

1820 (2) (a) As used in this Subsection (2), "interim vacancy period" means:

1821 (i) for a county commission form or expanded county commission form of
1822 government, the period of time that:

1823 (A) begins on the day on which a general election described in Section ~~[17-16-6]~~

1824 [17-16-304](#) is held to elect a commission member; and

1825 (B) ends on the day on which the commission member-elect begins the council
1826 member's term; or

1827 (ii) for a county executive-council form of government, the period of time that:

1828 (A) begins on the day on which a general election described in Section [~~17-16-6~~]

1829 [17-16-304](#) is held to elect a county executive; and

1830 (B) ends on the day on which the county executive-elect begins the county executive's
1831 term.

1832 (b) (i) A county commission in a county commission form of government, or a county
1833 commission in an expanded county commission form of government, may not appoint during
1834 an interim period vacancy a manager, a chief executive officer, a chief administrative officer,
1835 or a similar position to perform executive and administrative duties or functions.

1836 (ii) Notwithstanding Subsection (2)(b)(i):

1837 (A) a county commission in a county commission form of government, or a county
1838 commission in an expanded county commission form of government, may appoint an interim
1839 manager, a chief executive officer, a chief administrative officer, or a similar position during an
1840 interim vacancy period; and

1841 (B) the interim appointee's term shall expire once a new manager, a chief executive
1842 officer, a chief administrative officer, or a similar position is appointed by the new
1843 administration after the interim vacancy period has ended.

1844 (c) Subsection (2)(b) does not apply if all the county commission members who held
1845 office on the day of the county general election whose term of office was vacant for the
1846 election are re-elected to the county commission for the following term.

1847 (d) (i) A county executive in a county executive-council form of government may not
1848 appoint during an interim vacancy period a manager, a chief executive officer, a chief
1849 administrative officer, or a similar position to perform executive and administrative duties or
1850 functions.

1851 (ii) Notwithstanding Subsection (2)(d)(i):

1852 (A) a county executive in a county executive-council form of government may appoint
1853 an interim manager, a chief executive officer, a chief administrative officer, or a similar
1854 position during an interim vacancy period; and

1855 (B) the interim appointee's term shall expire once a new manager, a chief executive
1856 officer, a chief administrative officer, or a similar position is appointed by the new county
1857 executive after the interim vacancy period has ended.

1858 (e) Subsection (2)(d) does not apply if the county executive who held office on the day
1859 of the county general election is re-elected to the office of county executive for the following
1860 term.

1861 (3) A county commission in a county commission form of government, a county
1862 commission in an expanded county commission form of government, or a county executive in a
1863 county executive-council form of government that appoints a manager, a chief executive
1864 officer, a chief administrative officer, or a similar position in accordance with this section may
1865 not, on or after May 10, 2011, enter into an employment contract that contains an automatic
1866 renewal provision with the manager, chief executive officer, chief administrative officer, or
1867 similar position.

1868 Section 59. Section **17D-2-203** is amended to read:

1869 **17D-2-203. Local building authority board of directors.**

1870 (1) Except as provided in Subsection (3), the members of the governing body of the
1871 creating local entity constitute the authority board of the local building authority created by the
1872 creating local entity.

1873 (2) An authority board may be referred to as a board of trustees.

1874 (3) (a) For a local building authority whose creating local entity is a county that
1875 operates under the county commission form of government under Section [17-52a-201](#), two
1876 members of the authority board may appoint an elected officer of the county to serve
1877 temporarily as a member of the authority board if the other authority board member:

1878 (i) is, as a member of the county commission, placed on paid administrative leave
1879 under Section [~~17-16-10.5~~] [17-16-309](#);

1880 (ii) is unable to serve due to a disability;

1881 (iii) has a conflict of interest with respect to a matter before the authority board that
1882 disqualifies the authority board member or causes the member to abstain from participating in
1883 action on that matter; or

1884 (iv) is unable for any other reason to serve temporarily on the authority board or to
1885 participate in a matter before the board.

1886 (b) An elected county officer appointed to an authority board under Subsection (3)(a)
1887 may serve only until the condition under Subsection (3)(a)(i), (ii), (iii), or (iv) causing the need
1888 for the appointment is no longer present.

1889 Section 60. Section **20A-1-102** is amended to read:

1890 **20A-1-102. Definitions.**

1891 As used in this title:

1892 (1) "Active voter" means a registered voter who has not been classified as an inactive
1893 voter by the county clerk.

1894 (2) "Automatic tabulating equipment" means apparatus that automatically examines
1895 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

1896 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
1897 upon which a voter records the voter's votes.

1898 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
1899 envelopes.

1900 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

1901 (a) contain the names of offices and candidates and statements of ballot propositions to
1902 be voted on; and

1903 (b) are used in conjunction with ballot sheets that do not display that information.

1904 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
1905 on the ballot for their approval or rejection including:

1906 (a) an opinion question specifically authorized by the Legislature;

1907 (b) a constitutional amendment;

1908 (c) an initiative;

1909 (d) a referendum;

1910 (e) a bond proposition;

1911 (f) a judicial retention question;

1912 (g) an incorporation of a city or town; or

1913 (h) any other ballot question specifically authorized by the Legislature.

1914 (6) "Ballot sheet":

1915 (a) means a ballot that:

1916 (i) consists of paper or a card where the voter's votes are marked or recorded; and

- 1917 (ii) can be counted using automatic tabulating equipment; and
1918 (b) includes punch card ballots and other ballots that are machine-countable.
1919 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
1920 together with a staple or stitch in at least three places across the top of the paper in the blank
1921 space reserved for securing the paper.
1922 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
1923 [20A-4-306](#) to canvass election returns.
1924 (9) "Bond election" means an election held for the purpose of approving or rejecting
1925 the proposed issuance of bonds by a government entity.
1926 (10) "Book voter registration form" means voter registration forms contained in a
1927 bound book that are used by election officers and registration agents to register persons to vote.
1928 (11) "Business reply mail envelope" means an envelope that may be mailed free of
1929 charge by the sender.
1930 (12) "By-mail voter registration form" means a voter registration form designed to be
1931 completed by the voter and mailed to the election officer.
1932 (13) "Canvass" means the review of election returns and the official declaration of
1933 election results by the board of canvassers.
1934 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
1935 the canvass.
1936 (15) "Contracting election officer" means an election officer who enters into a contract
1937 or interlocal agreement with a provider election officer.
1938 (16) "Convention" means the political party convention at which party officers and
1939 delegates are selected.
1940 (17) "Counting center" means one or more locations selected by the election officer in
1941 charge of the election for the automatic counting of ballots.
1942 (18) "Counting judge" means a poll worker designated to count the ballots during
1943 election day.
1944 (19) "Counting room" means a suitable and convenient private place or room,
1945 immediately adjoining the place where the election is being held, for use by the poll workers
1946 and counting judges to count ballots during election day.
1947 (20) (a) "County officers" means those county officers that are required by law to be

- 1948 elected.
- 1949 (b) "County officers" does not include an appointed county officer as defined in
- 1950 Section 17-16-102.
- 1951 (21) "Date of the election" or "election day" or "day of the election":
- 1952 (a) means the day that is specified in the calendar year as the day that the election
- 1953 occurs; and
- 1954 (b) does not include:
- 1955 (i) deadlines established for absentee voting; or
- 1956 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
- 1957 Voting.
- 1958 (22) "Elected official" means:
- 1959 (a) a person elected to an office under Section 20A-1-303 or [~~Title 20A,~~] Chapter 4,
- 1960 Part 6, Municipal Alternate Voting Methods Pilot Project;
- 1961 (b) a person who is considered to be elected to a municipal office in accordance with
- 1962 Subsection 20A-1-206(1)(c)(ii); or
- 1963 (c) a person who is considered to be elected to a local district office in accordance with
- 1964 Subsection 20A-1-206(3)(c)(ii).
- 1965 (23) "Election" means a regular general election, a municipal general election, a
- 1966 statewide special election, a local special election, a regular primary election, a municipal
- 1967 primary election, and a local district election.
- 1968 (24) "Election Assistance Commission" means the commission established by the Help
- 1969 America Vote Act of 2002, Pub. L. No. 107-252.
- 1970 (25) "Election cycle" means the period beginning on the first day persons are eligible to
- 1971 file declarations of candidacy and ending when the canvass is completed.
- 1972 (26) "Election judge" means a poll worker that is assigned to:
- 1973 (a) preside over other poll workers at a polling place;
- 1974 (b) act as the presiding election judge; or
- 1975 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 1976 (27) "Election officer" means:
- 1977 (a) the lieutenant governor, for all statewide ballots and elections;
- 1978 (b) the county clerk for:

- 1979 (i) a county ballot and election; and
- 1980 (ii) a ballot and election as a provider election officer as provided in Section
- 1981 [20A-5-400.1](#) or [20A-5-400.5](#);
- 1982 (c) the municipal clerk for:
- 1983 (i) a municipal ballot and election; and
- 1984 (ii) a ballot and election as a provider election officer as provided in Section
- 1985 [20A-5-400.1](#) or [20A-5-400.5](#);
- 1986 (d) the local district clerk or chief executive officer for:
- 1987 (i) a local district ballot and election; and
- 1988 (ii) a ballot and election as a provider election officer as provided in Section
- 1989 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 1990 (e) the business administrator or superintendent of a school district for:
- 1991 (i) a school district ballot and election; and
- 1992 (ii) a ballot and election as a provider election officer as provided in Section
- 1993 [20A-5-400.1](#) or [20A-5-400.5](#).
- 1994 (28) "Election official" means any election officer, election judge, or poll worker.
- 1995 (29) "Election results" means:
- 1996 (a) for an election other than a bond election, the count of votes cast in the election and
- 1997 the election returns requested by the board of canvassers; or
- 1998 (b) for bond elections, the count of those votes cast for and against the bond
- 1999 proposition plus any or all of the election returns that the board of canvassers may request.
- 2000 (30) "Election returns" includes the pollbook, the military and overseas absentee voter
- 2001 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 2002 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 2003 form, and the total votes cast form.
- 2004 (31) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 2005 device or other voting device that records and stores ballot information by electronic means.
- 2006 (32) "Electronic signature" means an electronic sound, symbol, or process attached to
- 2007 or logically associated with a record and executed or adopted by a person with the intent to sign
- 2008 the record.
- 2009 (33) (a) "Electronic voting device" means a voting device that uses electronic ballots.

- 2010 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 2011 (34) "Inactive voter" means a registered voter who is listed as inactive by a county
- 2012 clerk under Subsection [20A-2-306](#)(4)(c)(i) or (ii).
- 2013 (35) "Judicial office" means the office filled by any judicial officer.
- 2014 (36) "Judicial officer" means any justice or judge of a court of record or any county
- 2015 court judge.
- 2016 (37) "Local district" means a local government entity under Title 17B, Limited Purpose
- 2017 Local Government Entities - Local Districts, and includes a special service district under Title
- 2018 17D, Chapter 1, Special Service District Act.
- 2019 (38) "Local district officers" means those local district board members that are required
- 2020 by law to be elected.
- 2021 (39) "Local election" means a regular county election, a regular municipal election, a
- 2022 municipal primary election, a local special election, a local district election, and a bond
- 2023 election.
- 2024 (40) "Local political subdivision" means a county, a municipality, a local district, or a
- 2025 local school district.
- 2026 (41) "Local special election" means a special election called by the governing body of a
- 2027 local political subdivision in which all registered voters of the local political subdivision may
- 2028 vote.
- 2029 (42) "Municipal executive" means:
- 2030 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);
- 2031 (b) the mayor in the council-manager form of government defined in Subsection
- 2032 [10-3b-103](#)(7); or
- 2033 (c) the chair of a metro township form of government defined in Section [10-3b-102](#).
- 2034 (43) "Municipal general election" means the election held in municipalities and, as
- 2035 applicable, local districts on the first Tuesday after the first Monday in November of each
- 2036 odd-numbered year for the purposes established in Section [20A-1-202](#).
- 2037 (44) "Municipal legislative body" means:
- 2038 (a) the council of the city or town in any form of municipal government; or
- 2039 (b) the council of a metro township.
- 2040 (45) "Municipal office" means an elective office in a municipality.

2041 (46) "Municipal officers" means those municipal officers that are required by law to be
2042 elected.

2043 (47) "Municipal primary election" means an election held to nominate candidates for
2044 municipal office.

2045 (48) "Municipality" means a city, town, or metro township.

2046 (49) "Official ballot" means the ballots distributed by the election officer to the poll
2047 workers to be given to voters to record their votes.

2048 (50) "Official endorsement" means:

2049 (a) the information on the ballot that identifies:

2050 (i) the ballot as an official ballot;

2051 (ii) the date of the election; and

2052 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
2053 facsimile signature required by Subsection [20A-6-401\(1\)\(a\)\(iii\)](#); or

2054 (B) for a ballot prepared by a county clerk, the words required by Subsection
2055 [20A-6-301\(1\)\(b\)\(iii\)](#); and

2056 (b) the information on the ballot stub that identifies:

2057 (i) the poll worker's initials; and

2058 (ii) the ballot number.

2059 (51) "Official register" means the official record furnished to election officials by the
2060 election officer that contains the information required by Section [20A-5-401](#).

2061 (52) "Paper ballot" means a paper that contains:

2062 (a) the names of offices and candidates and statements of ballot propositions to be
2063 voted on; and

2064 (b) spaces for the voter to record the voter's vote for each office and for or against each
2065 ballot proposition.

2066 (53) "Political party" means an organization of registered voters that has qualified to
2067 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
2068 and Procedures.

2069 (54) (a) "Poll worker" means a person assigned by an election official to assist with an
2070 election, voting, or counting votes.

2071 (b) "Poll worker" includes election judges.

- 2072 (c) "Poll worker" does not include a watcher.
- 2073 (55) "Pollbook" means a record of the names of voters in the order that they appear to
2074 cast votes.
- 2075 (56) "Polling place" means the building where voting is conducted.
- 2076 (57) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
2077 in which the voter marks the voter's choice.
- 2078 (58) "Primary convention" means the political party conventions held during the year
2079 of the regular general election.
- 2080 (59) "Protective counter" means a separate counter, which cannot be reset, that:
2081 (a) is built into a voting machine; and
2082 (b) records the total number of movements of the operating lever.
- 2083 (60) "Provider election officer" means an election officer who enters into a contract or
2084 interlocal agreement with a contracting election officer to conduct an election for the
2085 contracting election officer's local political subdivision in accordance with Section
2086 [20A-5-400.1](#).
- 2087 (61) "Provisional ballot" means a ballot voted provisionally by a person:
2088 (a) whose name is not listed on the official register at the polling place;
2089 (b) whose legal right to vote is challenged as provided in this title; or
2090 (c) whose identity was not sufficiently established by a poll worker.
- 2091 (62) "Provisional ballot envelope" means an envelope printed in the form required by
2092 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to
2093 verify a person's legal right to vote.
- 2094 (63) "Qualify" or "qualified" means to take the oath of office and begin performing the
2095 duties of the position for which the person was elected.
- 2096 (64) "Receiving judge" means the poll worker that checks the voter's name in the
2097 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
2098 after the voter has voted.
- 2099 (65) "Registration form" means a book voter registration form and a by-mail voter
2100 registration form.
- 2101 (66) "Regular ballot" means a ballot that is not a provisional ballot.
- 2102 (67) "Regular general election" means the election held throughout the state on the first

2103 Tuesday after the first Monday in November of each even-numbered year for the purposes
2104 established in Section [20A-1-201](#).

2105 (68) "Regular primary election" means the election on the fourth Tuesday of June of
2106 each even-numbered year, to nominate candidates of political parties and candidates for
2107 nonpartisan local school board positions to advance to the regular general election.

2108 (69) "Resident" means a person who resides within a specific voting precinct in Utah.

2109 (70) "Sample ballot" means a mock ballot similar in form to the official ballot printed
2110 and distributed as provided in Section [20A-5-405](#).

2111 (71) "Scratch vote" means to mark or punch the straight party ticket and then mark or
2112 punch the ballot for one or more candidates who are members of different political parties or
2113 who are unaffiliated.

2114 (72) "Secrecy envelope" means the envelope given to a voter along with the ballot into
2115 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of
2116 the voter's vote.

2117 (73) "Special election" means an election held as authorized by Section [20A-1-203](#).

2118 (74) "Spoiled ballot" means each ballot that:

2119 (a) is spoiled by the voter;

2120 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

2121 (c) lacks the official endorsement.

2122 (75) "Statewide special election" means a special election called by the governor or the
2123 Legislature in which all registered voters in Utah may vote.

2124 (76) "Stub" means the detachable part of each ballot.

2125 (77) "Substitute ballots" means replacement ballots provided by an election officer to
2126 the poll workers when the official ballots are lost or stolen.

2127 (78) "Ticket" means a list of:

2128 (a) political parties;

2129 (b) candidates for an office; or

2130 (c) ballot propositions.

2131 (79) "Transfer case" means the sealed box used to transport voted ballots to the
2132 counting center.

2133 (80) "Vacancy" means the absence of a person to serve in any position created by

2134 statute, whether that absence occurs because of death, disability, disqualification, resignation,
2135 or other cause.

2136 (81) "Valid voter identification" means:

2137 (a) a form of identification that bears the name and photograph of the voter which may
2138 include:

2139 (i) a currently valid Utah driver license;

2140 (ii) a currently valid identification card that is issued by:

2141 (A) the state; or

2142 (B) a branch, department, or agency of the United States;

2143 (iii) a currently valid Utah permit to carry a concealed weapon;

2144 (iv) a currently valid United States passport; or

2145 (v) a currently valid United States military identification card;

2146 (b) one of the following identification cards, whether or not the card includes a
2147 photograph of the voter:

2148 (i) a valid tribal identification card;

2149 (ii) a Bureau of Indian Affairs card; or

2150 (iii) a tribal treaty card; or

2151 (c) two forms of identification not listed under Subsection (81)(a) or (b) but that bear
2152 the name of the voter and provide evidence that the voter resides in the voting precinct, which
2153 may include:

2154 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
2155 election;

2156 (ii) a bank or other financial account statement, or a legible copy thereof;

2157 (iii) a certified birth certificate;

2158 (iv) a valid social security card;

2159 (v) a check issued by the state or the federal government or a legible copy thereof;

2160 (vi) a paycheck from the voter's employer, or a legible copy thereof;

2161 (vii) a currently valid Utah hunting or fishing license;

2162 (viii) certified naturalization documentation;

2163 (ix) a currently valid license issued by an authorized agency of the United States;

2164 (x) a certified copy of court records showing the voter's adoption or name change;

- 2165 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 2166 (xii) a currently valid identification card issued by:
- 2167 (A) a local government within the state;
- 2168 (B) an employer for an employee; or
- 2169 (C) a college, university, technical school, or professional school located within the
- 2170 state; or
- 2171 (xiii) a current Utah vehicle registration.
- 2172 (82) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 2173 candidate by following the procedures and requirements of this title.
- 2174 (83) "Voter" means a person who:
- 2175 (a) meets the requirements for voting in an election;
- 2176 (b) meets the requirements of election registration;
- 2177 (c) is registered to vote; and
- 2178 (d) is listed in the official register book.
- 2179 (84) "Voter registration deadline" means the registration deadline provided in Section
- 2180 [20A-2-102.5](#).
- 2181 (85) "Voting area" means the area within six feet of the voting booths, voting
- 2182 machines, and ballot box.
- 2183 (86) "Voting booth" means:
- 2184 (a) the space or compartment within a polling place that is provided for the preparation
- 2185 of ballots, including the voting machine enclosure or curtain; or
- 2186 (b) a voting device that is free standing.
- 2187 (87) "Voting device" means:
- 2188 (a) an apparatus in which ballot sheets are used in connection with a punch device for
- 2189 piercing the ballots by the voter;
- 2190 (b) a device for marking the ballots with ink or another substance;
- 2191 (c) an electronic voting device or other device used to make selections and cast a ballot
- 2192 electronically, or any component thereof;
- 2193 (d) an automated voting system under Section [20A-5-302](#); or
- 2194 (e) any other method for recording votes on ballots so that the ballot may be tabulated
- 2195 by means of automatic tabulating equipment.

2196 (88) "Voting machine" means a machine designed for the sole purpose of recording
2197 and tabulating votes cast by voters at an election.

2198 (89) "Voting precinct" means the smallest voting unit established as provided by law
2199 within which qualified voters vote at one polling place.

2200 (90) "Watcher" means an individual who complies with the requirements described in
2201 Section [20A-3-201](#) to become a watcher for an election.

2202 (91) "Western States Presidential Primary" means the election established in Chapter 9,
2203 Part 8, Western States Presidential Primary.

2204 (92) "Write-in ballot" means a ballot containing any write-in votes.

2205 (93) "Write-in vote" means a vote cast for a person whose name is not printed on the
2206 ballot according to the procedures established in this title.

2207 Section 61. Section **20A-1-404** is amended to read:

2208 **20A-1-404. Election controversies.**

2209 (1) (a) (i) Whenever any controversy occurs between any election officer or other
2210 person or entity charged with any duty or function under this title and any candidate, or the
2211 officers or representatives of any political party, or persons who have made nominations, either
2212 party to the controversy may file a verified petition with the district court.

2213 (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the
2214 respondents on the same day that the petition is filed with the court.

2215 (b) The verified petition shall identify concisely the nature of the controversy and the
2216 relief sought.

2217 (2) After reviewing the petition, the court shall:

2218 (a) issue an order commanding the respondent named in the petition to appear before
2219 the court to answer, under oath, to the petition;

2220 (b) summarily hear and dispose of any issues raised by the petition to obtain:

2221 (i) strict compliance with all filing deadlines for financial disclosure reports under:

2222 (A) Section [10-3-208](#), regarding campaign finance statements in municipal elections;

2223 (B) [~~Section 17-16-6.5~~] Sections [17-16-305](#) and [17-16-306](#), regarding campaign
2224 finance statements for county offices;

2225 (C) [~~Title 20A,~~] Chapter 11, Part 2, State Office Candidates - Campaign Organization
2226 and Financial Reporting Requirements;

- 2227 (D) [~~Title 20A,~~] Chapter 11, Part 3, Candidates for Legislative Office - Campaign
 2228 Organization and Financial Reporting Requirements;
- 2229 (E) [~~Title 20A,~~] Chapter 11, Part 4, Officeholder Financial Reporting Requirements;
- 2230 (F) [~~Title 20A,~~] Chapter 11, Part 5, Political Party Registration and Financial Reporting
 2231 Requirements;
- 2232 (G) [~~Title 20A,~~] Chapter 11, Part 6, Political Action Committee Registration and
 2233 Financial Reporting Requirements;
- 2234 (H) [~~Title 20A,~~] Chapter 11, Part 7, Campaign Financial Reporting by Corporations;
- 2235 (I) [~~Title 20A,~~] Chapter 11, Part 8, Political Issues Committees - Registration and
 2236 Financial Reporting;
- 2237 (J) [~~Title 20A,~~] Chapter 11, Part 13, State School Board Candidates; and
- 2238 (K) [~~Title 20A,~~] Chapter 12, Part 3, Campaign and Financial Reporting Requirements
 2239 for Judicial Retention Elections; and
- 2240 (ii) substantial compliance with all other provisions of this title by the parties to the
 2241 controversy; and
- 2242 (c) make and enter orders and judgments, and issue the process of the court to enforce
 2243 all of those orders and judgments.
- 2244 Section 62. Section **20A-1-501** is amended to read:
- 2245 **20A-1-501. Candidate vacancies -- Procedure for filling.**
- 2246 (1) The state central committee of a political party, for candidates for United States
 2247 senator, United States representative, governor, lieutenant governor, attorney general, state
 2248 treasurer, and state auditor, and for legislative candidates whose legislative districts encompass
 2249 more than one county, and the county central committee of a political party, for all other party
 2250 candidates seeking an office elected at a regular general election, may certify the name of
 2251 another candidate to the appropriate election officer if:
- 2252 (a) for a registered political party that will have a candidate on a ballot in a primary
 2253 election, after the close of the period for filing a declaration of candidacy and continuing
 2254 through the day before the day on which the lieutenant governor provides the list described in
 2255 Subsection [20A-9-403\(4\)\(a\)](#):
- 2256 (i) only one or two candidates from that party have filed a declaration of candidacy for
 2257 that office; and

2258 (ii) one or both:
2259 (A) dies;
2260 (B) resigns because of acquiring a physical or mental disability, certified by a
2261 physician, that prevents the candidate from continuing the candidacy; or
2262 (C) is disqualified by an election officer for improper filing or nominating procedures;
2263 (b) for a registered political party that does not have a candidate on the ballot in a
2264 primary, but that will have a candidate on the ballot for a general election, after the close of the
2265 period for filing a declaration of candidacy and continuing through the day before the day on
2266 which the lieutenant governor makes the certification described in Section 20A-5-409, the
2267 party's candidate:
2268 (i) dies;
2269 (ii) resigns because of acquiring a physical or mental disability as certified by a
2270 physician;
2271 (iii) is disqualified by an election officer for improper filing or nominating procedures;
2272 or
2273 (iv) resigns to become a candidate for president or vice president of the United States;
2274 or
2275 (c) for a registered political party with a candidate certified as winning a primary
2276 election, after the deadline described in Subsection (1)(a) and continuing through the day
2277 before that day on which the lieutenant governor makes the certification described in Section
2278 20A-5-409, the party's candidate:
2279 (i) dies;
2280 (ii) resigns because of acquiring a physical or mental disability as certified by a
2281 physician;
2282 (iii) is disqualified by an election officer for improper filing or nominating procedures;
2283 or
2284 (iv) resigns to become a candidate for president or vice president of the United States.
2285 (2) If no more than two candidates from a political party have filed a declaration of
2286 candidacy for an office elected at a regular general election and one resigns to become the party
2287 candidate for another position, the state central committee of that political party, for candidates
2288 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for

2289 legislative candidates whose legislative districts encompass more than one county, and the
 2290 county central committee of that political party, for all other party candidates, may certify the
 2291 name of another candidate to the appropriate election officer.

2292 (3) Each replacement candidate shall file a declaration of candidacy as required by
 2293 [~~Title 20A,~~] Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

2294 (4) (a) The name of a candidate who is certified under Subsection (1)(a) after the
 2295 deadline described in Subsection (1)(a) may not appear on the primary election ballot.

2296 (b) The name of a candidate who is certified under Subsection (1)(b) after the deadline
 2297 described in Subsection (1)(b) may not appear on the general election ballot.

2298 (c) The name of a candidate who is certified under Subsection (1)(c) after the deadline
 2299 described in Subsection (1)(c) may not appear on the general election ballot.

2300 (5) A political party may not replace a candidate who is disqualified for failure to
 2301 timely file a campaign disclosure financial report under [~~Title 20A,~~] Chapter 11, Campaign and
 2302 Financial Reporting Requirements, or Section [~~17-16-6.5~~] [17-16-305](#) or [17-16-306](#).

2303 Section 63. Section **20A-1-508** is amended to read:

2304 **20A-1-508. Midterm vacancies in county elected offices -- Temporary manager --**
 2305 **Interim replacement.**

2306 (1) As used in this section:

2307 (a) (i) "County offices" includes:

2308 (A) the county executive[;] and members of the county legislative body[;] and

2309 (B) except for an appointed county officer as defined in Section 17-16-102, the county
 2310 treasurer, the county sheriff, the county clerk, the county auditor, the county recorder, the
 2311 county surveyor, and the county assessor.

2312 (ii) "County offices" does not include the office of county attorney, district attorney, or
 2313 judge.

2314 (b) "Party liaison" means the political party officer designated to serve as a liaison with
 2315 each county legislative body on all matters relating to the political party's relationship with a
 2316 county as required by Section [20A-8-401](#).

2317 (2) (a) Until a county legislative body appoints an interim replacement to fill a vacant
 2318 county office under Subsection (3), the following shall temporarily fill the county office as a
 2319 temporary manager:

- 2320 (i) for a county office with one chief deputy, the chief deputy;
- 2321 (ii) for a county office with more than one chief deputy:
- 2322 (A) the chief deputy with the most cumulative time served as a chief deputy for the
- 2323 county office; or
- 2324 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer
- 2325 vacates the office, the county officer files with the county clerk a written statement designating
- 2326 one of the county officer's chief deputies to discharge the duties of the county office in the
- 2327 event the county officer vacates the office, the designated chief deputy; or
- 2328 (iii) for a county office without a chief deputy:
- 2329 (A) if one management-level employee serving under the county office has a
- 2330 higher-seniority management level than any other employee serving under the county office,
- 2331 that management-level employee;
- 2332 (B) if two or more management-level employees serving under the county office have
- 2333 the same and highest-seniority management level, the highest-seniority management-level
- 2334 employee with the most cumulative time served in the employee's current position; or
- 2335 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
- 2336 officer vacates the office, the county officer files with the county clerk a written statement
- 2337 designating one of the county officer's employees to discharge the county officer's duties in the
- 2338 event the county officer vacates the office, the designated employee.
- 2339 (b) Except as provided in Subsection (2)(c), a temporary manager described in
- 2340 Subsection (2)(a) who temporarily fills a county office holds the powers and duties of the
- 2341 county office until the county legislative body appoints an interim replacement under
- 2342 Subsection (3).
- 2343 (c) The temporary manager described in Subsection (2)(a) who temporarily fills a
- 2344 county office:
- 2345 (i) may not take an oath of office for the county office as a temporary manager;
- 2346 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for
- 2347 Counties, and the county's budget ordinances and policies;
- 2348 (iii) unless approved by the county legislative body, may not change the compensation
- 2349 of an employee;
- 2350 (iv) unless approved by the county legislative body, may not promote or demote an

2351 employee or change an employee's job title;

2352 (v) may terminate an employee only if the termination is conducted in accordance with:

2353 (A) personnel rules described in Subsection 17-33-5(3) that are approved by the county
2354 legislative body; and

2355 (B) applicable law;

2356 (vi) unless approved by the county legislative body, may not exceed by more than 5%
2357 an expenditure that was planned before the county office that the temporary manager fills was
2358 vacated;

2359 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
2360 compensation; and

2361 (viii) if approved by the county legislative body, may receive a performance award
2362 after:

2363 (A) the county legislative body appoints an interim replacement under Subsection (3);
2364 and

2365 (B) the interim replacement is sworn into office.

2366 (3) (a) Until a replacement is selected as provided in this section and has qualified, the
2367 county legislative body shall appoint an interim replacement to fill the vacant office by
2368 following the procedures and requirements of this Subsection (3).

2369 (b) (i) To appoint an interim replacement, the county legislative body shall give notice
2370 of the vacancy to the party liaison of the same political party of the prior office holder and
2371 invite that party liaison to submit the name of a person to fill the vacancy.

2372 (ii) That party liaison shall, within 30 days, submit the name of the person selected in
2373 accordance with the party constitution or bylaws as described in Section 20A-8-401 for the
2374 interim replacement to the county legislative body.

2375 (iii) The county legislative body shall no later than five days after the day on which a
2376 party liaison submits the name of the person for the interim replacement appoint the person to
2377 serve out the unexpired term.

2378 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the
2379 vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall send to the governor a
2380 letter that:

2381 (A) informs the governor that the county legislative body has failed to appoint a

2382 replacement within the statutory time period; and

2383 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

2384 (ii) The governor shall appoint the person named by the party liaison as an interim
2385 replacement to fill the vacancy within 30 days after receipt of the letter.

2386 (d) A person appointed as interim replacement under this Subsection (3) shall hold
2387 office until their successor is elected and has qualified.

2388 (4) (a) The requirements of this Subsection (4) apply to all county offices that become
2389 vacant if:

2390 (i) the vacant office has an unexpired term of two years or more; and

2391 (ii) the vacancy occurs after the election at which the person was elected but before
2392 April 10 of the next even-numbered year.

2393 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk
2394 shall notify the public and each registered political party that the vacancy exists.

2395 (ii) An individual intending to become a candidate for the vacant office shall file a
2396 declaration of candidacy in accordance with:

2397 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

2398 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if
2399 applicable.

2400 (iii) An individual who is nominated as a party candidate for the vacant office or
2401 qualified as an independent or write-in candidate under Chapter 8, Political Party Formation
2402 and Procedures, for the vacant office shall run in the regular general election.

2403 (5) (a) The requirements of this Subsection (5) apply to all county offices that become
2404 vacant if:

2405 (i) the vacant office has an unexpired term of two years or more; and

2406 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 75
2407 days before the regular primary election.

2408 (b) (i) When the conditions established in Subsection (5)(a) are met, the county clerk
2409 shall notify the public and each registered political party that:

2410 (A) the vacancy exists; and

2411 (B) identifies the date and time by which a person interested in becoming a candidate
2412 shall file a declaration of candidacy.

2413 (ii) An individual intending to become a candidate for a vacant office shall, within five
2414 days after the date that the notice is made, ending at the close of normal office hours on the
2415 fifth day, file a declaration of candidacy for the vacant office in accordance with:

2416 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

2417 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if
2418 applicable.

2419 (iii) The county central committee of each party shall:

2420 (A) select a candidate or candidates from among those qualified candidates who have
2421 filed declarations of candidacy; and

2422 (B) certify the name of the candidate or candidates to the county clerk at least 60 days
2423 before the regular primary election.

2424 (6) (a) The requirements of this Subsection (6) apply to all county offices that become
2425 vacant:

2426 (i) if the vacant office has an unexpired term of two years or more; and

2427 (ii) when 75 days or less remain before the regular primary election but more than 65
2428 days remain before the regular general election.

2429 (b) When the conditions established in Subsection (6)(a) are met, the county central
2430 committees of each political party registered under this title that wishes to submit a candidate
2431 for the office shall summarily certify the name of one candidate to the county clerk for
2432 placement on the regular general election ballot.

2433 (7) (a) The requirements of this Subsection (7) apply to all county offices that become
2434 vacant:

2435 (i) if the vacant office has an unexpired term of less than two years; or

2436 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less
2437 remain before the next regular general election.

2438 (b) (i) When the conditions established in Subsection (7)(a) are met, the county
2439 legislative body shall give notice of the vacancy to the party liaison of the same political party
2440 as the prior office holder and invite that party liaison to submit the name of a person to fill the
2441 vacancy.

2442 (ii) That party liaison shall, within 30 days, submit the name of the person to fill the
2443 vacancy to the county legislative body.

2444 (iii) The county legislative body shall no later than five days after the day on which a
2445 party liaison submits the name of the person to fill the vacancy appoint the person to serve out
2446 the unexpired term.

2447 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy in
2448 accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor a letter that:

2449 (A) informs the governor that the county legislative body has failed to appoint a person
2450 to fill the vacancy within the statutory time period; and

2451 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

2452 (ii) The governor shall appoint the person named by the party liaison to fill the vacancy
2453 within 30 days after receipt of the letter.

2454 (d) A person appointed to fill the vacancy under this Subsection (7) shall hold office
2455 until their successor is elected and has qualified.

2456 (8) Except as otherwise provided by law, the county legislative body may appoint
2457 replacements to fill all vacancies that occur in those offices filled by appointment of the county
2458 legislative body.

2459 (9) Nothing in this section prevents or prohibits independent candidates from filing a
2460 declaration of candidacy for the office within the same time limits.

2461 (10) (a) Each person elected under Subsection (4), (5), or (6) to fill a vacancy in a
2462 county office shall serve for the remainder of the unexpired term of the person who created the
2463 vacancy and until a successor is elected and qualified.

2464 (b) Nothing in this section may be construed to contradict or alter the provisions of
2465 Section [~~17-16-6~~] [17-16-304](#).

2466 Section 64. Section **20A-1-509.1** is amended to read:

2467 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15**
2468 **or more attorneys.**

2469 (1) [~~When a vacancy occurs~~] A vacancy in the office of county or district attorney [~~in a~~
2470 ~~county or district having~~] shall be filled under this section if:

2471 (a) the office is filled by election; and

2472 (b) the county or district in which the vacancy occurs has 15 or more attorneys who are
2473 licensed active members in good standing with the Utah State Bar [and] who are registered
2474 voters[; the vacancy shall be filled as provided in this section].

2475 (2) (a) The requirements of this Subsection (2) apply when the office of county
2476 attorney or district attorney becomes vacant and:

- 2477 (i) the vacant office has an unexpired term of two years or more; and
- 2478 (ii) the vacancy occurs before the third Thursday in March of the even-numbered year.

2479 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
2480 notify the public and each registered political party that the vacancy exists.

2481 (c) All persons intending to become candidates for the vacant office shall:

2482 (i) file a declaration of candidacy according to the procedures and requirements of
2483 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

2484 (ii) if nominated as a party candidate or qualified as an independent or write-in
2485 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the
2486 regular general election; and

2487 (iii) if elected, complete the unexpired term of the person who created the vacancy.

2488 (d) If the vacancy occurs after the second Friday in March and before the third
2489 Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202
2490 shall be extended until seven days after the county clerk gives notice under Subsection (2)(b),
2491 but no later than the fourth Thursday in March.

2492 (3) (a) The requirements of this Subsection (3) apply when the office of county
2493 attorney or district attorney becomes vacant and:

- 2494 (i) the vacant office has an unexpired term of two years or more; and
- 2495 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year
2496 but more than 75 days before the regular primary election.

2497 (b) When the conditions established in Subsection (3)(a) are met, the county clerk
2498 shall:

- 2499 (i) notify the public and each registered political party that the vacancy exists; and
- 2500 (ii) identify the date and time by which a person interested in becoming a candidate
2501 shall file a declaration of candidacy.

2502 (c) All persons intending to become candidates for the vacant office shall:

2503 (i) within five days after the date that the notice is made, ending at the close of normal
2504 office hours on the fifth day, file a declaration of candidacy for the vacant office as required by
2505 Chapter 9, Part 2, Candidate Qualifications and Declaration of Candidacy; and

- 2506 (ii) if elected, complete the unexpired term of the person who created the vacancy.
- 2507 (d) The county central committee of each party shall:
- 2508 (i) select a candidate or candidates from among those qualified candidates who have
2509 filed declarations of candidacy; and
- 2510 (ii) certify the name of the candidate or candidates to the county clerk at least 60 days
2511 before the regular primary election.
- 2512 (4) (a) The requirements of this Subsection (4) apply when the office of county
2513 attorney or district attorney becomes vacant and:
- 2514 (i) the vacant office has an unexpired term of two years or more; and
- 2515 (ii) 75 days or less remain before the regular primary election but more than 65 days
2516 remain before the regular general election.
- 2517 (b) When the conditions established in Subsection (4)(a) are met, the county central
2518 committees of each registered political party that wish to submit a candidate for the office shall
2519 summarily certify the name of one candidate to the county clerk for placement on the regular
2520 general election ballot.
- 2521 (c) The candidate elected shall complete the unexpired term of the person who created
2522 the vacancy.
- 2523 (5) (a) The requirements of this Subsection (5) apply when the office of county
2524 attorney or district attorney becomes vacant and:
- 2525 (i) the vacant office has an unexpired term of less than two years; or
- 2526 (ii) the vacant office has an unexpired term of two years or more but 65 days or less
2527 remain before the next regular general election.
- 2528 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
2529 body shall give notice of the vacancy to the county central committee of the same political
2530 party of the prior officeholder and invite that committee to submit the names of three nominees
2531 to fill the vacancy.
- 2532 (c) That county central committee shall, within 30 days of receiving notice from the
2533 county legislative body, submit to the county legislative body the names of three nominees to
2534 fill the vacancy.
- 2535 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint
2536 one of those nominees to serve out the unexpired term.

2537 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45
2538 days, the county clerk shall send to the governor a letter that:

2539 (i) informs the governor that the county legislative body has failed to appoint a person
2540 to fill the vacancy within the statutory time period; and

2541 (ii) contains the list of nominees submitted by the party central committee.

2542 (f) The governor shall appoint a person to fill the vacancy from that list of nominees
2543 within 30 days after receipt of the letter.

2544 (g) A person appointed to fill the vacancy under Subsection (5) shall complete the
2545 unexpired term of the person who created the vacancy.

2546 (6) Nothing in this section prevents or prohibits independent candidates from filing a
2547 declaration of candidacy for the office within the required time limits.

2548 Section 65. Section **20A-1-509.2** is amended to read:

2549 **20A-1-509.2. Procedure for filling vacancy in county or district with fewer than**
2550 **15 attorneys.**

2551 (1) [~~When a vacancy occurs~~] A vacancy in the office of county or district attorney,
2552 including a vacancy created by the failure of a person to file as a candidate for the office of
2553 county or district attorney in an election, [~~in a county or district having~~] shall be filled under
2554 this section if:

2555 (a) the office is filled by election; and

2556 (b) the county or district in which the vacancy occurs has fewer than 15 attorneys who
2557 are licensed, active members in good standing with the Utah State Bar [and] who are registered
2558 voters[~~, the vacancy shall be filled as provided in this section~~].

2559 (2) The county clerk shall send a letter to each attorney residing in the county or district
2560 who is a licensed, active member in good standing with the Utah State Bar and a registered
2561 voter that:

2562 (a) informs the attorney of the vacancy;

2563 (b) invites the attorney to apply for the vacancy; and

2564 (c) informs the attorney that if the attorney has not responded within 10 calendar days
2565 from the date that the letter was mailed, the attorney's candidacy to fill the vacancy will not be
2566 considered.

2567 (3) (a) (i) If, after 10 calendar days from the date the letter was mailed, more than three

2568 attorneys who are licensed, active members in good standing with the Utah State Bar and
2569 registered voters in the county or district have applied for the vacancy, the county clerk shall,
2570 except as provided in Subsection (3)(a)(ii), submit the applications to the county central
2571 committee of the same political party of the prior officeholder.

2572 (ii) In multicounty prosecution districts, the clerk shall submit the applications to the
2573 county central committee of each county within the prosecution district.

2574 (b) The central committee shall nominate three of the applicants and forward the
2575 applicants' names to the county legislative body within 20 days after the date the county clerk
2576 submitted the applicants' names.

2577 (c) The county legislative body shall appoint one of the nominees to fill the vacant
2578 position.

2579 (d) If the central committee of the political party fails to submit at least three names to
2580 the county legislative body within 20 days after the date the county clerk submitted the
2581 applicants' names, the county legislative body shall appoint one of the applicants to fill the
2582 vacant position.

2583 (e) If the county legislative body fails to appoint a person to fill the vacancy within 120
2584 days after the vacancy occurs, the county clerk shall mail to the governor:

2585 (i) a letter informing the governor that the county legislative body has failed to appoint
2586 a person to fill the vacancy; and

2587 (ii) (A) the list of nominees, if any, submitted by the central committee of the political
2588 party; or

2589 (B) if the party central committee has not submitted a list of at least three nominees
2590 within the required time, the names of the persons who submitted applications for the vacant
2591 position to the county clerk.

2592 (f) The governor shall appoint, within 30 days after receipt of the letter, a person from
2593 the list to fill the vacancy.

2594 (4) (a) If, after 10 calendar days from the date the letter was mailed, three or fewer
2595 attorneys who are licensed, active members in good standing with the Utah State Bar and
2596 registered voters in the county or district have applied for the vacancy, the county legislative
2597 body may:

2598 (i) appoint one of them to be county or district attorney; or

2599 (ii) solicit additional applicants and appoint a county or district attorney as provided in
2600 Subsection (4)(b).

2601 (b) (i) If three or fewer attorneys who are licensed members in good standing of the
2602 Utah State Bar and registered voters in the county or district submit applications, the county
2603 legislative body may publicly solicit and accept additional applications for the position from
2604 licensed, active members in good standing of the Utah State Bar who are not residents of the
2605 county or prosecution district.

2606 (ii) The county legislative body shall consider the applications submitted by the
2607 attorneys who are residents of and registered voters in the county or prosecution district and the
2608 applications submitted by the attorneys who are not residents of the county or prosecution
2609 district and shall appoint one of the applicants to be county attorney or district attorney.

2610 (c) If the legislative body fails to appoint a person to fill the vacancy within 120 days
2611 after the vacancy occurs, the county clerk shall:

2612 (i) notify the governor that the legislative body has failed to fill the vacancy within the
2613 required time period; and

2614 (ii) provide the governor with a list of all the applicants.

2615 (d) The governor shall appoint a person to fill the vacancy within 30 days after the
2616 governor receives the notification.

2617 (5) The person appointed to fill the vacancy shall serve for the unexpired term of the
2618 person who created the vacancy.

2619 Section 66. Section **20A-1-901** is amended to read:

2620 **20A-1-901. Definitions.**

2621 As used in this part:

2622 (1) "Applicable office" means the office held by the subject officer.

2623 (2) "Mental capacity evaluation" means an evaluation by a qualified medical
2624 professional to determine whether the subject officer has the mental capacity to fulfill the
2625 essential functions of the applicable office, with or without reasonable accommodations.

2626 (3) "Officer" means [a] an elected county officer.

2627 (4) "Results of the mental capacity evaluation" means a statement by the qualified
2628 medical professional who conducts the mental capacity evaluation that the subject officer:

2629 (a) has the mental capacity to fulfill the essential functions of the applicable office,

2630 without reasonable accommodations;

2631 (b) has the mental capacity to fulfill the essential functions of the applicable office,
2632 with specified reasonable accommodations; or

2633 (c) lacks the mental capacity to fulfill the essential functions of the applicable office,
2634 with or without reasonable accommodations.

2635 (5) "Subject officer" means the officer who is subject to proceedings under this part to
2636 determine whether the officer has the mental capacity to fulfill the essential functions of the
2637 officer's office, with or without reasonable accommodations.

2638 (6) "Unanimous" means a vote of all members of a county legislative body where all
2639 members of the county legislative body, not including the subject officer, vote on the same side
2640 of the motion.

2641 Section 67. Section **20A-6-302** is amended to read:

2642 **20A-6-302. Paper ballots -- Placement of candidates' names.**

2643 (1) Each election officer shall ensure, for paper ballots in regular general elections,
2644 that:

2645 (a) each candidate is listed by party, if nominated by a registered political party under
2646 Subsection [20A-9-202\(4\)](#) or Subsection [20A-9-403\(5\)](#);

2647 (b) candidates' surnames are listed in alphabetical order on the ballots when two or
2648 more candidates' names are required to be listed on a ticket under the title of an office; and

2649 (c) the names of candidates are placed on the ballot in the order specified under Section
2650 [20A-6-305](#).

2651 (2) (a) When there is only one candidate for county attorney at the regular general
2652 election in counties that have three or fewer registered voters of the county who are licensed
2653 active members in good standing of the Utah State Bar, the county clerk shall cause that
2654 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot
2655 with the following question: "Shall (name of candidate) be elected to the office of county
2656 attorney? Yes ____ No ____."

2657 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
2658 elected to the office of county attorney.

2659 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
2660 elected and may not take office, nor may the candidate continue in the office past the end of the

2661 term resulting from any prior election or appointment.

2662 (d) When the name of only one candidate for county attorney is printed on the ballot
2663 under authority of this Subsection (2), the county clerk may not count any write-in votes
2664 received for the office of county attorney.

2665 (e) If no qualified person files for the office of county attorney or if the candidate is not
2666 elected by the voters, the county legislative body shall appoint the county attorney as provided
2667 in Section [20A-1-509.2](#).

2668 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
2669 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the
2670 two consecutive terms immediately preceding the term for which the candidate is seeking
2671 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an
2672 unopposed candidate the same as any other unopposed candidate for another office, unless a
2673 petition is filed with the county clerk before the date of that year's primary election that:

2674 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and

2675 (ii) contains the signatures of registered voters in the county representing in number at
2676 least 25% of all votes cast in the county for all candidates for governor at the last election at
2677 which a governor was elected.

2678 (g) This Subsection (2) does not apply to a county that has an appointed county
2679 attorney under Title 17, Chapter 16, Appointed County Officers.

2680 (3) (a) When there is only one candidate for district attorney at the regular general
2681 election in a prosecution district that has three or fewer registered voters of the district who are
2682 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
2683 that candidate's name and party affiliation, if any, to be placed on a separate section of the
2684 ballot with the following question: "Shall (name of candidate) be elected to the office of district
2685 attorney? Yes ____ No ____."

2686 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
2687 elected to the office of district attorney.

2688 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
2689 elected and may not take office, nor may the candidate continue in the office past the end of the
2690 term resulting from any prior election or appointment.

2691 (d) When the name of only one candidate for district attorney is printed on the ballot

2692 under authority of this Subsection (3), the county clerk may not count any write-in votes
2693 received for the office of district attorney.

2694 (e) If no qualified person files for the office of district attorney, or if the only candidate
2695 is not elected by the voters under this subsection, the county legislative body shall appoint a
2696 new district attorney for a four-year term as provided in Section [20A-1-509.2](#).

2697 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
2698 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the
2699 two consecutive terms immediately preceding the term for which the candidate is seeking
2700 election, Subsection (3)(a) does not apply and that candidate shall be considered to be an
2701 unopposed candidate the same as any other unopposed candidate for another office, unless a
2702 petition is filed with the county clerk before the date of that year's primary election that:

- 2703 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- 2704 (ii) contains the signatures of registered voters in the county representing in number at
2705 least 25% of all votes cast in the county for all candidates for governor at the last election at
2706 which a governor was elected.

2707 (g) This Subsection (3) does not apply to a prosecution district that has an appointed
2708 district attorney under Title 17, Chapter 16, Appointed County Officers.

2709 Section 68. Section **20A-9-101** is amended to read:

2710 **20A-9-101. Definitions.**

2711 As used in this chapter:

2712 (1) (a) "Candidates for elective office" means persons who file a declaration of
2713 candidacy under Section [20A-9-202](#) to run in a regular general election for a federal office,
2714 constitutional office, multicounty office, or county office.

2715 (b) "Candidates for elective office" does not mean candidates for:

- 2716 (i) justice or judge of court of record or not of record;
- 2717 (ii) presidential elector;
- 2718 (iii) any political party offices; and
- 2719 (iv) municipal or local district offices.

2720 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
2721 attorney general, state auditor, and state treasurer.

2722 (3) "Continuing political party" means the same as that term is defined in Section

2723 20A-8-101.

2724 (4) (a) "County office" means an elective office where the officeholder is selected by
2725 voters entirely within one county.

2726 (b) "County office" does not mean:

2727 (i) an office that is filled by appointment under Title 17, Chapter 16, Part 5, Appointed
2728 County Officers;

2729 [~~(i)~~] (ii) the office of justice or judge of any court of record or not of record;

2730 [~~(ii)~~] (iii) the office of presidential elector;

2731 [~~(iii)~~] (iv) any political party offices;

2732 [~~(iv)~~] (v) any municipal or local district offices; [~~and~~] or

2733 [~~(v)~~] (vi) the office of United States Senator and United States Representative.

2734 (5) "Federal office" means an elective office for United States Senator and United
2735 States Representative.

2736 (6) "Filing officer" means:

2737 (a) the lieutenant governor, for:

2738 (i) the office of United States Senator and United States Representative; and

2739 (ii) all constitutional offices;

2740 (b) the county clerk, for county offices and local school district offices;

2741 (c) the county clerk in the filer's county of residence, for multicounty offices;

2742 (d) the city or town clerk, for municipal offices; and

2743 (e) the local district clerk, for local district offices.

2744 (7) "Local district office" means an elected office in a local district.

2745 (8) "Local government office" includes county offices, municipal offices, and local
2746 district offices and other elective offices selected by the voters from a political division entirely
2747 within one county.

2748 (9) (a) "Multicounty office" means an elective office where the officeholder is selected
2749 by the voters from more than one county.

2750 (b) "Multicounty office" does not mean:

2751 (i) a county office;

2752 (ii) a federal office;

2753 (iii) the office of justice or judge of any court of record or not of record;

2754 (iv) the office of presidential elector;

2755 (v) any political party offices; and

2756 (vi) any municipal or local district offices.

2757 (10) "Municipal office" means an elective office in a municipality.

2758 (11) (a) "Political division" means a geographic unit from which an officeholder is
2759 elected and that an officeholder represents.

2760 (b) "Political division" includes a county, a city, a town, a local district, a school
2761 district, a legislative district, and a county prosecution district.

2762 (12) "Qualified political party" means a registered political party that:

2763 (a) (i) permits a delegate for the registered political party to vote on a candidate
2764 nomination in the registered political party's convention remotely; or

2765 (ii) provides a procedure for designating an alternate delegate if a delegate is not
2766 present at the registered political party's convention;

2767 (b) does not hold the registered political party's convention before the fourth Saturday
2768 in March of an even-numbered year;

2769 (c) permits a member of the registered political party to seek the registered political
2770 party's nomination for any elective office by the member choosing to seek the nomination by
2771 either or both of the following methods:

2772 (i) seeking the nomination through the registered political party's convention process,
2773 in accordance with the provisions of Section [20A-9-407](#); or

2774 (ii) seeking the nomination by collecting signatures, in accordance with the provisions
2775 of Section [20A-9-408](#); and

2776 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.
2777 on September 30 of an odd-numbered year, certifies to the lieutenant governor that, for the
2778 election in the following year, the registered political party intends to nominate the registered
2779 political party's candidates in accordance with the provisions of Section [20A-9-406](#); or

2780 (ii) if the registered political party is not a continuing political party, certifies at the
2781 time that the registered political party files the petition described in Section [20A-8-103](#) that, for
2782 the next election, the registered political party intends to nominate the registered political
2783 party's candidates in accordance with the provisions of Section [20A-9-406](#).

2784 Section 69. Section [20A-11-103](#) is amended to read:

2785 **20A-11-103. Notice of pending interim and summary reports -- Form of**
2786 **submission -- Public availability -- Notice of reporting and filing requirements.**

2787 (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or
2788 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections,
2789 the chief election officer shall inform the filing entity by electronic mail unless postal mail is
2790 requested:

2791 (i) that the financial statement is due;
2792 (ii) of the date that the financial statement is due; and
2793 (iii) of the penalty for failing to file the financial statement.

2794 (b) The chief election officer is not required to provide notice:

2795 (i) to a candidate or political party of the financial statement that is due before the
2796 candidate's or political party's political convention;

2797 (ii) of a financial statement due in connection with a public hearing for an initiative
2798 under the requirements of Section [20A-7-204.1](#); or

2799 (iii) to a corporation or labor organization, as defined in Section [20A-11-1501](#).

2800 (2) A filing entity shall electronically file a financial statement via electronic mail or
2801 the Internet according to specifications established by the chief election officer.

2802 (3) (a) A financial statement is considered timely filed if the financial statement is
2803 received by the chief election officer's office before midnight, Mountain Time, at the end of the
2804 day on which the financial statement is due.

2805 (b) For a county clerk's office that is not open until midnight at the end of the day on
2806 which a financial statement is due, the county clerk shall permit a candidate to file the financial
2807 statement via email or another electronic means designated by the county clerk.

2808 (c) A chief election officer may extend the time in which a filing entity is required to
2809 file a financial statement if a filing entity notifies the chief election officer of the existence of
2810 an extenuating circumstance that is outside the control of the filing entity.

2811 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
2812 Access and Management Act, the lieutenant governor shall:

2813 (a) make each campaign finance statement filed by a candidate available for public
2814 inspection and copying no later than one business day after the statement is filed; and

2815 (b) post an electronic copy or the contents of each financial statement in a searchable

2816 format on a website established by the lieutenant governor:

2817 (i) for campaign finance statements submitted to the lieutenant governor under the
2818 requirements of Section [10-3-208](#) [~~or Section [17-16-6.5](#)~~], [17-16-305](#), or [17-16-306](#), no later
2819 than seven business days after the date of receipt of the campaign finance statement; or

2820 (ii) for a summary report or interim report filed under the requirements of this chapter
2821 or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the
2822 date the summary report or interim report is electronically filed.

2823 (5) If a municipality, under Section [10-3-208](#), or a county, under Section [~~[17-16-6.5](#)~~]
2824 [17-16-305](#), elects to provide campaign finance disclosure on its own website, rather than
2825 through the lieutenant governor, the website established by the lieutenant governor shall
2826 contain a link or other access point to the municipality or county website.

2827 (6) Between January 1 and January 15 of each year, the chief election officer shall
2828 provide notice, by postal mail or email, to each filing entity for which the chief election officer
2829 has a physical or email address, of the reporting and filing requirements described in this
2830 chapter.

2831 Section 70. Section **41-1a-1320** is amended to read:

2832 **41-1a-1320. Tax clearance required to move manufactured home or mobile home.**

2833 (1) A manufactured home or mobile home may not be transported by any person,
2834 including its owner, unless a tax clearance has been obtained from the assessor or, if the
2835 responsibility to provide a tax clearance has been reassigned under Section [~~[17-16-5.5](#)~~]
2836 [17-16-105](#), the treasurer of the county in which the real property upon which the manufactured
2837 home or mobile home was last located showing that all property taxes, including any interest
2838 and penalties, have been paid.

2839 (2) The tax clearance described in Subsection (1):

2840 (a) is proof of having paid all property taxes, interest, and penalties; and

2841 (b) shall be displayed in a conspicuous place on the rear of the manufactured home or
2842 mobile home so as to be plainly visible while in transit.

2843 (3) (a) Any person, including the owner, who transports a manufactured home or
2844 mobile home without a valid tax clearance is:

2845 (i) in violation of Section [59-2-309](#); and

2846 (ii) subject to the penalty provisions of Section [59-2-309](#).

2847 (b) In addition to the penalty provided in Subsection (3)(a), any commercial mover
2848 who transports any manufactured home or mobile home without a valid tax clearance is guilty
2849 of a class B misdemeanor.

2850 Section 71. Section **51-7-15** is amended to read:

2851 **51-7-15. Bonds of state treasurer and other public treasurers -- Reports to**
2852 **council.**

2853 (1) (a) The state treasurer, county, city, and town treasurers, the clerk or treasurer of
2854 each school district, and other public treasurers that the council designates by rule shall be
2855 bonded or may procure crime or theft insurance as allowed in Section [~~17-16-11~~] 17-16-108 in
2856 an amount of not less than that established by the council.

2857 (b) The council shall base the minimum bond amount or crime or theft insurance as
2858 allowed in Section [~~17-16-11~~] 17-16-108 on the amount of public funds normally in the
2859 treasurer's possession or control.

2860 (2) (a) When a public treasurer deposits or invests public funds as authorized by this
2861 chapter, the public treasurer and the public treasurer's bondsmen or insurers are not liable for
2862 any loss of public funds invested or deposited unless the loss is caused by the malfeasance of
2863 the public treasurer or a member of the public treasurer's staff.

2864 (b) A public treasurer and the public treasurer's bondsmen or insurers are liable for a
2865 loss for any reason from deposits or investments not made in conformity with this chapter and
2866 the rules of the council.

2867 (3) (a) A public treasurer shall file a written report with the council on or before
2868 January 31 and July 31 of each year.

2869 (b) The report shall contain:

2870 (i) the information about the deposits and investments of that public treasurer during
2871 the preceding six months ending December 31 and June 30, respectively, that the council
2872 requires by rule; and

2873 (ii) information detailing the nature and extent of interest rate contracts permitted by
2874 Subsection 51-7-17(3).

2875 (c) A public treasurer shall make copies of the report available to the public at the
2876 public treasurer's office during normal business hours.

2877 Section 72. Section **51-9-408** is amended to read:

2878 **51-9-408. Children's Legal Defense Account.**

2879 (1) There is created a restricted account within the General Fund known as the
2880 Children's Legal Defense Account.

2881 (2) The purpose of the Children's Legal Defense Account is to provide for programs
2882 that protect and defend the rights, safety, and quality of life of children.

2883 (3) The Legislature shall appropriate money from the account for the administrative
2884 and related costs of the following programs:

2885 (a) implementing the Mandatory Educational Course on Children's Needs for
2886 Divorcing Parents relating to the effects of divorce on children as provided in Sections [30-3-4](#),
2887 [30-3-10.3](#), [30-3-11.3](#), and [30-3-15.3](#), and the Mediation Program - Child Custody or
2888 Parent-time;

2889 (b) implementing the use of guardians ad litem as provided in Sections [78A-2-703](#),
2890 [78A-2-705](#), [78A-6-902](#), and [78B-3-102](#); the training of attorney guardians ad litem and
2891 volunteers as provided in Section [78A-6-902](#); and termination of parental rights as provided in
2892 Sections [78A-6-117](#) and [78A-6-118](#), and Title 78A, Chapter 6, Part 5, Termination of Parental
2893 Rights Act. This account may not be used to supplant funding for the guardian ad litem
2894 program in the juvenile court as provided in Section [78A-6-902](#);

2895 (c) implementing and administering the Expedited Parent-time Enforcement Program
2896 as provided in Section [30-3-38](#); and

2897 (d) implementing and administering the Divorce Education for Children Program.

2898 (4) The following withheld fees shall be allocated only to the Children's Legal Defense
2899 Account and used only for the purposes provided in Subsections (3)(a) through (d):

2900 (a) the additional \$10 fee withheld on every marriage license issued in the state of Utah
2901 as provided in Section [~~17-16-21~~] [17-16-109](#); and

2902 (b) a fee of \$4 shall be withheld from the existing civil filing fee collected on any
2903 complaint, affidavit, or petition in a civil, probate, or adoption matter in every court of record.

2904 (5) The Division of Finance shall allocate the money described in Subsection (4) from
2905 the General Fund to the Children's Legal Defense Account.

2906 (6) Any funds in excess of \$200,000 remaining in the restricted account as of June 30
2907 of any fiscal year shall lapse into the General Fund.

2908 Section 73. Section **59-2-407** is amended to read:

2909 **59-2-407. Administration of uniform fees.**

2910 (1) (a) Except as provided in Subsection 59-2-405(4) or 59-2-405.3(4), the uniform fee
2911 authorized in Sections 59-2-404, 59-2-405, 59-2-405.3, and 72-10-110.5 shall be assessed at
2912 the same time and in the same manner as ad valorem personal property taxes under Chapter 2,
2913 Part 13, Collection of Taxes, except that in listing personal property subject to the uniform fee
2914 with real property as permitted by Section 59-2-1302, the assessor or, if this duty has been
2915 reassigned in an ordinance under Section [~~17-16-5.5~~] 17-16-105, the treasurer shall list only the
2916 amount of the uniform fee due, and not the taxable value of the property subject to the uniform
2917 fee.

2918 (b) Except as provided in Subsections 59-2-405.1(4), 59-2-405.2(5), and
2919 59-2-405.3(4), the uniform fee imposed by Section 59-2-405.1, 59-2-405.2, or 59-2-405.3 shall
2920 be assessed at the time of:

- 2921 (i) registration as defined in Section 41-1a-102; and
2922 (ii) renewal of registration.

2923 (2) The remedies for nonpayment of the uniform fees authorized by Sections 59-2-404,
2924 59-2-405, 59-2-405.1, 59-2-405.2, 59-2-405.3, and 72-10-110.5 shall be the same as those
2925 provided in Chapter 2, Part 13, Collection of Taxes, for nonpayment of ad valorem personal
2926 property taxes.

2927 Section 74. Section 59-2-1302 is amended to read:

2928 **59-2-1302. Assessor or treasurer's duties -- Collection of uniform fees and taxes**
2929 **on personal property -- Unpaid tax or unpaid uniform fee is a lien -- Delinquency interest**
2930 **-- Rate.**

2931 (1) After the assessor assesses taxes or uniform fees on personal property, the assessor
2932 or, if this duty has been reassigned in an ordinance under Section [~~17-16-5.5~~] 17-16-105, the
2933 treasurer shall:

2934 (a) list the personal property tax or uniform fee with the real property of the owner in
2935 the manner required by law and as provided under Subsection (3), if the assessor or treasurer,
2936 as the case may be, determines that the real property is sufficient to secure the payment of the
2937 personal property taxes or uniform fees;

2938 (b) immediately collect the taxes or uniform fees due on the personal property; or

2939 (c) on or before the day on which the tax or uniform fee on personal property is due,

2940 obtain from the taxpayer a bond that is:

2941 (i) payable to the county in an amount equal to the amount of the tax or uniform fee
2942 due, plus 20% of the amount of the tax or uniform fee due; and

2943 (ii) conditioned for the payment of the tax or uniform fee on or before November 30.

2944 (2) (a) An unpaid tax as defined in Section 59-1-705, or unpaid uniform fee upon
2945 personal property listed with the real property is a lien upon the owner's real property as of
2946 noon of January 1 of each year.

2947 (b) An unpaid tax as defined in Section 59-1-705, or unpaid uniform fee upon personal
2948 property not listed with the real property is a lien upon the owner's personal property as of noon
2949 of January 1 of each year.

2950 (3) The assessor or treasurer, as the case may be, shall make the listing under this
2951 section:

2952 (a) on the record of assessment of the real property; or

2953 (b) by entering a reference showing the record of the assessment of the personal
2954 property on the record of assessment of the real property.

2955 (4) (a) The amount of tax or uniform fee assessed upon personal property is delinquent
2956 if the tax or uniform fee is not paid on the day on which the tax notice or the combined signed
2957 statement and tax notice under Section 59-2-306 is due.

2958 (b) Subject to Subsection (4)(c), delinquent taxes or uniform fees under Subsection
2959 (4)(a) shall bear interest from the date of delinquency until the day on which the delinquent tax
2960 or uniform fee is paid at an interest rate equal to the sum of:

2961 (i) 6%; and

2962 (ii) the federal funds rate target:

2963 (A) established by the Federal Open Markets Committee; and

2964 (B) that exists on the January 1 immediately preceding the date of delinquency.

2965 (c) The interest rate described in Subsection (4)(b) may not be less than 7% or more
2966 than 10%.

2967 (5) A county assessor or treasurer shall deposit all collections of public funds from a
2968 personal property tax or personal property uniform fee no later than once every seven banking
2969 days with:

2970 (a) the state treasurer; or

2971 (b) a qualified depository for the credit of the county.

2972 Section 75. Section **59-2-1303** is amended to read:

2973 **59-2-1303. Seizure and sale -- Method and procedure.**

2974 Unless taxes or uniform fees on personal property assessed by the county assessor are
2975 paid or secured as provided under Section **59-2-1302**, the assessor or, if this duty has been
2976 reassigned in an ordinance under Section [~~17-16-5.5~~] **17-16-105**, the treasurer shall collect the
2977 taxes, including accrued interest and penalties, by seizure or seizure and subsequent sale of any
2978 personal property owned by the person against whom the tax is assessed. The assessor or
2979 treasurer, as the case may be, may seize that personal property on which a delinquent property
2980 tax or uniform fee exists at any time in order to protect a county's interest in that personal
2981 property. The sale of personal property shall be made in the following manner:

2982 (1) (a) For all personal property, except manufactured homes and mobile homes as
2983 provided in Subsection (1)(b), the sale shall be made:

2984 (i) at public auction;

2985 (ii) of a sufficient amount of property to pay the taxes, or uniform fees and interest,
2986 penalties, and costs;

2987 (iii) when practicable, in the city, town, or precinct where the property was seized; and

2988 (iv) after one week's notice of the time and place of the sale, given by:

2989 (A) (I) publication in a newspaper having general circulation in the county; and

2990 (II) publication in accordance with Section **45-1-101**; and

2991 (B) posting in three public places in the county.

2992 (b) For manufactured homes and mobile homes that are used as a residence and that are
2993 listed on the personal property roll of the county, the sale shall be made:

2994 (i) at public auction;

2995 (ii) when practicable, in the city, town, or precinct where the property was seized;

2996 (iii) no sooner than one year after the taxes on the property became delinquent as
2997 determined in Section **59-2-1302**;

2998 (iv) after publication of the date, time, and place of sale:

2999 (A) in a newspaper having general circulation in the county, once in each of two
3000 successive weeks immediately preceding the date of the sale; and

3001 (B) in accordance with Section **45-1-101** for two weeks immediately preceding the date

3002 of the sale; and

3003 (v) after notification, sent by certified mail at least 10 days prior to the first date of
3004 publication under Subsection (1)(b)(iv), to the owner of the manufactured home or mobile
3005 home, all lien holders of record, and any other person known by the assessor to have an interest
3006 in the manufactured home or mobile home, of the date, time, and place of the sale.

3007 (2) For seizing or selling personal property the assessor or treasurer, as the case may
3008 be, may charge in each case the actual and necessary expenses for travel and seizing, handling,
3009 keeping, selling, or caring for that property.

3010 (3) Upon payment of the price bid for any personal property sold under this section, the
3011 delivery of the property, with a bill of sale, vests title in the purchaser.

3012 (4) All sale proceeds in excess of taxes, or uniform fees and interest, penalties, and
3013 costs shall be returned to the owner of the personal property, and until claimed shall be
3014 deposited in the county treasury and made subject to the order of the owner, the owner's heirs,
3015 or assigns.

3016 (5) The unsold portion of any property may be left at the place of sale at the risk of the
3017 owner.

3018 (6) If there is no acceptable purchaser of the property, the property shall be declared the
3019 property of the county. The county executive may sell or rent any property held in the name of
3020 the county at any time after the sale upon terms determined by the county legislative body.

3021 Section 76. Section **59-2-1305** is amended to read:

3022 **59-2-1305. Entries of payments made -- Payments to county treasurer.**

3023 (1) The assessor or, if this duty has been reassigned in an ordinance under Section
3024 [~~17-16-5.5~~] 17-16-105, the treasurer shall note on the assessment roll, opposite the names of
3025 each person against whom taxes have been assessed or tax notice charges have been listed, the
3026 amount of the taxes and tax notice charges paid.

3027 (2) (a) The assessor or treasurer, as the case may be, shall require all checks to be made
3028 payable to the office of the county assessor or treasurer, respectively.

3029 (b) If the assessor or treasurer receives checks made payable to a payee other than the
3030 office of the county assessor or treasurer, respectively, the assessor or treasurer, as the case may
3031 be, shall immediately endorse the check with a restrictive endorsement that makes the check
3032 payable to the office of the county treasurer.

3033 (3) The assessor shall deposit all money the assessor collects into an account controlled
3034 by the county treasurer.

3035 Section 77. Section **59-2-1316** is amended to read:

3036 **59-2-1316. Annual settlements between county assessor, county treasurer, and**
3037 **county auditor.**

3038 (1) ~~[Every]~~ Each county assessor and county treasurer shall annually, on the first
3039 Monday in January, make a settlement with the county auditor of all transactions connected
3040 with the revenue described in Section 59-2-1315 for the previous year~~[, and every]~~.

3041 (2) Each county treasurer~~[, on the expiration of the treasurer's term of office,]~~ shall
3042 make ~~[the]~~ a settlement with the county auditor of all transactions connected with the revenue
3043 described in Section 59-2-1315 when the treasurer leaves office.

3044 Section 78. Section **63I-1-217** is amended to read:

3045 **63I-1-217. Repeal dates, Title 17.**

3046 Subsection ~~[17-16-21]~~ 17-16-109(2)(d) is repealed July 1, 2023.

3047 Section 79. Section **63J-1-602.2** is amended to read:

3048 **63J-1-602.2. List of nonlapsing appropriations to programs.**

3049 Appropriations made to the following programs are nonlapsing:

3050 (1) The Legislature and its committees.

3051 (2) The Percent-for-Art Program created in Section 9-6-404.

3052 (3) The LeRay McAllister Critical Land Conservation Program created in Section
3053 11-38-301.

3054 (4) Dedicated credits accrued to the Utah Marriage Commission as provided under
3055 Subsection ~~[17-16-21]~~ 17-16-109(2)(d)(ii).

3056 (5) The Division of Wildlife Resources for the appraisal and purchase of lands under
3057 the Pelican Management Act, as provided in Section 23-21a-6.

3058 (6) The primary care grant program created in Section 26-10b-102.

3059 (7) Sanctions collected as dedicated credits from Medicaid provider under Subsection
3060 26-18-3(7).

3061 (8) The Utah Health Care Workforce Financial Assistance Program created in Section
3062 26-46-102.

3063 (9) The Rural Physician Loan Repayment Program created in Section 26-46a-103.

- 3064 (10) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).
- 3065 (11) Funds that the Department of Alcoholic Beverage Control retains in accordance
- 3066 with Subsection [32B-2-301\(7\)\(a\)\(ii\)](#) or (b).
- 3067 (12) The General Assistance program administered by the Department of Workforce
- 3068 Services, as provided in Section [35A-3-401](#).
- 3069 (13) A new program or agency that is designated as nonlapsing under Section
- 3070 [36-24-101](#).
- 3071 (14) The Utah National Guard, created in Title 39, Militia and Armories.
- 3072 (15) The State Tax Commission under Section [41-1a-1201](#) for the:
- 3073 (a) purchase and distribution of license plates and decals; and
- 3074 (b) administration and enforcement of motor vehicle registration requirements.
- 3075 (16) The Search and Rescue Financial Assistance Program, as provided in Section
- 3076 [53-2a-1102](#).
- 3077 (17) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).
- 3078 (18) The State Board of Regents for teacher preparation programs, as provided in
- 3079 Section [53B-6-104](#).
- 3080 (19) The Medical Education Program administered by the Medical Education Council,
- 3081 as provided in Section [53B-24-202](#).
- 3082 (20) The State Board of Education, as provided in Section [53F-2-205](#).
- 3083 (21) The Division of Services for People with Disabilities, as provided in Section
- 3084 [62A-5-102](#).
- 3085 (22) The Division of Fleet Operations for the purpose of upgrading underground
- 3086 storage tanks under Section [63A-9-401](#).
- 3087 (23) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).
- 3088 (24) Appropriations to the Department of Technology Services for technology
- 3089 innovation as provided under Section [63F-4-202](#).
- 3090 (25) The Office of Administrative Rules for publishing, as provided in Section
- 3091 [63G-3-402](#).
- 3092 (26) The Utah Science Technology and Research Initiative created in Section
- 3093 [63M-2-301](#).
- 3094 (27) The Governor's Office of Economic Development to fund the Enterprise Zone

3095 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

3096 (28) Appropriations to fund the Governor's Office of Economic Development's Rural
3097 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural
3098 Employment Expansion Program.

3099 (29) The Department of Human Resource Management user training program, as
3100 provided in Section 67-19-6.

3101 (30) The University of Utah Poison Control Center program, as provided in Section
3102 69-2-5.5.

3103 (31) A public safety answering point's emergency telecommunications service fund, as
3104 provided in Section 69-2-301.

3105 (32) The Traffic Noise Abatement Program created in Section 72-6-112.

3106 (33) The Judicial Council for compensation for special prosecutors, as provided in
3107 Section 77-10a-19.

3108 (34) A state rehabilitative employment program, as provided in Section 78A-6-210.

3109 (35) The Utah Geological Survey, as provided in Section 79-3-401.

3110 (36) The Bonneville Shoreline Trail Program created under Section 79-5-503.

3111 (37) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
3112 78B-6-144.5.

3113 (38) Indigent defense as provided in Title 77, Chapter 32, Part 8, Utah Indigent
3114 Defense Commission.

3115 Section 80. Section 63L-8-304 is amended to read:

3116 **63L-8-304. Enforcement authority.**

3117 (1) The director shall issue rules as necessary to implement the provisions of this
3118 chapter with respect to the management, use, and protection of the public land and property
3119 located on the public land.

3120 (2) At the request of the director, the attorney general may institute a civil action in a
3121 district court for an injunction or other appropriate remedy to prevent any person from utilizing
3122 public land in violation of this chapter or rules issued by the director under this chapter.

3123 (3) The use, occupancy, or development of any portion of the public land contrary to
3124 any rule issued by the DLM in accordance with this chapter, and without proper authorization,
3125 is unlawful and prohibited.

3126 (4) (a) The locally [~~elected~~] selected county sheriff is the primary law enforcement
3127 authority with jurisdiction on public land to enforce:

3128 (i) all the laws of this state; and

3129 (ii) this chapter and rules issued by the director pursuant to Subsection (1).

3130 (b) The governor may utilize the Department of Public Safety for the purposes of
3131 assisting the county sheriff in enforcing:

3132 (i) all the laws of this state and this chapter; and

3133 (ii) rules issued by the director pursuant to Subsection (1).

3134 (c) Conservation officers employed by the Division of Wildlife Resources have
3135 authority to enforce the laws and regulations under Title 23, Wildlife Resources Code of Utah,
3136 for the sake of any protected wildlife.

3137 (d) A conservation officer shall work cooperatively with the locally elected county
3138 sheriff to enforce the laws and regulations under Title 23, Wildlife Resources Code of Utah, for
3139 the sake of protected wildlife.

3140 (e) Nothing herein shall be construed as enlarging or diminishing the responsibility or
3141 authority of a state certified peace officer in performing the officer's duties on public land.

3142 Section 81. Section **65A-8-212** is amended to read:

3143 **65A-8-212. Power of state forester to close hazardous areas -- Violations of an**
3144 **order closing an area.**

3145 (1) (a) If the state forester finds conditions in a given area in the state to be extremely
3146 hazardous, "extremely hazardous" means categorized as "extreme" under a nationally
3147 recognized standard for rating fire danger, [~~he~~] the state forester shall close those areas to any
3148 forms of use by the public, or to limit that use, except as provided in Subsection (5).

3149 (b) The closure shall include, for the period of time the state forester considers
3150 necessary, the prohibition of open fires, and may include restrictions and prohibitions on:

3151 (i) smoking;

3152 (ii) the use of vehicles or equipment;

3153 (iii) welding, cutting, or grinding of metals;

3154 (iv) subject to Subsection (5), fireworks;

3155 (v) explosives; or

3156 (vi) the use of firearms for target shooting.

- 3157 (c) Any restriction or closure relating to firearms use:
3158 (i) shall be done with support of the [~~duly elected~~] county sheriff of the affected county
3159 or counties;
3160 (ii) shall undergo a formal review by the [~~State Forester and County Sheriff~~] state
3161 forester and county sheriff every 14 days; and
3162 (iii) may not prohibit a person from legally possessing a firearm or lawfully
3163 participating in a hunt.
3164 (d) The [~~State Forester and County Sheriff~~] state forester and county sheriff shall:
3165 (i) agree to the terms of any restriction or closure relating to firearms use;
3166 (ii) reduce the agreement to writing;
3167 (iii) sign the agreement indicating approval of its terms and duration; and
3168 (iv) complete the steps in Subsections (1)(d)(i) through (d)(iii) at each 14 day review
3169 and at termination of the restriction or closure.
3170 (2) Nothing in this chapter prohibits any resident within the area from full and free
3171 access to [~~his~~] the resident's home or property, or any legitimate use by the owner or lessee of
3172 the property.
3173 (3) The order or proclamation closing or limiting the use in the area shall set forth:
3174 (a) the exact area coming under the order;
3175 (b) the date when the order becomes effective; and
3176 (c) if advisable, the authority from whom permits for entry into the area may be
3177 obtained.
3178 (4) Any entry into or use of any area in violation of this section is a class B
3179 misdemeanor.
3180 (5) The state forester may not restrict or prohibit the discharge of fireworks within the
3181 municipal boundaries of a city, town, or metro township.

3182 **Section 82. Repealer.**

3183 This bill repeals:

3184 Section **17-16-8, Powers, duties and liabilities of deputies.**

3185 Section **17-16-201, Title.**