

1 **RECALL OF UNITED STATES SENATOR**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Tim Quinn**

5 Senate Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Election Code to provide for the recall of a United States senator.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ establishes a process for legal voters to petition to place a question on the ballot to  
14 recall a United States senator;
- 15 ▶ describes the signature requirements for a petition to recall a United States senator;
- 16 ▶ addresses forms, timelines, processes, and requirements for an application for recall,  
17 preparing and circulating recall petition packets, and verifying and certifying  
18 signatures;
- 19 ▶ addresses a recall ballot question, voting, and canvassing votes;
- 20 ▶ establishes recall election dates;
- 21 ▶ provides for legal review of certain actions; and
- 22 ▶ establishes criminal penalties for misconduct relating to the petition, and related  
23 processes, to recall a United States senator.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None



28 **Utah Code Sections Affected:**

29 ENACTS:

- 30 **20A-20-101**, Utah Code Annotated 1953
- 31 **20A-20-102**, Utah Code Annotated 1953
- 32 **20A-20-201**, Utah Code Annotated 1953
- 33 **20A-20-202**, Utah Code Annotated 1953
- 34 **20A-20-203**, Utah Code Annotated 1953
- 35 **20A-20-204**, Utah Code Annotated 1953
- 36 **20A-20-205**, Utah Code Annotated 1953
- 37 **20A-20-301**, Utah Code Annotated 1953
- 38 **20A-20-302**, Utah Code Annotated 1953
- 39 **20A-20-303**, Utah Code Annotated 1953
- 40 **20A-20-401**, Utah Code Annotated 1953
- 41 **20A-20-402**, Utah Code Annotated 1953
- 42 **20A-20-501**, Utah Code Annotated 1953

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

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

46 **CHAPTER 20. RECALL OF UNITED STATES SENATOR**

47 **Part 1. General Provisions**

48 **20A-20-101. Title.**

49 This chapter is known as "Recall of United States Senator."

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

51 **20A-20-102. Definitions.**

52 As used in this chapter:

53 (1) "Certify" means that the county clerk acknowledges a signature as being the  
54 signature of a registered voter.

55 (2) "Circulation" means the process of submitting a recall petition to legal voters to  
56 collect signatures.

57 (3) "Eligible voter" means a legal voter who resides in the state.

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

- 59           (a) meet the numerical requirements of this chapter; and
- 60           (b) have been obtained, certified, and verified as provided in this chapter.
- 61           (5) "Legal voter" means a person who:
- 62           (a) is registered to vote; or
- 63           (b) becomes registered to vote before the county clerk certifies the signatures on the
- 64 recall petition.
- 65           (6) "Responding senator" means the incumbent United States senator against whom an
- 66 application to recall is filed.
- 67           (7) (a) "Signature" means a holographic signature.
- 68           (b) "Signature" does not include an electronic signature.
- 69           (8) "Signature sheet" means a sheet in the form required by this chapter that is used to
- 70 collect signatures in support of a recall petition.
- 71           (9) "Sponsor" means one of the five legal voters who signs an application to recall.
- 72           Section 3. Section **20A-20-201** is enacted to read:

**Part 2. Recall Petition**

**20A-20-201. Petition to recall United States senator -- Signature requirement -- Recall election.**

- 76           (1) A person seeking to recall an incumbent United States senator shall, in accordance
- 77 with the requirements of this chapter, obtain legal signatures equal to 25% of the number of
- 78 active voters in the state on January 1 immediately following the last regular general election.
- 79           (2) The lieutenant governor shall provide to any interested person the number of active
- 80 voters in the state on January 1 immediately following the last regular general election.
- 81           (3) The lieutenant governor shall place the recall question on the ballot of the next of
- 82 the following elections that occurs at least 90 days after the day on which the lieutenant
- 83 governor certifies the ballot question under Subsection [20A-20-401\(1\)\(c\)](#):
- 84           (a) the regular primary election;
- 85           (b) the regular general election;
- 86           (c) the municipal primary election; or
- 87           (d) the municipal general election.
- 88           (4) The recall of a United States senator is a political and not a legal question.
- 89           Section 4. Section **20A-20-202** is enacted to read:

90           **20A-20-202. Application to recall United States senator -- Review -- Appeal of**  
91 **lieutenant governor's determination.**

92           (1) Subject to Subsection (2), a person seeking to recall an incumbent United States  
93 senator shall file with the lieutenant governor an application to recall, described in Subsection  
94 (3).

95           (2) An incumbent United States senator is not subject to recall if:

96           (a) the senator has not been in office for at least one year of the senator's current term  
97 of office;

98           (b) less than one year has passed after the senator was retained in a recall election; or

99           (c) less than one year remains before the end of the senator's term.

100           (3) The application to recall shall include the following:

101           (a) the name of the senator whom the sponsors desire to recall;

102           (b) the name of exactly five sponsors of the application to recall, including for each the  
103 address, telephone number, and email address of each sponsor;

104           (c) a certification indicating that each of the sponsors is a registered voter in Utah;

105           (d) a statement, not exceeding 250 words, that:

106           (i) states the reasons for which recall is sought; and

107           (ii) if a reason includes a reference to legislation, or to a vote made or not made by the  
108 senator, does not make a statement regarding the legislation or vote that can be objectively  
109 proven to be false;

110           (e) a statement that, under penalty of perjury, the sponsors believe that the information  
111 and statement included in the application are true; and

112           (f) the signature of each of the sponsors, attested to by a notary public.

113           (4) Within 10 days after the day on which the lieutenant governor receives an  
114 application to recall, the lieutenant governor shall:

115           (a) review the application to determine whether the application complies with  
116 Subsections (2) and (3);

117           (b) if the application does not comply with Subsections (2) and (3), return the  
118 application to a sponsor with a written explanation of the lieutenant governor's determination;  
119 and

120           (c) if the application complies with Subsections (2) and (3), send a copy of the

121 application and the determination of the lieutenant governor to:

122 (i) a sponsor of the application;

123 (ii) the responding senator;

124 (iii) the president of the Utah Senate;

125 (iv) the speaker of the Utah House of Representatives; and

126 (v) the governor.

127 (5) (a) A sponsor of the application may, within 10 days after the day on which the

128 lieutenant governor complies with Subsection (4)(b), appeal the lieutenant governor's

129 determination to the appropriate court.

130 (b) The responding senator may, within 10 days after the day on which the lieutenant

131 governor complies with Subsection (4)(c), appeal the lieutenant governor's determination to the

132 appropriate court.

133 (6) (a) The responding senator may file a response to the statement described in

134 Subsection (3)(d):

135 (i) within 14 days after the day on which the lieutenant governor makes the

136 determination described in Subsection (4)(c); or

137 (ii) if the lieutenant governor makes the finding described in Subsection (4)(b), and a

138 court decision reverses that determination, within 14 days after the day on which the court's

139 determination becomes final.

140 (b) The response described in Subsection (6)(a) may not:

141 (i) exceed 250 words; or

142 (ii) include a reference to legislation, or to a vote made or not made by the responding

143 senator, that can be objectively proven to be false.

144 (7) Within 10 days after the day on which the lieutenant governor receives a response

145 described in Subsection (6), the lieutenant governor shall:

146 (a) review the response to determine whether the response complies with Subsection

147 (6)(b);

148 (b) if the response does not comply with Subsection (6)(b), return the response to the

149 responding senator, with a written explanation of the lieutenant governor's determination, and

150 allow the responding senator two business days to correct the response; and

151 (c) if the response complies with Subsection (6)(b), send a copy of the response and the

152 determination of the lieutenant governor to:

153 (i) a sponsor of the application;

154 (ii) the responding senator;

155 (iii) the president of the Utah Senate;

156 (iv) the speaker of the Utah House of Representatives; and

157 (v) the governor.

158 (8) (a) The responding senator may, within 10 days after the day on which the

159 lieutenant governor complies with Subsection (7)(b), appeal the lieutenant governor's

160 determination to the appropriate court.

161 (b) A sponsor of the application may, within 10 days after the day on which the

162 lieutenant governor complies with Subsection (7)(c), appeal the lieutenant governor's

163 determination to the appropriate court.

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

165 **20A-20-203. Petition and signature sheets -- Form of recall petition sheet and**

166 **signature sheet -- Provision by the lieutenant governor.**

167 (1) The lieutenant governor shall provide to a sponsor one recall petition sheet, one

168 signature sheet, and one signature packet verification sheet described in this section:

169 (a) except as provided in Subsection (1)(b), no sooner than ten days after, and no later

170 than 14 days after, the day on which the lieutenant governor complies with Subsection

171 20A-20-202(7)(c); or

172 (b) if the responding senator or a sponsor files an appeal under Subsection

173 20A-20-202(8), within 10 days after the day on which a court decision, finding that the

174 response described in Subsection 20A-20-202(6) complies with Subsection 20A-20-202(6)(b),

175 becomes final.

176 (2) The lieutenant governor shall prepare the recall petition sheet in substantially the

177 following form:

178 (a) "RECALL PETITION To the Honorable \_\_\_\_\_, Lieutenant Governor:

179 We, the undersigned citizens of Utah, respectfully order that Senator \_\_\_\_\_ be

180 referred to the people of Utah for recall at a statewide election;

181 Each signer says:

182 I have personally signed this petition;

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

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

186 I have read the Statement by Petition Sponsors and the Response of Senator  
187 included with this petition.";

188 (b) immediately after the statement described in Subsection (2)(a), the lieutenant  
189 governor shall, following the heading "Statement by Petition Sponsors," include the statement  
190 described in Subsection 20A-20-202(3)(d); and

191 (c) immediately after the statement by petition sponsors, following the heading,  
192 "Response of Senator \_\_\_\_\_," include the response described in Subsection 20A-20-202(6), if  
193 any.

194 (3) If the responding senator does not timely file a response described in Subsection  
195 20A-20-202(6), the lieutenant governor shall modify the final sentence described in Subsection  
196 (2)(a) to read, "I have read the Statement by Petition Sponsors included with this petition."

197 (4) The lieutenant governor shall prepare a signature sheet by:

198 (a) preparing the sheet for printing on paper 8.5 inches long and 11 inches wide;

199 (b) placing a horizontal line .75 inch from the top, with the space above that line blank  
200 for the purpose of binding;

201 (c) placing the title of the recall petition, "Petition to Recall Senator \_\_\_\_\_" below the  
202 horizontal line, in at least 14-point, bold type;

203 (d) placing the word "Warning" at the top of each signature sheet under the title of the  
204 recall petition;

205 (e) placing, to the right of the word "Warning," the following statement in not less than  
206 eight-point type:

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

212 (f) placing horizontally ruled lines, three-eighths inch apart under the statement  
213 described in Subsection (4)(e); and

- 214 (g) vertically dividing the signature sheet into columns as follows:  
215 (i) the edge of the first column shall appear .5 inch from the extreme left of the sheet,  
216 be .25 inch wide, and be headed, together with the second column, "For Office Use Only";  
217 (ii) the second column shall be .25 inch wide;  
218 (iii) the third column shall be 2.5 inches wide, headed "Registered Voter's Printed  
219 Name (must be legible to be counted)";  
220 (iv) the fourth column shall be 2.5 inches wide, headed "Signature of Registered  
221 Voter";  
222 (v) the fifth column shall be .75 inch wide, headed "Date Signed";  
223 (vi) the sixth column shall be three inches wide, headed "Street Address, City, Zip  
224 Code"; and  
225 (vii) the seventh column shall be .75 inch wide, headed "Birth Date or Age (Optional)";  
226 (h) horizontally dividing the signature sheet into rows as follows:  
227 (i) the top of the first row, for the purpose of entering the information described in  
228 Subsection (2)(g), shall be .5 inch high;  
229 (ii) except as provided in Subsection (5), the second row shall be .15 inch high and  
230 contain the following statement in not less than 12-point type:  
231 "By signing this petition, you are stating that you have read the statement by Petition  
232 Sponsors and the Response of Senator \_\_\_\_\_ included with this petition"; and  
233 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the  
234 bottom of the sheet for the information described in Subsection (4)(i); and  
235 (i) at the bottom of the sheet, contain the following statement: "Birth date or age  
236 information is not required, but it may be used to verify your identity with voter registration  
237 records. If you choose not to provide it, your signature may not be verified as a valid signature  
238 if you change your address before petition signatures are verified or if the information you  
239 provide does not match your voter registration records."  
240 (5) If the responding senator does not timely file a response described in Subsection  
241 20A-20-202(6), the lieutenant governor shall modify the final sentence described in Subsection  
242 (4)(h)(ii) to read, "By signing this petition, you are stating that you have read the Statement by  
243 Petition Sponsors included with this petition."  
244 (6) The lieutenant governor shall prepare the signature packet verification sheet to



245 read:

246 "Verification

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

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

249 I am at least 18 years old;

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

253 I believe that each individual has printed and signed the individual's name and written  
254 the individual's post office address and residence correctly, that each signer has read the  
255 statement by the petition sponsors and the response by the senator, if any, included with this  
256 packet, and that each signer is registered to vote in Utah or intends to become registered to vote  
257 before the certification of the petition names by the county clerk.

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

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

262 \_\_\_\_\_

263 (Name) \_\_\_\_\_ (Residence Address) \_\_\_\_\_ (Date)"

264 (7) If the forms described in this section are substantially followed, the referendum  
265 petitions are sufficient, notwithstanding clerical and merely technical errors.

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

267 **20A-20-204. Circulation requirements -- Lieutenant governor to provide sponsors**  
268 **with materials.**

269 (1) In order to obtain the necessary number of signatures required by this chapter, the  
270 sponsors shall circulate recall petition packets that meet the form requirements described in this  
271 chapter.

272 (2) The sponsors of the recall petition shall:

273 (a) arrange and pay for the printing of all copies of the documents described in Section  
274 [20A-2-203](#); and

275 (b) ensure that all copies of the recall petition, the signature sheets, and the signature

276 packet verification sheet meet the requirements of this section and Section 20A-20-203.

277 (3) (a) The sponsors may prepare the recall petition for circulation by creating multiple  
278 recall petition packets.

279 (b) The sponsors shall create recall petition packets by:

280 (i) first, including a copy of the recall petition, followed by no more than 50 signature  
281 sheets, and followed by the signature packet verification sheet; and

282 (ii) binding the documents described in Subsection (3)(b)(i), in the order indicated,  
283 together at the top in a manner that the packets may be conveniently opened for signing.

284 (c) The sponsors are not required to attach a uniform number of signature sheets to  
285 each packet.

286 (4) (a) After the sponsors have prepared sufficient recall petition packets, the sponsors  
287 shall submit the packets to the lieutenant governor.

288 (b) The lieutenant governor shall:

289 (i) number each of the packets and return the packets to the sponsors within five  
290 working days after the day on which the sponsors submit the packets; and

291 (ii) keep a record of the numbers assigned to each packet.

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

293 **20A-20-205. Obtaining signatures -- Verification -- Removal of signature.**

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

295 (2) (a) The sponsors shall ensure that the individual in whose presence each signature  
296 sheet is signed:

297 (i) is at least 18 years old;

298 (ii) verifies each signature sheet by completing the verification printed on the last page  
299 of each packet; and

300 (iii) is informed that each signer is required to read the statement by Petition Sponsors  
301 and the Response of Senator, if any, included in the recall petition.

302 (b) An individual may not sign the verification printed on the last page of the packet if  
303 the individual signed a signature sheet in that packet.

304 (3) (a) A voter who signs a recall petition may have the voter's signature removed from  
305 the petition by submitting to the county clerk a statement requesting that the voter's signature  
306 be removed no later than the earlier of:

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

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

309 Subsection 20A-20-301(3)(c).

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

311 (A) the name of the voter;

312 (B) the residence address at which the voter is registered to vote;

313 (C) the signature of the voter; and

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

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

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

318 (d) In order for the signature to be removed, the county clerk must receive the  
319 statement before 5 p.m. no later than 45 days after the day on which the county clerk posts the  
320 voter's name under Subsection 20A-20-301(3)(c).

321 (e) A person may only remove a signature from a recall petition in accordance with this  
322 Subsection (3).

323 (f) A county clerk shall analyze a signature, for purposes of removing a signature from  
324 a recall petition, in accordance with Section 20A-20-302.

325 Section 8. Section **20A-20-301** is enacted to read:

326 **Part 3. Petition Submission and Evaluation**

327 **20A-20-301. Submitting recall petition packet -- Certification of signatures by**  
328 **county clerks -- Transfer to lieutenant governor.**

329 (1) (a) The sponsors shall deliver a signed and verified recall petition packet to the  
330 county clerk of the county in which the packet was circulated before 5 p.m. no later than 14  
331 days after the day on which the first individual signs the packet.

332 (b) A sponsor may not submit a recall petition packet after the deadline described in  
333 Subsection (1)(a).

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

335 (a) on a recall petition packet that is not verified in accordance with Sections  
336 20A-20-205 and 20A-20-302; or

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

338 (3) No later than 14 days after the day on which the county clerk receives a verified  
339 recall petition packet, the county clerk shall:

340 (a) determine whether each signer is a registered voter according to the requirements of  
341 Section 20A-20-302;

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

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

346 (d) deliver the verified recall petition packet to the lieutenant governor.

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

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

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

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

353 Section 9. Section **20A-20-302** is enacted to read:

354 **20A-20-302. Verification of petition signatures.**

355 (1) As used in this section:

356 (a) "Substantially similar name" means:

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

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

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

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

369 alphabetically corresponding initial that has been provided in the place of a given name shown  
370 on the other record.

371 (b) "Substantially similar name" does not include a name having an initial or a middle  
372 name shown on the petition that does not match a different initial or middle name shown on the  
373 official register.

374 (2) The county clerk shall use the following procedures in determining whether a  
375 signer is a registered voter:

376 (a) when a signer's name and address shown on the petition exactly match a name and  
377 address shown on the official register and the signer's signature appears substantially similar to  
378 the signature on the statewide voter registration database, the county clerk shall declare the  
379 signature valid;

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

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

384 (ii) the signer's signature appears substantially similar to the signature on the statewide  
385 voter registration database of the individual described in Subsection (2)(b)(i);

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

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

390 (ii) the signer's signature appears substantially similar to the signature on the statewide  
391 voter registration database of the individual described in Subsection (2)(c)(i); and

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

394 Section 10. Section **20A-20-303** is enacted to read:

395 **20A-20-303. Evaluation by the lieutenant governor.**

396 (1) When a recall petition packet is received from a county clerk, the lieutenant  
397 governor shall check off from the record the number of the referendum packet received.

398 (2) (a) The lieutenant governor shall, within 14 days after the day on which the  
399 lieutenant governor receives a recall petition packet from a county clerk:

400 (i) count the number of the names certified by the county clerks on each verified  
401 signature sheet; and

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

404 (b) The lieutenant governor shall, within one business day after the day on which the  
405 lieutenant governor provides the notification described in Subsection 20A-20-301(4)(b):

406 (i) subtract the number of signatures removed from the number of signatures certified  
407 and update the number on the lieutenant governor's website accordingly; and

408 (ii) declare the petition to be sufficient or insufficient.

409 (c) If the total number of names certified under this Subsection (2) equals or exceeds  
410 the number of names required under Subsection 20A-20-201(1), and the requirements of this  
411 chapter are met, the lieutenant governor shall mark upon the front of the petition the word  
412 "sufficient."

413 (d) If the total number of names certified under this Subsection (2) does not equal or  
414 exceed the number of names required under Subsection 20A-20-201(1), or a requirement of  
415 this chapter is not met, the lieutenant governor shall mark upon the front of the petition the  
416 word "insufficient."

417 (e) The lieutenant governor shall immediately notify any one of the sponsors of the  
418 lieutenant governor's finding.

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

421 (3) (a) If the lieutenant governor refuses to declare a recall petition sufficient, any voter  
422 may, no later than 10 days after the day on which the lieutenant governor declares the petition  
423 insufficient, apply to the appropriate court to compel the lieutenant governor to declare the  
424 recall petition sufficient.

425 (b) If the court determines that the recall petition is sufficient, the lieutenant governor  
426 shall declare the petition sufficient as of the date on which the recall petition was originally  
427 offered for filing in the lieutenant governor's office.

428 (c) If the court determines that a recall petition filed is not sufficient, the court may  
429 enjoin the lieutenant governor and all other officers from placing the recall question on the  
430 official ballot.

431 (4) A recall petition determined to be sufficient in accordance with this section  
432 qualifies the recall question for the ballot.

433 Section 11. Section **20A-20-401** is enacted to read:

434 **Part 4. Ballot Provisions**

435 **20A-20-401. Recall ballot question -- Form of ballot -- Manner and result of**  
436 **voting.**

437 (1) Whenever a recall petition is declared sufficient for submitting the question to a  
438 vote of the people, the lieutenant governor shall:

439 (a) entitle the question, "Recall Question Number \_\_\_\_\_" and give it a number;

440 (b) prepare the ballot question to read, "Shall Senator \_\_\_\_\_ continue to serve as a  
441 senator in the United States Senate until the end of the current term?"; and

442 (c) certify the question to the ballot for the election described in Subsection  
443 [20A-20-201\(3\)](#).

444 (2) A county clerk shall place:

445 (a) the ballot question, described in Subsections (1)(a) and (b) and certified by the  
446 lieutenant governor, on the official ballot; and

447 (b) immediately adjacent to the question, the words "Yes" and "No," each word  
448 presented with an adjacent square in which the voter may indicate the voter's vote.

449 (3) If a majority of the voters voting on the question vote "No," the senator is, upon  
450 certification of the canvassing results under Subsection [20A-20-402\(2\)](#), immediately removed  
451 from office and the vacancy shall be filled as provided by law.

452 (4) If a majority of the voters voting on the question vote "Yes," or if the number of the  
453 voters who vote "Yes" is equal to the number of voters who vote "No," the senator remains in  
454 office.

455 Section 12. Section **20A-20-402** is enacted to read:

456 **20A-20-402. Return and canvass.**

457 (1) The votes on the recall question shall be counted, canvassed, and delivered as  
458 provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

459 (2) After the state board of canvassers completes the canvass, the lieutenant governor  
460 shall certify the results of the vote on the recall question to the governor.

461 Section 13. Section **20A-20-501** is enacted to read:

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**Part 5. Penalties**

**20A-20-501. Misconduct -- Penalty.**

(1) It is unlawful for a person to:

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

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

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

(d) sign a recall petition knowing that the person is not a legal voter; or

(e) knowingly and willfully violate any provision of this part.

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

(a) the signature date next to a person's name on the recall petition packet is not the date that the person signed the packet;

(b) the person has not witnessed the signatures of those persons whose names appear in the recall petition packet; or

(c) one or more persons whose signatures appear in the recall petition packet:

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

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

(3) It is unlawful for a person to:

(a) pay a person to sign a recall petition packet;

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

(c) accept payment to sign a recall petition packet; or

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

(4) A violation of this section is a class A misdemeanor.