

ELECTION MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: A. Cory Maloy

LONG TITLE

General Description:

This bill modifies or repeals certain provisions relating to election administration to reflect current practice and to make technical changes.

Highlighted Provisions:

This bill:

- ▶ modifies or repeals code provisions to reflect current practice in election administration; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

17-20-5, as last amended by Laws of Utah 2000, Chapter 3

17B-1-306, as last amended by Laws of Utah 2021, Chapters 84, 345, 355, and 415

20A-1-102, as last amended by Laws of Utah 2020, Chapters 31, 49, 255, and 354

20A-1-509.3, as enacted by Laws of Utah 1997, Chapter 139

20A-1-608, as enacted by Laws of Utah 1993, Chapter 1

20A-1-611, as last amended by Laws of Utah 2011, Chapter 396

20A-2-207, as last amended by Laws of Utah 2020, Chapters 31 and 95

20A-3a-201, as enacted by Laws of Utah 2020, Chapter 31

- 30 **20A-3a-202**, as last amended by Laws of Utah 2021, Chapter 100
- 31 **20A-3a-801**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 32 **20A-4-306**, as last amended by Laws of Utah 2019, Chapter 433
- 33 **20A-4-403**, as last amended by Laws of Utah 2007, Chapter 238
- 34 **20A-4-405**, as enacted by Laws of Utah 1993, Chapter 1
- 35 **20A-5-102**, as last amended by Laws of Utah 2020, Chapter 31
- 36 **20A-5-403**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
- 37 **20A-5-406**, as last amended by Laws of Utah 2020, Chapter 31
- 38 **20A-5-601**, as last amended by Laws of Utah 2020, Chapter 31
- 39 **20A-7-211**, as last amended by Laws of Utah 2019, Chapter 206
- 40 **20A-7-611**, as last amended by Laws of Utah 2021, Chapter 140
- 41 **20A-9-201**, as last amended by Laws of Utah 2021, Chapters 20 and 183
- 42 **20A-9-503**, as last amended by Laws of Utah 2020, Chapter 22
- 43 **20A-11-202**, as last amended by Laws of Utah 2011, Chapter 347
- 44 **20A-11-901**, as last amended by Laws of Utah 2019, Chapter 154
- 45 **20A-13-101.5**, as last amended by Laws of Utah 2021, Second Special Session, Chapter
- 46 2
- 47 **20A-14-101.5**, as last amended by Laws of Utah 2021, Second Special Session, Chapter
- 48 10
- 49 **20A-15-104**, as last amended by Laws of Utah 2009, Chapter 202
- 50 **67-1a-2**, as last amended by Laws of Utah 2020, Chapters 49 and 352
- 51 **67-1a-3**, as enacted by Laws of Utah 1984, Chapter 68

52 REPEALS:

- 53 **20A-16-406**, as last amended by Laws of Utah 2020, Chapter 31
- 54 **20A-16-407**, as last amended by Laws of Utah 2020, Chapter 31
- 55 **67-1a-14**, as last amended by Laws of Utah 2016, Chapter 348

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

58 Section 1. Section **17-20-5** is amended to read:

59 **17-20-5. Report of election and appointment of officers.**

60 Within 10 days after the day on which a county clerk issues a certificate of election or a
61 certificate of appointment made to fill vacancies in elective county offices, the county clerk
62 shall [~~prepare and forward to~~] notify the lieutenant governor [~~a certified report showing~~] of the
63 following:

- 64 (1) the name of the county;
- 65 (2) the name of the county office to which the [~~person~~] individual was elected or
66 appointed;
- 67 (3) the date of the election or appointment of the [~~person~~] individual;
- 68 (4) the date of the expiration of the term for which the [~~person~~] individual was elected
69 or appointed;
- 70 (5) the date of the certificate of election or appointment; and
- 71 (6) the date of the qualification of the [~~person~~] individual elected or appointed.

72 Section 2. Section **17B-1-306** is amended to read:

73 **17B-1-306. Local district board -- Election procedures.**

74 (1) Except as provided in Subsection (12), each elected board member shall be selected
75 as provided in this section.

76 (2) (a) Each election of a local district board member shall be held:

77 (i) at the same time as the municipal general election or the regular general election, as
78 applicable; and

79 (ii) at polling places designated by the local district board in consultation with the
80 county clerk for each county in which the local district is located, which polling places shall
81 coincide with municipal general election or regular general election polling places, as
82 applicable, whenever feasible.

83 (b) The local district board, in consultation with the county clerk, may consolidate two
84 or more polling places to enable voters from more than one district to vote at one consolidated
85 polling place.

86 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under
87 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
88 polling place per division of the district, designated by the district board.

89 (ii) Each polling place designated by an irrigation district board under Subsection
90 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
91 (2)(a)(ii).

92 (3) The clerk of each local district with a board member position to be filled at the next
93 municipal general election or regular general election, as applicable, shall provide notice of:

94 (a) each elective position of the local district to be filled at the next municipal general
95 election or regular general election, as applicable;

96 (b) the constitutional and statutory qualifications for each position; and

97 (c) the dates and times for filing a declaration of candidacy.

98 (4) The clerk of the local district shall publish the notice described in Subsection (3):

99 (a) by posting the notice on the Utah Public Notice Website created in Section
100 [63A-16-601](#), for 10 days before the first day for filing a declaration of candidacy; [~~and~~]

101 (b) by posting the notice in at least five public places within the local district at least 10
102 days before the first day for filing a declaration of candidacy; and

103 (c) if the local district has a website, on the local district's website for 10 days before
104 the first day for filing a declaration of candidacy.

105 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective
106 local district board position, an individual shall file a declaration of candidacy in person with
107 an official designated by the local district, during office hours, within the candidate filing
108 period for the applicable election year in which the election for the local district board is held.

109 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
110 filing time shall be extended until the close of normal office hours on the following regular
111 business day.

112 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
113 declaration of candidacy with the official designated by the local district if:

- 114 (i) the individual is located outside of the state during the entire filing period;
- 115 (ii) the designated agent appears in person before the official designated by the local
- 116 district; and
- 117 (iii) the individual communicates with the official designated by the local district using
- 118 an electronic device that allows the individual and official to see and hear each other.
- 119 (d) (i) Before the filing officer may accept any declaration of candidacy from an
- 120 individual, the filing officer shall:
 - 121 (A) read to the individual the constitutional and statutory qualification requirements for
 - 122 the office that the individual is seeking; and
 - 123 (B) require the individual to state whether the individual meets those requirements.
- 124 (ii) If the individual does not meet the qualification requirements for the office, the
- 125 filing officer may not accept the individual's declaration of candidacy.
- 126 (iii) If it appears that the individual meets the requirements of candidacy, the filing
- 127 officer shall accept the individual's declaration of candidacy.
- 128 (e) The declaration of candidacy shall be in substantially the following form:
 - 129 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
 - 130 _____, City of _____, County of _____, state of Utah, (Zip
 - 131 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
 - 132 office of board of trustees member for _____ (state the name of the local
 - 133 district); that I am a candidate for that office to be voted upon at the next election; and that, if
 - 134 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing
 - 135 period, and I hereby request that my name be printed upon the official ballot for that election.
 - 136 (Signed) _____
 - 137 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
 - 138 of _____, _____.
 - 139 (Signed) _____
 - 140 (Clerk or Notary Public)".
- 141 (f) An agent designated under Subsection (5)(c) may not sign the form described in

142 Subsection (5)(e).

143 (g) Each individual wishing to become a valid write-in candidate for an elective local
144 district board position is governed by Section 20A-9-601.

145 (h) If at least one individual does not file a declaration of candidacy as required by this
146 section, an individual shall be appointed to fill that board position in accordance with the
147 appointment provisions of Section 20A-1-512.

148 (i) If only one candidate files a declaration of candidacy and there is no write-in
149 candidate who complies with Section 20A-9-601, the board, in accordance with Section
150 20A-1-206, may:

151 (i) consider the candidate to be elected to the position; and

152 (ii) cancel the election.

153 (6) (a) A primary election may be held if:

154 (i) the election is authorized by the local district board; and

155 (ii) the number of candidates for a particular local board position or office exceeds
156 twice the number of persons needed to fill that position or office.

157 (b) The primary election shall be conducted:

158 (i) on the same date as the municipal primary election or the regular primary election,
159 as applicable; and

160 (ii) according to the procedures for primary elections provided under Title 20A,
161 Election Code.

162 (7) (a) Except as provided in Subsection (7)(c), within one business day after the
163 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate
164 names to the clerk of each county in which the local district is located.

165 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
166 20A-6-305, the clerk of each county in which the local district is located and the local district
167 clerk shall coordinate the placement of the name of each candidate for local district office in
168 the nonpartisan section of the ballot with the appropriate election officer.

169 (ii) If consolidation of the local district election ballot with the municipal general

170 election ballot or the regular general election ballot, as applicable, is not feasible, the local
171 district board of trustees, in consultation with the county clerk, shall provide for a separate
172 local district election ballot to be administered by poll workers at polling ~~[locations]~~ places
173 designated under Subsection (2).

174 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
175 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

176 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall
177 prescribe the form of the ballot for each board member election.

178 (B) Each ballot for an election of an irrigation district board member shall be in a
179 nonpartisan format.

180 (C) The name of each candidate shall be placed on the ballot in the order specified
181 under Section [20A-6-305](#).

182 (8) (a) Each voter at an election for a board of trustees member of a local district shall:

183 (i) be a registered voter within the district, except for an election of:

184 (A) an irrigation district board of trustees member; or

185 (B) a basic local district board of trustees member who is elected by property owners;

186 and

187 (ii) meet the requirements to vote established by the district.

188 (b) Each voter may vote for as many candidates as there are offices to be filled.

189 (c) The candidates who receive the highest number of votes are elected.

190 (9) Except as otherwise provided by this section, the election of local district board
191 members is governed by Title 20A, Election Code.

192 (10) (a) Except as provided in Subsection [17B-1-303\(8\)](#), a person elected to serve on a
193 local district board shall serve a four-year term, beginning at noon on the January 1 after the
194 person's election.

195 (b) A person elected shall be sworn in as soon as practical after January 1.

196 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse
197 the county or municipality holding an election under this section for the costs of the election

198 attributable to that local district.

199 (b) Each irrigation district shall bear the district's own costs of each election the district
200 holds under this section.

201 (12) This section does not apply to an improvement district that provides electric or gas
202 service.

203 (13) Except as provided in Subsection [20A-3a-605\(1\)\(b\)](#), the provisions of Title 20A,
204 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

205 (14) (a) As used in this Subsection (14), "board" means:

206 (i) a local district board; or

207 (ii) the administrative control board of a special service district that has elected
208 members on the board.

209 (b) A board may hold elections for membership on the board at a regular general
210 election instead of a municipal general election if the board submits an application to the
211 lieutenant governor that:

212 (i) requests permission to hold elections for membership on the board at a regular
213 general election instead of a municipal general election; and

214 (ii) indicates that holding elections at the time of the regular general election is
215 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
216 material reason.

217 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
218 governor may approve the application if the lieutenant governor concludes that holding the
219 elections at the regular general election is beneficial based on the criteria described in
220 Subsection (14)(b)(ii).

221 (d) If the lieutenant governor approves a board's application described in this section:

222 (i) all future elections for membership on the board shall be held at the time of the
223 regular general election; and

224 (ii) the board may not hold elections at the time of a municipal general election unless
225 the board receives permission from the lieutenant governor to hold all future elections for

226 membership on the board at a municipal general election instead of a regular general election,
227 under the same procedure, and by applying the same criteria, described in this Subsection (14).

228 (15) (a) This Subsection (15) applies to a local district if:

229 (i) the local district's board members are elected by the owners of real property, as
230 provided in Subsection 17B-1-1402(1)(b); and

231 (ii) the local district was created before January 1, 2020.

232 (b) The board of a local district described in Subsection (15)(a) may conduct an
233 election:

234 (i) to fill a board member position that expires at the end of the term for that board
235 member's position; and

236 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired
237 term of a board member.

238 (c) An election under Subsection (15)(b) may be conducted as determined by the local
239 district board, subject to Subsection (15)(d).

240 (d) (i) The local district board shall provide to property owners eligible to vote at the
241 local district election:

242 (A) notice of the election; and

243 (B) a form to nominate an eligible individual to be elected as a board member.

244 (ii) (A) The local district board may establish a deadline for a property owner to submit
245 a nomination form.

246 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after
247 the board provides the notice and nomination form under Subsection (15)(d)(i).

248 (iii) (A) After the deadline for submitting nomination forms, the local district board
249 shall provide a ballot to all property owners eligible to vote at the local district election.

250 (B) A local district board shall allow at least five days for ballots to be returned.

251 (iv) A local district board shall certify the results of an election under this Subsection
252 (15) during an open meeting of the board.

253 Section 3. Section 20A-1-102 is amended to read:

254 **20A-1-102. Definitions.**

255 As used in this title:

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

258 (2) "Automatic tabulating equipment" means apparatus that automatically examines
259 and counts votes recorded on ballots and tabulates the results.

260 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
261 storage medium, that records an individual voter's vote.

262 (b) "Ballot" does not include a record to tally multiple votes.

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

265 (a) an opinion question specifically authorized by the Legislature;

266 (b) a constitutional amendment;

267 (c) an initiative;

268 (d) a referendum;

269 (e) a bond proposition;

270 (f) a judicial retention question;

271 (g) an incorporation of a city or town; or

272 (h) any other ballot question specifically authorized by the Legislature.

273 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
274 together using staples or another means in at least three places across the top of the paper in the
275 blank space reserved for securing the paper.

276 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
277 [20A-4-306](#) to canvass election returns.

278 (7) "Bond election" means an election held for the purpose of approving or rejecting
279 the proposed issuance of bonds by a government entity.

280 (8) "Business reply mail envelope" means an envelope that may be mailed free of
281 charge by the sender.

282 (9) "Canvass" means the review of election returns and the official declaration of
283 election results by the board of canvassers.

284 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at
285 the canvass.

286 (11) "Contracting election officer" means an election officer who enters into a contract
287 or interlocal agreement with a provider election officer.

288 (12) "Convention" means the political party convention at which party officers and
289 delegates are selected.

290 (13) "Counting center" means one or more locations selected by the election officer in
291 charge of the election for the automatic counting of ballots.

292 (14) "Counting judge" means a poll worker designated to count the ballots during
293 election day.

294 (15) "Counting room" means a suitable and convenient private place or room for use
295 by the poll workers and counting judges to count ballots.

296 (16) "County officers" means those county officers that are required by law to be
297 elected.

298 (17) "Date of the election" or "election day" or "day of the election":

299 (a) means the day that is specified in the calendar year as the day that the election
300 occurs; and

301 (b) does not include:

302 (i) deadlines established for voting by mail, military-overseas voting, or emergency
303 voting; or

304 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early
305 Voting.

306 (18) "Elected official" means:

307 (a) a person elected to an office under Section [20A-1-303](#) or Chapter 4, Part 6,
308 Municipal Alternate Voting Methods Pilot Project;

309 (b) a person who is considered to be elected to a municipal office in accordance with

310 Subsection 20A-1-206(1)(c)(ii); or

311 (c) a person who is considered to be elected to a local district office in accordance with

312 Subsection 20A-1-206(3)(c)(ii).

313 (19) "Election" means a regular general election, a municipal general election, a
314 statewide special election, a local special election, a regular primary election, a municipal
315 primary election, and a local district election.

316 (20) "Election Assistance Commission" means the commission established by the Help
317 America Vote Act of 2002, Pub. L. No. 107-252.

318 (21) "Election cycle" means the period beginning on the first day persons are eligible to
319 file declarations of candidacy and ending when the canvass is completed.

320 (22) "Election judge" means a poll worker that is assigned to:

- 321 (a) preside over other poll workers at a polling place;
- 322 (b) act as the presiding election judge; or
- 323 (c) serve as a canvassing judge, counting judge, or receiving judge.

324 (23) "Election officer" means:

- 325 (a) the lieutenant governor, for all statewide ballots and elections;
- 326 (b) the county clerk for:
 - 327 (i) a county ballot and election; and
 - 328 (ii) a ballot and election as a provider election officer as provided in Section

329 20A-5-400.1 or 20A-5-400.5;

330 (c) the municipal clerk for:

- 331 (i) a municipal ballot and election; and
- 332 (ii) a ballot and election as a provider election officer as provided in Section

333 20A-5-400.1 or 20A-5-400.5;

334 (d) the local district clerk or chief executive officer for:

- 335 (i) a local district ballot and election; and
- 336 (ii) a ballot and election as a provider election officer as provided in Section

337 20A-5-400.1 or 20A-5-400.5; or

- 338 (e) the business administrator or superintendent of a school district for:
- 339 (i) a school district ballot and election; and
- 340 (ii) a ballot and election as a provider election officer as provided in Section
- 341 [20A-5-400.1](#) or [20A-5-400.5](#).
- 342 (24) "Election official" means any election officer, election judge, or poll worker.
- 343 (25) "Election results" means:
- 344 (a) for an election other than a bond election, the count of votes cast in the election and
- 345 the election returns requested by the board of canvassers; or
- 346 (b) for bond elections, the count of those votes cast for and against the bond
- 347 proposition plus any or all of the election returns that the board of canvassers may request.
- 348 (26) "Election returns" includes the pollbook, the military and overseas absentee voter
- 349 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted
- 350 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
- 351 the total votes cast form.
- 352 (27) "Electronic signature" means an electronic sound, symbol, or process attached to
- 353 or logically associated with a record and executed or adopted by a person with the intent to sign
- 354 the record.
- 355 (28) "Inactive voter" means a registered voter who is listed as inactive by a county
- 356 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).
- 357 (29) "Judicial office" means the office filled by any judicial officer.
- 358 (30) "Judicial officer" means any justice or judge of a court of record or any county
- 359 court judge.
- 360 (31) "Local district" means a local government entity under Title 17B, Limited Purpose
- 361 Local Government Entities - Local Districts, and includes a special service district under Title
- 362 17D, Chapter 1, Special Service District Act.
- 363 (32) "Local district officers" means those local district board members that are required
- 364 by law to be elected.
- 365 (33) "Local election" means a regular county election, a regular municipal election, a

366 municipal primary election, a local special election, a local district election, and a bond
367 election.

368 (34) "Local political subdivision" means a county, a municipality, a local district, or a
369 local school district.

370 (35) "Local special election" means a special election called by the governing body of a
371 local political subdivision in which all registered voters of the local political subdivision may
372 vote.

373 (36) "Manual ballot" means a paper document produced by an election officer on
374 which an individual records an individual's vote by directly placing a mark on the paper
375 document using a pen or other marking instrument.

376 (37) "Mechanical ballot" means a record, including a paper record, electronic record, or
377 mechanical record, that:

378 (a) is created via electronic or mechanical means; and

379 (b) records an individual voter's vote cast via a method other than an individual directly
380 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

381 (38) "Municipal executive" means:

382 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

383 (b) the mayor in the council-manager form of government defined in Subsection
384 10-3b-103(7); or

385 (c) the chair of a metro township form of government defined in Section 10-3b-102.

386 (39) "Municipal general election" means the election held in municipalities and, as
387 applicable, local districts on the first Tuesday after the first Monday in November of each
388 odd-numbered year for the purposes established in Section 20A-1-202.

389 (40) "Municipal legislative body" means:

390 (a) the council of the city or town in any form of municipal government; or

391 (b) the council of a metro township.

392 (41) "Municipal office" means an elective office in a municipality.

393 (42) "Municipal officers" means those municipal officers that are required by law to be

394 elected.

395 (43) "Municipal primary election" means an election held to nominate candidates for
396 municipal office.

397 (44) "Municipality" means a city, town, or metro township.

398 (45) "Official ballot" means the ballots distributed by the election officer for voters to
399 record their votes.

400 (46) "Official endorsement" means the information on the ballot that identifies:

401 (a) the ballot as an official ballot;

402 (b) the date of the election; and

403 (c) (i) for a ballot prepared by an election officer other than a county clerk, the
404 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

405 (ii) for a ballot prepared by a county clerk, the words required by Subsection
406 20A-6-301(1)(b)(iii).

407 (47) "Official register" means the official record furnished to election officials by the
408 election officer that contains the information required by Section 20A-5-401.

409 (48) "Political party" means an organization of registered voters that has qualified to
410 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
411 and Procedures.

412 (49) (a) "Poll worker" means a person assigned by an election official to assist with an
413 election, voting, or counting votes.

414 (b) "Poll worker" includes election judges.

415 (c) "Poll worker" does not include a watcher.

416 (50) "Pollbook" means a record of the names of voters in the order that they appear to
417 cast votes.

418 (51) "Polling place" means a building where voting is conducted.

419 (52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
420 in which the voter marks the voter's choice.

421 (53) "Presidential Primary Election" means the election established in Chapter 9, Part

422 8, Presidential Primary Election.

423 (54) "Primary convention" means the political party conventions held during the year
424 of the regular general election.

425 (55) "Protective counter" means a separate counter, which cannot be reset, that:

426 (a) is built into a voting machine; and

427 (b) records the total number of movements of the operating lever.

428 (56) "Provider election officer" means an election officer who enters into a contract or
429 interlocal agreement with a contracting election officer to conduct an election for the
430 contracting election officer's local political subdivision in accordance with Section
431 [20A-5-400.1](#).

432 (57) "Provisional ballot" means a ballot voted provisionally by a person:

433 (a) whose name is not listed on the official register at the polling place;

434 (b) whose legal right to vote is challenged as provided in this title; or

435 (c) whose identity was not sufficiently established by a poll worker.

436 (58) "Provisional ballot envelope" means an envelope printed in the form required by
437 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to
438 verify a person's legal right to vote.

439 (59) (a) "Public figure" means an individual who, due to the individual being
440 considered for, holding, or having held a position of prominence in a public or private capacity,
441 or due to the individual's celebrity status, has an increased risk to the individual's safety.

442 (b) "Public figure" does not include an individual:

443 (i) elected to public office; or

444 (ii) appointed to fill a vacancy in an elected public office.

445 (60) "Qualify" or "qualified" means to take the oath of office and begin performing the
446 duties of the position for which the individual was elected.

447 (61) "Receiving judge" means the poll worker that checks the voter's name in the
448 official register at a polling ~~[location]~~ place and provides the voter with a ballot.

449 (62) "Registration form" means a form by which an individual may register to vote

450 under this title.

451 (63) "Regular ballot" means a ballot that is not a provisional ballot.

452 (64) "Regular general election" means the election held throughout the state on the first
453 Tuesday after the first Monday in November of each even-numbered year for the purposes
454 established in Section 20A-1-201.

455 (65) "Regular primary election" means the election, held on the date specified in
456 Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan
457 local school board positions to advance to the regular general election.

458 (66) "Resident" means a person who resides within a specific voting precinct in Utah.

459 (67) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),
460 provided to a voter with a manual ballot:

461 (a) into which the voter places the manual ballot after the voter has voted the manual
462 ballot in order to preserve the secrecy of the voter's vote; and

463 (b) that includes the voter affidavit and a place for the voter's signature.

464 (68) "Sample ballot" means a mock ballot similar in form to the official ballot printed
465 and distributed as provided in Section 20A-5-405.

466 (69) "Special election" means an election held as authorized by Section 20A-1-203.

467 (70) "Spoiled ballot" means each ballot that:

468 (a) is spoiled by the voter;

469 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

470 (c) lacks the official endorsement.

471 (71) "Statewide special election" means a special election called by the governor or the
472 Legislature in which all registered voters in Utah may vote.

473 (72) "Tabulation system" means a device or system designed for the sole purpose of
474 tabulating votes cast by voters at an election.

475 (73) "Ticket" means a list of:

476 (a) political parties;

477 (b) candidates for an office; or

478 (c) ballot propositions.

479 (74) "Transfer case" means the sealed box used to transport voted ballots to the
480 counting center.

481 (75) "Vacancy" means the absence of a person to serve in any position created by
482 statute, whether that absence occurs because of death, disability, disqualification, resignation,
483 or other cause.

484 (76) "Valid voter identification" means:

485 (a) a form of identification that bears the name and photograph of the voter which may
486 include:

487 (i) a currently valid Utah driver license;

488 (ii) a currently valid identification card that is issued by:

489 (A) the state; or

490 (B) a branch, department, or agency of the United States;

491 (iii) a currently valid Utah permit to carry a concealed weapon;

492 (iv) a currently valid United States passport; or

493 (v) a currently valid United States military identification card;

494 (b) one of the following identification cards, whether or not the card includes a
495 photograph of the voter:

496 (i) a valid tribal identification card;

497 (ii) a Bureau of Indian Affairs card; or

498 (iii) a tribal treaty card; or

499 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
500 the name of the voter and provide evidence that the voter resides in the voting precinct, which
501 may include:

502 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
503 election;

504 (ii) a bank or other financial account statement, or a legible copy thereof;

505 (iii) a certified birth certificate;

- 506 (iv) a valid social security card;
- 507 (v) a check issued by the state or the federal government or a legible copy thereof;
- 508 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 509 (vii) a currently valid Utah hunting or fishing license;
- 510 (viii) certified naturalization documentation;
- 511 (ix) a currently valid license issued by an authorized agency of the United States;
- 512 (x) a certified copy of court records showing the voter's adoption or name change;
- 513 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 514 (xii) a currently valid identification card issued by:
 - 515 (A) a local government within the state;
 - 516 (B) an employer for an employee; or
 - 517 (C) a college, university, technical school, or professional school located within the
 - 518 state; or

519 (xiii) a current Utah vehicle registration.

520 (77) "Valid write-in candidate" means a candidate who has qualified as a write-in
521 candidate by following the procedures and requirements of this title.

522 (78) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter, by:

- 523 (a) mailing the ballot to the location designated in the mailing; or
- 524 (b) depositing the ballot in a ballot drop box designated by the election officer.

525 (79) "Voter" means an individual who:

- 526 (a) meets the requirements for voting in an election;
- 527 (b) meets the requirements of election registration;
- 528 (c) is registered to vote; and
- 529 (d) is listed in the official register book.

530 (80) "Voter registration deadline" means the registration deadline provided in Section
531 [20A-2-102.5](#).

532 (81) "Voting area" means the area within six feet of the voting booths, voting
533 machines, and ballot box.

534 (82) "Voting booth" means:

535 (a) the space or compartment within a polling place that is provided for the preparation
536 of ballots, including the voting enclosure or curtain; or

537 (b) a voting device that is free standing.

538 (83) "Voting device" means any device provided by an election officer for a voter to
539 vote a mechanical ballot.

540 (84) "Voting precinct" means the smallest geographical voting unit, established under
541 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

542 (85) "Watcher" means an individual who complies with the requirements described in
543 Section [20A-3a-801](#) to become a watcher for an election.

544 (86) "Write-in ballot" means a ballot containing any write-in votes.

545 (87) "Write-in vote" means a vote cast for an individual, whose name is not printed on
546 the ballot, in accordance with the procedures established in this title.

547 Section 4. Section **20A-1-509.3** is amended to read:

548 **20A-1-509.3. Procedure for making interim replacement.**

549 (1) Until the vacancy is filled as provided in Section [20A-1-509.1](#) or [20A-1-509.2](#) and
550 the new county attorney or district attorney has qualified, the county legislative body may
551 appoint an interim replacement to fill the vacant office by following the procedures and
552 requirements of this ~~[subsection]~~ Subsection (1).

553 (a) The county legislative body shall appoint a deputy county or district attorney to
554 serve as acting county or district attorney if there are at least three deputies in the office that
555 has the vacancy.

556 (b) The county legislative body may contract with any member of the Utah State Bar in
557 good standing to be acting county or district attorney if:

558 (i) there are not at least three deputies in the office that has the vacancy; or

559 (ii) there are three or more deputies in the office but none of the deputies is willing to
560 serve.

561 (2) ~~[A person]~~ An individual appointed as interim replacement under this section shall

562 hold office until [~~his~~] a successor is selected and has qualified.

563 Section 5. Section **20A-1-608** is amended to read:

564 **20A-1-608. Promises of appointment to office forbidden.**

565 (1) [~~It~~] An individual may not, in order to aid or promote [~~his~~] the individual's
566 nomination or election, [~~a person may not~~] directly or indirectly appoint or promise to appoint
567 [~~any person~~] an individual or secure or promise to secure, or aid in securing the appointment,
568 nomination, or election of [~~any person~~] an individual to any public or private position or
569 employment, or to any position of honor, trust, or emolument.

570 (2) Nothing contained in this section prevents:

571 (a) a candidate from stating publicly [~~his~~] the candidate's preference for, or support of,
572 any other candidate for any office to be voted for at the same primary or election; or

573 (b) a candidate for any office in which the [~~person~~] individual elected will be charged
574 with the duty of participating in the election or nomination of [~~any person~~] an individual as a
575 candidate for any office from publicly stating or pledging [~~his~~] the candidate's preference for,
576 or support of, [~~any person~~] an individual for that office or nomination.

577 Section 6. Section **20A-1-611** is amended to read:

578 **20A-1-611. Cost of defense of action.**

579 Nothing contained in this chapter prevents any candidate from employing counsel to
580 represent [~~him~~] the candidate in any action or proceeding affecting [~~his~~] the candidate's rights
581 as a candidate or from paying all costs and disbursements arising from that representation.

582 Section 7. Section **20A-2-207** is amended to read:

583 **20A-2-207. Registration by provisional ballot.**

584 (1) Except as provided in Subsection (6), an individual who is not registered to vote
585 may register to vote, and vote, on election day or during the early voting period described in
586 Section [20A-3a-601](#), by voting a provisional ballot, if:

587 (a) the individual is otherwise legally entitled to vote the ballot;

588 (b) the ballot is identical to the ballot for the precinct in which the individual resides;

589 (c) the information on the provisional ballot form is complete; and

590 (d) the individual provides valid voter identification and proof of residence to the poll
591 worker.

592 (2) If a provisional ballot and the individual who voted the ballot comply with the
593 requirements described in Subsection (1), the election officer shall:

594 (a) consider the provisional ballot a voter registration form;

595 (b) place the ballot with the other ballots, to be counted with those ballots at the
596 canvass; and

597 (c) as soon as reasonably possible, register the individual to vote.

598 (3) Except as provided in Subsection (4), the election officer shall retain a provisional
599 ballot form, uncounted, for the period specified in Section 20A-4-202, if the election officer
600 determines that the individual who voted the ballot:

601 (a) is not registered to vote and is not eligible for registration under this section; or

602 (b) is not legally entitled to vote the ballot that the individual voted.

603 (4) Subsection (3) does not apply if a court orders the election officer to produce or
604 count the provisional ballot.

605 (5) The lieutenant governor shall report to the Government Operations Interim
606 Committee on or before October 31, 2020, regarding:

607 (a) implementation of registration by provisional ballot, as described in this section, on
608 a statewide basis;

609 (b) any difficulties resulting from the implementation described in Subsection (5)(a);

610 (c) the effect of registration by provisional ballot on voter participation in Utah;

611 (d) the number of ballots cast by voters who registered by provisional ballot:

612 (i) during the early voting period described in Section 20A-3a-601; and

613 (ii) on election day; and

614 (e) suggested changes in the law relating to registration by provisional ballot.

615 (6) For an election administered by an election officer other than a county clerk:

616 (a) if the election officer does not operate a polling ~~location~~ place to allow early

617 voting, the individual may not register to vote, under this section, during an early voting period;

618 and

619 (b) if the election officer does not operate a polling [~~location~~] place on election day, the
620 individual may not register to vote, under this section, on election day.

621 Section 8. Section **20A-3a-201** is amended to read:

622 **20A-3a-201. Voting methods.**

623 (1) Except for an election conducted entirely by mail under Section [20A-7-609.5](#), a
624 voter may vote as follows:

625 (a) by mail;

626 (b) at a polling [~~location~~] place during early voting hours;

627 (c) at a polling [~~location~~] place on election day when the polls are open;

628 (d) if the voter is an individual with a disability, by voting remotely, via a mechanical
629 ballot or via electronic means if approved by the election officer;

630 (e) electronically or via a federal write-in absentee ballot if the voter is a covered voter,
631 as defined in Section [20A-16-102](#); or

632 (f) by emergency ballot, in accordance with Part 3, Emergency Ballots.

633 (2) A voter may not vote at a polling place if the voter voted by mail or in a manner
634 described in Subsections (1)(d) through (f).

635 Section 9. Section **20A-3a-202** is amended to read:

636 **20A-3a-202. Conducting election by mail.**

637 (1) Except as otherwise provided for an election conducted entirely by mail under
638 Section [20A-7-609.5](#), an election officer shall administer an election primarily by mail, in
639 accordance with this section.

640 (2) An election officer who administers an election:

641 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day
642 and no later than seven days before election day, mail to each active voter within a voting
643 precinct:

644 (i) a manual ballot;

645 (ii) a return envelope;

646 (iii) instructions for returning the ballot that include an express notice about any
647 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

648 (iv) for an election administered by a county clerk, information regarding the location
649 and hours of operation of any election day voting center at which the voter may vote or a
650 website address where the voter may view this information;

651 (v) for an election administered by an election officer other than a county clerk, if the
652 election officer does not operate a polling ~~location~~ place or an election day voting center, a
653 warning, on a separate page of colored paper in bold face print, indicating that if the voter fails
654 to follow the instructions included with the ballot, the voter will be unable to vote in that
655 election because there will be no polling place for the voting precinct on the day of the
656 election; and

657 (vi) after May 1, 2022, instructions on how a voter may sign up to receive electronic
658 ballot status notifications via the ballot tracking system described in Section [20A-3a-401.5](#); and

659 (b) may not mail a ballot under this section to:

660 (i) an inactive voter, unless the inactive voter requests a manual ballot; or

661 (ii) a voter whom the election officer is prohibited from sending a ballot under
662 Subsection (10)(c)(ii).

663 (3) (a) An election officer who mails a manual ballot under Subsection (2) shall mail
664 the manual ballot to the address:

665 (i) provided at the time of registration; or

666 (ii) if, at or after the time of registration, the voter files an alternate address request
667 form described in Subsection (3)(b), the alternate address indicated on the form.

668 (b) The lieutenant governor shall make available to voters an alternate address request
669 form that permits a voter to request that the election officer mail the voter's ballot to a location
670 other than the voter's residence.

671 (c) A voter shall provide the completed alternate address request form to the election
672 officer no later than 11 days before the day of the election.

673 (4) The return envelope shall include:

674 (a) the name, official title, and post office address of the election officer on the front of
675 the envelope;

676 (b) a space where a voter may write an email address and phone number by which the
677 election officer may contact the voter if the voter's ballot is rejected;

678 (c) a printed affidavit in substantially the following form:

679 "County of ____ State of ____

680 I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
681 in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
682 currently incarcerated for commission of a felony.

683 _____

684 Signature of Voter"; and

685 (d) a warning that the affidavit must be signed by the individual to whom the ballot
686 was sent and that the ballot will not be counted if the signature on the affidavit does not match
687 the signature on file with the election officer of the individual to whom the ballot was sent.

688 (5) If the election officer determines that the voter is required to show valid voter
689 identification, the election officer may:

690 (a) mail a ballot to the voter; and

691 (b) instruct the voter to include a copy of the voter's valid voter identification with the
692 return ballot.

693 (6) An election officer who administers an election shall:

694 (a) (i) before the election, obtain the signatures of each voter qualified to vote in the
695 election; or

696 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
697 and

698 (b) maintain the signatures on file in the election officer's office.

699 (7) Upon receipt of a returned ballot, the election officer shall review and process the
700 ballot under Section [20A-3a-401](#).

701 (8) A county that administers an election:

702 (a) shall provide at least one election day voting center in accordance with Chapter 3a,
703 Part 7, Election Day Voting Center, and at least one additional election day voting center for
704 every 5,000 active voters in the county who have requested to not receive a ballot by mail;

705 (b) shall ensure that each election day voting center operated by the county has at least
706 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,
707 Pub. L. No. 107-252, for individuals with disabilities;

708 (c) may reduce the early voting period described in Section 20A-3a-601, if:

709 (i) the county clerk conducts early voting on at least four days;

710 (ii) the early voting days are within the period beginning on the date that is 14 days
711 before the date of the election and ending on the day before the election; and

712 (iii) the county clerk provides notice of the reduced early voting period in accordance
713 with Section 20A-3a-604;

714 (d) is not required to pay return postage for a ballot; and

715 (e) is subject to an audit conducted under Subsection (9).

716 (9) (a) The lieutenant governor shall:

717 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
718 an election conducted under this section; and

719 (ii) after each primary, general, or special election conducted under this section, select
720 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
721 developed under Subsection (9)(a)(i).

722 (b) The lieutenant governor shall post the results of an audit conducted under this
723 Subsection (9) on the lieutenant governor's website.

724 (10) (a) An individual may request that the election officer not send the individual a
725 ballot by mail in the next and subsequent elections by submitting a written request to the
726 election officer.

727 (b) An individual shall submit the request described in Subsection (10)(a) to the
728 election officer before 5 p.m. no later than 60 days before an election if the individual does not
729 wish to receive a ballot by mail in that election.

730 (c) An election officer who receives a request from an individual under Subsection
731 (10)(a):
732 (i) shall remove the individual's name from the list of voters who will receive a ballot
733 by mail; and
734 (ii) may not send the individual a ballot by mail for:
735 (A) the next election, if the individual submits the request described in Subsection
736 (10)(a) before the deadline described in Subsection (10)(b); or
737 (B) an election after the election described in Subsection (10)(c)(ii)(A).
738 (d) An individual who submits a request under Subsection (10)(a) may resume the
739 individual's receipt of a ballot by mail by submitting a written request to the election officer.
740 Section 10. Section **20A-3a-801** is amended to read:
741 **20A-3a-801. Watchers.**
742 (1) As used in this section, "administering election officer" means:
743 (a) the election officer; or
744 (b) if the election officer is the lieutenant governor, the county clerk of the county in
745 which an individual will act as a watcher.
746 (2) (a) Any individual may become a watcher in an election at any time by registering
747 as a watcher with the administering election officer.
748 (b) An individual who registers under Subsection (2)(a) is not required to be certified
749 by a person under Subsection (3) in order to act as a watcher.
750 (c) An individual who registers as a watcher shall notify the administering election
751 officer of the dates, times, and locations that the individual intends to act as a watcher.
752 (d) An election official may not prohibit a watcher from performing a function
753 described in Subsection (4) because the watcher did not provide the notice described in
754 Subsection (2)(c).
755 (e) An administering election officer shall provide a copy of this section, or
756 instructions on how to access an electronic copy of this section, to a watcher at the time the
757 watcher registers under this Subsection (2).

758 (3) (a) A person that is a candidate whose name will appear on the ballot, a qualified
759 write-in candidate for the election, a registered political party, or a political issues committee
760 may certify an individual as an official watcher for the person:

761 (i) by filing an affidavit with the administering election officer responsible to designate
762 an individual as an official watcher for the certifying person; and

763 (ii) if the individual registers as a watcher under Subsection (2)(a).

764 (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the
765 same function described in Subsection (4) at the same time and in the same location as another
766 watcher who is certified by that person.

767 (c) A watcher who is certified by a person under Subsection (3)(a) may designate
768 another individual to serve in the watcher's stead during the watcher's temporary absence by
769 filing with a poll worker an affidavit that designates the individual as a temporary replacement.

770 (4) A watcher may:

771 (a) observe the setup or takedown of a polling [~~location~~] place;

772 (b) observe a voter checking in at a polling [~~location~~] place;

773 (c) observe the collection, receipt, and processing of a ballot, including a provisional
774 ballot or a ballot cast by a covered voter as defined in Section [20A-16-102](#);

775 (d) observe the transport or transmission of a ballot that is in an election official's
776 custody;

777 (e) observe the opening and inspection of a manual ballot;

778 (f) observe ballot duplication;

779 (g) observe the conduct of logic and accuracy testing described in Section [20A-5-802](#);

780 (h) observe ballot tabulation;

781 (i) observe the process of storing and securing a ballot;

782 (j) observe a post-election audit;

783 (k) observe a canvassing board meeting described in Title 20A, Chapter 4, Part 3,
784 Canvassing Returns;

785 (l) observe the certification of the results of an election; or

- 786 (m) observe a recount.
- 787 (5) (a) A watcher may not:
 - 788 (i) electronically record an activity described in Subsection (4) if the recording would
 - 789 reveal a vote or otherwise violate a voter's privacy or a voter's right to cast a secret ballot;
 - 790 (ii) interfere with an activity described in Subsection (4), except to challenge an
 - 791 individual's eligibility to vote under Section 20A-3a-803; or
 - 792 (iii) divulge information related to the number of votes counted, tabulated, or cast for a
 - 793 candidate or ballot proposition until after the election officer makes the information public.
- 794 (b) A person who violates Subsection (5)(a)(iii) is guilty of a third degree felony.
- 795 (6) (a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working
- 796 environment for an election official or to protect the safety or security of a ballot, an
- 797 administering election officer may take reasonable action to:
 - 798 (i) limit the number of watchers at a single location;
 - 799 (ii) remove a watcher for violating a provision of this section;
 - 800 (iii) remove a watcher for interfering with an activity described in Subsection (4);
 - 801 (iv) designate areas for a watcher to reasonably observe the activities described in
 - 802 Subsection (4); or
 - 803 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.
- 804 (b) If an administering election officer limits the number of watchers at a single
- 805 location under Subsection (6)(a)(i), the administering election officer shall give preferential
- 806 access to the location to a watcher designated under Subsection (3).
- 807 (c) An administering election officer may provide a watcher a badge that identifies the
- 808 watcher and require the watcher to wear the badge while acting as a watcher.

809 Section 11. Section 20A-4-306 is amended to read:

810 **20A-4-306. Statewide canvass.**

- 811 (1) (a) The state board of canvassers shall convene:
 - 812 (i) on the fourth Monday of November, at noon; or
 - 813 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the

814 returns of a statewide special election.

815 (b) The state auditor, the state treasurer, and the attorney general are the state board of
816 canvassers.

817 (c) Attendance of all members of the state board of canvassers [~~shall be~~] is required to
818 constitute a quorum for conducting the canvass.

819 (2) (a) The state board of canvassers shall:

820 (i) meet in the lieutenant governor's office; and

821 (ii) compute and determine the vote for officers and for and against any ballot
822 propositions voted upon by the voters of the entire state or of two or more counties.

823 (b) The lieutenant governor, as secretary of the board shall file a report in [~~his~~] the
824 lieutenant governor's office that details:

825 (i) for each statewide officer and ballot proposition:

826 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

827 (B) the candidates for each statewide office whose names appeared on the ballot, plus
828 any recorded write-in candidates;

829 (C) the number of votes from each county cast for each candidate and for and against
830 each ballot proposition;

831 (D) the total number of votes cast statewide for each candidate and for and against each
832 ballot proposition; and

833 (E) the total number of votes cast statewide; and

834 (ii) for each officer or ballot proposition voted on in two or more counties:

835 (A) the name of each of those offices and ballot propositions that appeared on the
836 ballot;

837 (B) the candidates for those offices, plus any recorded write-in candidates;

838 (C) the number of votes from each county cast for each candidate and for and against
839 each ballot proposition; and

840 (D) the total number of votes cast for each candidate and for and against each ballot
841 proposition.

- 842 (c) The lieutenant governor shall:
- 843 (i) prepare certificates of election for:
- 844 (A) each successful candidate; and
- 845 (B) each of the presidential electors of the candidate for president who received a
- 846 majority of the votes;
- 847 (ii) authenticate each certificate with ~~his~~ the lieutenant governor's seal; and
- 848 (iii) deliver a certificate of election to:
- 849 (A) each candidate who had the highest number of votes for each office; and
- 850 (B) each of the presidential electors of the candidate for president who received a
- 851 majority of the votes.
- 852 (3) If the lieutenant governor has not received election returns from all counties on the
- 853 fifth day before the day designated for the meeting of the state board of canvassers, the
- 854 lieutenant governor shall:
- 855 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
- 856 county;
- 857 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
- 858 required by Section [20A-4-304](#) from the clerk; and
- 859 (c) pay the messenger the per diem provided by law as compensation.
- 860 (4) The state board of canvassers may not withhold the declaration of the result or any
- 861 certificate of election because of any defect or informality in the returns of any election if the
- 862 board can determine from the returns, with reasonable certainty, what office is intended and
- 863 who is elected to it.
- 864 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
- 865 governor shall:
- 866 (i) canvass the returns for all multicounty candidates required to file with the office of
- 867 the lieutenant governor; and
- 868 (ii) publish and file the results of the canvass in the lieutenant governor's office.
- 869 (b) Not later than the August 1 after the primary election, the lieutenant governor shall

870 certify the results of the primary canvass to the county clerks.

871 (6) (a) At noon on the fourth Tuesday in March of a year in which a presidential
872 election will be held, the lieutenant governor shall:

873 (i) canvass the returns of the presidential primary election; and

874 (ii) publish and file the results of the canvass in the lieutenant governor's office.

875 (b) The lieutenant governor shall certify the results of the presidential primary election
876 canvass to each registered political party that participated in the primary not later than the April
877 15 after the primary election.

878 Section 12. Section **20A-4-403** is amended to read:

879 **20A-4-403. Election contest -- Petition and response.**

880 (1) (a) In contesting the results of all elections, except for primary elections and bond
881 elections, a registered voter ~~[shall]~~ may contest the right of ~~[any person]~~ an individual declared
882 elected to ~~[any]~~ office by filing a verified written complaint with the district court of the county
883 in which ~~[he]~~ the registered voter resides within 40 days after the day on which the canvass
884 concludes.

885 (b) The complaint shall include:

886 (i) the name of the ~~[party]~~ voter contesting the election;

887 (ii) a statement that the ~~[party]~~ voter is a registered voter in the jurisdiction in which
888 the election was held;

889 (iii) the name of the ~~[person]~~ individual whose right to the office is contested;

890 (iv) the office to which ~~[that person]~~ the individual was ostensibly elected;

891 (v) one or more of the grounds for an election contest specified in Section **20A-4-402**;

892 (vi) the ~~[person]~~ individual who was purportedly elected to the office as respondent;

893 and

894 (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a
895 ground for the contest, the name and address of all ~~[persons]~~ individuals who allegedly cast
896 illegal votes or whose legal vote was rejected.

897 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a

898 cause of contest, it is sufficient to state generally that:

899 (i) illegal votes were given in one or more specified voting precincts to [~~a person~~] an
900 individual whose election is contested, which, if taken from [~~him~~] the individual, would reduce
901 the number of [~~his~~] legal votes for the individual below the number of legal votes given to
902 [~~some other person~~] another individual for the same office; or

903 (ii) [~~that~~] legal votes for another [~~person~~] individual were rejected, which, if counted,
904 would raise the number of legal votes for that [~~person~~] individual above the number of legal
905 votes cast for the [~~person~~] individual whose election is contested.

906 (d) (i) The court may not take or receive evidence of any of the votes described in
907 Subsection (1)(c) unless the [~~party~~] individual contesting the election delivers to the [~~opposite~~
908 ~~party~~] respondent, at least three days before the trial, a written list of the number of contested
909 votes and by whom the contested votes were given or offered, which [~~he~~] the individual intends
910 to prove at trial.

911 (ii) The court may not take or receive any evidence of contested votes except those that
912 are specified in that list.

913 (2) (a) In contesting the results of a primary election, when contesting the petition
914 nominating an independent candidate, or when challenging any person, election officer,
915 election official, board, or convention for failing to nominate [~~a person~~] an individual, a
916 registered voter [~~shall~~] may contest the right of [~~any person~~] an individual declared nominated
917 to [~~any~~] office by filing a verified written complaint within 10 days after the [~~date of~~] day on
918 which the canvass for the primary election concludes, after the date of filing of the petition, or
919 after the date of the convention, respectively, with:

920 (i) the district court of the county in which [~~he~~] the registered voter resides if [~~he~~] the
921 registered voter is contesting a nomination made only by voters from that county; or

922 (ii) the Utah Supreme Court, if [~~he~~] the registered voter is contesting a nomination
923 made by voters in more than one county.

924 (b) The complaint shall include:

925 (i) the name of the [~~party~~] voter contesting the nomination;

926 (ii) a statement that the voter contesting [~~party~~] the nomination is a registered voter in
927 the jurisdiction in which the election was held;

928 (iii) the name of the [~~person~~] individual whose right to nomination is contested or the
929 name of the [~~person~~] individual who failed to have their name placed in nomination;

930 (iv) the office to which [~~that person~~] the individual was nominated or should have been
931 nominated;

932 (v) one or more of the grounds for an election contest specified in Subsection (1);

933 (vi) the [~~person~~] individual who was purportedly nominated to the office as
934 respondent; and

935 (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a
936 ground for the contest, the name and address of all [~~persons~~] individuals who allegedly cast
937 illegal votes or whose legal vote was rejected.

938 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a
939 cause of contest, it is sufficient to state generally that:

940 (i) illegal votes were given to [~~a person~~] an individual whose election is contested,
941 which, if taken from [~~him~~] the individual, would reduce the number of [~~his~~] legal votes given
942 to the individual below the number of legal votes given to [~~some other person~~] another
943 individual for the same office; or

944 (ii) legal votes for another [~~person~~] individual were rejected, which, if counted, would
945 raise the number of legal votes for that [~~person~~] individual above the number of legal votes cast
946 for the [~~person~~] individual whose election is contested.

947 (d) (i) The court may not take or receive evidence of any [~~the~~] votes described in
948 Subsection (2)(c), unless the [~~party~~] voter contesting the election delivers to the opposite party,
949 at least three days before the trial, a written list of the number of contested votes and by whom
950 the contested votes were given or offered, which [~~he~~] the voter intends to prove at trial.

951 (ii) The court may not take or receive any evidence of contested votes except those that
952 are specified in that list.

953 (3) (a) In contesting the results of a bond election, a registered voter [~~shall~~] may contest

954 the validity of the declared results by filing a verified written complaint with the district court
955 of the county in which [he] the registered voter resides within 40 days after the date of the
956 official finding entered under Section 11-14-207.

957 (b) The complaint shall include:

958 (i) the name of the [party] voter contesting the election;

959 (ii) a statement that the [party] voter is a registered voter in the jurisdiction in which
960 the election was held;

961 (iii) the bond proposition that is the subject of the contest;

962 (iv) one or more of the grounds for an election contest specified in Section 20A-4-402;

963 and

964 (v) if the reception of illegal votes or the rejection of legal votes is alleged as a ground
965 for the contest, the name and address of all [persons] individuals who allegedly cast illegal
966 votes or whose legal vote was rejected.

967 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a
968 cause of contest, it is sufficient to state generally that:

969 (i) illegal votes were counted in one or more specified voting precincts which, if taken
970 out of the count, would change the declared result of the vote on the proposition; or

971 (ii) legal votes were rejected in one or more specified voting precincts, which, if
972 counted, would change the declared result of the vote on the proposition.

973 (d) (i) The court may not take or receive evidence of any of the votes described in
974 Subsection (3)(c) unless the [party] voter contesting the election delivers to the [~~opposite party~~]
975 respondent, at least three days before the trial, a written list of the number of contested votes
976 and by whom the contested votes were given or offered, which [he] the voter intends to prove
977 at trial.

978 (ii) The court may not take or receive any evidence of contested votes except those that
979 are specified in that list.

980 (4) The court may not reject any statement of the grounds of contest or dismiss the
981 proceedings because of lack of form, if the grounds of the contest are alleged with [such]

982 sufficient certainty as will advise the defendant of the particular proceeding or cause for which
983 the election is contested.

984 (5) (a) The petitioner shall serve a copy of the petition on the respondent.

985 (b) (i) If the petitioner cannot obtain personal service of the petition on the respondent,
986 the petitioner may serve the respondent by leaving a copy of the petition with the clerk of the
987 court with which the petition was filed.

988 (ii) The clerk shall make diligent inquiry and attempt to inform the respondent that [~~he~~]
989 the respondent has five days to answer the complaint.

990 (c) The respondent shall answer the petition within five days after the day of service.

991 (d) If the reception of illegal votes or the rejection of legal votes is alleged as a ground
992 for the contest, the defendant shall [~~set forth~~] include in the answer the name and address of all
993 [~~persons~~] individuals whom the [~~defendant~~] respondent believes were properly or improperly
994 admitted or denied the vote.

995 (e) If the answer contains a counterclaim, the petitioner shall file a reply within 10 days
996 after the day of service of the counterclaim.

997 (6) (a) The provisions of this Subsection (6) provide [~~additional~~] requirements that
998 apply to municipal election contests that are in addition to the other requirements of this
999 section governing election contest.

1000 (b) Municipal election contests shall be filed, tried, and determined in the district court
1001 of the county in which the municipality is located.

1002 (c) (i) As a condition precedent to filing a municipal election contest, the petitioner
1003 shall file a written affidavit of intention to contest the election with the clerk of the court within
1004 seven days after the day on which the votes are canvassed.

1005 (ii) The affidavit shall include:

1006 (A) the petitioner's name;

1007 (B) the fact that the petitioner is a qualified voter of the municipality;

1008 (C) the respondent's name;

1009 (D) the elective office contested;

1010 (E) the time of election; and

1011 (F) the grounds for the contest.

1012 (d) (i) Before the district court takes jurisdiction of a municipal election contest, the
1013 petitioner shall file a bond with the clerk of the court with the sureties required by the court.

1014 (ii) The bond shall name the respondent as obligee and be conditioned for the payment
1015 of all costs incurred by the respondent if the respondent prevails.

1016 Section 13. Section **20A-4-405** is amended to read:

1017 **20A-4-405. Election contests -- Costs.**

1018 (1) The court shall enter judgment for costs against the party contesting the election if:

1019 (a) the proceedings are dismissed for:

1020 (i) insufficiency of pleading or proof; or

1021 (ii) want of prosecution; or

1022 (b) the election is confirmed by the court.

1023 (2) The court shall enter judgment for costs against the party whose election was
1024 contested if the election is annulled and set aside.

1025 (3) (a) Each party is liable for the costs of the officers and witnesses that appeared on
1026 [~~his~~] the party's behalf.

1027 (b) The party may pay, and the officers and witnesses may collect, those costs in the
1028 same manner as similar costs are paid and collected in other cases.

1029 Section 14. Section **20A-5-102** is amended to read:

1030 **20A-5-102. Voting instructions.**

1031 (1) Each election officer shall:

1032 (a) print instructions for voters;

1033 (b) ensure that the instructions are printed in English, and any other language required
1034 under the Voting Rights Act of 1965, as amended, in large clear type; and

1035 (c) ensure that the instructions inform voters:

1036 (i) about how to obtain ballots for voting;

1037 (ii) about special political party affiliation requirements for voting in a regular primary

1038 election or presidential primary election;

1039 (iii) about how to prepare ballots for deposit in the ballot box;

1040 (iv) about how to record write-in votes;

1041 (v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;

1042 (vi) about how to obtain assistance in marking ballots;

1043 (vii) about obtaining a new ballot if the voter's ballot is defaced;

1044 (viii) that identification marks or the spoiling or defacing of a ballot will make it

1045 invalid;

1046 (ix) about how to obtain and vote a provisional ballot;

1047 (x) about whom to contact to report election fraud;

1048 (xi) about applicable federal and state laws regarding:

1049 (A) voting rights and the appropriate official to contact if the voter alleges ~~his~~ that the

1050 voter's rights have been violated; and

1051 (B) prohibitions on acts of fraud and misrepresentation;

1052 (xii) about procedures governing mail-in registrants and first-time voters; and

1053 (xiii) about the date of the election and the hours that the polls are open on election

1054 day.

1055 (2) Each election officer shall:

1056 (a) provide the election judges of each voting precinct with sufficient instruction cards

1057 to instruct voters in the preparation of their ballots;

1058 (b) direct the election judges to post:

1059 (i) general voting instructions in each voting booth; and

1060 (ii) at least three instruction cards and at least one sample ballot elsewhere in and about

1061 the polling place.

1062 Section 15. Section **20A-5-403** is amended to read:

1063 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**

1064 **Arrangements.**

1065 (1) Except as provided in Section **20A-7-609.5**, each election officer shall:

- 1066 (a) designate polling places for each voting precinct in the jurisdiction; and
1067 (b) obtain the approval of the county or municipal legislative body or local district
1068 governing board for those polling places.
- 1069 (2) (a) For each polling place, the election officer shall provide:
1070 (i) an American flag;
1071 (ii) a sufficient number of voting booths or compartments;
1072 (iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and
1073 supplies necessary to enable a voter to vote;
1074 (iv) the constitutional amendment cards required by Part 1, Election Notices and
1075 Instructions;
1076 (v) the instructions required by Section [20A-5-102](#); and
1077 (vi) a sign, to be prominently displayed in the polling place, indicating that valid voter
1078 identification is required for every voter before the voter may vote and listing the forms of
1079 identification that constitute valid voter identification.
- 1080 (b) Each election officer shall ensure that:
1081 (i) each voting booth is at a convenient height for writing, and is arranged so that the
1082 voter can prepare the voter's ballot screened from observation;
1083 (ii) there are a sufficient number of voting booths or voting devices to accommodate
1084 the voters at that polling place; and
1085 (iii) there is at least one voting booth or voting device that is configured to
1086 accommodate persons with disabilities.
- 1087 (c) Each county clerk shall provide a ballot box for each polling place that is large
1088 enough to properly receive and hold the ballots to be cast.
- 1089 (3) (a) All polling places shall be physically inspected by each county clerk to ensure
1090 access by a person with a disability.
- 1091 (b) Any issues concerning inaccessibility to polling places by a person with a disability
1092 discovered during the inspections referred to in Subsection (3)(a) or reported to the county
1093 clerk shall be:

1094 (i) forwarded to the Office of the Lieutenant Governor; and
1095 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
1096 either:
1097 (A) remedied at the particular location by the county clerk;
1098 (B) the county clerk shall designate an alternative accessible location for the particular
1099 precinct; or
1100 (C) if no practical solution can be identified, file with the Office of the Lieutenant
1101 Governor a written explanation identifying the reasons compliance cannot reasonably be met.
1102 (4) (a) The municipality in which the election is held shall pay the cost of conducting
1103 each municipal election, including the cost of printing and supplies.
1104 (b) (i) Costs assessed by a county clerk to a municipality under this section may not
1105 exceed the actual costs incurred by the county clerk.
1106 (ii) The actual costs shall include:
1107 (A) costs of or rental fees associated with the use of election equipment and supplies;
1108 and
1109 (B) reasonable and necessary administrative costs.
1110 (5) The county clerk shall make detailed entries of all proceedings had under this
1111 chapter.
1112 (6) (a) Each county clerk shall, to the extent possible, ensure that the amount of time
1113 that an individual waits in line before the individual can vote at a polling [~~location~~] place in the
1114 county does not exceed 30 minutes.
1115 (b) The lieutenant governor may require a county clerk to submit a line management
1116 plan before the next election if an individual waits in line at a polling [~~location~~] place in the
1117 county longer than 30 minutes before the individual can vote.
1118 (c) The lieutenant governor may consider extenuating circumstances in deciding
1119 whether to require the county clerk to submit a plan described in Subsection (6)(b).
1120 (d) The lieutenant governor shall review each plan submitted under Subsection (6)(b)
1121 and consult with the county clerk submitting the plan to ensure, to the extent possible, that the

1122 amount of time an individual waits in line before the individual can vote at a polling [~~location~~
1123 place in the county does not exceed 30 minutes.

1124 Section 16. Section **20A-5-406** is amended to read:

1125 **20A-5-406. Delivery of ballots.**

1126 (1) An election officer shall deliver manual ballots to the poll workers of each voting
1127 precinct in the election officer's jurisdiction in an amount sufficient to meet voting needs
1128 during the voting period.

1129 (2) For mechanical ballots, an election officer shall:

1130 (a) deliver the voting devices and mechanical ballots before voting commences at the
1131 polling place;

1132 (b) ensure that the voting devices, equipment, and mechanical ballots are properly
1133 secured before commencement of voting;

1134 (c) when mechanical ballots or voting devices containing mechanical ballots are
1135 delivered to a polling [~~location~~] place, ensure that security procedures, developed by the
1136 election officer, are followed to document chain of custody and to prevent unauthorized access;
1137 and

1138 (d) repair or provide substitute voting devices, equipment, or electronic ballots, if
1139 available, if any poll worker reports that:

1140 (i) the voting devices or equipment were not delivered on time;

1141 (ii) the voting devices or equipment do not contain the appropriate electronic ballot
1142 information;

1143 (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to
1144 have been tampered with;

1145 (iv) the voting devices or equipment do not appear to be functioning properly; or

1146 (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed
1147 or stolen.

1148 Section 17. Section **20A-5-601** is amended to read:

1149 **20A-5-601. Appointment of poll workers in elections where candidates are**

1150 **distinguished by registered political parties.**

1151 (1) (a) This section governs appointment of poll workers in elections where candidates
1152 are distinguished by registered political parties.

1153 (b) On or before March 1 of each even-numbered year, an election officer shall provide
1154 to the county chair of each registered political party a list of the number of poll workers that the
1155 party must nominate for each polling place.

1156 (c) On or before April 1 of each even-numbered year, the county chair and secretary of
1157 each registered political party shall file a list with the election officer containing the names of
1158 individuals in the county who are willing to serve as poll workers, who are qualified to serve as
1159 poll workers in accordance with this section, and who are competent and trustworthy.

1160 (d) The county chair and secretary shall submit names equal in number to the number
1161 required by the election officer, plus one.

1162 (2) Each election officer shall provide for the appointment of individuals to serve as
1163 poll workers at each election.

1164 (3) (a) For each election, each election officer shall provide for the appointment of at
1165 least three registered voters, or one individual who is 16 or 17 years [~~of age~~] old and two
1166 registered voters, one of whom is at least 21 years [~~of age~~] old, from the list to serve as poll
1167 workers.

1168 (b) An election officer may appoint additional poll workers, as needed.

1169 (4) For each set of three poll workers appointed for a polling place for an election, the
1170 election officer shall ensure that:

1171 (a) two poll workers are appointed from the political party that cast the highest number
1172 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
1173 excluding votes for unopposed candidates, in the jurisdiction holding the election at the last
1174 regular general election before the appointment of the poll workers; and

1175 (b) one poll worker is appointed from the political party that cast the second highest
1176 number of votes for governor, lieutenant governor, attorney general, state auditor, and state
1177 treasurer, excluding votes for unopposed candidates, in the county, city, or local district, as

1178 applicable, at the last regular general election before the appointment of the poll workers.

1179 (5) The election officer shall provide for the appointment of any qualified county voter
1180 as a poll worker when:

1181 (a) a political party fails to file the poll worker list by the filing deadline; or

1182 (b) the list is incomplete.

1183 (6) A registered voter of the county may serve as a poll worker at any polling [~~location~~]
1184 place in the county, municipality, or district, as applicable.

1185 (7) An election officer may not appoint a candidate's parent, sibling, spouse, child,
1186 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to
1187 serve as a poll worker in a polling place where the candidate appears on the ballot.

1188 (8) The election officer shall fill all poll worker vacancies.

1189 (9) If a conflict arises over the right to certify the poll worker lists for any political
1190 party, the election officer may decide between conflicting lists, but may only select names from
1191 a properly submitted list.

1192 (10) The clerk shall establish compensation for poll workers.

1193 (11) The election officer may appoint additional poll workers to serve in the polling
1194 place as needed.

1195 Section 18. Section **20A-7-211** is amended to read:

1196 **20A-7-211. Return and canvass -- Conflicting measures -- Law effective on**
1197 **proclamation.**

1198 (1) The votes on the law proposed by the initiative petition shall be counted,
1199 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

1200 (2) After the state board of canvassers completes [~~its~~] the canvass, the lieutenant
1201 governor shall certify to the governor the vote for and against the law proposed by the initiative
1202 petition.

1203 (3) (a) The governor shall immediately issue a proclamation that:

1204 (i) gives the total number of votes cast in the state for and against each law proposed by
1205 an initiative petition; and

1206 (ii) declares those laws proposed by an initiative petition that were approved by
1207 majority vote to be in full force and effect on the date described in Subsection [20A-7-212\(2\)](#).

1208 (b) When the governor believes that two proposed laws, or that parts of two proposed
1209 laws approved by the people at the same election are entirely in conflict, ~~[he]~~ the governor shall
1210 proclaim that measure to be law that ~~[has received]~~ receives the greatest number of affirmative
1211 votes, regardless of the difference in the majorities which those measures ~~[have received]~~
1212 receive.

1213 (c) Within 10 days after the governor's proclamation, any qualified voter who signed
1214 the initiative petition proposing the law that is declared by the governor to be superseded by
1215 another measure approved at the same election may bring an action in the appropriate court to
1216 review the governor's decision.

1217 (4) Within 10 days after the day on which the court issues an order in an action
1218 described in Subsection (3)(c), the governor shall:

1219 (a) proclaim all those measures approved by the people as law that the court ~~[has~~
1220 ~~determined]~~ determines are not entirely in conflict; and

1221 (b) of all those measures approved by the people as law that the court determines to be
1222 entirely in conflict, proclaim as law, regardless of the difference in majorities, the law that
1223 ~~[received]~~ receives the greatest number of affirmative votes, to be in full force and effect on the
1224 date described in Subsection [20A-7-212\(2\)](#).

1225 Section 19. Section **20A-7-611** is amended to read:

1226 **20A-7-611. Temporary stay -- Effective date -- Effect of repeal by local legislative**
1227 **body.**

1228 (1) Any proposed law submitted to the people by referendum petition that is rejected by
1229 the voters at any election is repealed as of the date of the election.

1230 (2) If, at the time during the process described in Subsection ~~[[20A-7-307\(2\)](#)]~~
1231 [20A-7-607\(2\)](#), the local clerk determines that, at that point in time, an adequate number of
1232 signatures are certified to comply with the signature requirements, the local clerk shall:

1233 (a) issue an order temporarily staying the law from going into effect; and

1234 (b) continue the process of certifying signatures and removing signatures as required by
1235 this part.

1236 (3) The temporary stay described in Subsection (2) remains in effect, regardless of
1237 whether a future count falls below the signature threshold, until the day on which:

1238 (a) if the local clerk declares the petition insufficient, five days after the day on which
1239 the local clerk declares the petition insufficient; or

1240 (b) if the local clerk declares the petition sufficient, the day on which the local
1241 legislative body issues the proclamation described in Section 20A-7-610.

1242 (4) A proposed law submitted to the people by referendum petition that is approved by
1243 the voters at an election takes effect the later of:

1244 (a) five days after the date of the official proclamation of the vote by the local
1245 legislative body; or

1246 (b) the effective date specified in the proposed law.

1247 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the
1248 local clerk declares the petition insufficient, the proposed law takes effect the later of:

1249 (a) five days after the day on which the local clerk declares the petition insufficient; or

1250 (b) the effective date specified in the proposed law.

1251 (6) (a) A law adopted by the people under this part is not subject to veto.

1252 (b) The local legislative body may amend any laws approved by the people under this
1253 part after the people approve the law.

1254 (7) If the local legislative body repeals a law challenged by referendum petition under
1255 this part, the referendum petition is void and no further action on the referendum petition is
1256 required.

1257 Section 20. Section 20A-9-201 is amended to read:

1258 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
1259 **more than one political party prohibited with exceptions -- General filing and form**
1260 **requirements -- Affidavit of impecuniosity.**

1261 (1) Before filing a declaration of candidacy for election to any office, an individual

1262 shall:

1263 (a) be a United States citizen;

1264 (b) meet the legal requirements of that office; and

1265 (c) if seeking a registered political party's nomination as a candidate for elective office,

1266 state:

1267 (i) the registered political party of which the individual is a member; or

1268 (ii) that the individual is not a member of a registered political party.

1269 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

1270 (i) file a declaration of candidacy for, or be a candidate for, more than one office in

1271 Utah during any election year;

1272 (ii) appear on the ballot as the candidate of more than one political party; or

1273 (iii) file a declaration of candidacy for a registered political party of which the

1274 individual is not a member, except to the extent that the registered political party permits

1275 otherwise in the registered political party's bylaws.

1276 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,

1277 president or vice president of the United States and another office, if the individual resigns the

1278 individual's candidacy for the other office after the individual is officially nominated for

1279 president or vice president of the United States.

1280 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more

1281 than one justice court judge office.

1282 (iii) An individual may file a declaration of candidacy for lieutenant governor even if

1283 the individual filed a declaration of candidacy for another office in the same election year if the

1284 individual withdraws as a candidate for the other office in accordance with Subsection

1285 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

1286 (3) (a) Except for a candidate for president or vice president of the United States,

1287 before the filing officer may accept any declaration of candidacy, the filing officer shall:

1288 (i) read to the individual the constitutional and statutory qualification requirements for

1289 the office that the individual is seeking;

1290 (ii) require the individual to state whether the individual meets the requirements
1291 described in Subsection (3)(a)(i);

1292 (iii) if the declaration of candidacy is for a county office, inform the individual that an
1293 individual who holds a county elected office may not, at the same time, hold a municipal
1294 elected office; and

1295 (iv) if the declaration of candidacy is for a legislative office, inform the individual that
1296 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
1297 or trust, under authority of the United States or Utah, from being a member of the Legislature.

1298 (b) Before accepting a declaration of candidacy for the office of county attorney, the
1299 county clerk shall ensure that the individual filing that declaration of candidacy is:

1300 (i) a United States citizen;

1301 (ii) an attorney licensed to practice law in the state who is an active member in good
1302 standing of the Utah State Bar;

1303 (iii) a registered voter in the county in which the individual is seeking office; and

1304 (iv) a current resident of the county in which the individual is seeking office and either
1305 has been a resident of that county for at least one year before the date of the election or was
1306 appointed and is currently serving as county attorney and became a resident of the county
1307 within 30 days after appointment to the office.

1308 (c) Before accepting a declaration of candidacy for the office of district attorney, the
1309 county clerk shall ensure that, as of the date of the election, the individual filing that
1310 declaration of candidacy is:

1311 (i) a United States citizen;

1312 (ii) an attorney licensed to practice law in the state who is an active member in good
1313 standing of the Utah State Bar;

1314 (iii) a registered voter in the prosecution district in which the individual is seeking
1315 office; and

1316 (iv) a current resident of the prosecution district in which the individual is seeking
1317 office and either will have been a resident of that prosecution district for at least one year as of

1318 the date of the election or was appointed and is currently serving as district attorney and
1319 became a resident of the prosecution district within 30 days after receiving appointment to the
1320 office.

1321 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
1322 county clerk shall ensure that the individual filing the declaration:

1323 (i) is a United States citizen;

1324 (ii) is a registered voter in the county in which the individual seeks office;

1325 (iii) (A) has successfully met the standards and training requirements established for
1326 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
1327 Certification Act; or

1328 (B) has met the waiver requirements in Section [53-6-206](#);

1329 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
1330 [53-13-103](#); and

1331 (v) as of the date of the election, will have been a resident of the county in which the
1332 individual seeks office for at least one year.

1333 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
1334 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
1335 Education member, the filing officer shall ensure that the individual filing the declaration of
1336 candidacy also makes the conflict of interest disclosure described in Section [20A-11-1603](#).

1337 (4) If an individual who files a declaration of candidacy does not meet the qualification
1338 requirements for the office the individual is seeking, the filing officer may not accept the
1339 individual's declaration of candidacy.

1340 (5) If an individual who files a declaration of candidacy meets the requirements
1341 described in Subsection (3), the filing officer shall:

1342 (a) inform the individual that:

1343 (i) the individual's name will appear on the ballot as the individual's name is written on
1344 the individual's declaration of candidacy;

1345 (ii) the individual may be required to comply with state or local campaign finance

1346 disclosure laws; and
1347 (iii) the individual is required to file a financial statement before the individual's
1348 political convention under:
1349 (A) Section 20A-11-204 for a candidate for constitutional office;
1350 (B) Section 20A-11-303 for a candidate for the Legislature; or
1351 (C) local campaign finance disclosure laws, if applicable;
1352 (b) except for a presidential candidate, provide the individual with a copy of the current
1353 campaign financial disclosure laws for the office the individual is seeking and inform the
1354 individual that failure to comply will result in disqualification as a candidate and removal of
1355 the individual's name from the ballot;
1356 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide
1357 Electronic Voter Information Website Program and inform the individual of the submission
1358 deadline under Subsection 20A-7-801(4)(a);
1359 (d) provide the candidate with a copy of the pledge of fair campaign practices
1360 described under Section 20A-9-206 and inform the candidate that:
1361 (i) signing the pledge is voluntary; and
1362 (ii) signed pledges shall be filed with the filing officer;
1363 (e) accept the individual's declaration of candidacy; and
1364 (f) if the individual has filed for a partisan office, provide a certified copy of the
1365 declaration of candidacy to the chair of the county or state political party of which the
1366 individual is a member.
1367 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
1368 officer shall:
1369 (a) accept the candidate's pledge; and
1370 (b) if the candidate has filed for a partisan office, provide a certified copy of the
1371 candidate's pledge to the chair of the county or state political party of which the candidate is a
1372 member.
1373 (7) (a) Except for a candidate for president or vice president of the United States, the

1374 form of the declaration of candidacy shall:

1375 (i) be substantially as follows:

1376 "State of Utah, County of ____

1377 I, _____, declare my candidacy for the office of _____, seeking the

1378 nomination of the ____ party. I do solemnly swear, under penalty of perjury, that: I will

1379 meet the qualifications to hold the office, both legally and constitutionally, if selected; I

1380 reside at _____ in the City or Town of _____, Utah, Zip Code _____ Phone No.

1381 _____; I will not knowingly violate any law governing campaigns and elections; if filing

1382 via a designated agent, I will be out of the state of Utah during the entire candidate

1383 filing period; I will file all campaign financial disclosure reports as required by law; and

1384 I understand that failure to do so will result in my disqualification as a candidate for this

1385 office and removal of my name from the ballot. The mailing address that I designate

1386 for receiving official election notices is _____.

1387 _____

1388 Subscribed and sworn before me this _____(month\day\year).

1389 Notary Public (or other officer qualified to administer oath)."; and

1390 (ii) require the candidate to state, in the sworn statement described in Subsection

1391 (7)(a)(i):

1392 (A) the registered political party of which the candidate is a member; or

1393 (B) that the candidate is not a member of a registered political party.

1394 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of

1395 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

1396 (8) (a) Except for a candidate for president or vice president of the United States, the

1397 fee for filing a declaration of candidacy is:

1398 (i) \$50 for candidates for the local school district board; and

1399 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the

1400 person holding the office for all other federal, state, and county offices.

1401 (b) Except for presidential candidates, the filing officer shall refund the filing fee to

1402 any candidate:

1403 (i) who is disqualified; or

1404 (ii) who the filing officer determines has filed improperly.

1405 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received

1406 from candidates.

1407 (ii) The lieutenant governor shall:

1408 (A) apportion to and pay to the county treasurers of the various counties all fees

1409 received for filing of nomination certificates or acceptances; and

1410 (B) ensure that each county receives that proportion of the total amount paid to the

1411 lieutenant governor from the congressional district that the total vote of that county for all

1412 candidates for representative in Congress bears to the total vote of all counties within the

1413 congressional district for all candidates for representative in Congress.

1414 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy

1415 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by

1416 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,

1417 a financial statement filed at the time the affidavit is submitted.

1418 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

1419 (iii) (A) False statements made on an affidavit of impecuniosity or a financial

1420 statement filed under this section shall be subject to the criminal penalties provided under

1421 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

1422 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be

1423 considered an offense under this title for the purposes of assessing the penalties provided in

1424 Subsection 20A-1-609(2).

1425 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in

1426 substantially the following form:

1427 "Affidavit of Impecuniosity

1428 Individual Name

1429 _____Address_____

1430 Phone Number _____

1431 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
1432 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
1433 law.

1434 Date _____ Signature _____

1435 Affiant

1436 Subscribed and sworn to before me on _____ (month\day\year)

1437 _____
1438 (signature)

1439 Name and Title of Officer Authorized to Administer Oath _____".

1440 (v) The filing officer shall provide to a person who requests an affidavit of
1441 impecuniosity a statement printed in substantially the following form, which may be included
1442 on the affidavit of impecuniosity:

1443 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
1444 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
1445 penalties, will be removed from the ballot."

1446 (vi) The filing officer may request that a person who makes a claim of impecuniosity
1447 under this Subsection (8)(d) file a financial statement on a form prepared by the election
1448 official.

1449 (9) An individual who fails to file a declaration of candidacy or certificate of
1450 nomination within the time provided in this chapter is ineligible for nomination to office.

1451 (10) A declaration of candidacy filed under this section may not be amended or
1452 modified after the final date established for filing a declaration of candidacy.

1453 Section 21. Section 20A-9-503 is amended to read:

1454 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

1455 (1) (a) Except as provided in Subsection (1)(b), after the certificate of nomination has
1456 been certified, executed, and acknowledged by the county clerk, the candidate shall:

1457 (i) between the second Friday in March and the close of normal office hours on the

1458 third Thursday in March of the year in which the regular general election will be held:

1459 (A) file the petition in person with the lieutenant governor, if the office the candidate
1460 seeks is a constitutional office or a federal office, or the county clerk, if the office the candidate
1461 seeks is a county office; and

1462 (B) pay the filing fee; or

1463 (ii) not later than the close of normal office hours on June 15 of any odd-numbered
1464 year:

1465 (A) file the petition in person with the municipal clerk, if the candidate seeks an office
1466 in a city or town, or the local district clerk, if the candidate seeks an office in a local district;
1467 and

1468 (B) pay the filing fee.

1469 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a
1470 declaration of candidacy for president of the United States.

1471 (ii) Subject to Subsections (3)(c) and 20A-9-502(2), an individual may designate an
1472 agent to file a declaration of candidacy with the appropriate filing officer if:

1473 (A) the individual is located outside of the state during the entire filing period;

1474 (B) the designated agent appears in person before the filing officer; and

1475 (C) the individual communicates with the filing officer using an electronic device that
1476 allows the individual and filing officer to see and hear each other.

1477 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall
1478 read the constitutional and statutory requirements for candidacy to the candidate.

1479 (b) If the candidate states that [he] the candidate does not meet the requirements, the
1480 filing officer may not accept the petition.

1481 (3) (a) An individual filing a certificate of nomination for president or vice president of
1482 the United States under this section shall pay a filing fee of \$500.

1483 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for
1484 president or vice president of the United States:

1485 (i) may file the certificate of nomination between the second Friday in March and the

1486 close of normal office hours on August 15 of the year in which the regular general election will
1487 be held; and

1488 (ii) may use a designated agent to file the certificate of nomination.

1489 (c) An agent designated under Subsection (1)(b)(ii) or described in Subsection (3)

1490 (b)(ii) may not sign the certificate of nomination form.

1491 Section 22. Section **20A-11-202** is amended to read:

1492 **20A-11-202. State office candidate -- Personal campaign committee required --**

1493 **Candidate as a political action committee officer.**

1494 (1) (a) (i) Each state office candidate shall select no more than one personal campaign
1495 committee, consisting of one or more persons, to receive contributions, make expenditures, and
1496 file reports connected with the candidate's campaign.

1497 (ii) A state office candidate may serve as [~~his~~] the candidate's own campaign
1498 committee.

1499 (iii) A state office candidate may be designated by a political action committee as an
1500 officer who has primary decision-making authority as described in Section [20A-11-601](#).

1501 (b) Except for expenses made by a registered political party to benefit a party's
1502 candidates generally, a state office candidate or other person acting in concert with or with the
1503 knowledge of the state office candidate may not receive any contributions or make any
1504 expenditures on behalf of a state office candidate other than through:

1505 (i) a personal campaign committee established under this section; and

1506 (ii) a political action committee established under Part 6, Political Action Committee
1507 Registration and Financial Reporting Requirements.

1508 (2) (a) The state office candidate shall file a written statement signed by the candidate
1509 or authorized member of the candidate's personal campaign committee with the lieutenant
1510 governor that:

1511 (i) informs the lieutenant governor that the state office candidate's personal campaign
1512 committee has been selected; and

1513 (ii) provides the name and address of each member and the secretary of the committee.

1514 (b) A state office candidate or the candidate's personal campaign committee may not
1515 make any expenditures on behalf of the candidate until the statement has been filed.

1516 (c) A state office candidate may revoke the selection of any member of the campaign
1517 committee by:

1518 (i) revoking that [~~person's~~] individual's appointment or election in writing;

1519 (ii) personally serving the written revocation on the member whose selection is
1520 revoked; and

1521 (iii) filing a copy of the written revocation with the lieutenant governor.

1522 (d) (i) The state office candidate may select a replacement to fill any vacancy on the
1523 campaign committee.

1524 (ii) The state office candidate shall file that replacement's name and address with the
1525 lieutenant governor.

1526 (3) A member of a state office candidate's personal campaign committee may not make
1527 an expenditure of more than \$1,000 unless the state office candidate or the secretary of the
1528 personal campaign committee authorizes the expenditure in writing.

1529 (4) A state office candidate or the candidate's personal campaign committee may not
1530 make any expenditures prohibited by law.

1531 Section 23. Section **20A-11-901** is amended to read:

1532 **20A-11-901. Political advertisements -- Requirement that ads designate**
1533 **responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of**
1534 **endorsements.**

1535 (1) (a) Whenever any person makes an expenditure for the purpose of financing an
1536 advertisement expressly advocating for the election or defeat of a clearly identified candidate,
1537 or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor
1538 advertising facility, direct mailing, or any other type of general public political advertising, the
1539 advertisement:

1540 (i) if paid for and authorized by a candidate or the candidate's campaign committee,
1541 shall clearly state that the advertisement has been paid for by the candidate or the campaign

1542 committee;

1543 (ii) if paid for by another person but authorized by a candidate or the candidate's
1544 campaign committee, shall clearly state who paid for the advertisement and that the candidate
1545 or the campaign committee authorized the advertisement; or

1546 (iii) if not authorized by a candidate or a candidate's campaign committee, shall clearly
1547 state the name of the person who paid for the advertisement and state that the advertisement is
1548 not authorized by any candidate or candidate's committee.

1549 (2) (a) A person that makes an expenditure for the purpose of financing an
1550 advertisement related to a ballot proposition shall ensure that the advertisement complies with
1551 Subsection (2)(b) if the advertisement expressly advocates:

- 1552 (i) for placing a ballot proposition on the ballot;
- 1553 (ii) for keeping a ballot proposition off the ballot;
- 1554 (iii) that a voter refrain from voting on a ballot proposition; or
- 1555 (iv) that a voter vote for or against a ballot proposition.

1556 (b) An advertisement described in Subsection (2)(a) shall:

1557 (i) if paid for by a political issues committee, clearly state that the advertisement was
1558 paid for by the political issues committee;

1559 (ii) if paid for by another person but authorized by a political issues committee, clearly
1560 state who paid for the advertisement and that the political issues committee authorized the
1561 advertisement; or

1562 (iii) if not authorized by a political issues committee, clearly state the name of the
1563 person who paid for the advertisement and state that the advertisement is not authorized by any
1564 political issues committee.

1565 (3) The requirements of Subsections (1) and (2) do not apply to:

- 1566 (a) lawn signs with dimensions of four by eight feet or smaller;
- 1567 (b) bumper stickers;
- 1568 (c) campaign pins, buttons, and pens; or
- 1569 (d) similar small items upon which the disclaimer cannot be conveniently printed.

1570 (4) (a) A person who is not a reporting entity and pays for an electioneering
1571 communication shall file a report with the lieutenant governor within 24 hours of making the
1572 payment or entering into a contract to make the payment.

1573 (b) The report shall include:

1574 (i) the name and address of the person described in Subsection (4)(a);

1575 (ii) the name and address of each person contributing at least \$100 to the person
1576 described in Subsection (4)(a) for the purpose of disseminating the electioneering
1577 communication;

1578 (iii) the amount spent on the electioneering communication;

1579 (iv) the name of the identified referenced candidate; and

1580 (v) the medium used to disseminate the electioneering communication.

1581 (5) A person may not, in order to promote the success of any candidate for nomination
1582 or election to any public office, or in connection with any question submitted to the voters,
1583 include or cause to be included the name of any person as endorser or supporter in any political
1584 advertisement, circular, poster, or publication without the express consent of that person.

1585 (6) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any
1586 newspaper or other periodical to induce ~~him~~ the owner, editor, publisher, or agent to advocate
1587 or oppose editorially any candidate for nomination or election.

1588 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to
1589 advocate or oppose editorially any candidate for nomination or election.

1590 Section 24. Section **20A-13-101.5** is amended to read:

1591 **20A-13-101.5. Representatives to the United States Congress -- Four**
1592 **representative districts -- When elected -- District boundaries.**

1593 (1) (a) The state of Utah is divided into four districts for the election of representatives
1594 to the Congress of the United States, with one member to be elected from each Congressional
1595 district.

1596 (b) At the general election to be held in 2022, and biennially thereafter, one
1597 representative from each Congressional district shall be elected to serve in the Congress of the

1598 United States.

1599 (2) The Legislature adopts the official census population figures and maps of the
1600 Bureau of the Census of the United States Department of Commerce developed in connection
1601 with the taking of the 2020 national decennial census as the official data for establishing
1602 Congressional district boundaries.

1603 (3) (a) The Legislature enacts the district numbers and boundaries of the Congressional
1604 districts designated in the Congressional block equivalency file and resulting Congressional
1605 shapefile that is the electronic component of Laws of Utah 2021, Second Special Session,
1606 Chapter 2[-]:

1607 (i) for purposes of nominating and electing members of the United States Congress
1608 beginning January 1, 2022; and

1609 (ii) for all other purposes beginning January 3, 2023.

1610 (b) The Legislature shall ensure that the Congressional shapefile, and Congressional
1611 boundaries generated from the Congressional shapefile, are accessible on the Utah Legislature's
1612 website.

1613 Section 25. Section **20A-14-101.5** is amended to read:

1614 **20A-14-101.5. State Board of Education -- Number of members -- State Board of**
1615 **Education district boundaries.**

1616 (1) The State Board of Education shall consist of 15 members, with one member to be
1617 elected from each State Board of Education district.

1618 (2) The Legislature adopts the official census population figures and maps of the
1619 Bureau of the Census of the United States Department of Commerce developed in connection
1620 with the taking of the 2020 national decennial census as the official data for establishing State
1621 Board of Education district boundaries.

1622 (3) (a) Notwithstanding Subsection (2), the Legislature enacts the district numbers and
1623 boundaries of the State Board of Education districts designated in the Board block equivalency
1624 file and resulting Board shapefile that is the electronic component of Laws of Utah 2021,
1625 Second Special Session, Chapter 10:

1626 (i) for purposes of nominating and electing certain members of the State Board of
1627 Education beginning January 1, 2022; and

1628 (ii) for all other purposes beginning January [†] 2, 2023.

1629 (b) The Legislature shall ensure that the Board shapefile, and the State Board of
1630 Education district boundaries generated from the Board shapefile, are accessible on the Utah
1631 Legislature's website.

1632 Section 26. Section **20A-15-104** is amended to read:

1633 **20A-15-104. Ballot -- Form -- Manner of marking and voting.**

1634 (1) The requirements of this section govern the form of the ballot and the specific
1635 procedures for electing delegates to the ratification convention.

1636 (2) Each county clerk shall ensure that the ballot to select delegates to the ratification
1637 convention:

1638 (a) is separate from and printed on different color stock than any other ballot to be used
1639 at the same election;

1640 (b) contains the following information in this order:

1641 (i) the text of the proposed amendment;

1642 (ii) instructions to the voter;

1643 (iii) three perpendicular columns of equal width;

1644 (iv) at the head of the first perpendicular column, in plain type, the words "For
1645 Ratification of Proposed Change in Constitution of the United States";

1646 (v) at the head of the second perpendicular column, in plain type, the words "Against
1647 Ratification of Proposed Change in Constitution of the United States";

1648 (vi) no heading or names at the head of the third perpendicular column;

1649 (vii) in the column headed "For Ratification of Proposed Change in Constitution of the
1650 United States," the names of the nominees nominated as in favor of ratification;

1651 (viii) in the column headed "Against Ratification of Proposed Change in Constitution
1652 of the United States," the names of the nominees nominated as against ratification; and

1653 (ix) in the column without heading, spaces permitting the voter to write in other names;

1654 and

1655 (c) is arranged so that the voter may, by making a single mark, vote for the entire group
1656 of nominees whose names are contained in any column.

1657 (3) Each county clerk shall ensure that the ballot to select delegates to the ratification
1658 convention is in substantially the following form:

1659 "OFFICIAL BALLOT for delegates to convention to ratify or reject proposed
1660 amendment to the Constitution of the United States. The Congress has proposed an amendment
1661 to the Constitution of the United States that provides: (insert here the text of the proposed
1662 amendment).

1663 The Congress has also directed that the proposed amendment be ratified by conventions in the
1664 states.

1665 INSTRUCTIONS TO VOTERS

1666 Do not vote for more than 21.

1667 To vote for all candidates in favor of ratification, or for all candidates against
1668 ratification, make a cross-mark in the CIRCLE at the head of the list of candidates for whom
1669 you wish to vote. If you do this, make no other mark.

1670 To vote for an individual candidate, make a cross-mark in the SQUARE immediately
1671 adjacent to the name.

1672 To vote for a person other than candidates listed on the ballot, write in the person's
1673 name in blank column.

1674 For ratification of proposed change in Constitution of the United States.

1675 (Name of Candidate) _____

1676 Against ratification of proposed change in Constitution of the United States.

1677 (Name of Candidate) _____":

1678 (4) If the election of delegates to the ratification convention is held at the same time as
1679 the regular general election, the county clerk shall:

1680 (a) give the same ballot number to a regular general election ballot and a ballot to elect
1681 delegates to a ratification convention;

1682 (b) direct the election judges to:
1683 (i) hand to each voter the general election ballot and the ratification convention ballot
1684 with identical ballot numbers;
1685 (ii) instruct the voter to mark each ballot and deposit each ballot in the ballot box; and
1686 (iii) mark any ballot "void" that the voter declines to use and return it to the county
1687 clerk.

1688 (5) Each voter shall indicate [~~his~~] the voter's choice by making one or more
1689 cross-marks in the appropriate spaces provided on the ballot.

1690 Section 27. Section **67-1a-2** is amended to read:

1691 **67-1a-2. Duties enumerated.**

1692 (1) The lieutenant governor shall:

1693 (a) perform duties delegated by the governor, including assignments to serve in any of
1694 the following capacities:

1695 (i) as the head of any one department, if so qualified, with the advice and consent of
1696 the Senate, and, upon appointment at the pleasure of the governor and without additional
1697 compensation;

1698 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
1699 law for the purpose of advising the governor or coordinating intergovernmental or
1700 interdepartmental policies or programs;

1701 (iii) as liaison between the governor and the state Legislature to coordinate and
1702 facilitate the governor's programs and budget requests;

1703 (iv) as liaison between the governor and other officials of local, state, federal, and
1704 international governments or any other political entities to coordinate, facilitate, and protect the
1705 interests of the state;

1706 (v) as personal advisor to the governor, including advice on policies, programs,
1707 administrative and personnel matters, and fiscal or budgetary matters; and

1708 (vi) as chairperson or member of any temporary or permanent boards, councils,
1709 commissions, committees, task forces, or other group appointed by the governor;

- 1710 (b) serve on all boards and commissions in lieu of the governor, whenever so
1711 designated by the governor;
- 1712 (c) serve as the chief election officer of the state as required by Subsection (2);
1713 (d) keep custody of the Great Seal of Utah;
- 1714 (e) keep a register of, and attest, the official acts of the governor;
- 1715 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
1716 which the official signature of the governor is required; and
- 1717 (g) furnish a certified copy of all or any part of any law, record, or other instrument
1718 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
1719 it and pays the fee.
- 1720 (2) (a) As the chief election officer, the lieutenant governor shall:
- 1721 (i) exercise general supervisory authority over all elections;
- 1722 (ii) exercise direct authority over the conduct of elections for federal, state, and
1723 multicounty officers and statewide or multicounty ballot propositions and any recounts
1724 involving those races;
- 1725 (iii) assist county clerks in unifying the election ballot;
- 1726 (iv) (A) prepare election information for the public as required by statute and as
1727 determined appropriate by the lieutenant governor; and
- 1728 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
1729 news media on the Internet and in other forms as required by statute or as determined
1730 appropriate by the lieutenant governor;
- 1731 (v) receive and answer election questions and maintain an election file on opinions
1732 received from the attorney general;
- 1733 (vi) maintain a current list of registered political parties as defined in Section
1734 [20A-8-101](#);
- 1735 (vii) maintain election returns and statistics;
- 1736 (viii) certify to the governor the names of those persons who have received the highest
1737 number of votes for any office;

1738 (ix) ensure that all voting equipment purchased by the state complies with the
1739 requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;
1740 [~~(x)~~ conduct the study described in Section ~~67-1a-14~~];
1741 [~~(xi)~~ (x) during a declared emergency, to the extent that the lieutenant governor
1742 determines it warranted, designate, as provided in Section 20A-1-308, a different method, time,
1743 or location relating to:
1744 (A) voting on election day;
1745 (B) early voting;
1746 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
1747 (D) the counting of an absentee ballot or military-overseas ballot; or
1748 (E) the canvassing of election returns; and
1749 [~~(xii)~~ (xi) perform other election duties as provided in Title 20A, Election Code.
1750 (b) As chief election officer, the lieutenant governor may not assume the
1751 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election
1752 officials by Title 20A, Election Code.
1753 (3) (a) The lieutenant governor shall:
1754 (i) determine a new municipality's classification under Section 10-2-301 upon the city's
1755 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the
1756 municipality's population using the population estimate from the Utah Population Committee;
1757 and
1758 (ii) (A) prepare a certificate indicating the class in which the new municipality belongs
1759 based on the municipality's population; and
1760 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1761 municipality's legislative body.
1762 (b) The lieutenant governor shall:
1763 (i) determine the classification under Section 10-2-301 of a consolidated municipality
1764 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,
1765 Consolidation of Municipalities, using population information from:

1766 (A) each official census or census estimate of the United States Bureau of the Census;

1767 or

1768 (B) the population estimate from the Utah Population Committee, if the population of a
1769 municipality is not available from the United States Bureau of the Census; and

1770 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality
1771 belongs based on the municipality's population; and

1772 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1773 consolidated municipality's legislative body.

1774 (c) The lieutenant governor shall:

1775 (i) determine a new metro township's classification under Section 10-2-301.5 upon the
1776 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro
1777 Townships and Unincorporated Islands in a County of the First Class on and after May 12,
1778 2015, based on the metro township's population using the population estimates from the Utah
1779 Population Committee; and

1780 (ii) prepare a certificate indicating the class in which the new metro township belongs
1781 based on the metro township's population and, within 10 days after preparing the certificate,
1782 deliver a copy of the certificate to the metro township's legislative body.

1783 (d) The lieutenant governor shall monitor the population of each municipality using
1784 population information from:

1785 (i) each official census or census estimate of the United States Bureau of the Census; or

1786 (ii) the population estimate from the Utah Population Committee, if the population of a
1787 municipality is not available from the United States Bureau of the Census.

1788 (e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
1789 municipality's population has increased beyond the population for its current class, the
1790 lieutenant governor shall:

1791 (i) prepare a certificate indicating the class in which the municipality belongs based on
1792 the increased population figure; and

1793 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the

1794 legislative body of the municipality whose class has changed.

1795 (f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
1796 municipality's population has decreased below the population for its current class, the
1797 lieutenant governor shall send written notification of that fact to the municipality's legislative
1798 body.

1799 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
1800 population has decreased below the population for its current class, the lieutenant governor
1801 shall:

1802 (A) prepare a certificate indicating the class in which the municipality belongs based
1803 on the decreased population figure; and

1804 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
1805 legislative body of the municipality whose class has changed.

1806 Section 28. Section 67-1a-3 is amended to read:

1807 **67-1a-3. Employment of personnel.**

1808 The lieutenant governor, with the approval of the governor, may employ personnel
1809 necessary to carry out the duties and responsibilities of [his] the lieutenant governor's office.

1810 Section 29. **Repealer.**

1811 This bill repeals:

1812 Section 20A-16-406, **Disposition of ballot by county clerk.**

1813 Section 20A-16-407, **Duty of election judges.**

1814 Section 67-1a-14, **Study of signing a petition online -- Report.**

1815 Section 30. **Effective date.**

1816 If approved by two-thirds of all the members elected to each house, this bill takes effect
1817 upon approval by the governor, or the day following the constitutional time limit of Utah
1818 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
1819 the date of veto override.