

**ELECTION MODIFICATIONS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

House Sponsor: A. Cory Maloy

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**LONG TITLE**

**Committee Note:**

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 4 absent

**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 changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**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



- 28            **20A-1-509.3**, as enacted by Laws of Utah 1997, Chapter 139
- 29            **20A-1-608**, as enacted by Laws of Utah 1993, Chapter 1
- 30            **20A-1-611**, as last amended by Laws of Utah 2011, Chapter 396
- 31            **20A-2-207**, as last amended by Laws of Utah 2020, Chapters 31 and 95
- 32            **20A-3a-201**, as enacted by Laws of Utah 2020, Chapter 31
- 33            **20A-3a-202**, as last amended by Laws of Utah 2021, Chapter 100
- 34            **20A-3a-801**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 35            **20A-4-306**, as last amended by Laws of Utah 2019, Chapter 433
- 36            **20A-4-403**, as last amended by Laws of Utah 2007, Chapter 238
- 37            **20A-4-405**, as enacted by Laws of Utah 1993, Chapter 1
- 38            **20A-5-102**, as last amended by Laws of Utah 2020, Chapter 31
- 39            **20A-5-403**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
- 40            **20A-5-406**, as last amended by Laws of Utah 2020, Chapter 31
- 41            **20A-5-601**, as last amended by Laws of Utah 2020, Chapter 31
- 42            **20A-7-211**, as last amended by Laws of Utah 2019, Chapter 206
- 43            **20A-9-503**, as last amended by Laws of Utah 2020, Chapter 22
- 44            **20A-11-202**, as last amended by Laws of Utah 2011, Chapter 347
- 45            **20A-11-901**, as last amended by Laws of Utah 2019, Chapter 154
- 46            **20A-15-104**, as last amended by Laws of Utah 2009, Chapter 202
- 47            **67-1a-2**, as last amended by Laws of Utah 2020, Chapters 49 and 352
- 48            **67-1a-3**, as enacted by Laws of Utah 1984, Chapter 68

49 REPEALS:

- 50            **20A-16-406**, as last amended by Laws of Utah 2020, Chapter 31
- 51            **20A-16-407**, as last amended by Laws of Utah 2020, Chapter 31
- 52            **67-1a-14**, as last amended by Laws of Utah 2016, Chapter 348



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

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

56            **17-20-5. Report of election and appointment of officers.**

57            Within 10 days after the day on which a county clerk issues a certificate of election or a  
58 certificate of appointment made to fill vacancies in elective county offices, the county clerk

59 shall ~~[prepare and forward to]~~ notify the lieutenant governor ~~[a certified report showing]~~ of the  
60 following:

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

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

70 **17B-1-306. Local district board -- Election procedures.**

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

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

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

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

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

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

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

89 (3) The clerk of each local district with a board member position to be filled at the next

90 municipal general election or regular general election, as applicable, shall provide notice of:

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

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

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

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

96 (a) by posting the notice on the Utah Public Notice Website created in Section  
97 [63A-16-601](#), for 10 days before the first day for filing a declaration of candidacy; [~~and~~]

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

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

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

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

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

111 (i) the individual is located outside of the state during the entire filing period;

112 (ii) the designated agent appears in person before the official designated by the local  
113 district; and

114 (iii) the individual communicates with the official designated by the local district using  
115 an electronic device that allows the individual and official to see and hear each other.

116 (d) (i) Before the filing officer may accept any declaration of candidacy from an  
117 individual, the filing officer shall:

118 (A) read to the individual the constitutional and statutory qualification requirements for  
119 the office that the individual is seeking; and

120 (B) require the individual to state whether the individual meets those requirements.

121 (ii) If the individual does not meet the qualification requirements for the office, the  
 122 filing officer may not accept the individual's declaration of candidacy.

123 (iii) If it appears that the individual meets the requirements of candidacy, the filing  
 124 officer shall accept the individual's declaration of candidacy.

125 (e) The declaration of candidacy shall be in substantially the following form:

126 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
 127 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, state of Utah, (Zip  
 128 Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications for the  
 129 office of board of trustees member for \_\_\_\_\_ (state the name of the local  
 130 district); that I am a candidate for that office to be voted upon at the next election; and that, if  
 131 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing  
 132 period, and I hereby request that my name be printed upon the official ballot for that election.

133 (Signed) \_\_\_\_\_

134 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day  
 135 of \_\_\_\_\_, \_\_\_\_\_.

136 (Signed) \_\_\_\_\_

137 (Clerk or Notary Public)".

138 (f) An agent designated under Subsection (5)(c) may not sign the form described in  
 139 Subsection (5)(e).

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

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

145 (i) If only one candidate files a declaration of candidacy and there is no write-in  
 146 candidate who complies with Section [20A-9-601](#), the board, in accordance with Section  
 147 [20A-1-206](#), may:

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

149 (ii) cancel the election.

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

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

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

154 (b) The primary election shall be conducted:

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

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

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

162 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section  
163 20A-6-305, the clerk of each county in which the local district is located and the local district  
164 clerk shall coordinate the placement of the name of each candidate for local district office in  
165 the nonpartisan section of the ballot with the appropriate election officer.

166 (ii) If consolidation of the local district election ballot with the municipal general  
167 election ballot or the regular general election ballot, as applicable, is not feasible, the local  
168 district board of trustees, in consultation with the county clerk, shall provide for a separate  
169 local district election ballot to be administered by poll workers at polling ~~locations~~ places  
170 designated under Subsection (2).

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

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

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

177 (C) The name of each candidate shall be placed on the ballot in the order specified  
178 under Section 20A-6-305.

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

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

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

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

183 and

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

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

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

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

189 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a  
190 local district board shall serve a four-year term, beginning at noon on the January 1 after the  
191 person's election.

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

193 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse  
194 the county or municipality holding an election under this section for the costs of the election  
195 attributable to that local district.

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

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

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

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

203 (i) a local district board; or

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

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

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

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

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

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

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

221 (ii) the board may not hold elections at the time of a municipal general election unless  
222 the board receives permission from the lieutenant governor to hold all future elections for  
223 membership on the board at a municipal general election instead of a regular general election,  
224 under the same procedure, and by applying the same criteria, described in this Subsection (14).

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

226 (i) the local district's board members are elected by the owners of real property, as  
227 provided in Subsection [17B-1-1402\(1\)\(b\)](#); and

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

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

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

233 (ii) notwithstanding Subsection [20A-1-512\(1\)\(a\)\(i\)](#), to fill a vacancy in an unexpired  
234 term of a board member.

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

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

239 (A) notice of the election; and

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

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

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



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

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

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

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

251 **20A-1-102. Definitions.**

252 As used in this title:

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

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

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

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

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

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

263 (b) a constitutional amendment;

264 (c) an initiative;

265 (d) a referendum;

266 (e) a bond proposition;

267 (f) a judicial retention question;

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

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

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

273 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
274 [20A-4-306](#) to canvass election returns.

275 (7) "Bond election" means an election held for the purpose of approving or rejecting

276 the proposed issuance of bonds by a government entity.

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

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

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

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

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

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

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

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

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

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

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

298 (b) does not include:

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

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

303 (18) "Elected official" means:

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

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

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

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

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

310 (19) "Election" means a regular general election, a municipal general election, a  
311 statewide special election, a local special election, a regular primary election, a municipal  
312 primary election, and a local district election.

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

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

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

318 (a) preside over other poll workers at a polling place;

319 (b) act as the presiding election judge; or

320 (c) serve as a canvassing judge, counting judge, or receiving judge.

321 (23) "Election officer" means:

322 (a) the lieutenant governor, for all statewide ballots and elections;

323 (b) the county clerk for:

324 (i) a county ballot and election; and

325 (ii) a ballot and election as a provider election officer as provided in Section  
326 20A-5-400.1 or 20A-5-400.5;

327 (c) the municipal clerk for:

328 (i) a municipal ballot and election; and

329 (ii) a ballot and election as a provider election officer as provided in Section  
330 20A-5-400.1 or 20A-5-400.5;

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

332 (i) a local district ballot and election; and

333 (ii) a ballot and election as a provider election officer as provided in Section  
334 20A-5-400.1 or 20A-5-400.5; or

335 (e) the business administrator or superintendent of a school district for:

336 (i) a school district ballot and election; and

337 (ii) a ballot and election as a provider election officer as provided in Section

338 [20A-5-400.1](#) or [20A-5-400.5](#).

339 (24) "Election official" means any election officer, election judge, or poll worker.

340 (25) "Election results" means:

341 (a) for an election other than a bond election, the count of votes cast in the election and  
342 the election returns requested by the board of canvassers; or

343 (b) for bond elections, the count of those votes cast for and against the bond  
344 proposition plus any or all of the election returns that the board of canvassers may request.

345 (26) "Election returns" includes the pollbook, the military and overseas absentee voter  
346 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted  
347 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and  
348 the total votes cast form.

349 (27) "Electronic signature" means an electronic sound, symbol, or process attached to  
350 or logically associated with a record and executed or adopted by a person with the intent to sign  
351 the record.

352 (28) "Inactive voter" means a registered voter who is listed as inactive by a county  
353 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).

354 (29) "Judicial office" means the office filled by any judicial officer.

355 (30) "Judicial officer" means any justice or judge of a court of record or any county  
356 court judge.

357 (31) "Local district" means a local government entity under Title 17B, Limited Purpose  
358 Local Government Entities - Local Districts, and includes a special service district under Title  
359 17D, Chapter 1, Special Service District Act.

360 (32) "Local district officers" means those local district board members that are required  
361 by law to be elected.

362 (33) "Local election" means a regular county election, a regular municipal election, a  
363 municipal primary election, a local special election, a local district election, and a bond  
364 election.

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

367 (35) "Local special election" means a special election called by the governing body of a  
368 local political subdivision in which all registered voters of the local political subdivision may

369 vote.

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

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

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

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

378 (38) "Municipal executive" means:

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

380 (b) the mayor in the council-manager form of government defined in Subsection

381 10-3b-103(7); or

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

383 (39) "Municipal general election" means the election held in municipalities and, as

384 applicable, local districts on the first Tuesday after the first Monday in November of each

385 odd-numbered year for the purposes established in Section 20A-1-202.

386 (40) "Municipal legislative body" means:

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

388 (b) the council of a metro township.

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

390 (42) "Municipal officers" means those municipal officers that are required by law to be  
391 elected.

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

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

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

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

398 (a) the ballot as an official ballot;

399 (b) the date of the election; and

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

402 (ii) for a ballot prepared by a county clerk, the words required by Subsection  
403 20A-6-301(1)(b)(iii).

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

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

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

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

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

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

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

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

418 (53) "Presidential Primary Election" means the election established in Chapter 9, Part  
419 8, Presidential Primary Election.

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

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

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

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

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

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

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

- 431 (b) whose legal right to vote is challenged as provided in this title; or  
432 (c) whose identity was not sufficiently established by a poll worker.
- 433 (58) "Provisional ballot envelope" means an envelope printed in the form required by  
434 Section 20A-6-105 that is used to identify provisional ballots and to provide information to  
435 verify a person's legal right to vote.
- 436 (59) (a) "Public figure" means an individual who, due to the individual being  
437 considered for, holding, or having held a position of prominence in a public or private capacity,  
438 or due to the individual's celebrity status, has an increased risk to the individual's safety.
- 439 (b) "Public figure" does not include an individual:  
440 (i) elected to public office; or  
441 (ii) appointed to fill a vacancy in an elected public office.
- 442 (60) "Qualify" or "qualified" means to take the oath of office and begin performing the  
443 duties of the position for which the individual was elected.
- 444 (61) "Receiving judge" means the poll worker that checks the voter's name in the  
445 official register at a polling ~~[location]~~ place and provides the voter with a ballot.
- 446 (62) "Registration form" means a form by which an individual may register to vote  
447 under this title.
- 448 (63) "Regular ballot" means a ballot that is not a provisional ballot.
- 449 (64) "Regular general election" means the election held throughout the state on the first  
450 Tuesday after the first Monday in November of each even-numbered year for the purposes  
451 established in Section 20A-1-201.
- 452 (65) "Regular primary election" means the election, held on the date specified in  
453 Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan  
454 local school board positions to advance to the regular general election.
- 455 (66) "Resident" means a person who resides within a specific voting precinct in Utah.
- 456 (67) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),  
457 provided to a voter with a manual ballot:  
458 (a) into which the voter places the manual ballot after the voter has voted the manual  
459 ballot in order to preserve the secrecy of the voter's vote; and  
460 (b) that includes the voter affidavit and a place for the voter's signature.
- 461 (68) "Sample ballot" means a mock ballot similar in form to the official ballot printed

462 and distributed as provided in Section [20A-5-405](#).

463 (69) "Special election" means an election held as authorized by Section [20A-1-203](#).

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

465 (a) is spoiled by the voter;

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

467 (c) lacks the official endorsement.

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

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

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

473 (a) political parties;

474 (b) candidates for an office; or

475 (c) ballot propositions.

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

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

481 (76) "Valid voter identification" means:

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

484 (i) a currently valid Utah driver license;

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

486 (A) the state; or

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

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

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

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

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



493 (i) a valid tribal identification card;  
494 (ii) a Bureau of Indian Affairs card; or  
495 (iii) a tribal treaty card; or  
496 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear  
497 the name of the voter and provide evidence that the voter resides in the voting precinct, which  
498 may include:

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

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

502 (iii) a certified birth certificate;

503 (iv) a valid social security card;

504 (v) a check issued by the state or the federal government or a legible copy thereof;

505 (vi) a paycheck from the voter's employer, or a legible copy thereof;

506 (vii) a currently valid Utah hunting or fishing license;

507 (viii) certified naturalization documentation;

508 (ix) a currently valid license issued by an authorized agency of the United States;

509 (x) a certified copy of court records showing the voter's adoption or name change;

510 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

511 (xii) a currently valid identification card issued by:

512 (A) a local government within the state;

513 (B) an employer for an employee; or

514 (C) a college, university, technical school, or professional school located within the  
515 state; or

516 (xiii) a current Utah vehicle registration.

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

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

520 (a) mailing the ballot to the location designated in the mailing; or

521 (b) depositing the ballot in a ballot drop box designated by the election officer.

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

523 (a) meets the requirements for voting in an election;

524 (b) meets the requirements of election registration;

525 (c) is registered to vote; and

526 (d) is listed in the official register book.

527 (80) "Voter registration deadline" means the registration deadline provided in Section

528 [20A-2-102.5](#).

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

531 (82) "Voting booth" means:

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

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

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

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

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

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

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

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

545 **20A-1-509.3. Procedure for making interim replacement.**

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

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

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

555 (i) there are not at least three deputies in the office that has the vacancy; or  
556 (ii) there are three or more deputies in the office but none of the deputies is willing to  
557 serve.

558 (2) ~~[A person]~~ An individual appointed as interim replacement under this section shall  
559 hold office until ~~[his]~~ a successor is selected and has qualified.

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

561 **20A-1-608. Promises of appointment to office forbidden.**

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

567 (2) Nothing contained in this section prevents:

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

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

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

575 **20A-1-611. Cost of defense of action.**

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

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

580 **20A-2-207. Registration by provisional ballot.**

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

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

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

586 (c) the information on the provisional ballot form is complete; and  
587 (d) the individual provides valid voter identification and proof of residence to the poll  
588 worker.

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

591 (a) consider the provisional ballot a voter registration form;  
592 (b) place the ballot with the other ballots, to be counted with those ballots at the  
593 canvass; and

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

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

598 (a) is not registered to vote and is not eligible for registration under this section; or  
599 (b) is not legally entitled to vote the ballot that the individual voted.

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

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

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

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

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

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

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

610 (ii) on election day; and

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

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

613 (a) if the election officer does not operate a polling ~~[location]~~ place to allow early  
614 voting, the individual may not register to vote, under this section, during an early voting period;  
615 and

616 (b) if the election officer does not operate a polling ~~[location]~~ place on election day, the

617 individual may not register to vote, under this section, on election day.

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

619 **20A-3a-201. Voting methods.**

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

622 (a) by mail;

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

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

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

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

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

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

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

633 **20A-3a-202. Conducting election by mail.**

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

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

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

641 (i) a manual ballot;

642 (ii) a return envelope;

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

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

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

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

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

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

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

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

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

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

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

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

670 (4) The return envelope shall include:

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

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

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

676 "County of \_\_\_\_ State of \_\_\_\_

677 I, \_\_\_\_, solemnly swear that: I am a qualified resident voter of the \_\_\_\_ voting precinct  
678 in \_\_\_\_ County, Utah and that I am entitled to vote in this election. I am not a convicted felon

679 currently incarcerated for commission of a felony.

680

681 \_\_\_\_\_  
Signature of Voter"; and

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

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

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

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

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

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

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

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

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

698 (8) A county that administers an election:

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

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

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

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

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

709 (iii) the county clerk provides notice of the reduced early voting period in accordance

710 with Section [20A-3a-604](#);

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

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

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

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

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

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

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

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

727 (c) An election officer who receives a request from an individual under Subsection  
728 (10)(a):

729 (i) shall remove the individual's name from the list of voters who will receive a ballot  
730 by mail; and

731 (ii) may not send the individual a ballot by mail for:

732 (A) the next election, if the individual submits the request described in Subsection  
733 (10)(a) before the deadline described in Subsection (10)(b); or

734 (B) an election after the election described in Subsection (10)(c)(ii)(A).

735 (d) An individual who submits a request under Subsection (10)(a) may resume the  
736 individual's receipt of a ballot by mail by submitting a written request to the election officer.

737 Section 10. Section **20A-3a-801** is amended to read:

738 **20A-3a-801. Watchers.**

739 (1) As used in this section, "administering election officer" means:

740 (a) the election officer; or



741 (b) if the election officer is the lieutenant governor, the county clerk of the county in  
742 which an individual will act as a watcher.

743 (2) (a) Any individual may become a watcher in an election at any time by registering  
744 as a watcher with the administering election officer.

745 (b) An individual who registers under Subsection (2)(a) is not required to be certified  
746 by a person under Subsection (3) in order to act as a watcher.

747 (c) An individual who registers as a watcher shall notify the administering election  
748 officer of the dates, times, and locations that the individual intends to act as a watcher.

749 (d) An election official may not prohibit a watcher from performing a function  
750 described in Subsection (4) because the watcher did not provide the notice described in  
751 Subsection (2)(c).

752 (e) An administering election officer shall provide a copy of this section, or  
753 instructions on how to access an electronic copy of this section, to a watcher at the time the  
754 watcher registers under this Subsection (2).

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

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

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

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

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

767 (4) A watcher may:

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

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

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

- 772 (d) observe the transport or transmission of a ballot that is in an election official's
- 773 custody;
- 774 (e) observe the opening and inspection of a manual ballot;
- 775 (f) observe ballot duplication;
- 776 (g) observe the conduct of logic and accuracy testing described in Section [20A-5-802](#);
- 777 (h) observe ballot tabulation;
- 778 (i) observe the process of storing and securing a ballot;
- 779 (j) observe a post-election audit;
- 780 (k) observe a canvassing board meeting described in Title 20A, Chapter 4, Part 3,
- 781 Canvassing Returns;
- 782 (l) observe the certification of the results of an election; or
- 783 (m) observe a recount.
- 784 (5) (a) A watcher may not:
- 785 (i) electronically record an activity described in Subsection (4) if the recording would
- 786 reveal a vote or otherwise violate a voter's privacy or a voter's right to cast a secret ballot;
- 787 (ii) interfere with an activity described in Subsection (4), except to challenge an
- 788 individual's eligibility to vote under Section [20A-3a-803](#); or
- 789 (iii) divulge information related to the number of votes counted, tabulated, or cast for a
- 790 candidate or ballot proposition until after the election officer makes the information public.
- 791 (b) A person who violates Subsection (5)(a)(iii) is guilty of a third degree felony.
- 792 (6) (a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working
- 793 environment for an election official or to protect the safety or security of a ballot, an
- 794 administering election officer may take reasonable action to:
- 795 (i) limit the number of watchers at a single location;
- 796 (ii) remove a watcher for violating a provision of this section;
- 797 (iii) remove a watcher for interfering with an activity described in Subsection (4);
- 798 (iv) designate areas for a watcher to reasonably observe the activities described in
- 799 Subsection (4); or
- 800 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.
- 801 (b) If an administering election officer limits the number of watchers at a single
- 802 location under Subsection (6)(a)(i), the administering election officer shall give preferential

803 access to the location to a watcher designated under Subsection (3).

804 (c) An administering election officer may provide a watcher a badge that identifies the  
805 watcher and require the watcher to wear the badge while acting as a watcher.

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

807 **20A-4-306. Statewide canvass.**

808 (1) (a) The state board of canvassers shall convene:

809 (i) on the fourth Monday of November, at noon; or

810 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the  
811 returns of a statewide special election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

839 (c) The lieutenant governor shall:

840 (i) prepare certificates of election for:

841 (A) each successful candidate; and

842 (B) each of the presidential electors of the candidate for president who received a  
843 majority of the votes;

844 (ii) authenticate each certificate with ~~his~~ the lieutenant governor's seal; and

845 (iii) deliver a certificate of election to:

846 (A) each candidate who had the highest number of votes for each office; and

847 (B) each of the presidential electors of the candidate for president who received a  
848 majority of the votes.

849 (3) If the lieutenant governor has not received election returns from all counties on the  
850 fifth day before the day designated for the meeting of the state board of canvassers, the  
851 lieutenant governor shall:

852 (a) send a messenger to the clerk of the board of county canvassers of the delinquent  
853 county;

854 (b) instruct the messenger to demand a certified copy of the board of canvasser's report  
855 required by Section [20A-4-304](#) from the clerk; and

856 (c) pay the messenger the per diem provided by law as compensation.

857 (4) The state board of canvassers may not withhold the declaration of the result or any  
858 certificate of election because of any defect or informality in the returns of any election if the  
859 board can determine from the returns, with reasonable certainty, what office is intended and  
860 who is elected to it.

861 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant  
862 governor shall:

863 (i) canvass the returns for all multicounty candidates required to file with the office of  
864 the lieutenant governor; and

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

866 (b) Not later than the August 1 after the primary election, the lieutenant governor shall  
867 certify the results of the primary canvass to the county clerks.

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

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

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

872 (b) The lieutenant governor shall certify the results of the presidential primary election  
873 canvass to each registered political party that participated in the primary not later than the April  
874 15 after the primary election.

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

876 **20A-4-403. Election contest -- Petition and response.**

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

882 (b) The complaint shall include:

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

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

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

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

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

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

890 and

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

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

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

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

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

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

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

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

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

921 (b) The complaint shall include:

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

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

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

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

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

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

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

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

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

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

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

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

950 (3) (a) In contesting the results of a bond election, a registered voter [~~shall~~] may contest  
951 the validity of the declared results by filing a verified written complaint with the district court  
952 of the county in which [~~he~~] the registered voter resides within 40 days after the date of the  
953 official finding entered under Section 11-14-207.

954 (b) The complaint shall include:

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

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

958 (iii) the bond proposition that is the subject of the contest;  
959 (iv) one or more of the grounds for an election contest specified in Section 20A-4-402;  
960 and

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

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

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

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

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

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

977 (4) The court may not reject any statement of the grounds of contest or dismiss the  
978 proceedings because of lack of form, if the grounds of the contest are alleged with ~~[such]~~  
979 sufficient certainty as will advise the defendant of the particular proceeding or cause for which  
980 the election is contested.

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

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

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

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

988 (d) If the reception of illegal votes or the rejection of legal votes is alleged as a ground



989 for the contest, the defendant shall ~~[set forth]~~ include in the answer the name and address of all  
990 ~~[persons]~~ individuals whom the ~~[defendant]~~ respondent believes were properly or improperly  
991 admitted or denied the vote.

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

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

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

999 (c) (i) As a condition precedent to filing a municipal election contest, the petitioner  
1000 shall file a written affidavit of intention to contest the election with the clerk of the court within  
1001 seven days after the day on which the votes are canvassed.

1002 (ii) The affidavit shall include:

1003 (A) the petitioner's name;

1004 (B) the fact that the petitioner is a qualified voter of the municipality;

1005 (C) the respondent's name;

1006 (D) the elective office contested;

1007 (E) the time of election; and

1008 (F) the grounds for the contest.

1009 (d) (i) Before the district court takes jurisdiction of a municipal election contest, the  
1010 petitioner shall file a bond with the clerk of the court with the sureties required by the court.

1011 (ii) The bond shall name the respondent as obligee and be conditioned for the payment  
1012 of all costs incurred by the respondent if the respondent prevails.

1013 Section 13. Section **20A-4-405** is amended to read:

1014 **20A-4-405. Election contests -- Costs.**

1015 (1) The court shall enter judgment for costs against the party contesting the election if:

1016 (a) the proceedings are dismissed for:

1017 (i) insufficiency of pleading or proof; or

1018 (ii) want of prosecution; or

1019 (b) the election is confirmed by the court.

1020 (2) The court shall enter judgment for costs against the party whose election was  
1021 contested if the election is annulled and set aside.

1022 (3) (a) Each party is liable for the costs of the officers and witnesses that appeared on  
1023 [his] the party's behalf.

1024 (b) The party may pay, and the officers and witnesses may collect, those costs in the  
1025 same manner as similar costs are paid and collected in other cases.

1026 Section 14. Section **20A-5-102** is amended to read:

1027 **20A-5-102. Voting instructions.**

1028 (1) Each election officer shall:

1029 (a) print instructions for voters;

1030 (b) ensure that the instructions are printed in English, and any other language required  
1031 under the Voting Rights Act of 1965, as amended, in large clear type; and

1032 (c) ensure that the instructions inform voters:

1033 (i) about how to obtain ballots for voting;

1034 (ii) about special political party affiliation requirements for voting in a regular primary  
1035 election or presidential primary election;

1036 (iii) about how to prepare ballots for deposit in the ballot box;

1037 (iv) about how to record write-in votes;

1038 (v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;

1039 (vi) about how to obtain assistance in marking ballots;

1040 (vii) about obtaining a new ballot if the voter's ballot is defaced;

1041 (viii) that identification marks or the spoiling or defacing of a ballot will make it  
1042 invalid;

1043 (ix) about how to obtain and vote a provisional ballot;

1044 (x) about whom to contact to report election fraud;

1045 (xi) about applicable federal and state laws regarding:

1046 (A) voting rights and the appropriate official to contact if the voter alleges [his] that the  
1047 voter's rights have been violated; and

1048 (B) prohibitions on acts of fraud and misrepresentation;

1049 (xii) about procedures governing mail-in registrants and first-time voters; and

1050 (xiii) about the date of the election and the hours that the polls are open on election

1051 day.

1052 (2) Each election officer shall:

1053 (a) provide the election judges of each voting precinct with sufficient instruction cards  
1054 to instruct voters in the preparation of their ballots;

1055 (b) direct the election judges to post:

1056 (i) general voting instructions in each voting booth; and

1057 (ii) at least three instruction cards and at least one sample ballot elsewhere in and about  
1058 the polling place.

1059 Section 15. Section **20A-5-403** is amended to read:

1060 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**

1061 **Arrangements.**

1062 (1) Except as provided in Section [20A-7-609.5](#), each election officer shall:

1063 (a) designate polling places for each voting precinct in the jurisdiction; and

1064 (b) obtain the approval of the county or municipal legislative body or local district  
1065 governing board for those polling places.

1066 (2) (a) For each polling place, the election officer shall provide:

1067 (i) an American flag;

1068 (ii) a sufficient number of voting booths or compartments;

1069 (iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and  
1070 supplies necessary to enable a voter to vote;

1071 (iv) the constitutional amendment cards required by Part 1, Election Notices and  
1072 Instructions;

1073 (v) the instructions required by Section [20A-5-102](#); and

1074 (vi) a sign, to be prominently displayed in the polling place, indicating that valid voter  
1075 identification is required for every voter before the voter may vote and listing the forms of  
1076 identification that constitute valid voter identification.

1077 (b) Each election officer shall ensure that:

1078 (i) each voting booth is at a convenient height for writing, and is arranged so that the  
1079 voter can prepare the voter's ballot screened from observation;

1080 (ii) there are a sufficient number of voting booths or voting devices to accommodate  
1081 the voters at that polling place; and

1082 (iii) there is at least one voting booth or voting device that is configured to  
1083 accommodate persons with disabilities.

1084 (c) Each county clerk shall provide a ballot box for each polling place that is large  
1085 enough to properly receive and hold the ballots to be cast.

1086 (3) (a) All polling places shall be physically inspected by each county clerk to ensure  
1087 access by a person with a disability.

1088 (b) Any issues concerning inaccessibility to polling places by a person with a disability  
1089 discovered during the inspections referred to in Subsection (3)(a) or reported to the county  
1090 clerk shall be:

1091 (i) forwarded to the Office of the Lieutenant Governor; and

1092 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be  
1093 either:

1094 (A) remedied at the particular location by the county clerk;

1095 (B) the county clerk shall designate an alternative accessible location for the particular  
1096 precinct; or

1097 (C) if no practical solution can be identified, file with the Office of the Lieutenant  
1098 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

1099 (4) (a) The municipality in which the election is held shall pay the cost of conducting  
1100 each municipal election, including the cost of printing and supplies.

1101 (b) (i) Costs assessed by a county clerk to a municipality under this section may not  
1102 exceed the actual costs incurred by the county clerk.

1103 (ii) The actual costs shall include:

1104 (A) costs of or rental fees associated with the use of election equipment and supplies;  
1105 and

1106 (B) reasonable and necessary administrative costs.

1107 (5) The county clerk shall make detailed entries of all proceedings had under this  
1108 chapter.

1109 (6) (a) Each county clerk shall, to the extent possible, ensure that the amount of time  
1110 that an individual waits in line before the individual can vote at a polling ~~[location]~~ place in the  
1111 county does not exceed 30 minutes.

1112 (b) The lieutenant governor may require a county clerk to submit a line management

1113 plan before the next election if an individual waits in line at a polling [~~location~~] place in the  
1114 county longer than 30 minutes before the individual can vote.

1115 (c) The lieutenant governor may consider extenuating circumstances in deciding  
1116 whether to require the county clerk to submit a plan described in Subsection (6)(b).

1117 (d) The lieutenant governor shall review each plan submitted under Subsection (6)(b)  
1118 and consult with the county clerk submitting the plan to ensure, to the extent possible, that the  
1119 amount of time an individual waits in line before the individual can vote at a polling [~~location~~]  
1120 place in the county does not exceed 30 minutes.

1121 Section 16. Section **20A-5-406** is amended to read:

1122 **20A-5-406. Delivery of ballots.**

1123 (1) An election officer shall deliver manual ballots to the poll workers of each voting  
1124 precinct in the election officer's jurisdiction in an amount sufficient to meet voting needs  
1125 during the voting period.

1126 (2) For mechanical ballots, an election officer shall:

1127 (a) deliver the voting devices and mechanical ballots before voting commences at the  
1128 polling place;

1129 (b) ensure that the voting devices, equipment, and mechanical ballots are properly  
1130 secured before commencement of voting;

1131 (c) when mechanical ballots or voting devices containing mechanical ballots are  
1132 delivered to a polling [~~location~~] place, ensure that security procedures, developed by the  
1133 election officer, are followed to document chain of custody and to prevent unauthorized access;  
1134 and

1135 (d) repair or provide substitute voting devices, equipment, or electronic ballots, if  
1136 available, if any poll worker reports that:

1137 (i) the voting devices or equipment were not delivered on time;

1138 (ii) the voting devices or equipment do not contain the appropriate electronic ballot  
1139 information;

1140 (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to  
1141 have been tampered with;

1142 (iv) the voting devices or equipment do not appear to be functioning properly; or

1143 (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed

1144 or stolen.

1145 Section 17. Section **20A-5-601** is amended to read:

1146 **20A-5-601. Appointment of poll workers in elections where candidates are**  
1147 **distinguished by registered political parties.**

1148 (1) (a) This section governs appointment of poll workers in elections where candidates  
1149 are distinguished by registered political parties.

1150 (b) On or before March 1 of each even-numbered year, an election officer shall provide  
1151 to the county chair of each registered political party a list of the number of poll workers that the  
1152 party must nominate for each polling place.

1153 (c) On or before April 1 of each even-numbered year, the county chair and secretary of  
1154 each registered political party shall file a list with the election officer containing the names of  
1155 individuals in the county who are willing to serve as poll workers, who are qualified to serve as  
1156 poll workers in accordance with this section, and who are competent and trustworthy.

1157 (d) The county chair and secretary shall submit names equal in number to the number  
1158 required by the election officer, plus one.

1159 (2) Each election officer shall provide for the appointment of individuals to serve as  
1160 poll workers at each election.

1161 (3) (a) For each election, each election officer shall provide for the appointment of at  
1162 least three registered voters, or one individual who is 16 or 17 years [~~of age~~] old and two  
1163 registered voters, one of whom is at least 21 years [~~of age~~] old, from the list to serve as poll  
1164 workers.

1165 (b) An election officer may appoint additional poll workers, as needed.

1166 (4) For each set of three poll workers appointed for a polling place for an election, the  
1167 election officer shall ensure that:

1168 (a) two poll workers are appointed from the political party that cast the highest number  
1169 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,  
1170 excluding votes for unopposed candidates, in the jurisdiction holding the election at the last  
1171 regular general election before the appointment of the poll workers; and

1172 (b) one poll worker is appointed from the political party that cast the second highest  
1173 number of votes for governor, lieutenant governor, attorney general, state auditor, and state  
1174 treasurer, excluding votes for unopposed candidates, in the county, city, or local district, as

1175 applicable, at the last regular general election before the appointment of the poll workers.

1176 (5) The election officer shall provide for the appointment of any qualified county voter  
1177 as a poll worker when:

1178 (a) a political party fails to file the poll worker list by the filing deadline; or

1179 (b) the list is incomplete.

1180 (6) A registered voter of the county may serve as a poll worker at any polling [~~location~~]  
1181 place in the county, municipality, or district, as applicable.

1182 (7) An election officer may not appoint a candidate's parent, sibling, spouse, child,  
1183 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to  
1184 serve as a poll worker in a polling place where the candidate appears on the ballot.

1185 (8) The election officer shall fill all poll worker vacancies.

1186 (9) If a conflict arises over the right to certify the poll worker lists for any political  
1187 party, the election officer may decide between conflicting lists, but may only select names from  
1188 a properly submitted list.

1189 (10) The clerk shall establish compensation for poll workers.

1190 (11) The election officer may appoint additional poll workers to serve in the polling  
1191 place as needed.

1192 Section 18. Section **20A-7-211** is amended to read:

1193 **20A-7-211. Return and canvass -- Conflicting measures -- Law effective on**  
1194 **proclamation.**

1195 (1) The votes on the law proposed by the initiative petition shall be counted,  
1196 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

1197 (2) After the state board of canvassers completes [~~its~~] the canvass, the lieutenant  
1198 governor shall certify to the governor the vote for and against the law proposed by the initiative  
1199 petition.

1200 (3) (a) The governor shall immediately issue a proclamation that:

1201 (i) gives the total number of votes cast in the state for and against each law proposed by  
1202 an initiative petition; and

1203 (ii) declares those laws proposed by an initiative petition that were approved by  
1204 majority vote to be in full force and effect on the date described in Subsection **20A-7-212(2)**.

1205 (b) When the governor believes that two proposed laws, or that parts of two proposed

1206 laws approved by the people at the same election are entirely in conflict, ~~[he]~~ the governor shall  
1207 proclaim that measure to be law that ~~[has received]~~ receives the greatest number of affirmative  
1208 votes, regardless of the difference in the majorities which those measures ~~[have received]~~  
1209 receive.

1210 (c) Within 10 days after the governor's proclamation, any qualified voter who signed  
1211 the initiative petition proposing the law that is declared by the governor to be superseded by  
1212 another measure approved at the same election may bring an action in the appropriate court to  
1213 review the governor's decision.

1214 (4) Within 10 days after the day on which the court issues an order in an action  
1215 described in Subsection (3)(c), the governor shall:

1216 (a) proclaim all those measures approved by the people as law that the court ~~[has~~  
1217 ~~determined]~~ determines are not entirely in conflict; and

1218 (b) of all those measures approved by the people as law that the court determines to be  
1219 entirely in conflict, proclaim as law, regardless of the difference in majorities, the law that  
1220 ~~[received]~~ receives the greatest number of affirmative votes, to be in full force and effect on the  
1221 date described in Subsection [20A-7-212\(2\)](#).

1222 Section 19. Section **20A-9-503** is amended to read:

1223 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

1224 (1) (a) Except as provided in Subsection (1)(b), after the certificate of nomination ~~[has~~  
1225 ~~been]~~ is certified, executed, and acknowledged by the county clerk, the candidate shall:

1226 (i) between the second Friday in March and the close of normal office hours on the  
1227 third Thursday in March of the year in which the regular general election will be held:

1228 (A) file the petition in person with the lieutenant governor, if the office the candidate  
1229 seeks is a constitutional office or a federal office, or the county clerk, if the office the candidate  
1230 seeks is a county office; and

1231 (B) pay the filing fee; or

1232 (ii) not later than the close of normal office hours on June 15 of any odd-numbered  
1233 year:

1234 (A) file the petition in person with the municipal clerk, if the candidate seeks an office  
1235 in a city or town, or the local district clerk, if the candidate seeks an office in a local district;  
1236 and



1237 (B) pay the filing fee.

1238 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a  
1239 declaration of candidacy for president of the United States.

1240 (ii) Subject to Subsections (3)(c) and 20A-9-502(2), an individual may designate an  
1241 agent to file a declaration of candidacy with the appropriate filing officer if:

1242 (A) the individual is located outside of the state during the entire filing period;

1243 (B) the designated agent appears in person before the filing officer; and

1244 (C) the individual communicates with the filing officer using an electronic device that  
1245 allows the individual and filing officer to see and hear each other.

1246 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall  
1247 read the constitutional and statutory requirements for candidacy to the candidate.

1248 (b) If the candidate states that [~~he~~] the candidate does not meet the requirements, the  
1249 filing officer may not accept the petition.

1250 (3) (a) An individual filing a certificate of nomination for president or vice president of  
1251 the United States under this section shall pay a filing fee of \$500.

1252 (b) Notwithstanding Subsection (1), [~~a person~~] an individual filing a certificate of  
1253 nomination for president or vice president of the United States:

1254 (i) may file the certificate of nomination between the second Friday in March and the  
1255 close of normal office hours on August 15 of the year in which the regular general election will  
1256 be held; and

1257 (ii) may use a designated agent to file the certificate of nomination.

1258 (c) An agent designated under Subsection (1)(b)(ii) or described in Subsection

1259 (3)(b)(ii) may not sign the certificate of nomination form.

1260 Section 20. Section 20A-11-202 is amended to read:

1261 **20A-11-202. State office candidate -- Personal campaign committee required --**  
1262 **Candidate as a political action committee officer.**

1263 (1) (a) (i) Each state office candidate shall select no more than one personal campaign  
1264 committee, consisting of one or more persons, to receive contributions, make expenditures, and  
1265 file reports connected with the candidate's campaign.

1266 (ii) A state office candidate may serve as [~~his~~] the candidate's own campaign  
1267 committee.

1268 (iii) A state office candidate may be designated by a political action committee as an  
1269 officer who has primary decision-making authority as described in Section 20A-11-601.

1270 (b) Except for expenses made by a registered political party to benefit a party's  
1271 candidates generally, a state office candidate or other person acting in concert with or with the  
1272 knowledge of the state office candidate may not receive any contributions or make any  
1273 expenditures on behalf of a state office candidate other than through:

1274 (i) a personal campaign committee established under this section; and

1275 (ii) a political action committee established under Part 6, Political Action Committee  
1276 Registration and Financial Reporting Requirements.

1277 (2) (a) The state office candidate shall file a written statement signed by the candidate  
1278 or authorized member of the candidate's personal campaign committee with the lieutenant  
1279 governor that:

1280 (i) informs the lieutenant governor that the state office candidate's personal campaign  
1281 committee has been selected; and

1282 (ii) provides the name and address of each member and the secretary of the committee.

1283 (b) A state office candidate or the candidate's personal campaign committee may not  
1284 make any expenditures on behalf of the candidate until the statement has been filed.

1285 (c) A state office candidate may revoke the selection of any member of the campaign  
1286 committee by:

1287 (i) revoking that ~~person's~~ individual's appointment or election in writing;

1288 (ii) personally serving the written revocation on the member whose selection is  
1289 revoked; and

1290 (iii) filing a copy of the written revocation with the lieutenant governor.

1291 (d) (i) The state office candidate may select a replacement to fill any vacancy on the  
1292 campaign committee.

1293 (ii) The state office candidate shall file that replacement's name and address with the  
1294 lieutenant governor.

1295 (3) A member of a state office candidate's personal campaign committee may not make  
1296 an expenditure of more than \$1,000 unless the state office candidate or the secretary of the  
1297 personal campaign committee authorizes the expenditure in writing.

1298 (4) A state office candidate or the candidate's personal campaign committee may not

1299 make any expenditures prohibited by law.

1300 Section 21. Section **20A-11-901** is amended to read:

1301 **20A-11-901. Political advertisements -- Requirement that ads designate**  
1302 **responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of**  
1303 **endorsements.**

1304 (1) (a) Whenever any person makes an expenditure for the purpose of financing an  
1305 advertisement expressly advocating for the election or defeat of a clearly identified candidate,  
1306 or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor  
1307 advertising facility, direct mailing, or any other type of general public political advertising, the  
1308 advertisement:

1309 (i) if paid for and authorized by a candidate or the candidate's campaign committee,  
1310 shall clearly state that the advertisement has been paid for by the candidate or the campaign  
1311 committee;

1312 (ii) if paid for by another person but authorized by a candidate or the candidate's  
1313 campaign committee, shall clearly state who paid for the advertisement and that the candidate  
1314 or the campaign committee authorized the advertisement; or

1315 (iii) if not authorized by a candidate or a candidate's campaign committee, shall clearly  
1316 state the name of the person who paid for the advertisement and state that the advertisement is  
1317 not authorized by any candidate or candidate's committee.

1318 (2) (a) A person that makes an expenditure for the purpose of financing an  
1319 advertisement related to a ballot proposition shall ensure that the advertisement complies with  
1320 Subsection (2)(b) if the advertisement expressly advocates:

1321 (i) for placing a ballot proposition on the ballot;

1322 (ii) for keeping a ballot proposition off the ballot;

1323 (iii) that a voter refrain from voting on a ballot proposition; or

1324 (iv) that a voter vote for or against a ballot proposition.

1325 (b) An advertisement described in Subsection (2)(a) shall:

1326 (i) if paid for by a political issues committee, clearly state that the advertisement was  
1327 paid for by the political issues committee;

1328 (ii) if paid for by another person but authorized by a political issues committee, clearly  
1329 state who paid for the advertisement and that the political issues committee authorized the

1330 advertisement; or

1331 (iii) if not authorized by a political issues committee, clearly state the name of the  
1332 person who paid for the advertisement and state that the advertisement is not authorized by any  
1333 political issues committee.

1334 (3) The requirements of Subsections (1) and (2) do not apply to:

1335 (a) lawn signs with dimensions of four by eight feet or smaller;

1336 (b) bumper stickers;

1337 (c) campaign pins, buttons, and pens; or

1338 (d) similar small items upon which the disclaimer cannot be conveniently printed.

1339 (4) (a) A person who is not a reporting entity and pays for an electioneering  
1340 communication shall file a report with the lieutenant governor within 24 hours of making the  
1341 payment or entering into a contract to make the payment.

1342 (b) The report shall include:

1343 (i) the name and address of the person described in Subsection (4)(a);

1344 (ii) the name and address of each person contributing at least \$100 to the person  
1345 described in Subsection (4)(a) for the purpose of disseminating the electioneering  
1346 communication;

1347 (iii) the amount spent on the electioneering communication;

1348 (iv) the name of the identified referenced candidate; and

1349 (v) the medium used to disseminate the electioneering communication.

1350 (5) A person may not, in order to promote the success of any candidate for nomination  
1351 or election to any public office, or in connection with any question submitted to the voters,  
1352 include or cause to be included the name of any person as endorser or supporter in any political  
1353 advertisement, circular, poster, or publication without the express consent of that person.

1354 (6) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any  
1355 newspaper or other periodical to induce ~~him~~ the owner, editor, publisher, or agent to advocate  
1356 or oppose editorially any candidate for nomination or election.

1357 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to  
1358 advocate or oppose editorially any candidate for nomination or election.

1359 Section 22. Section **20A-15-104** is amended to read:

1360 **20A-15-104. Ballot -- Form -- Manner of marking and voting.**

1361 (1) The requirements of this section govern the form of the ballot and the specific  
1362 procedures for electing delegates to the ratification convention.

1363 (2) Each county clerk shall ensure that the ballot to select delegates to the ratification  
1364 convention:

1365 (a) is separate from and printed on different color stock than any other ballot to be used  
1366 at the same election;

1367 (b) contains the following information in this order:

1368 (i) the text of the proposed amendment;

1369 (ii) instructions to the voter;

1370 (iii) three perpendicular columns of equal width;

1371 (iv) at the head of the first perpendicular column, in plain type, the words "For  
1372 Ratification of Proposed Change in Constitution of the United States";

1373 (v) at the head of the second perpendicular column, in plain type, the words "Against  
1374 Ratification of Proposed Change in Constitution of the United States";

1375 (vi) no heading or names at the head of the third perpendicular column;

1376 (vii) in the column headed "For Ratification of Proposed Change in Constitution of the  
1377 United States," the names of the nominees nominated as in favor of ratification;

1378 (viii) in the column headed "Against Ratification of Proposed Change in Constitution  
1379 of the United States," the names of the nominees nominated as against ratification; and

1380 (ix) in the column without heading, spaces permitting the voter to write in other names;  
1381 and

1382 (c) is arranged so that the voter may, by making a single mark, vote for the entire group  
1383 of nominees whose names are contained in any column.

1384 (3) Each county clerk shall ensure that the ballot to select delegates to the ratification  
1385 convention is in substantially the following form:

1386 "OFFICIAL BALLOT for delegates to convention to ratify or reject proposed  
1387 amendment to the Constitution of the United States. The Congress has proposed an amendment  
1388 to the Constitution of the United States that provides: (insert here the text of the proposed  
1389 amendment).

1390 The Congress has also directed that the proposed amendment be ratified by conventions in the  
1391 states.

1392 INSTRUCTIONS TO VOTERS

1393 Do not vote for more than 21.

1394 To vote for all candidates in favor of ratification, or for all candidates against  
1395 ratification, make a cross-mark in the CIRCLE at the head of the list of candidates for whom  
1396 you wish to vote. If you do this, make no other mark.

1397 To vote for an individual candidate, make a cross-mark in the SQUARE immediately  
1398 adjacent to the name.

1399 To vote for a person other than candidates listed on the ballot, write in the person's  
1400 name in blank column.

1401 For ratification of proposed change in Constitution of the United States.

1402 (Name of Candidate) \_\_\_\_\_

1403 Against ratification of proposed change in Constitution of the United States.

1404 (Name of Candidate) \_\_\_\_\_":

1405 (4) If the election of delegates to the ratification convention is held at the same time as  
1406 the regular general election, the county clerk shall:

1407 (a) give the same ballot number to a regular general election ballot and a ballot to elect  
1408 delegates to a ratification convention;

1409 (b) direct the election judges to:

1410 (i) hand to each voter the general election ballot and the ratification convention ballot  
1411 with identical ballot numbers;

1412 (ii) instruct the voter to mark each ballot and deposit each ballot in the ballot box; and

1413 (iii) mark any ballot "void" that the voter declines to use and return it to the county  
1414 clerk.

1415 (5) Each voter shall indicate [~~his~~] the voter's choice by making one or more  
1416 cross-marks in the appropriate spaces provided on the ballot.

1417 Section 23. Section **67-1a-2** is amended to read:

1418 **67-1a-2. Duties enumerated.**

1419 (1) The lieutenant governor shall:

1420 (a) perform duties delegated by the governor, including assignments to serve in any of  
1421 the following capacities:

1422 (i) as the head of any one department, if so qualified, with the advice and consent of

1423 the Senate, and, upon appointment at the pleasure of the governor and without additional  
1424 compensation;

1425 (ii) as the chairperson of any cabinet group organized by the governor or authorized by  
1426 law for the purpose of advising the governor or coordinating intergovernmental or  
1427 interdepartmental policies or programs;

1428 (iii) as liaison between the governor and the state Legislature to coordinate and  
1429 facilitate the governor's programs and budget requests;

1430 (iv) as liaison between the governor and other officials of local, state, federal, and  
1431 international governments or any other political entities to coordinate, facilitate, and protect the  
1432 interests of the state;

1433 (v) as personal advisor to the governor, including advice on policies, programs,  
1434 administrative and personnel matters, and fiscal or budgetary matters; and

1435 (vi) as chairperson or member of any temporary or permanent boards, councils,  
1436 commissions, committees, task forces, or other group appointed by the governor;

1437 (b) serve on all boards and commissions in lieu of the governor, whenever so  
1438 designated by the governor;

1439 (c) serve as the chief election officer of the state as required by Subsection (2);

1440 (d) keep custody of the Great Seal of Utah;

1441 (e) keep a register of, and attest, the official acts of the governor;

1442 (f) affix the Great Seal, with an attestation, to all official documents and instruments to  
1443 which the official signature of the governor is required; and

1444 (g) furnish a certified copy of all or any part of any law, record, or other instrument  
1445 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests  
1446 it and pays the fee.

1447 (2) (a) As the chief election officer, the lieutenant governor shall:

1448 (i) exercise general supervisory authority over all elections;

1449 (ii) exercise direct authority over the conduct of elections for federal, state, and  
1450 multicounty officers and statewide or multicounty ballot propositions and any recounts  
1451 involving those races;

1452 (iii) assist county clerks in unifying the election ballot;

1453 (iv) (A) prepare election information for the public as required by statute and as

1454 determined appropriate by the lieutenant governor; and  
1455 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to  
1456 news media on the Internet and in other forms as required by statute or as determined  
1457 appropriate by the lieutenant governor;  
1458 (v) receive and answer election questions and maintain an election file on opinions  
1459 received from the attorney general;  
1460 (vi) maintain a current list of registered political parties as defined in Section  
1461 20A-8-101;  
1462 (vii) maintain election returns and statistics;  
1463 (viii) certify to the governor the names of those persons who have received the highest  
1464 number of votes for any office;  
1465 (ix) ensure that all voting equipment purchased by the state complies with the  
1466 requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;  
1467 [~~(x) conduct the study described in Section 67-1a-14;~~]  
1468 [~~(xi)~~ (x) during a declared emergency, to the extent that the lieutenant governor  
1469 determines it warranted, designate, as provided in Section 20A-1-308, a different method, time,  
1470 or location relating to:  
1471 (A) voting on election day;  
1472 (B) early voting;  
1473 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;  
1474 (D) the counting of an absentee ballot or military-overseas ballot; or  
1475 (E) the canvassing of election returns; and  
1476 [~~(xii)~~ (xi) perform other election duties as provided in Title 20A, Election Code.  
1477 (b) As chief election officer, the lieutenant governor may not assume the  
1478 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election  
1479 officials by Title 20A, Election Code.  
1480 (3) (a) The lieutenant governor shall:  
1481 (i) determine a new municipality's classification under Section 10-2-301 upon the city's  
1482 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the  
1483 municipality's population using the population estimate from the Utah Population Committee;  
1484 and



1485 (ii) (A) prepare a certificate indicating the class in which the new municipality belongs  
1486 based on the municipality's population; and

1487 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
1488 municipality's legislative body.

1489 (b) The lieutenant governor shall:

1490 (i) determine the classification under Section 10-2-301 of a consolidated municipality  
1491 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,  
1492 Consolidation of Municipalities, using population information from:

1493 (A) each official census or census estimate of the United States Bureau of the Census;  
1494 or

1495 (B) the population estimate from the Utah Population Committee, if the population of a  
1496 municipality is not available from the United States Bureau of the Census; and

1497 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality  
1498 belongs based on the municipality's population; and

1499 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
1500 consolidated municipality's legislative body.

1501 (c) The lieutenant governor shall:

1502 (i) determine a new metro township's classification under Section 10-2-301.5 upon the  
1503 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro  
1504 Townships and Unincorporated Islands in a County of the First Class on and after May 12,  
1505 2015, based on the metro township's population using the population estimates from the Utah  
1506 Population Committee; and

1507 (ii) prepare a certificate indicating the class in which the new metro township belongs  
1508 based on the metro township's population and, within 10 days after preparing the certificate,  
1509 deliver a copy of the certificate to the metro township's legislative body.

1510 (d) The lieutenant governor shall monitor the population of each municipality using  
1511 population information from:

1512 (i) each official census or census estimate of the United States Bureau of the Census; or

1513 (ii) the population estimate from the Utah Population Committee, if the population of a  
1514 municipality is not available from the United States Bureau of the Census.

1515 (e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a

1516 municipality's population has increased beyond the population for its current class, the  
1517 lieutenant governor shall:

1518 (i) prepare a certificate indicating the class in which the municipality belongs based on  
1519 the increased population figure; and

1520 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
1521 legislative body of the municipality whose class has changed.

1522 (f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a  
1523 municipality's population has decreased below the population for its current class, the  
1524 lieutenant governor shall send written notification of that fact to the municipality's legislative  
1525 body.

1526 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose  
1527 population has decreased below the population for its current class, the lieutenant governor  
1528 shall:

1529 (A) prepare a certificate indicating the class in which the municipality belongs based  
1530 on the decreased population figure; and

1531 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
1532 legislative body of the municipality whose class has changed.

1533 Section 24. Section 67-1a-3 is amended to read:

1534 **67-1a-3. Employment of personnel.**

1535 The lieutenant governor, with the approval of the governor, may employ personnel  
1536 necessary to carry out the duties and responsibilities of ~~his~~ the lieutenant governor's office.

1537 Section 25. **Repealer.**

1538 This bill repeals:

1539 Section 20A-16-406, **Disposition of ballot by county clerk.**

1540 Section 20A-16-407, **Duty of election judges.**

1541 Section 67-1a-14, **Study of signing a petition online -- Report.**