

Representative A. Cory Maloy proposes the following substitute bill:

ELECTION MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: A. Cory Maloy

LONG TITLE

General Description:

This bill modifies or repeals certain provisions relating to election administration.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

20A-1-508, as last amended by Laws of Utah 2019, Chapters 212, 255 and last



26 amended by Coordination Clause, Laws of Utah 2019, Chapter 212
27 **20A-1-509.1**, as last amended by Laws of Utah 2019, Chapter 255
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-7-611**, as last amended by Laws of Utah 2021, Chapter 140
44 **20A-9-201**, as last amended by Laws of Utah 2021, Chapters 20 and 183
45 **20A-9-502**, as last amended by Laws of Utah 2018, Chapter 11
46 **20A-9-503**, as last amended by Laws of Utah 2020, Chapter 22
47 **20A-11-202**, as last amended by Laws of Utah 2011, Chapter 347
48 **20A-11-901**, as last amended by Laws of Utah 2019, Chapter 154
49 **20A-13-101.5**, as last amended by Laws of Utah 2021, Second Special Session, Chapter
50 2
51 **20A-14-101.5**, as last amended by Laws of Utah 2021, Second Special Session, Chapter
52 10
53 **20A-14-203**, as last amended by Laws of Utah 2016, Chapter 16
54 **20A-15-104**, as last amended by Laws of Utah 2009, Chapter 202
55 **67-1a-2**, as last amended by Laws of Utah 2020, Chapters 49 and 352
56 **67-1a-3**, as enacted by Laws of Utah 1984, Chapter 68

57 REPEALS:

58 **20A-16-406**, as last amended by Laws of Utah 2020, Chapter 31

59 **20A-16-407**, as last amended by Laws of Utah 2020, Chapter 31

60 **67-1a-14**, as last amended by Laws of Utah 2016, Chapter 348



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

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

64 **17-20-5. Report of election and appointment of officers.**

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

- 69 (1) the name of the county;
- 70 (2) the name of the county office to which the ~~[person]~~ individual was elected or
71 appointed;
- 72 (3) the date of the election or appointment of the ~~[person]~~ individual;
- 73 (4) the date of the expiration of the term for which the ~~[person]~~ individual was elected
74 or appointed;
- 75 (5) the date of the certificate of election or appointment; and
- 76 (6) the date of the qualification of the ~~[person]~~ individual elected or appointed.

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

78 **17B-1-306. Local district board -- Election procedures.**

- 79 (1) Except as provided in Subsection (12), each elected board member shall be selected
80 as provided in this section.
- 81 (2) (a) Each election of a local district board member shall be held:
 - 82 (i) at the same time as the municipal general election or the regular general election, as
83 applicable; and
 - 84 (ii) at polling places designated by the local district board in consultation with the
85 county clerk for each county in which the local district is located, which polling places shall
86 coincide with municipal general election or regular general election polling places, as
87 applicable, whenever feasible.

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

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

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

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

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

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

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

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

104 (a) by posting the notice on the Utah Public Notice Website created in Section
105 [63A-16-601](#), for 10 days before the first day for filing a declaration of candidacy; [~~and~~]

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

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

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

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

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

119 (i) the individual is located outside of the state during the entire filing period;
 120 (ii) the designated agent appears in person before the official designated by the local
 121 district; and

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

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

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

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

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

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

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

134 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
 135 _____, City of _____, County of _____, state of Utah, (Zip
 136 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
 137 office of board of trustees member for _____ (state the name of the local
 138 district); that I am a candidate for that office to be voted upon at the next election; and that, if
 139 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing
 140 period, and I hereby request that my name be printed upon the official ballot for that election.

141 (Signed) _____

142 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
 143 of _____, _____.

144 (Signed) _____

145 (Clerk or Notary Public)".

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

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

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

153 (i) If only one candidate files a declaration of candidacy and there is no write-in
154 candidate who complies with Section 20A-9-601, the board, in accordance with Section
155 20A-1-206, may:

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

157 (ii) cancel the election.

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

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

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

162 (b) The primary election shall be conducted:

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

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

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

170 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
171 20A-6-305, the clerk of each county in which the local district is located and the local district
172 clerk shall coordinate the placement of the name of each candidate for local district office in
173 the nonpartisan section of the ballot with the appropriate election officer.

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

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

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

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

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

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

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

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

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

191 and

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

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

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

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

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

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

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

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

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

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

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

211 (i) a local district board; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

247 (A) notice of the election; and

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

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

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

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

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

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

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

259 **20A-1-102. Definitions.**

260 As used in this title:

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

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

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

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

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

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

271 (b) a constitutional amendment;

272 (c) an initiative;

273 (d) a referendum;

- 274 (e) a bond proposition;
- 275 (f) a judicial retention question;
- 276 (g) an incorporation of a city or town; or
- 277 (h) any other ballot question specifically authorized by the Legislature.
- 278 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
- 279 together using staples or another means in at least three places across the top of the paper in the
- 280 blank space reserved for securing the paper.
- 281 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 282 [20A-4-306](#) to canvass election returns.
- 283 (7) "Bond election" means an election held for the purpose of approving or rejecting
- 284 the proposed issuance of bonds by a government entity.
- 285 (8) "Business reply mail envelope" means an envelope that may be mailed free of
- 286 charge by the sender.
- 287 (9) "Canvass" means the review of election returns and the official declaration of
- 288 election results by the board of canvassers.
- 289 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 290 the canvass.
- 291 (11) "Contracting election officer" means an election officer who enters into a contract
- 292 or interlocal agreement with a provider election officer.
- 293 (12) "Convention" means the political party convention at which party officers and
- 294 delegates are selected.
- 295 (13) "Counting center" means one or more locations selected by the election officer in
- 296 charge of the election for the automatic counting of ballots.
- 297 (14) "Counting judge" means a poll worker designated to count the ballots during
- 298 election day.
- 299 (15) "Counting room" means a suitable and convenient private place or room for use
- 300 by the poll workers and counting judges to count ballots.
- 301 (16) "County officers" means those county officers that are required by law to be
- 302 elected.
- 303 (17) "Date of the election" or "election day" or "day of the election":
- 304 (a) means the day that is specified in the calendar year as the day that the election

305 occurs; and

306 (b) does not include:

307 (i) deadlines established for voting by mail, military-overseas voting, or emergency

308 voting; or

309 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early

310 Voting.

311 (18) "Elected official" means:

312 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,

313 Municipal Alternate Voting Methods Pilot Project;

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

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

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

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

318 (19) "Election" means a regular general election, a municipal general election, a

319 statewide special election, a local special election, a regular primary election, a municipal

320 primary election, and a local district election.

321 (20) "Election Assistance Commission" means the commission established by the Help

322 America Vote Act of 2002, Pub. L. No. 107-252.

323 (21) "Election cycle" means the period beginning on the first day persons are eligible to

324 file declarations of candidacy and ending when the canvass is completed.

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

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

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

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

329 (23) "Election officer" means:

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

331 (b) the county clerk for:

332 (i) a county 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;

335 (c) the municipal clerk for:

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

367 17D, Chapter 1, Special Service District Act.

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

370 (33) "Local election" means a regular county election, a regular municipal election, a
371 municipal primary election, a local special election, a local district election, and a bond
372 election.

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

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

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

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

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

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

386 (38) "Municipal executive" means:

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

388 (b) the mayor in the council-manager form of government defined in Subsection
389 10-3b-103(7); or

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

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

394 (40) "Municipal legislative body" means:

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

396 (b) the council of a metro township.

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

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

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

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

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

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

406 (a) the ballot as an official ballot;

407 (b) the date of the election; and

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

410 (ii) for a ballot prepared by a county clerk, the words required by Subsection
411 20A-6-301(1)(b)(iii).

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

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

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

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

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

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

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

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

426 (53) "Presidential Primary Election" means the election established in Chapter 9, Part
427 8, Presidential Primary Election.

428 (54) "Primary convention" means the political party conventions held during the year

429 of the regular general election.

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

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

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

433 (56) "Provider election officer" means an election officer who enters into a contract or
434 interlocal agreement with a contracting election officer to conduct an election for the
435 contracting election officer's local political subdivision in accordance with Section
436 [20A-5-400.1](#).

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

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

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

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

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

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

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

448 (i) elected to public office; or

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

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

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

454 (62) "Registration form" means a form by which an individual may register to vote
455 under this title.

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

457 (64) "Regular general election" means the election held throughout the state on the first
458 Tuesday after the first Monday in November of each even-numbered year for the purposes
459 established in Section [20A-1-201](#).

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

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

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

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

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

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

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

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

473 (a) is spoiled by the voter;

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

475 (c) lacks the official endorsement.

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

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

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

481 (a) political parties;

482 (b) candidates for an office; or

483 (c) ballot propositions.

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

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

489 (76) "Valid voter identification" means:

490 (a) a form of identification that bears the name and photograph of the voter which may

491 include:

- 492 (i) a currently valid Utah driver license;
- 493 (ii) a currently valid identification card that is issued by:
- 494 (A) the state; or
- 495 (B) a branch, department, or agency of the United States;
- 496 (iii) a currently valid Utah permit to carry a concealed weapon;
- 497 (iv) a currently valid United States passport; or
- 498 (v) a currently valid United States military identification card;
- 499 (b) one of the following identification cards, whether or not the card includes a
- 500 photograph of the voter:
- 501 (i) a valid tribal identification card;
- 502 (ii) a Bureau of Indian Affairs card; or
- 503 (iii) a tribal treaty card; or
- 504 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
- 505 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 506 may include:
- 507 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 508 election;
- 509 (ii) a bank or other financial account statement, or a legible copy thereof;
- 510 (iii) a certified birth certificate;
- 511 (iv) a valid social security card;
- 512 (v) a check issued by the state or the federal government or a legible copy thereof;
- 513 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 514 (vii) a currently valid Utah hunting or fishing license;
- 515 (viii) certified naturalization documentation;
- 516 (ix) a currently valid license issued by an authorized agency of the United States;
- 517 (x) a certified copy of court records showing the voter's adoption or name change;
- 518 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 519 (xii) a currently valid identification card issued by:
- 520 (A) a local government within the state;
- 521 (B) an employer for an employee; or

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

524 (xiii) a current Utah vehicle registration.

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

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

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

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

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

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

532 (b) meets the requirements of election registration;

533 (c) is registered to vote; and

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

535 (80) "Voter registration deadline" means the registration deadline provided in Section
536 [20A-2-102.5](#).

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

539 (82) "Voting booth" means:

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

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

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

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

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

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

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

552 Section 4. Section [20A-1-508](#) is amended to read:

553 **20A-1-508. Midterm vacancies in county elected offices -- Temporary manager --**
554 **Interim replacement.**

555 (1) As used in this section:

556 (a) (i) "County offices" includes the county executive, members of the county
557 legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor,
558 the county recorder, the county surveyor, and the county assessor.

559 (ii) "County offices" does not include the office of county attorney, district attorney, or
560 judge.

561 (b) "Party liaison" means the political party officer designated to serve as a liaison with
562 each county legislative body on all matters relating to the political party's relationship with a
563 county as required by Section [20A-8-401](#).

564 (2) (a) Except as provided in Subsection (2)(d), until a county legislative body appoints
565 an interim replacement to fill a vacant county office under Subsection (3), the following shall
566 temporarily discharge the duties of the county office as a temporary manager:

567 (i) for a county office with one chief deputy, the chief deputy;

568 (ii) for a county office with more than one chief deputy:

569 (A) the chief deputy with the most cumulative time served as a chief deputy for the
570 county office; or

571 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer
572 vacates the office, the county officer files with the county clerk a written statement designating
573 one of the county officer's chief deputies to discharge the duties of the county office in the
574 event the county officer vacates the office, the designated chief deputy; or

575 (iii) for a county office without a chief deputy:

576 (A) if one management-level employee serving under the county office has a
577 higher-seniority management level than any other employee serving under the county office,
578 that management-level employee;

579 (B) if two or more management-level employees serving under the county office have
580 the same and highest-seniority management level, the highest-seniority management-level
581 employee with the most cumulative time served in the employee's current position; or

582 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
583 officer vacates the office, the county officer files with the county clerk a written statement

584 designating one of the county officer's employees to discharge the county officer's duties in the
585 event the county officer vacates the office, the designated employee.

586 (b) Except as provided in Subsection (2)(c), a temporary manager described in
587 Subsection (2)(a) who temporarily discharges the duties of a county office holds the powers
588 and duties of the county office until the county legislative body appoints an interim
589 replacement under Subsection (3).

590 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges
591 the duties of a county office:

592 (i) may not take an oath of office for the county office as a temporary manager;

593 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for
594 Counties, and the county's budget ordinances and policies;

595 (iii) unless approved by the county legislative body, may not change the compensation
596 of an employee;

597 (iv) unless approved by the county legislative body, may not promote or demote an
598 employee or change an employee's job title;

599 (v) may terminate an employee only if the termination is conducted in accordance with:

600 (A) personnel rules described in Subsection 17-33-5(3) that are approved by the county
601 legislative body; and

602 (B) applicable law;

603 (vi) unless approved by the county legislative body, may not exceed by more than 5%
604 an expenditure that was planned before the county office for which the temporary manager
605 discharges duties was vacated;

606 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
607 compensation; and

608 (viii) if approved by the county legislative body, may receive a performance award
609 after:

610 (A) the county legislative body appoints an interim replacement under Subsection (3);

611 and

612 (B) the interim replacement is sworn into office.

613 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative
614 body member.

615 (3) (a) Until a replacement is selected as provided in this section and has qualified, the
616 county legislative body shall appoint an interim replacement to fill the vacant office by
617 following the procedures and requirements of this Subsection (3).

618 (b) (i) To appoint an interim replacement, the county legislative body shall, within 10
619 days after the day on which the vacancy occurs, give notice of the vacancy to the party liaison
620 of the same political party of the prior office holder and invite that party liaison to submit the
621 name of an individual to fill the vacancy.

622 (ii) That party liaison shall, before 5 p.m. within 30 days after the day on which the
623 liaison receives the notice described in Subsection (3)(b)(i), or if the party liaison does not
624 receive the notice, before 5 p.m. within 40 days after the day on which the vacancy occurs,
625 submit to the county legislative body the name of an individual the party selects in accordance
626 with the party's constitution or bylaws to serve as the interim replacement.

627 (iii) The county legislative body shall, no later than five days after the day on which a
628 party liaison submits the name of the individual to serve as the interim replacement, appoint the
629 individual to serve out the unexpired term.

630 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the
631 vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall, no later than five days
632 after the day of the deadline described in Subsection (3)(b)(iii), send to the governor a letter
633 that:

634 (A) informs the governor that the county legislative body has failed to appoint a
635 replacement within the statutory time period; and

636 (B) contains the name of the individual submitted by the party liaison to fill the
637 vacancy.

638 (ii) The governor shall, within 10 days after the day on which the governor receives the
639 letter described in Subsection (3)(c)(i), appoint the individual named by the party liaison as an
640 interim replacement to fill the vacancy.

641 (d) An individual appointed as interim replacement under this Subsection (3) shall hold
642 office until a successor is elected and has qualified.

643 (4) (a) The requirements of this Subsection (4) apply to all county offices that become
644 vacant if:

645 (i) the vacant office has an unexpired term of two years or more; and

646 (ii) the vacancy occurs after the election at which the officeholder was elected, but
647 before the [~~second Friday in March of~~] day, in the next even-numbered year, that is 48 days
648 after the day on which the Legislature's general session begins, as provided in Section
649 [36-3-201](#).

650 (b) (i) When the conditions described in Subsection (4)(a) are met, the county clerk
651 shall as soon as practicable, but no later than 180 days before the next regular general election,
652 notify the public and each registered political party that the vacancy exists.

653 (ii) An individual intending to become a party candidate for the vacant office shall file
654 a declaration of candidacy in accordance with:

655 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

656 (B) for a county commission office, Subsection [17-52a-201\(6\)](#) or [17-52a-202\(6\)](#), if
657 applicable.

658 (iii) An individual who is nominated as a party candidate, who qualifies as an
659 unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not Affiliated
660 with a Party, or who qualifies as a write-in candidate for the vacant office under Chapter 9, Part
661 6, Write-in Candidates, shall run in the regular general election.

662 (5) (a) The requirements of this Subsection (5) apply to all county offices that become
663 vacant if:

664 (i) the vacant office has an unexpired term of two years or more; and

665 (ii) the vacancy occurs on or after the [~~second Friday in March of~~] day, in the next
666 even-numbered year, that is 48 days after the day on which the Legislature's general session
667 begins, as provided in Section [36-3-201](#), but more than 75 days before the regular primary
668 election.

669 (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall
670 as soon as practicable, but no later than 70 days before the next regular primary election, notify
671 the public and each registered political party:

672 (i) that the vacancy exists; and

673 (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established
674 under Subsection (5)(d)(ii).

675 (c) (i) An individual intending to become a party candidate for a vacant office shall,
676 within five days after the day on which the notice is given, ending at the close of normal office

677 hours on the fifth day, file a declaration of candidacy for the vacant office in accordance with:

678 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

679 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if
680 applicable.

681 (ii) The county central committee of each party shall:

682 (A) select a candidate or candidates from among those qualified candidates who have
683 filed declarations of candidacy; and

684 (B) certify the name of the candidate or candidates to the county clerk as soon as
685 practicable, but before 5 p.m. no later than 60 days before the day of the regular primary
686 election.

687 (d) (i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a
688 candidate for a vacant office who does not wish to affiliate with a registered political party
689 shall file a verified certificate of nomination described in Section 20A-9-502 with the county
690 clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with a Party.

691 (ii) (A) The county clerk shall establish, in the clerk's reasonable discretion, a deadline
692 that is before 5 p.m. no later than 65 days before the day of the next regular general election by
693 which an individual who is not affiliated with a registered political party is required to submit a
694 certificate of nomination under Subsection (5)(d)(i).

695 (B) The county clerk shall establish the deadline described in Subsection (5)(d)(ii)(A)
696 in a manner that gives an unaffiliated candidate an equal opportunity to access the regular
697 general election ballot.

698 (e) An individual who is nominated as a party candidate for the vacant office, who
699 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates
700 not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under
701 Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.

702 (6) (a) The requirements of this Subsection (6) apply to all county offices that become
703 vacant:

704 (i) if the vacant office has an unexpired term of two years or more; and

705 (ii) when 75 days or less remain before the day of the regular primary election but more
706 than 65 days remain before the day of the regular general election.

707 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall,

708 as soon as practicable, notify the public and each registered political party:

709 (i) that the vacancy exists; and

710 (ii) of the deadlines established under Subsection (6)(d).

711 (c) (i) Before the deadline that the county clerk establishes under Subsection

712 (6)(d)(i)(A), the county central committee of each registered political party that wishes to

713 submit a candidate for the office shall certify the name of one candidate to the county clerk for

714 placement on the regular general election ballot.

715 (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B),

716 a candidate who does not wish to affiliate with a registered political party shall file a verified

717 certificate of nomination described in Section 20A-9-502 with the county clerk in accordance

718 with Chapter 9, Part 5, Candidates not Affiliated with a Party.

719 (iii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(C),

720 a write-in candidate shall submit to the county clerk a declaration of candidacy described in

721 Section 20A-9-601.

722 (d) (i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines

723 that are before 5 p.m. no later than 65 days before the day of the next regular general election

724 by which:

725 (A) a registered political party is required to certify a name under Subsection (6)(c)(i);

726 (B) an individual who does not wish to affiliate with a registered political party is

727 required to submit a certificate of nomination under Subsection (6)(c)(ii); and

728 (C) a write-in candidate is required to submit a declaration of candidacy under

729 Subsection (6)(c)(iii).

730 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner

731 that gives an unaffiliated candidate or a write-in candidate an equal opportunity to access the

732 regular general election ballot.

733 (e) An individual who is certified as a party candidate for the vacant office, who

734 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates

735 not Affiliated with a Party, or who qualifies as a write-in candidate for the vacant office under

736 Chapter 9, Part 6, Write-in Candidates, shall run in the regular general election.

737 (7) (a) The requirements of this Subsection (7) apply to all county offices that become

738 vacant:

739 (i) if the vacant office has an unexpired term of less than two years; or
740 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less
741 remain before the day of the next regular general election.

742 (b) (i) When the conditions described in Subsection (7)(a) are met, the county
743 legislative body shall as soon as practicable, but no later than 10 days after the day on which
744 the vacancy occurs, give notice of the vacancy to the party liaison of the same political party as
745 the prior office holder and invite that party liaison to submit the name of an individual to fill
746 the vacancy.

747 (ii) That party liaison shall, before 5 p.m. within 30 days after the day on which the
748 party liaison receives the notice described in Subsection (7)(b)(i), or if the party liaison does
749 not receive the notice, before 5 p.m. no later than 40 days after the day on which the vacancy
750 occurs, submit to the county legislative body the name of an individual to fill the vacancy.

751 (iii) The county legislative body shall, no later than five days after the day on which a
752 party liaison submits the name of the individual to fill the vacancy, appoint the individual to
753 serve out the unexpired term.

754 (c) (i) If the county legislative body fails to appoint an individual to fill the vacancy in
755 accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor a letter that:

756 (A) informs the governor that the county legislative body has failed to appoint an
757 individual to fill the vacancy within the statutory time period; and

758 (B) contains the name of the individual submitted by the party liaison to fill the
759 vacancy.

760 (ii) The governor shall, within 10 days after the day on which the governor receives the
761 letter described in Subsection (7)(c)(i), appoint the individual named by the party liaison to fill
762 the vacancy.

763 (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold
764 office until a successor is elected and has qualified.

765 (8) Except as otherwise provided by law, the county legislative body may appoint
766 replacements to fill all vacancies that occur in those offices filled by appointment of the county
767 legislative body.

768 (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a
769 political party from filing a certificate of nomination for a vacant office within the same time

770 limits as a candidate that is affiliated with a political party.

771 (10) (a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a
772 county office shall serve for the remainder of the unexpired term of the individual who created
773 the vacancy and until a successor is elected and qualified.

774 (b) Nothing in this section may be construed to contradict or alter the provisions of
775 Section [17-16-6](#).

776 Section 5. Section **20A-1-509.1** is amended to read:

777 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15**
778 **or more attorneys.**

779 (1) When a vacancy occurs in the office of county or district attorney in a county or
780 district having 15 or more attorneys who are licensed active members in good standing with the
781 Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

782 (2) (a) The requirements of this Subsection (2) apply when the office of county
783 attorney or district attorney becomes vacant and:

784 (i) the vacant office has an unexpired term of two years or more; and

785 (ii) the vacancy occurs before the ~~[third Thursday in March of the]~~ day, in an
786 even-numbered year, that is 52 days after the day on which the Legislature's general session
787 begins, as provided in Section [36-3-201](#).

788 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
789 notify the public and each registered political party that the vacancy exists.

790 (c) All persons intending to become candidates for the vacant office shall:

791 (i) file a declaration of candidacy according to the procedures and requirements of
792 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

793 (ii) if nominated as a party candidate or qualified as an independent or write-in
794 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the
795 regular general election; and

796 (iii) if elected, complete the unexpired term of the person who created the vacancy.

797 (d) ~~[If the vacancy occurs after the second Friday in March and before the third~~

798 ~~Thursday in March, the]~~ The time for filing a declaration of candidacy under Section

799 [20A-9-202](#) shall be extended until 5 p.m. seven days after the county clerk gives notice under

800 Subsection (2)(b), but no later than 5 p.m. ~~[the fourth Thursday in March.]~~ 59 days after the day

801 on which the Legislature's general session begins, as provided in Section 36-3-201, if the
802 vacancy occurs:

803 (i) on or after 48 days after the day on which the Legislature's general session begins,
804 as provided in Section 36-3-201; and

805 (ii) before 52 days after the day on which the Legislature's general session begins, as
806 provided in Section 36-3-201.

807 (3) (a) The requirements of this Subsection (3) apply when the office of county
808 attorney or district attorney becomes vacant and:

809 (i) the vacant office has an unexpired term of two years or more; and

810 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year
811 but more than 75 days before the regular primary election.

812 (b) When the conditions established in Subsection (3)(a) are met, the county clerk
813 shall:

814 (i) notify the public and each registered political party that the vacancy exists; and

815 (ii) identify the date and time by which a person interested in becoming a candidate
816 shall file a declaration of candidacy.

817 (c) All persons intending to become candidates for the vacant office shall:

818 (i) before 5 p.m. within five days after the day on which the county clerk gives the
819 notice described in Subsection (3)(b)(i), file a declaration of candidacy for the vacant office as
820 required by Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

821 (ii) if elected, complete the unexpired term of the person who created the vacancy.

822 (d) The county central committee of each party shall:

823 (i) select a candidate or candidates from among those qualified candidates who have
824 filed declarations of candidacy; and

825 (ii) certify the name of the candidate or candidates to the county clerk:

826 (A) before 5 p.m. no later than 60 days before the day of the regular primary election;

827 or

828 (B) electronically, before midnight no later than 60 days before the day of the regular
829 primary election.

830 (4) (a) The requirements of this Subsection (4) apply when the office of county
831 attorney or district attorney becomes vacant and:

832 (i) the vacant office has an unexpired term of two years or more; and
833 (ii) 75 days or less remain before the regular primary election but more than 65 days
834 remain before the regular general election.

835 (b) When the conditions established in Subsection (4)(a) are met, the county central
836 committees of each registered political party that wish to submit a candidate for the office
837 shall, not later than five days after the day on which the vacancy occurs, certify the name of one
838 candidate to the county clerk for placement on the regular general election ballot.

839 (c) The candidate elected shall complete the unexpired term of the person who created
840 the vacancy.

841 (5) (a) The requirements of this Subsection (5) apply when the office of county
842 attorney or district attorney becomes vacant and:

843 (i) the vacant office has an unexpired term of less than two years; or
844 (ii) the vacant office has an unexpired term of two years or more but 65 days or less
845 remain before the next regular general election.

846 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
847 body shall give notice of the vacancy to the county central committee of the same political
848 party of the prior officeholder and invite that committee to submit the names of three nominees
849 to fill the vacancy.

850 (c) That county central committee shall, within 30 days after the day on which the
851 county legislative body gives the notice described in Subsection (5)(b), submit to the county
852 legislative body the names of three nominees to fill the vacancy.

853 (d) The county legislative body shall, within 45 days after the vacancy occurs, appoint
854 one of those nominees to serve out the unexpired term.

855 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45
856 days, the county clerk shall send to the governor a letter that:

857 (i) informs the governor that the county legislative body has failed to appoint a person
858 to fill the vacancy within the statutory time period; and

859 (ii) contains the list of nominees submitted by the party central committee.

860 (f) The governor shall appoint a person to fill the vacancy from that list of nominees
861 within 30 days after receipt of the letter.

862 (g) A person appointed to fill the vacancy under this Subsection (5) shall complete the

863 unexpired term of the person who created the vacancy.

864 (6) Nothing in this section prevents or prohibits independent candidates from filing a
865 declaration of candidacy for the office within the required time limits.

866 Section 6. Section **20A-1-509.3** is amended to read:

867 **20A-1-509.3. Procedure for making interim replacement.**

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

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

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

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

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

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

882 Section 7. Section **20A-1-608** is amended to read:

883 **20A-1-608. Promises of appointment to office forbidden.**

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

889 (2) Nothing contained in this section prevents:

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

892 (b) a candidate for any office in which the ~~[person]~~ individual elected will be charged
893 with the duty of participating in the election or nomination of ~~[any person]~~ an individual as a

894 candidate for any office from publicly stating or pledging [~~his~~] the candidate's preference for,
895 or support of, [~~any person~~] an individual for that office or nomination.

896 Section 8. Section **20A-1-611** is amended to read:

897 **20A-1-611. Cost of defense of action.**

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

901 Section 9. Section **20A-2-207** is amended to read:

902 **20A-2-207. Registration by provisional ballot.**

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

- 906 (a) the individual is otherwise legally entitled to vote the ballot;
- 907 (b) the ballot is identical to the ballot for the precinct in which the individual resides;
- 908 (c) the information on the provisional ballot form is complete; and
- 909 (d) the individual provides valid voter identification and proof of residence to the poll
910 worker.

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

- 913 (a) consider the provisional ballot a voter registration form;
- 914 (b) place the ballot with the other ballots, to be counted with those ballots at the
915 canvass; and
- 916 (c) as soon as reasonably possible, register the individual to vote.

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

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

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

924 (5) The lieutenant governor shall report to the Government Operations Interim

925 Committee on or before October 31, 2020, regarding:

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

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

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

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

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

932 (ii) on election day; and

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

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

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

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

940 Section 10. Section 20A-3a-201 is amended to read:

941 **20A-3a-201. Voting methods.**

942 (1) Except for an election conducted entirely by mail under Section 20A-7-609.5, a
943 voter may vote as follows:

944 (a) by mail;

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

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

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

949 (e) electronically or via a federal write-in absentee ballot if the voter is a covered voter,
950 as defined in Section 20A-16-102; or

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

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

954 Section 11. Section 20A-3a-202 is amended to read:

955 **20A-3a-202. Conducting election by mail.**

956 (1) Except as otherwise provided for an election conducted entirely by mail under
957 Section 20A-7-609.5, an election officer shall administer an election primarily by mail, in
958 accordance with this section.

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

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

963 (i) a manual ballot;

964 (ii) a return envelope;

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

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

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

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

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

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

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

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

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

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

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

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

992 (4) The return envelope shall include:

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

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

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

998 "County of ____ State of ____

999 I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
1000 in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
1001 currently incarcerated for commission of a felony.

1002 _____

1003 Signature of Voter"; and

1004 (d) a warning that the affidavit must be signed by the individual to whom the ballot
1005 was sent and that the ballot will not be counted if the signature on the affidavit does not match
1006 the signature on file with the election officer of the individual to whom the ballot was sent.

1007 (5) If the election officer determines that the voter is required to show valid voter
1008 identification, the election officer may:

1009 (a) mail a ballot to the voter; and

1010 (b) instruct the voter to include a copy of the voter's valid voter identification with the
1011 return ballot.

1012 (6) An election officer who administers an election shall:

1013 (a) (i) before the election, obtain the signatures of each voter qualified to vote in the
1014 election; or

1015 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
1016 and

1017 (b) maintain the signatures on file in the election officer's office.

1018 (7) Upon receipt of a returned ballot, the election officer shall review and process the
1019 ballot under Section 20A-3a-401.

1020 (8) A county that administers an election:

1021 (a) shall provide at least one election day voting center in accordance with Chapter 3a,
1022 Part 7, Election Day Voting Center, and at least one additional election day voting center for
1023 every 5,000 active voters in the county who have requested to not receive a ballot by mail;

1024 (b) shall ensure that each election day voting center operated by the county has at least
1025 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,
1026 Pub. L. No. 107-252, for individuals with disabilities;

1027 (c) may reduce the early voting period described in Section 20A-3a-601, if:

1028 (i) the county clerk conducts early voting on at least four days;

1029 (ii) the early voting days are within the period beginning on the date that is 14 days
1030 before the date of the election and ending on the day before the election; and

1031 (iii) the county clerk provides notice of the reduced early voting period in accordance
1032 with Section 20A-3a-604;

1033 (d) is not required to pay return postage for a ballot; and

1034 (e) is subject to an audit conducted under Subsection (9).

1035 (9) (a) The lieutenant governor shall:

1036 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
1037 an election conducted under this section; and

1038 (ii) after each primary, general, or special election conducted under this section, select
1039 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
1040 developed under Subsection (9)(a)(i).

1041 (b) The lieutenant governor shall post the results of an audit conducted under this
1042 Subsection (9) on the lieutenant governor's website.

1043 (10) (a) An individual may request that the election officer not send the individual a
1044 ballot by mail in the next and subsequent elections by submitting a written request to the
1045 election officer.

1046 (b) An individual shall submit the request described in Subsection (10)(a) to the
1047 election officer before 5 p.m. no later than 60 days before an election if the individual does not
1048 wish to receive a ballot by mail in that election.

- 1049 (c) An election officer who receives a request from an individual under Subsection
1050 (10)(a):
- 1051 (i) shall remove the individual's name from the list of voters who will receive a ballot
1052 by mail; and
- 1053 (ii) may not send the individual a ballot by mail for:
- 1054 (A) the next election, if the individual submits the request described in Subsection
1055 (10)(a) before the deadline described in Subsection (10)(b); or
- 1056 (B) an election after the election described in Subsection (10)(c)(ii)(A).
- 1057 (d) An individual who submits a request under Subsection (10)(a) may resume the
1058 individual's receipt of a ballot by mail by submitting a written request to the election officer.
1059 Section 12. Section **20A-3a-801** is amended to read:
- 1060 **20A-3a-801. Watchers.**
- 1061 (1) As used in this section, "administering election officer" means:
- 1062 (a) the election officer; or
- 1063 (b) if the election officer is the lieutenant governor, the county clerk of the county in
1064 which an individual will act as a watcher.
- 1065 (2) (a) Any individual may become a watcher in an election at any time by registering
1066 as a watcher with the administering election officer.
- 1067 (b) An individual who registers under Subsection (2)(a) is not required to be certified
1068 by a person under Subsection (3) in order to act as a watcher.
- 1069 (c) An individual who registers as a watcher shall notify the administering election
1070 officer of the dates, times, and locations that the individual intends to act as a watcher.
- 1071 (d) An election official may not prohibit a watcher from performing a function
1072 described in Subsection (4) because the watcher did not provide the notice described in
1073 Subsection (2)(c).
- 1074 (e) An administering election officer shall provide a copy of this section, or
1075 instructions on how to access an electronic copy of this section, to a watcher at the time the
1076 watcher registers under this Subsection (2).
- 1077 (3) (a) A person that is a candidate whose name will appear on the ballot, a qualified
1078 write-in candidate for the election, a registered political party, or a political issues committee
1079 may certify an individual as an official watcher for the person:

1080 (i) by filing an affidavit with the administering election officer responsible to designate
1081 an individual as an official watcher for the certifying person; and

1082 (ii) if the individual registers as a watcher under Subsection (2)(a).

1083 (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the
1084 same function described in Subsection (4) at the same time and in the same location as another
1085 watcher who is certified by that person.

1086 (c) A watcher who is certified by a person under Subsection (3)(a) may designate
1087 another individual to serve in the watcher's stead during the watcher's temporary absence by
1088 filing with a poll worker an affidavit that designates the individual as a temporary replacement.

1089 (4) A watcher may:

1090 (a) observe the setup or takedown of a polling [~~location~~] place;

1091 (b) observe a voter checking in at a polling [~~location~~] place;

1092 (c) observe the collection, receipt, and processing of a ballot, including a provisional
1093 ballot or a ballot cast by a covered voter as defined in Section [20A-16-102](#);

1094 (d) observe the transport or transmission of a ballot that is in an election official's
1095 custody;

1096 (e) observe the opening and inspection of a manual ballot;

1097 (f) observe ballot duplication;

1098 (g) observe the conduct of logic and accuracy testing described in Section [20A-5-802](#);

1099 (h) observe ballot tabulation;

1100 (i) observe the process of storing and securing a ballot;

1101 (j) observe a post-election audit;

1102 (k) observe a canvassing board meeting described in Title 20A, Chapter 4, Part 3,

1103 Canvassing Returns;

1104 (l) observe the certification of the results of an election; or

1105 (m) observe a recount.

1106 (5) (a) A watcher may not:

1107 (i) electronically record an activity described in Subsection (4) if the recording would
1108 reveal a vote or otherwise violate a voter's privacy or a voter's right to cast a secret ballot;

1109 (ii) interfere with an activity described in Subsection (4), except to challenge an
1110 individual's eligibility to vote under Section [20A-3a-803](#); or

1111 (iii) divulge information related to the number of votes counted, tabulated, or cast for a
1112 candidate or ballot proposition until after the election officer makes the information public.

1113 (b) A person who violates Subsection (5)(a)(iii) is guilty of a third degree felony.

1114 (6) (a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working
1115 environment for an election official or to protect the safety or security of a ballot, an
1116 administering election officer may take reasonable action to:

1117 (i) limit the number of watchers at a single location;

1118 (ii) remove a watcher for violating a provision of this section;

1119 (iii) remove a watcher for interfering with an activity described in Subsection (4);

1120 (iv) designate areas for a watcher to reasonably observe the activities described in
1121 Subsection (4); or

1122 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.

1123 (b) If an administering election officer limits the number of watchers at a single
1124 location under Subsection (6)(a)(i), the administering election officer shall give preferential
1125 access to the location to a watcher designated under Subsection (3).

1126 (c) An administering election officer may provide a watcher a badge that identifies the
1127 watcher and require the watcher to wear the badge while acting as a watcher.

1128 Section 13. Section **20A-4-306** is amended to read:

1129 **20A-4-306. Statewide canvass.**

1130 (1) (a) The state board of canvassers shall convene:

1131 (i) on the fourth Monday of November, at noon; or

1132 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
1133 returns of a statewide special election.

1134 (b) The state auditor, the state treasurer, and the attorney general are the state board of
1135 canvassers.

1136 (c) Attendance of all members of the state board of canvassers [~~shall be~~] is required to
1137 constitute a quorum for conducting the canvass.

1138 (2) (a) The state board of canvassers shall:

1139 (i) meet in the lieutenant governor's office; and

1140 (ii) compute and determine the vote for officers and for and against any ballot
1141 propositions voted upon by the voters of the entire state or of two or more counties.

1142 (b) The lieutenant governor, as secretary of the board shall file a report in [his] the
1143 lieutenant governor's office that details:
1144 (i) for each statewide officer and ballot proposition:
1145 (A) the name of the statewide office or ballot proposition that appeared on the ballot;
1146 (B) the candidates for each statewide office whose names appeared on the ballot, plus
1147 any recorded write-in candidates;
1148 (C) the number of votes from each county cast for each candidate and for and against
1149 each ballot proposition;
1150 (D) the total number of votes cast statewide for each candidate and for and against each
1151 ballot proposition; and
1152 (E) the total number of votes cast statewide; and
1153 (ii) for each officer or ballot proposition voted on in two or more counties:
1154 (A) the name of each of those offices and ballot propositions that appeared on the
1155 ballot;
1156 (B) the candidates for those offices, plus any recorded write-in candidates;
1157 (C) the number of votes from each county cast for each candidate and for and against
1158 each ballot proposition; and
1159 (D) the total number of votes cast for each candidate and for and against each ballot
1160 proposition.
1161 (c) The lieutenant governor shall:
1162 (i) prepare certificates of election for:
1163 (A) each successful candidate; and
1164 (B) each of the presidential electors of the candidate for president who received a
1165 majority of the votes;
1166 (ii) authenticate each certificate with [his] the lieutenant governor's seal; and
1167 (iii) deliver a certificate of election to:
1168 (A) each candidate who had the highest number of votes for each office; and
1169 (B) each of the presidential electors of the candidate for president who received a
1170 majority of the votes.
1171 (3) If the lieutenant governor has not received election returns from all counties on the
1172 fifth day before the day designated for the meeting of the state board of canvassers, the

1173 lieutenant governor shall:

1174 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
1175 county;

1176 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
1177 required by Section 20A-4-304 from the clerk; and

1178 (c) pay the messenger the per diem provided by law as compensation.

1179 (4) The state board of canvassers may not withhold the declaration of the result or any
1180 certificate of election because of any defect or informality in the returns of any election if the
1181 board can determine from the returns, with reasonable certainty, what office is intended and
1182 who is elected to it.

1183 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
1184 governor shall:

1185 (i) canvass the returns for all multicounty candidates required to file with the office of
1186 the lieutenant governor; and

1187 (ii) publish and file the results of the canvass in the lieutenant governor's office.

1188 (b) Not later than the August 1 after the primary election, the lieutenant governor shall
1189 certify the results of the primary canvass to the county clerks.

1190 (6) (a) At noon on the fourth Tuesday in March of a year in which a presidential
1191 election will be held, the lieutenant governor shall:

1192 (i) canvass the returns of the presidential primary election; and

1193 (ii) publish and file the results of the canvass in the lieutenant governor's office.

1194 (b) The lieutenant governor shall certify the results of the presidential primary election
1195 canvass to each registered political party that participated in the primary not later than the April
1196 15 after the primary election.

1197 Section 14. Section 20A-4-403 is amended to read:

1198 **20A-4-403. Election contest -- Petition and response.**

1199 (1) (a) In contesting the results of all elections, except for primary elections and bond
1200 elections, a registered voter [~~shall~~] may contest the right of [~~any person~~] an individual declared
1201 elected to [~~any~~] office by filing a verified written complaint with the district court of the county
1202 in which [~~he~~] the registered voter resides within 40 days after the day on which the canvass
1203 concludes.

1204 (b) The complaint shall include:
1205 (i) the name of the [party] voter contesting the election;
1206 (ii) a statement that the [party] voter is a registered voter in the jurisdiction in which
1207 the election was held;
1208 (iii) the name of the [person] individual whose right to the office is contested;
1209 (iv) the office to which [that person] the individual was ostensibly elected;
1210 (v) one or more of the grounds for an election contest specified in Section 20A-4-402;
1211 (vi) the [person] individual who was purportedly elected to the office as respondent;
1212 and
1213 (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a
1214 ground for the contest, the name and address of all [persons] individuals who allegedly cast
1215 illegal votes or whose legal vote was rejected.
1216 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a
1217 cause of contest, it is sufficient to state generally that:
1218 (i) illegal votes were given in one or more specified voting precincts to [a person] an
1219 individual whose election is contested, which, if taken from [him] the individual, would reduce
1220 the number of [his] legal votes for the individual below the number of legal votes given to
1221 [some other person] another individual for the same office; or
1222 (ii) [that] legal votes for another [person] individual were rejected, which, if counted,
1223 would raise the number of legal votes for that [person] individual above the number of legal
1224 votes cast for the [person] individual whose election is contested.
1225 (d) (i) The court may not take or receive evidence of any of the votes described in
1226 Subsection (1)(c) unless the [party] individual contesting the election delivers to the [opposite
1227 party] respondent, at least three days before the trial, a written list of the number of contested
1228 votes and by whom the contested votes were given or offered, which [he] the individual intends
1229 to prove at trial.
1230 (ii) The court may not take or receive any evidence of contested votes except those that
1231 are specified in that list.
1232 (2) (a) In contesting the results of a primary election, when contesting the petition
1233 nominating an independent candidate, or when challenging any person, election officer,
1234 election official, board, or convention for failing to nominate [a person] an individual, a

1235 registered voter ~~[shall]~~ may contest the right of ~~[any person]~~ an individual declared nominated
1236 to ~~[any]~~ office by filing a verified written complaint within 10 days after the ~~[date of]~~ day on
1237 which the canvass for the primary election concludes, after the date of filing of the petition, or
1238 after the date of the convention, respectively, with:

1239 (i) the district court of the county in which ~~[he]~~ the registered voter resides if ~~[he]~~ the
1240 registered voter is contesting a nomination made only by voters from that county; or

1241 (ii) the Utah Supreme Court, if ~~[he]~~ the registered voter is contesting a nomination
1242 made by voters in more than one county.

1243 (b) The complaint shall include:

1244 (i) the name of the ~~[party]~~ voter contesting the nomination;

1245 (ii) a statement that the voter contesting ~~[party]~~ the nomination is a registered voter in
1246 the jurisdiction in which the election was held;

1247 (iii) the name of the ~~[person]~~ individual whose right to nomination is contested or the
1248 name of the ~~[person]~~ individual who failed to have their name placed in nomination;

1249 (iv) the office to which ~~[that person]~~ the individual was nominated or should have been
1250 nominated;

1251 (v) one or more of the grounds for an election contest specified in Subsection (1);

1252 (vi) the ~~[person]~~ individual who was purportedly nominated to the office as
1253 respondent; and

1254 (vii) if the reception of illegal votes or the rejection of legal votes is alleged as a
1255 ground for the contest, the name and address of all ~~[persons]~~ individuals who allegedly cast
1256 illegal votes or whose legal vote was rejected.

1257 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a
1258 cause of contest, it is sufficient to state generally that:

1259 (i) illegal votes were given to ~~[a person]~~ an individual whose election is contested,
1260 which, if taken from ~~[him]~~ the individual, would reduce the number of ~~[his]~~ legal votes given
1261 to the individual below the number of legal votes given to ~~[some other person]~~ another
1262 individual for the same office; or

1263 (ii) legal votes for another ~~[person]~~ individual were rejected, which, if counted, would
1264 raise the number of legal votes for that ~~[person]~~ individual above the number of legal votes cast
1265 for the ~~[person]~~ individual whose election is contested.

1266 (d) (i) The court may not take or receive evidence of any ~~[the]~~ votes described in
1267 Subsection (2)(c), unless the ~~[party]~~ voter contesting the election delivers to the opposite party,
1268 at least three days before the trial, a written list of the number of contested votes and by whom
1269 the contested votes were given or offered, which ~~[he]~~ the voter intends to prove at trial.

1270 (ii) The court may not take or receive any evidence of contested votes except those that
1271 are specified in that list.

1272 (3) (a) In contesting the results of a bond election, a registered voter ~~[shall]~~ may contest
1273 the validity of the declared results by filing a verified written complaint with the district court
1274 of the county in which ~~[he]~~ the registered voter resides within 40 days after the date of the
1275 official finding entered under Section [11-14-207](#).

1276 (b) The complaint shall include:

1277 (i) the name of the ~~[party]~~ voter contesting the election;

1278 (ii) a statement that the ~~[party]~~ voter is a registered voter in the jurisdiction in which
1279 the election was held;

1280 (iii) the bond proposition that is the subject of the contest;

1281 (iv) one or more of the grounds for an election contest specified in Section [20A-4-402](#);

1282 and

1283 (v) if the reception of illegal votes or the rejection of legal votes is alleged as a ground
1284 for the contest, the name and address of all ~~[persons]~~ individuals who allegedly cast illegal
1285 votes or whose legal vote was rejected.

1286 (c) When the reception of illegal votes or the rejection of legal votes is alleged as a
1287 cause of contest, it is sufficient to state generally that:

1288 (i) illegal votes were counted in one or more specified voting precincts which, if taken
1289 out of the count, would change the declared result of the vote on the proposition; or

1290 (ii) legal votes were rejected in one or more specified voting precincts, which, if
1291 counted, would change the declared result of the vote on the proposition.

1292 (d) (i) The court may not take or receive evidence of any of the votes described in
1293 Subsection (3)(c) unless the ~~[party]~~ voter contesting the election delivers to the ~~[opposite party]~~
1294 respondent, at least three days before the trial, a written list of the number of contested votes
1295 and by whom the contested votes were given or offered, which ~~[he]~~ the voter intends to prove
1296 at trial.

1297 (ii) The court may not take or receive any evidence of contested votes except those that
1298 are specified in that list.

1299 (4) The court may not reject any statement of the grounds of contest or dismiss the
1300 proceedings because of lack of form, if the grounds of the contest are alleged with ~~[such]~~
1301 sufficient certainty as will advise the defendant of the particular proceeding or cause for which
1302 the election is contested.

1303 (5) (a) The petitioner shall serve a copy of the petition on the respondent.

1304 (b) (i) If the petitioner cannot obtain personal service of the petition on the respondent,
1305 the petitioner may serve the respondent by leaving a copy of the petition with the clerk of the
1306 court with which the petition was filed.

1307 (ii) The clerk shall make diligent inquiry and attempt to inform the respondent that ~~[he]~~
1308 the respondent has five days to answer the complaint.

1309 (c) The respondent shall answer the petition within five days after the day of service.

1310 (d) If the reception of illegal votes or the rejection of legal votes is alleged as a ground
1311 for the contest, the defendant shall ~~[set forth]~~ include in the answer the name and address of all
1312 ~~[persons]~~ individuals whom the ~~[defendant]~~ respondent believes were properly or improperly
1313 admitted or denied the vote.

1314 (e) If the answer contains a counterclaim, the petitioner shall file a reply within 10 days
1315 after the day of service of the counterclaim.

1316 (6) (a) The provisions of this Subsection (6) provide ~~[additional]~~ requirements that
1317 apply to municipal election contests that are in addition to the other requirements of this
1318 section governing election contest.

1319 (b) Municipal election contests shall be filed, tried, and determined in the district court
1320 of the county in which the municipality is located.

1321 (c) (i) As a condition precedent to filing a municipal election contest, the petitioner
1322 shall file a written affidavit of intention to contest the election with the clerk of the court within
1323 seven days after the day on which the votes are canvassed.

1324 (ii) The affidavit shall include:

1325 (A) the petitioner's name;

1326 (B) the fact that the petitioner is a qualified voter of the municipality;

1327 (C) the respondent's name;

- 1328 (D) the elective office contested;
- 1329 (E) the time of election; and
- 1330 (F) the grounds for the contest.

1331 (d) (i) Before the district court takes jurisdiction of a municipal election contest, the
1332 petitioner shall file a bond with the clerk of the court with the sureties required by the court.

1333 (ii) The bond shall name the respondent as obligee and be conditioned for the payment
1334 of all costs incurred by the respondent if the respondent prevails.

1335 Section 15. Section **20A-4-405** is amended to read:

1336 **20A-4-405. Election contests -- Costs.**

1337 (1) The court shall enter judgment for costs against the party contesting the election if:

1338 (a) the proceedings are dismissed for:

1339 (i) insufficiency of pleading or proof; or

1340 (ii) want of prosecution; or

1341 (b) the election is confirmed by the court.

1342 (2) The court shall enter judgment for costs against the party whose election was
1343 contested if the election is annulled and set aside.

1344 (3) (a) Each party is liable for the costs of the officers and witnesses that appeared on
1345 his the party's behalf.

1346 (b) The party may pay, and the officers and witnesses may collect, those costs in the
1347 same manner as similar costs are paid and collected in other cases.

1348 Section 16. Section **20A-5-102** is amended to read:

1349 **20A-5-102. Voting instructions.**

1350 (1) Each election officer shall:

1351 (a) print instructions for voters;

1352 (b) ensure that the instructions are printed in English, and any other language required
1353 under the Voting Rights Act of 1965, as amended, in large clear type; and

1354 (c) ensure that the instructions inform voters:

1355 (i) about how to obtain ballots for voting;

1356 (ii) about special political party affiliation requirements for voting in a regular primary
1357 election or presidential primary election;

1358 (iii) about how to prepare ballots for deposit in the ballot box;

- 1359 (iv) about how to record write-in votes;
- 1360 (v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;
- 1361 (vi) about how to obtain assistance in marking ballots;
- 1362 (vii) about obtaining a new ballot if the voter's ballot is defaced;
- 1363 (viii) that identification marks or the spoiling or defacing of a ballot will make it
- 1364 invalid;
- 1365 (ix) about how to obtain and vote a provisional ballot;
- 1366 (x) about whom to contact to report election fraud;
- 1367 (xi) about applicable federal and state laws regarding:
- 1368 (A) voting rights and the appropriate official to contact if the voter alleges [his] that the
- 1369 voter's rights have been violated; and
- 1370 (B) prohibitions on acts of fraud and misrepresentation;
- 1371 (xii) about procedures governing mail-in registrants and first-time voters; and
- 1372 (xiii) about the date of the election and the hours that the polls are open on election
- 1373 day.
- 1374 (2) Each election officer shall:
- 1375 (a) provide the election judges of each voting precinct with sufficient instruction cards
- 1376 to instruct voters in the preparation of their ballots;
- 1377 (b) direct the election judges to post:
- 1378 (i) general voting instructions in each voting booth; and
- 1379 (ii) at least three instruction cards and at least one sample ballot elsewhere in and about
- 1380 the polling place.
- 1381 Section 17. Section **20A-5-403** is amended to read:
- 1382 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**
- 1383 **Arrangements.**
- 1384 (1) Except as provided in Section **20A-7-609.5**, each election officer shall:
- 1385 (a) designate polling places for each voting precinct in the jurisdiction; and
- 1386 (b) obtain the approval of the county or municipal legislative body or local district
- 1387 governing board for those polling places.
- 1388 (2) (a) For each polling place, the election officer shall provide:
- 1389 (i) an American flag;

- 1390 (ii) a sufficient number of voting booths or compartments;
- 1391 (iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and
1392 supplies necessary to enable a voter to vote;
- 1393 (iv) the constitutional amendment cards required by Part 1, Election Notices and
1394 Instructions;
- 1395 (v) the instructions required by Section [20A-5-102](#); and
- 1396 (vi) a sign, to be prominently displayed in the polling place, indicating that valid voter
1397 identification is required for every voter before the voter may vote and listing the forms of
1398 identification that constitute valid voter identification.
- 1399 (b) Each election officer shall ensure that:
- 1400 (i) each voting booth is at a convenient height for writing, and is arranged so that the
1401 voter can prepare the voter's ballot screened from observation;
- 1402 (ii) there are a sufficient number of voting booths or voting devices to accommodate
1403 the voters at that polling place; and
- 1404 (iii) there is at least one voting booth or voting device that is configured to
1405 accommodate persons with disabilities.
- 1406 (c) Each county clerk shall provide a ballot box for each polling place that is large
1407 enough to properly receive and hold the ballots to be cast.
- 1408 (3) (a) All polling places shall be physically inspected by each county clerk to ensure
1409 access by a person with a disability.
- 1410 (b) Any issues concerning inaccessibility to polling places by a person with a disability
1411 discovered during the inspections referred to in Subsection (3)(a) or reported to the county
1412 clerk shall be:
- 1413 (i) forwarded to the Office of the Lieutenant Governor; and
- 1414 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be
1415 either:
- 1416 (A) remedied at the particular location by the county clerk;
- 1417 (B) the county clerk shall designate an alternative accessible location for the particular
1418 precinct; or
- 1419 (C) if no practical solution can be identified, file with the Office of the Lieutenant
1420 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

1421 (4) (a) The municipality in which the election is held shall pay the cost of conducting
1422 each municipal election, including the cost of printing and supplies.

1423 (b) (i) Costs assessed by a county clerk to a municipality under this section may not
1424 exceed the actual costs incurred by the county clerk.

1425 (ii) The actual costs shall include:

1426 (A) costs of or rental fees associated with the use of election equipment and supplies;
1427 and

1428 (B) reasonable and necessary administrative costs.

1429 (5) The county clerk shall make detailed entries of all proceedings had under this
1430 chapter.

1431 (6) (a) Each county clerk shall, to the extent possible, ensure that the amount of time
1432 that an individual waits in line before the individual can vote at a polling [~~location~~] place in the
1433 county does not exceed 30 minutes.

1434 (b) The lieutenant governor may require a county clerk to submit a line management
1435 plan before the next election if an individual waits in line at a polling [~~location~~] place in the
1436 county longer than 30 minutes before the individual can vote.

1437 (c) The lieutenant governor may consider extenuating circumstances in deciding
1438 whether to require the county clerk to submit a plan described in Subsection (6)(b).

1439 (d) The lieutenant governor shall review each plan submitted under Subsection (6)(b)
1440 and consult with the county clerk submitting the plan to ensure, to the extent possible, that the
1441 amount of time an individual waits in line before the individual can vote at a polling [~~location~~]
1442 place in the county does not exceed 30 minutes.

1443 Section 18. Section **20A-5-406** is amended to read:

1444 **20A-5-406. Delivery of ballots.**

1445 (1) An election officer shall deliver manual ballots to the poll workers of each voting
1446 precinct in the election officer's jurisdiction in an amount sufficient to meet voting needs
1447 during the voting period.

1448 (2) For mechanical ballots, an election officer shall:

1449 (a) deliver the voting devices and mechanical ballots before voting commences at the
1450 polling place;

1451 (b) ensure that the voting devices, equipment, and mechanical ballots are properly

1452 secured before commencement of voting;

1453 (c) when mechanical ballots or voting devices containing mechanical ballots are
1454 delivered to a polling [~~location~~] place, ensure that security procedures, developed by the
1455 election officer, are followed to document chain of custody and to prevent unauthorized access;
1456 and

1457 (d) repair or provide substitute voting devices, equipment, or electronic ballots, if
1458 available, if any poll worker reports that:

1459 (i) the voting devices or equipment were not delivered on time;

1460 (ii) the voting devices or equipment do not contain the appropriate electronic ballot
1461 information;

1462 (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to
1463 have been tampered with;

1464 (iv) the voting devices or equipment do not appear to be functioning properly; or

1465 (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed
1466 or stolen.

1467 Section 19. Section **20A-5-601** is amended to read:

1468 **20A-5-601. Appointment of poll workers in elections where candidates are**
1469 **distinguished by registered political parties.**

1470 (1) (a) This section governs appointment of poll workers in elections where candidates
1471 are distinguished by registered political parties.

1472 (b) On or before March 1 of each even-numbered year, an election officer shall provide
1473 to the county chair of each registered political party a list of the number of poll workers that the
1474 party must nominate for each polling place.

1475 (c) On or before April 1 of each even-numbered year, the county chair and secretary of
1476 each registered political party shall file a list with the election officer containing the names of
1477 individuals in the county who are willing to serve as poll workers, who are qualified to serve as
1478 poll workers in accordance with this section, and who are competent and trustworthy.

1479 (d) The county chair and secretary shall submit names equal in number to the number
1480 required by the election officer, plus one.

1481 (2) Each election officer shall provide for the appointment of individuals to serve as
1482 poll workers at each election.

1483 (3) (a) For each election, each election officer shall provide for the appointment of at
1484 least three registered voters, or one individual who is 16 or 17 years [~~of age~~] old and two
1485 registered voters, one of whom is at least 21 years [~~of age~~] old, from the list to serve as poll
1486 workers.

1487 (b) An election officer may appoint additional poll workers, as needed.

1488 (4) For each set of three poll workers appointed for a polling place for an election, the
1489 election officer shall ensure that:

1490 (a) two poll workers are appointed from the political party that cast the highest number
1491 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
1492 excluding votes for unopposed candidates, in the jurisdiction holding the election at the last
1493 regular general election before the appointment of the poll workers; and

1494 (b) one poll worker is appointed from the political party that cast the second highest
1495 number of votes for governor, lieutenant governor, attorney general, state auditor, and state
1496 treasurer, excluding votes for unopposed candidates, in the county, city, or local district, as
1497 applicable, at the last regular general election before the appointment of the poll workers.

1498 (5) The election officer shall provide for the appointment of any qualified county voter
1499 as a poll worker when:

1500 (a) a political party fails to file the poll worker list by the filing deadline; or

1501 (b) the list is incomplete.

1502 (6) A registered voter of the county may serve as a poll worker at any polling [~~location~~]
1503 place in the county, municipality, or district, as applicable.

1504 (7) An election officer may not appoint a candidate's parent, sibling, spouse, child,
1505 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to
1506 serve as a poll worker in a polling place where the candidate appears on the ballot.

1507 (8) The election officer shall fill all poll worker vacancies.

1508 (9) If a conflict arises over the right to certify the poll worker lists for any political
1509 party, the election officer may decide between conflicting lists, but may only select names from
1510 a properly submitted list.

1511 (10) The clerk shall establish compensation for poll workers.

1512 (11) The election officer may appoint additional poll workers to serve in the polling
1513 place as needed.

1514 Section 20. Section **20A-7-211** is amended to read:

1515 **20A-7-211. Return and canvass -- Conflicting measures -- Law effective on**
1516 **proclamation.**

1517 (1) The votes on the law proposed by the initiative petition shall be counted,
1518 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

1519 (2) After the state board of canvassers completes ~~[its]~~ the canvass, the lieutenant
1520 governor shall certify to the governor the vote for and against the law proposed by the initiative
1521 petition.

1522 (3) (a) The governor shall immediately issue a proclamation that:

1523 (i) gives the total number of votes cast in the state for and against each law proposed by
1524 an initiative petition; and

1525 (ii) declares those laws proposed by an initiative petition that were approved by
1526 majority vote to be in full force and effect on the date described in Subsection **20A-7-212**(2).

1527 (b) When the governor believes that two proposed laws, or that parts of two proposed
1528 laws approved by the people at the same election are entirely in conflict, ~~[he]~~ the governor shall
1529 proclaim that measure to be law that ~~[has received]~~ receives the greatest number of affirmative
1530 votes, regardless of the difference in the majorities which those measures ~~[have received]~~
1531 receive.

1532 (c) Within 10 days after the governor's proclamation, any qualified voter who signed
1533 the initiative petition proposing the law that is declared by the governor to be superseded by
1534 another measure approved at the same election may bring an action in the appropriate court to
1535 review the governor's decision.

1536 (4) Within 10 days after the day on which the court issues an order in an action
1537 described in Subsection (3)(c), the governor shall:

1538 (a) proclaim all those measures approved by the people as law that the court ~~[has~~
1539 ~~determined]~~ determines are not entirely in conflict; and

1540 (b) of all those measures approved by the people as law that the court determines to be
1541 entirely in conflict, proclaim as law, regardless of the difference in majorities, the law that
1542 ~~[received]~~ receives the greatest number of affirmative votes, to be in full force and effect on the
1543 date described in Subsection **20A-7-212**(2).

1544 Section 21. Section **20A-7-611** is amended to read:

1545 **20A-7-611. Temporary stay -- Effective date -- Effect of repeal by local legislative**
1546 **body.**

1547 (1) Any proposed law submitted to the people by referendum petition that is rejected by
1548 the voters at any election is repealed as of the date of the election.

1549 (2) If, at the time during the process described in Subsection [~~20A-7-307~~(2)]
1550 ~~20A-7-607~~(2), the local clerk determines that, at that point in time, an adequate number of
1551 signatures are certified to comply with the signature requirements, the local clerk shall:

1552 (a) issue an order temporarily staying the law from going into effect; and

1553 (b) continue the process of certifying signatures and removing signatures as required by
1554 this part.

1555 (3) The temporary stay described in Subsection (2) remains in effect, regardless of
1556 whether a future count falls below the signature threshold, until the day on which:

1557 (a) if the local clerk declares the petition insufficient, five days after the day on which
1558 the local clerk declares the petition insufficient; or

1559 (b) if the local clerk declares the petition sufficient, the day on which the local
1560 legislative body issues the proclamation described in Section ~~20A-7-610~~.

1561 (4) A proposed law submitted to the people by referendum petition that is approved by
1562 the voters at an election takes effect the later of:

1563 (a) five days after the date of the official proclamation of the vote by the local
1564 legislative body; or

1565 (b) the effective date specified in the proposed law.

1566 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the
1567 local clerk declares the petition insufficient, the proposed law takes effect the later of:

1568 (a) five days after the day on which the local clerk declares the petition insufficient; or

1569 (b) the effective date specified in the proposed law.

1570 (6) (a) A law adopted by the people under this part is not subject to veto.

1571 (b) The local legislative body may amend any laws approved by the people under this
1572 part after the people approve the law.

1573 (7) If the local legislative body repeals a law challenged by referendum petition under
1574 this part, the referendum petition is void and no further action on the referendum petition is
1575 required.

1576 Section 22. Section **20A-9-201** is amended to read:

1577 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
1578 **more than one political party prohibited with exceptions -- General filing and form**
1579 **requirements -- Affidavit of impecuniosity.**

1580 (1) Before filing a declaration of candidacy for election to any office, an individual
1581 shall:

1582 (a) be a United States citizen;

1583 (b) meet the legal requirements of that office; and

1584 (c) if seeking a registered political party's nomination as a candidate for elective office,
1585 state:

1586 (i) the registered political party of which the individual is a member; or

1587 (ii) that the individual is not a member of a registered political party.

1588 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

1589 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
1590 Utah during any election year;

1591 (ii) appear on the ballot as the candidate of more than one political party; or

1592 (iii) file a declaration of candidacy for a registered political party of which the
1593 individual is not a member, except to the extent that the registered political party permits
1594 otherwise in the registered political party's bylaws.

1595 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
1596 president or vice president of the United States and another office, if the individual resigns the
1597 individual's candidacy for the other office after the individual is officially nominated for
1598 president or vice president of the United States.

1599 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
1600 than one justice court judge office.

1601 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
1602 the individual filed a declaration of candidacy for another office in the same election year if the
1603 individual withdraws as a candidate for the other office in accordance with Subsection
1604 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

1605 (3) (a) Except for a candidate for president or vice president of the United States,
1606 before the filing officer may accept any declaration of candidacy, the filing officer shall:

1607 (i) read to the individual the constitutional and statutory qualification requirements for
1608 the office that the individual is seeking;

1609 (ii) require the individual to state whether the individual meets the requirements
1610 described in Subsection (3)(a)(i);

1611 (iii) if the declaration of candidacy is for a county office, inform the individual that an
1612 individual who holds a county elected office may not, at the same time, hold a municipal
1613 elected office; and

1614 (iv) if the declaration of candidacy is for a legislative office, inform the individual that
1615 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
1616 or trust, under authority of the United States or Utah, from being a member of the Legislature.

1617 (b) Before accepting a declaration of candidacy for the office of county attorney, the
1618 county clerk shall ensure that the individual filing that declaration of candidacy is:

1619 (i) a United States citizen;

1620 (ii) an attorney licensed to practice law in the state who is an active member in good
1621 standing of the Utah State Bar;

1622 (iii) a registered voter in the county in which the individual is seeking office; and

1623 (iv) a current resident of the county in which the individual is seeking office and either
1624 has been a resident of that county for at least one year before the date of the election or was
1625 appointed and is currently serving as county attorney and became a resident of the county
1626 within 30 days after appointment to the office.

1627 (c) Before accepting a declaration of candidacy for the office of district attorney, the
1628 county clerk shall ensure that, as of the date of the election, the individual filing that
1629 declaration of candidacy is:

1630 (i) a United States citizen;

1631 (ii) an attorney licensed to practice law in the state who is an active member in good
1632 standing of the Utah State Bar;

1633 (iii) a registered voter in the prosecution district in which the individual is seeking
1634 office; and

1635 (iv) a current resident of the prosecution district in which the individual is seeking
1636 office and either will have been a resident of that prosecution district for at least one year as of
1637 the date of the election or was appointed and is currently serving as district attorney and

1638 became a resident of the prosecution district within 30 days after receiving appointment to the
1639 office.

1640 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
1641 county clerk shall ensure that the individual filing the declaration:

1642 (i) is a United States citizen;

1643 (ii) is a registered voter in the county in which the individual seeks office;

1644 (iii) (A) has successfully met the standards and training requirements established for
1645 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
1646 Certification Act; or

1647 (B) has met the waiver requirements in Section 53-6-206;

1648 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
1649 53-13-103; and

1650 (v) as of the date of the election, will have been a resident of the county in which the
1651 individual seeks office for at least one year.

1652 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
1653 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
1654 Education member, the filing officer shall ensure that the individual filing the declaration of
1655 candidacy also makes the conflict of interest disclosure described in Section 20A-11-1603.

1656 (4) If an individual who files a declaration of candidacy does not meet the qualification
1657 requirements for the office the individual is seeking, the filing officer may not accept the
1658 individual's declaration of candidacy.

1659 (5) If an individual who files a declaration of candidacy meets the requirements
1660 described in Subsection (3), the filing officer shall:

1661 (a) inform the individual that:

1662 (i) the individual's name will appear on the ballot as the individual's name is written on
1663 the individual's declaration of candidacy;

1664 (ii) the individual may be required to comply with state or local campaign finance
1665 disclosure laws; and

1666 (iii) the individual is required to file a financial statement before the individual's
1667 political convention under:

1668 (A) Section 20A-11-204 for a candidate for constitutional office;

1669 (B) Section 20A-11-303 for a candidate for the Legislature; or
1670 (C) local campaign finance disclosure laws, if applicable;
1671 (b) except for a presidential candidate, provide the individual with a copy of the current
1672 campaign financial disclosure laws for the office the individual is seeking and inform the
1673 individual that failure to comply will result in disqualification as a candidate and removal of
1674 the individual's name from the ballot;
1675 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide
1676 Electronic Voter Information Website Program and inform the individual of the submission
1677 deadline under Subsection 20A-7-801(4)(a);
1678 (d) provide the candidate with a copy of the pledge of fair campaign practices
1679 described under Section 20A-9-206 and inform the candidate that:
1680 (i) signing the pledge is voluntary; and
1681 (ii) signed pledges shall be filed with the filing officer;
1682 (e) accept the individual's declaration of candidacy; and
1683 (f) if the individual has filed for a partisan office, provide a certified copy of the
1684 declaration of candidacy to the chair of the county or state political party of which the
1685 individual is a member.
1686 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
1687 officer shall:
1688 (a) accept the candidate's pledge; and
1689 (b) if the candidate has filed for a partisan office, provide a certified copy of the
1690 candidate's pledge to the chair of the county or state political party of which the candidate is a
1691 member.
1692 (7) (a) Except for a candidate for president or vice president of the United States, the
1693 form of the declaration of candidacy shall:
1694 (i) be substantially as follows:
1695 "State of Utah, County of ____
1696 I, _____, declare my candidacy for the office of _____, seeking the
1697 nomination of the _____ party. I do solemnly swear, under penalty of perjury, that: I will
1698 meet the qualifications to hold the office, both legally and constitutionally, if selected; I
1699 reside at _____ in the City or Town of _____, Utah, Zip Code _____ Phone No.

1700 ____; I will not knowingly violate any law governing campaigns and elections; if filing via a
1701 designated agent, I will be out of the state of Utah during the entire candidate filing period; I
1702 will file all campaign financial disclosure reports as required by law; and I understand that
1703 failure to do so will result in my disqualification as a candidate for this office and removal of
1704 my name from the ballot. The mailing address that I designate for receiving official election
1705 notices is _____.

1706 _____
1707 Subscribed and sworn before me this _____ (month\day\year).
1708 Notary Public (or other officer qualified to administer oath)."; and

1709 (ii) require the candidate to state, in the sworn statement described in Subsection
1710 (7)(a)(i):

1711 (A) the registered political party of which the candidate is a member; or

1712 (B) that the candidate is not a member of a registered political party.

1713 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of
1714 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

1715 (8) (a) Except for a candidate for president or vice president of the United States, the
1716 fee for filing a declaration of candidacy is:

1717 (i) \$50 for candidates for the local school district board; and

1718 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
1719 person holding the office for all other federal, state, and county offices.

1720 (b) Except for presidential candidates, the filing officer shall refund the filing fee to
1721 any candidate:

1722 (i) who is disqualified; or

1723 (ii) who the filing officer determines has filed improperly.

1724 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
1725 from candidates.

1726 (ii) The lieutenant governor shall:

1727 (A) apportion to and pay to the county treasurers of the various counties all fees
1728 received for filing of nomination certificates or acceptances; and

1729 (B) ensure that each county receives that proportion of the total amount paid to the
1730 lieutenant governor from the congressional district that the total vote of that county for all

1731 candidates for representative in Congress bears to the total vote of all counties within the
1732 congressional district for all candidates for representative in Congress.

1733 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
1734 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
1735 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
1736 a financial statement filed at the time the affidavit is submitted.

1737 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

1738 (iii) (A) False statements made on an affidavit of impecuniosity or a financial
1739 statement filed under this section shall be subject to the criminal penalties provided under
1740 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

1741 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
1742 considered an offense under this title for the purposes of assessing the penalties provided in
1743 Subsection 20A-1-609(2).

1744 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
1745 substantially the following form:

1746 "Affidavit of Impecuniosity

1747 Individual Name

1748 _____ Address _____

1749 Phone Number _____

1750 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
1751 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
1752 law.

1753 Date _____ Signature _____

1754 Affiant

1755 Subscribed and sworn to before me on _____ (month\day\year)

1756 _____
1757 (signature)

1758 Name and Title of Officer Authorized to Administer Oath _____".

1759 (v) The filing officer shall provide to a person who requests an affidavit of
1760 impecuniosity a statement printed in substantially the following form, which may be included
1761 on the affidavit of impecuniosity:

1762 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
1763 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
1764 penalties, will be removed from the ballot."

1765 (vi) The filing officer may request that a person who makes a claim of impecuniosity
1766 under this Subsection (8)(d) file a financial statement on a form prepared by the election
1767 official.

1768 (9) An individual who fails to file a declaration of candidacy or certificate of
1769 nomination within the time provided in this chapter is ineligible for nomination to office.

1770 (10) A declaration of candidacy filed under this section may not be amended or
1771 modified after the final date established for filing a declaration of candidacy.

1772 Section 23. Section 20A-9-502 is amended to read:

1773 **20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification --**
1774 **Criminal penalty.**

1775 (1) The candidate shall:

1776 (a) prepare a certificate of nomination in substantially the following form:

1777 "State of Utah, County of _____

1778 I, _____, declare my intention of becoming an unaffiliated candidate for the
1779 political group designated as ____ for the office of ____ . I do solemnly swear that I can
1780 qualify to hold that office both legally and constitutionally if selected, and that I reside at ____
1781 Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and
1782 that I am providing, or have provided, the required number of holographic signatures of
1783 registered voters required by law; that as a candidate at the next election I will not knowingly
1784 violate any election or campaign law; that, if filing via a designated agent for an office other
1785 than president of the United States, I will be out of the state of Utah during the entire candidate
1786 filing period; I will file all campaign financial disclosure reports as required by law; and I
1787 understand that failure to do so will result in my disqualification as a candidate for this office
1788 and removal of my name from the ballot.

1789 _____
1790 Subscribed and sworn to before me this _____(month\day\year).

1791 _____
1792 Notary Public (or other officer

1793 qualified to administer oaths)";

1794 (b) bind signature sheets to the certificate that:

1795 (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;

1796 (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line

1797 blank for the purpose of binding;

1798 (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate

1799 Certificate of Nomination Petition" printed directly below the horizontal line;

1800 (iv) contain the word "Warning" printed directly under the words described in

1801 Subsection (1)(b)(iii);

1802 (v) contain, to the right of the word "Warning," the following statement printed in not

1803 less than eight-point, single leaded type:

1804 "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination

1805 signature sheet with any name other than the person's own name or more than once for the

1806 same candidate or if the person is not registered to vote in this state and does not intend to

1807 become registered to vote in this state before the county clerk certifies the signatures.";

1808 (vi) contain the following statement directly under the statement described in

1809 Subsection (1)(b)(v):

1810 "Each signer says:

1811 I have personally signed this petition with a holographic signature;

1812 I am registered to vote in Utah or intend to become registered to vote in Utah before the

1813 county clerk certifies my signature; and

1814 My street address is written correctly after my name.";

1815 (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in

1816 Subsection (1)(b)(vi); and

1817 (viii) be vertically divided into columns as follows:

1818 (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be

1819 headed with "For Office Use Only," and be subdivided with a light vertical line down the

1820 middle;

1821 (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed

1822 Name (must be legible to be counted)";

1823 (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of

1824 Registered Voter";

1825 (D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

1826 (E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
1827 Code"; and

1828 (F) at the bottom of the sheet, contain the following statement: "Birth date or age
1829 information is not required, but it may be used to verify your identity with voter registration
1830 records. If you choose not to provide it, your signature may not be certified as a valid signature
1831 if you change your address before petition signatures are certified or if the information you
1832 provide does not match your voter registration records."; and

1833 (c) bind a final page to one or more signature sheets that are bound together that
1834 contains, except as provided by Subsection (3), the following printed statement:

1835 "Verification
1836 State of Utah, County of _____

1837 I, _____, of _____, hereby state that:

1838 I am a Utah resident and am at least 18 years old;

1839 All the names that appear on the signature sheets bound to this page were signed by
1840 persons who professed to be the persons whose names appear on the signature sheets, and each
1841 of them signed the person's name on the signature sheets in my presence;

1842 I believe that each has printed and signed the person's name and written the person's
1843 street address correctly, and that each signer is registered to vote in Utah or will register to vote
1844 in Utah before the county clerk certifies the signatures on the signature sheet.

1845 _____
1846 (Signature) (Residence Address) (Date)".

1847 (2) An agent designated to file a certificate of nomination under Subsection
1848 20A-9-503[~~(1)~~](2)(b) may not sign the form described in Subsection (1)(a).

1849 (3) (a) The candidate shall circulate the nomination petition and ensure that the person
1850 in whose presence each signature sheet is signed:

1851 (i) is at least 18 years old;

1852 (ii) except as provided by Subsection (3)(b), meets the residency requirements of
1853 Section 20A-2-105; and

1854 (iii) verifies each signature sheet by completing the verification bound to one or more

1855 signature sheets that are bound together.

1856 (b) A person who is not a resident may sign the verification on a petition for an
1857 unaffiliated candidate for the office of president of the United States.

1858 (c) A person may not sign the verification if the person signed a signature sheet bound
1859 to the verification.

1860 (4) (a) It is unlawful for any person to:

1861 (i) knowingly sign a certificate of nomination signature sheet:

1862 (A) with any name other than the person's own name;

1863 (B) more than once for the same candidate; or

1864 (C) if the person is not registered to vote in this state and does not intend to become
1865 registered to vote in this state before the county clerk certifies the signatures; or

1866 (ii) sign the verification of a certificate of nomination signature sheet if the person:

1867 (A) except as provided by Subsection (3)(b), does not meet the residency requirements
1868 of Section [20A-2-105](#);

1869 (B) has not witnessed the signing by those persons whose names appear on the
1870 certificate of nomination signature sheet; or

1871 (C) knows that a person whose signature appears on the certificate of nomination
1872 signature sheet is not registered to vote in this state and does not intend to become registered to
1873 vote in this state.

1874 (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.

1875 (5) (a) The candidate shall submit the petition and signature sheets to the county clerk
1876 for certification when the petition has been completed by:

1877 (i) at least 1,000 registered voters residing within the state when the nomination is for
1878 an office to be filled by the voters of the entire state; or

1879 (ii) at least 300 registered voters residing within a political division or at least 5% of
1880 the registered voters residing within a political division, whichever is less, when the
1881 nomination is for an office to be filled by the voters of any political division smaller than the
1882 state.

1883 (b) In reviewing the petition, the county clerk shall count and certify only those persons
1884 who signed the petition with a holographic signature who:

1885 (i) are registered voters within the political division that the candidate seeks to

1886 represent; and

1887 (ii) did not sign any other certificate of nomination for that office.

1888 (c) The candidate may supplement or amend the certificate of nomination at any time
1889 on or before the filing deadline.

1890 Section 24. Section **20A-9-503** is amended to read:

1891 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

1892 (1) ~~[(a)]~~ Except as provided in Subsection ~~[(1)(b)]~~ (2), after the certificate of
1893 nomination has been certified, executed, and acknowledged by the county clerk, the candidate
1894 shall:

1895 ~~[(i) between the second Friday in March and the close of normal office hours on the
1896 third Thursday in March of the year in which the regular general election will be held:]~~

1897 ~~[(A)]~~ (a) (i) file the petition in person with the lieutenant governor, if the office the
1898 candidate seeks is a constitutional office or a federal office, or the county clerk, if the office the
1899 candidate seeks is a county office~~[-and];~~

1900 (A) on or after 48 days after the day on which the Legislature's general session begins,
1901 as provided in Section 36-3-201; and

1902 (B) before 52 days after the day on which the Legislature's general session begins, as
1903 provided in Section 36-3-201; and

1904 ~~[(B)]~~ (ii) pay the filing fee; or

1905 ~~[(ii)]~~ (b) not later than the close of normal office hours on June 15 of any
1906 odd-numbered year:

1907 ~~[(A)]~~ (i) file the petition in person with the municipal clerk, if the candidate seeks an
1908 office in a city or town, or the local district clerk, if the candidate seeks an office in a local
1909 district; and

1910 ~~[(B)]~~ (ii) pay the filing fee.

1911 ~~[(b)(i)]~~ (2) (a) The provisions of this Subsection ~~[(1)(b)]~~ (2) do not apply to an
1912 individual who files a declaration of candidacy for president of the United States.

1913 ~~[(ii)]~~ (b) Subject to Subsections ~~[(3)]~~ (4)(c) and 20A-9-502(2), an individual may
1914 designate an agent to file a declaration of candidacy with the appropriate filing officer if:

1915 ~~[(A)]~~ (i) the individual is located outside of the state during the entire filing period;

1916 ~~[(B)]~~ (ii) the designated agent appears in person before the filing officer; and

1917 [(C)] (iii) the individual communicates with the filing officer using an electronic
 1918 device that allows the individual and filing officer to see and hear each other.

1919 [(2)] (3) (a) At the time of filing, and before accepting the petition, the filing officer
 1920 shall read the constitutional and statutory requirements for candidacy to the candidate.

1921 (b) If the candidate states that [he] the candidate does not meet the requirements, the
 1922 filing officer may not accept the petition.

1923 [(3)] (4) (a) An individual filing a certificate of nomination for president or vice
 1924 president of the United States under this section shall pay a filing fee of \$500.

1925 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for
 1926 president or vice president of the United States:

1927 (i) may file the certificate of nomination [~~between the second Friday in March and the~~
 1928 ~~close of normal office hours on August 15 of~~] in the year in which the regular general election
 1929 will be held[~~; and~~];

1930 (A) on or after 48 days after the day on which the Legislature's general session begins,
 1931 as provided in Section [36-3-201](#); and

1932 (B) before the close of normal office hours on August 15; and

1933 (ii) may use a designated agent to file the certificate of nomination.

1934 (c) An agent designated under Subsection [(1)(b)(ii)] (2)(b) or described in Subsection
 1935 [(3)] (4)(b)(ii) may not sign the certificate of nomination form.

1936 Section 25. Section **20A-11-202** is amended to read:

1937 **20A-11-202. State office candidate -- Personal campaign committee required --**
 1938 **Candidate as a political action committee officer.**

1939 (1) (a) (i) Each state office candidate shall select no more than one personal campaign
 1940 committee, consisting of one or more persons, to receive contributions, make expenditures, and
 1941 file reports connected with the candidate's campaign.

1942 (ii) A state office candidate may serve as [his] the candidate's own campaign
 1943 committee.

1944 (iii) A state office candidate may be designated by a political action committee as an
 1945 officer who has primary decision-making authority as described in Section [20A-11-601](#).

1946 (b) Except for expenses made by a registered political party to benefit a party's
 1947 candidates generally, a state office candidate or other person acting in concert with or with the

1948 knowledge of the state office candidate may not receive any contributions or make any
1949 expenditures on behalf of a state office candidate other than through:

- 1950 (i) a personal campaign committee established under this section; and
- 1951 (ii) a political action committee established under Part 6, Political Action Committee
1952 Registration and Financial Reporting Requirements.

1953 (2) (a) The state office candidate shall file a written statement signed by the candidate
1954 or authorized member of the candidate's personal campaign committee with the lieutenant
1955 governor that:

1956 (i) informs the lieutenant governor that the state office candidate's personal campaign
1957 committee has been selected; and

1958 (ii) provides the name and address of each member and the secretary of the committee.

1959 (b) A state office candidate or the candidate's personal campaign committee may not
1960 make any expenditures on behalf of the candidate until the statement has been filed.

1961 (c) A state office candidate may revoke the selection of any member of the campaign
1962 committee by:

1963 (i) revoking that [person's] individual's appointment or election in writing;

1964 (ii) personally serving the written revocation on the member whose selection is
1965 revoked; and

1966 (iii) filing a copy of the written revocation with the lieutenant governor.

1967 (d) (i) The state office candidate may select a replacement to fill any vacancy on the
1968 campaign committee.

1969 (ii) The state office candidate shall file that replacement's name and address with the
1970 lieutenant governor.

1971 (3) A member of a state office candidate's personal campaign committee may not make
1972 an expenditure of more than \$1,000 unless the state office candidate or the secretary of the
1973 personal campaign committee authorizes the expenditure in writing.

1974 (4) A state office candidate or the candidate's personal campaign committee may not
1975 make any expenditures prohibited by law.

1976 Section 26. Section **20A-11-901** is amended to read:

1977 **20A-11-901. Political advertisements -- Requirement that ads designate**
1978 **responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of**

1979 **endorsements.**

1980 (1) (a) Whenever any person makes an expenditure for the purpose of financing an
1981 advertisement expressly advocating for the election or defeat of a clearly identified candidate,
1982 or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor
1983 advertising facility, direct mailing, or any other type of general public political advertising, the
1984 advertisement:

1985 (i) if paid for and authorized by a candidate or the candidate's campaign committee,
1986 shall clearly state that the advertisement has been paid for by the candidate or the campaign
1987 committee;

1988 (ii) if paid for by another person but authorized by a candidate or the candidate's
1989 campaign committee, shall clearly state who paid for the advertisement and that the candidate
1990 or the campaign committee authorized the advertisement; or

1991 (iii) if not authorized by a candidate or a candidate's campaign committee, shall clearly
1992 state the name of the person who paid for the advertisement and state that the advertisement is
1993 not authorized by any candidate or candidate's committee.

1994 (2) (a) A person that makes an expenditure for the purpose of financing an
1995 advertisement related to a ballot proposition shall ensure that the advertisement complies with
1996 Subsection (2)(b) if the advertisement expressly advocates:

1997 (i) for placing a ballot proposition on the ballot;

1998 (ii) for keeping a ballot proposition off the ballot;

1999 (iii) that a voter refrain from voting on a ballot proposition; or

2000 (iv) that a voter vote for or against a ballot proposition.

2001 (b) An advertisement described in Subsection (2)(a) shall:

2002 (i) if paid for by a political issues committee, clearly state that the advertisement was
2003 paid for by the political issues committee;

2004 (ii) if paid for by another person but authorized by a political issues committee, clearly
2005 state who paid for the advertisement and that the political issues committee authorized the
2006 advertisement; or

2007 (iii) if not authorized by a political issues committee, clearly state the name of the
2008 person who paid for the advertisement and state that the advertisement is not authorized by any
2009 political issues committee.

2010 (3) The requirements of Subsections (1) and (2) do not apply to:
2011 (a) lawn signs with dimensions of four by eight feet or smaller;
2012 (b) bumper stickers;
2013 (c) campaign pins, buttons, and pens; or
2014 (d) similar small items upon which the disclaimer cannot be conveniently printed.
2015 (4) (a) A person who is not a reporting entity and pays for an electioneering
2016 communication shall file a report with the lieutenant governor within 24 hours of making the
2017 payment or entering into a contract to make the payment.
2018 (b) The report shall include:
2019 (i) the name and address of the person described in Subsection (4)(a);
2020 (ii) the name and address of each person contributing at least \$100 to the person
2021 described in Subsection (4)(a) for the purpose of disseminating the electioneering
2022 communication;
2023 (iii) the amount spent on the electioneering communication;
2024 (iv) the name of the identified referenced candidate; and
2025 (v) the medium used to disseminate the electioneering communication.
2026 (5) A person may not, in order to promote the success of any candidate for nomination
2027 or election to any public office, or in connection with any question submitted to the voters,
2028 include or cause to be included the name of any person as endorser or supporter in any political
2029 advertisement, circular, poster, or publication without the express consent of that person.
2030 (6) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any
2031 newspaper or other periodical to induce ~~him~~ the owner, editor, publisher, or agent to advocate
2032 or oppose editorially any candidate for nomination or election.
2033 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to
2034 advocate or oppose editorially any candidate for nomination or election.
2035 Section 27. Section **20A-13-101.5** is amended to read:
2036 **20A-13-101.5. Representatives to the United States Congress -- Four**
2037 **representative districts -- When elected -- District boundaries.**
2038 (1) (a) The state of Utah is divided into four districts for the election of representatives
2039 to the Congress of the United States, with one member to be elected from each Congressional
2040 district.

2041 (b) At the general election to be held in 2022, and biennially thereafter, one
2042 representative from each Congressional district shall be elected to serve in the Congress of the
2043 United States.

2044 (2) The Legislature adopts the official census population figures and maps of the
2045 Bureau of the Census of the United States Department of Commerce developed in connection
2046 with the taking of the 2020 national decennial census as the official data for establishing
2047 Congressional district boundaries.

2048 (3) (a) The Legislature enacts the district numbers and boundaries of the Congressional
2049 districts designated in the Congressional block equivalency file and resulting Congressional
2050 shapefile that is the electronic component of Laws of Utah 2021, Second Special Session,
2051 Chapter 2[-]:

2052 (i) for purposes of nominating and electing members of the United States Congress
2053 beginning January 1, 2022; and

2054 (ii) for all other purposes beginning January 3, 2023.

2055 (b) The Legislature shall ensure that the Congressional shapefile, and Congressional
2056 boundaries generated from the Congressional shapefile, are accessible on the Utah Legislature's
2057 website.

2058 Section 28. Section **20A-14-101.5** is amended to read:

2059 **20A-14-101.5. State Board of Education -- Number of members -- State Board of**
2060 **Education district boundaries.**

2061 (1) The State Board of Education shall consist of 15 members, with one member to be
2062 elected from each State Board of Education district.

2063 (2) The Legislature adopts the official census population figures and maps of the
2064 Bureau of the Census of the United States Department of Commerce developed in connection
2065 with the taking of the 2020 national decennial census as the official data for establishing State
2066 Board of Education district boundaries.

2067 (3) (a) Notwithstanding Subsection (2), the Legislature enacts the district numbers and
2068 boundaries of the State Board of Education districts designated in the Board block equivalency
2069 file and resulting Board shapefile that is the electronic component of Laws of Utah 2021,
2070 Second Special Session, Chapter 10:

2071 (i) for purposes of nominating and electing certain members of the State Board of

2072 Education beginning January 1, 2022; and

2073 (ii) for all other purposes beginning January [±] 2, 2023.

2074 (b) The Legislature shall ensure that the Board shapefile, and the State Board of

2075 Education district boundaries generated from the Board shapefile, are accessible on the Utah

2076 Legislature's website.

2077 Section 29. Section **20A-14-203** is amended to read:

2078 **20A-14-203. Becoming a member of a local board of education -- Declaration of**
2079 **candidacy -- Election.**

2080 (1) An individual may become a candidate for a local school board by:

2081 [~~(a) (i) in the 2016 general election, by filing a declaration of candidacy with the~~
2082 ~~county clerk, in accordance with Section 20A-9-202, before 5 p.m. on March 17, 2016; or]~~

2083 [~~(ii) in a general election held after 2016, by filing a declaration of candidacy with the~~
2084 ~~county clerk on or after the second Friday in March, and before 5 p.m. on the third Thursday in~~
2085 ~~March, before the next regular general election; and]~~

2086 (a) filing a declaration of candidacy with the county clerk:

2087 (i) on or after 48 days after the day on which the Legislature's general session begins,
2088 as provided in Section 36-3-201; and

2089 (ii) before 52 days after the day on which the Legislature's general session begins, as
2090 provided in Section 36-3-201; and

2091 (b) [~~by~~] paying the fee described in Section 20A-9-202.

2092 (2) (a) The term of office for an individual elected to a local board of education is four
2093 years, beginning on the first Monday in January after the election.

2094 (b) A member of a local board of education shall serve until a successor is elected or
2095 appointed and qualified.

2096 (c) A member of a local board of education is "qualified" when the member takes or
2097 signs the constitutional oath of office.

2098 Section 30. Section **20A-15-104** is amended to read:

2099 **20A-15-104. Ballot -- Form -- Manner of marking and voting.**

2100 (1) The requirements of this section govern the form of the ballot and the specific
2101 procedures for electing delegates to the ratification convention.

2102 (2) Each county clerk shall ensure that the ballot to select delegates to the ratification

2103 convention:

2104 (a) is separate from and printed on different color stock than any other ballot to be used
2105 at the same election;

2106 (b) contains the following information in this order:

2107 (i) the text of the proposed amendment;

2108 (ii) instructions to the voter;

2109 (iii) three perpendicular columns of equal width;

2110 (iv) at the head of the first perpendicular column, in plain type, the words "For

2111 Ratification of Proposed Change in Constitution of the United States";

2112 (v) at the head of the second perpendicular column, in plain type, the words "Against

2113 Ratification of Proposed Change in Constitution of the United States";

2114 (vi) no heading or names at the head of the third perpendicular column;

2115 (vii) in the column headed "For Ratification of Proposed Change in Constitution of the
2116 United States," the names of the nominees nominated as in favor of ratification;

2117 (viii) in the column headed "Against Ratification of Proposed Change in Constitution
2118 of the United States," the names of the nominees nominated as against ratification; and

2119 (ix) in the column without heading, spaces permitting the voter to write in other names;
2120 and

2121 (c) is arranged so that the voter may, by making a single mark, vote for the entire group
2122 of nominees whose names are contained in any column.

2123 (3) Each county clerk shall ensure that the ballot to select delegates to the ratification
2124 convention is in substantially the following form:

2125 "OFFICIAL BALLOT for delegates to convention to ratify or reject proposed
2126 amendment to the Constitution of the United States. The Congress has proposed an amendment
2127 to the Constitution of the United States that provides: (insert here the text of the proposed
2128 amendment).

2129 The Congress has also directed that the proposed amendment be ratified by conventions in the
2130 states.

2131 INSTRUCTIONS TO VOTERS

2132 Do not vote for more than 21.

2133 To vote for all candidates in favor of ratification, or for all candidates against

2134 ratification, make a cross-mark in the CIRCLE at the head of the list of candidates for whom
2135 you wish to vote. If you do this, make no other mark.

2136 To vote for an individual candidate, make a cross-mark in the SQUARE immediately
2137 adjacent to the name.

2138 To vote for a person other than candidates listed on the ballot, write in the person's
2139 name in blank column.

2140 For ratification of proposed change in Constitution of the United States.

2141 (Name of Candidate) _____

2142 Against ratification of proposed change in Constitution of the United States.

2143 (Name of Candidate) _____":

2144 (4) If the election of delegates to the ratification convention is held at the same time as
2145 the regular general election, the county clerk shall:

2146 (a) give the same ballot number to a regular general election ballot and a ballot to elect
2147 delegates to a ratification convention;

2148 (b) direct the election judges to:

2149 (i) hand to each voter the general election ballot and the ratification convention ballot
2150 with identical ballot numbers;

2151 (ii) instruct the voter to mark each ballot and deposit each ballot in the ballot box; and

2152 (iii) mark any ballot "void" that the voter declines to use and return it to the county
2153 clerk.

2154 (5) Each voter shall indicate [~~his~~] the voter's choice by making one or more
2155 cross-marks in the appropriate spaces provided on the ballot.

2156 Section 31. Section **67-1a-2** is amended to read:

2157 **67-1a-2. Duties enumerated.**

2158 (1) The lieutenant governor shall:

2159 (a) perform duties delegated by the governor, including assignments to serve in any of
2160 the following capacities:

2161 (i) as the head of any one department, if so qualified, with the advice and consent of
2162 the Senate, and, upon appointment at the pleasure of the governor and without additional
2163 compensation;

2164 (ii) as the chairperson of any cabinet group organized by the governor or authorized by

2165 law for the purpose of advising the governor or coordinating intergovernmental or
2166 interdepartmental policies or programs;

2167 (iii) as liaison between the governor and the state Legislature to coordinate and
2168 facilitate the governor's programs and budget requests;

2169 (iv) as liaison between the governor and other officials of local, state, federal, and
2170 international governments or any other political entities to coordinate, facilitate, and protect the
2171 interests of the state;

2172 (v) as personal advisor to the governor, including advice on policies, programs,
2173 administrative and personnel matters, and fiscal or budgetary matters; and

2174 (vi) as chairperson or member of any temporary or permanent boards, councils,
2175 commissions, committees, task forces, or other group appointed by the governor;

2176 (b) serve on all boards and commissions in lieu of the governor, whenever so
2177 designated by the governor;

2178 (c) serve as the chief election officer of the state as required by Subsection (2);
2179 (d) keep custody of the Great Seal of Utah;

2180 (e) keep a register of, and attest, the official acts of the governor;

2181 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
2182 which the official signature of the governor is required; and

2183 (g) furnish a certified copy of all or any part of any law, record, or other instrument
2184 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
2185 it and pays the fee.

2186 (2) (a) As the chief election officer, the lieutenant governor shall:

2187 (i) exercise general supervisory authority over all elections;

2188 (ii) exercise direct authority over the conduct of elections for federal, state, and
2189 multicounty officers and statewide or multicounty ballot propositions and any recounts
2190 involving those races;

2191 (iii) assist county clerks in unifying the election ballot;

2192 (iv) (A) prepare election information for the public as required by statute and as
2193 determined appropriate by the lieutenant governor; and

2194 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
2195 news media on the Internet and in other forms as required by statute or as determined

2196 appropriate by the lieutenant governor;

2197 (v) receive and answer election questions and maintain an election file on opinions
2198 received from the attorney general;

2199 (vi) maintain a current list of registered political parties as defined in Section
2200 20A-8-101;

2201 (vii) maintain election returns and statistics;

2202 (viii) certify to the governor the names of those persons who have received the highest
2203 number of votes for any office;

2204 (ix) ensure that all voting equipment purchased by the state complies with the
2205 requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;

2206 [~~(x) conduct the study described in Section 67-1a-14;~~]

2207 [~~(xi)~~ (x)] during a declared emergency, to the extent that the lieutenant governor
2208 determines it warranted, designate, as provided in Section 20A-1-308, a different method, time,
2209 or location relating to:

2210 (A) voting on election day;

2211 (B) early voting;

2212 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;

2213 (D) the counting of an absentee ballot or military-overseas ballot; or

2214 (E) the canvassing of election returns; and

2215 [~~(xii)~~ (xi)] perform other election duties as provided in Title 20A, Election Code.

2216 (b) As chief election officer, the lieutenant governor may not assume the
2217 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election
2218 officials by Title 20A, Election Code.

2219 (3) (a) The lieutenant governor shall:

2220 (i) determine a new municipality's classification under Section 10-2-301 upon the city's
2221 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the
2222 municipality's population using the population estimate from the Utah Population Committee;
2223 and

2224 (ii) (A) prepare a certificate indicating the class in which the new municipality belongs
2225 based on the municipality's population; and

2226 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the

2227 municipality's legislative body.

2228 (b) The lieutenant governor shall:

2229 (i) determine the classification under Section 10-2-301 of a consolidated municipality

2230 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,

2231 Consolidation of Municipalities, using population information from:

2232 (A) each official census or census estimate of the United States Bureau of the Census;

2233 or

2234 (B) the population estimate from the Utah Population Committee, if the population of a

2235 municipality is not available from the United States Bureau of the Census; and

2236 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality

2237 belongs based on the municipality's population; and

2238 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the

2239 consolidated municipality's legislative body.

2240 (c) The lieutenant governor shall:

2241 (i) determine a new metro township's classification under Section 10-2-301.5 upon the

2242 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro

2243 Townships and Unincorporated Islands in a County of the First Class on and after May 12,

2244 2015, based on the metro township's population using the population estimates from the Utah

2245 Population Committee; and

2246 (ii) prepare a certificate indicating the class in which the new metro township belongs

2247 based on the metro township's population and, within 10 days after preparing the certificate,

2248 deliver a copy of the certificate to the metro township's legislative body.

2249 (d) The lieutenant governor shall monitor the population of each municipality using

2250 population information from:

2251 (i) each official census or census estimate of the United States Bureau of the Census; or

2252 (ii) the population estimate from the Utah Population Committee, if the population of a

2253 municipality is not available from the United States Bureau of the Census.

2254 (e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a

2255 municipality's population has increased beyond the population for its current class, the

2256 lieutenant governor shall:

2257 (i) prepare a certificate indicating the class in which the municipality belongs based on

2258 the increased population figure; and

2259 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the
2260 legislative body of the municipality whose class has changed.

2261 (f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a
2262 municipality's population has decreased below the population for its current class, the
2263 lieutenant governor shall send written notification of that fact to the municipality's legislative
2264 body.

2265 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
2266 population has decreased below the population for its current class, the lieutenant governor
2267 shall:

2268 (A) prepare a certificate indicating the class in which the municipality belongs based
2269 on the decreased population figure; and

2270 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the
2271 legislative body of the municipality whose class has changed.

2272 Section 32. Section 67-1a-3 is amended to read:

2273 **67-1a-3. Employment of personnel.**

2274 The lieutenant governor, with the approval of the governor, may employ personnel
2275 necessary to carry out the duties and responsibilities of [his] the lieutenant governor's office.

2276 Section 33. **Repealer.**

2277 This bill repeals:

2278 Section 20A-16-406, **Disposition of ballot by county clerk.**

2279 Section 20A-16-407, **Duty of election judges.**

2280 Section 67-1a-14, **Study of signing a petition online -- Report.**

2281 Section 34. **Effective date.**

2282 If approved by two-thirds of all the members elected to each house, this bill takes effect
2283 upon approval by the governor, or the day following the constitutional time limit of Utah
2284 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
2285 the date of veto override.