

SB0018S02 compared with SB0018

~~{deleted text}~~ shows text that was in SB0018 but was deleted in SB0018S02.

inserted text shows text that was not in SB0018 but was inserted into SB0018S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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

~~{Committee Note:~~

~~_____The Government Operations Interim Committee recommended this bill.~~

~~_____Legislative Vote: 12 voting for 0 voting against _____ 4 absent~~

~~}General Description:~~

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

SB0018S02 compared with SB0018

None

Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

20A-3a-202, as last amended by Laws of Utah 2021, Chapter 100

20A-3a-801, as renumbered and amended by Laws of Utah 2020, Chapter 31

20A-4-306, as last amended by Laws of Utah 2019, Chapter 433

20A-4-403, as last amended by Laws of Utah 2007, Chapter 238

20A-4-405, as enacted by Laws of Utah 1993, Chapter 1

20A-5-102, as last amended by Laws of Utah 2020, Chapter 31

20A-5-403, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

20A-5-406, as last amended by Laws of Utah 2020, Chapter 31

20A-5-601, as last amended by Laws of Utah 2020, Chapter 31

20A-7-211, as last amended by Laws of Utah 2019, Chapter 206

20A-7-611, as last amended by Laws of Utah 2021, Chapter 140

20A-9-201, as last amended by Laws of Utah 2021, Chapters 20 and 183

20A-9-503, as last amended by Laws of Utah 2020, Chapter 22

20A-11-202, as last amended by Laws of Utah 2011, Chapter 347

20A-11-901, as last amended by Laws of Utah 2019, Chapter 154

20A-13-101.5, as last amended by Laws of Utah 2021, Second Special Session, Chapter

2

20A-14-101.5, as last amended by Laws of Utah 2021, Second Special Session, Chapter

SB0018S02 compared with SB0018

10

20A-15-104, as last amended by Laws of Utah 2009, Chapter 202

67-1a-2, as last amended by Laws of Utah 2020, Chapters 49 and 352

67-1a-3, as enacted by Laws of Utah 1984, Chapter 68

REPEALS:

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

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

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

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

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

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

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

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

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

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

- (1) Except as provided in Subsection (12), each elected board member shall be selected as provided in this section.
- (2) (a) Each election of a local district board member shall be held:
 - (i) at the same time as the municipal general election or the regular general election, as applicable; and

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the

SB0018S02 compared with SB0018

filing time shall be extended until the close of normal office hours on the following regular business day.

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

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

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

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

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

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

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

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

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

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

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

(Signed) _____

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

(Signed) _____

(Clerk or Notary Public)".

SB0018S02 compared with SB0018

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

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

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

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

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

(ii) cancel the election.

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

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

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

(b) The primary election shall be conducted:

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

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

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

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

(ii) If consolidation of the local district election ballot with the municipal general election ballot or the regular general election ballot, as applicable, is not feasible, the local district board of trustees, in consultation with the county clerk, shall provide for a separate

SB0018S02 compared with SB0018

local district election ballot to be administered by poll workers at polling [~~locations~~] places designated under Subsection (2).

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

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

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

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

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

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

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

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

and

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

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

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

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

(i) a local district board; or

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

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

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

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

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

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

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

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

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

(A) notice of the election; and

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

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

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

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

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

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

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

20A-1-102. Definitions.

As used in this title:

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

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

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

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

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

SB0018S02 compared with SB0018

- (a) an opinion question specifically authorized by the Legislature;
- (b) a constitutional amendment;
- (c) an initiative;
- (d) a referendum;
- (e) a bond proposition;
- (f) a judicial retention question;
- (g) an incorporation of a city or town; or
- (h) any other ballot question specifically authorized by the Legislature.

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

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

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

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

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

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

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

(b) does not include:

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

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

(18) "Elected official" means:

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

(b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or

(c) a person who is considered to be elected to a local district office in accordance with Subsection 20A-1-206(3)(c)(ii).

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

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

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

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

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

(b) act as the presiding election judge; or

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

(23) "Election officer" means:

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

(b) the county clerk for:

SB0018S02 compared with SB0018

- (i) a county ballot and election; and
- (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
- (c) the municipal clerk for:
 - (i) a municipal ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
- (d) the local district clerk or chief executive officer for:
 - (i) a local district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or
- (e) the business administrator or superintendent of a school district for:
 - (i) a school district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.
- (24) "Election official" means any election officer, election judge, or poll worker.
- (25) "Election results" means:
 - (a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or
 - (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.
- (26) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.
- (27) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- (28) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-306(4)(c)(i) or (ii).
- (29) "Judicial office" means the office filled by any judicial officer.

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

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

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

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

(38) "Municipal executive" means:

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

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

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

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

SB0018S02 compared with SB0018

(40) "Municipal legislative body" means:

- (a) the council of the city or town in any form of municipal government; or
- (b) the council of a metro township.

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

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

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

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

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

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

- (a) the ballot as an official ballot;
- (b) the date of the election; and

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

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

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

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

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

- (b) "Poll worker" includes election judges.
- (c) "Poll worker" does not include a watcher.

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

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

(52) "Position" means a square, circle, rectangle, or other geometric shape on a ballot

SB0018S02 compared with SB0018

in which the voter marks the voter's choice.

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

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

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

(a) is built into a voting machine; and

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

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

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

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

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

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

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

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

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

(i) elected to public office; or

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

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

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

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

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

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

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

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

(a) is spoiled by the voter;

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

(c) lacks the official endorsement.

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

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

(73) "Ticket" means a list of:

(a) political parties;

(b) candidates for an office; or

(c) ballot propositions.

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

(75) "Vacancy" means the absence of a person to serve in any position created by

SB0018S02 compared with SB0018

statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

(76) "Valid voter identification" means:

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

- (i) a currently valid Utah driver license;
- (ii) a currently valid identification card that is issued by:
 - (A) the state; or
 - (B) a branch, department, or agency of the United States;
- (iii) a currently valid Utah permit to carry a concealed weapon;
- (iv) a currently valid United States passport; or
- (v) a currently valid United States military identification card;

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

- (i) a valid tribal identification card;
- (ii) a Bureau of Indian Affairs card; or
- (iii) a tribal treaty card; or

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

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

- (ii) a bank or other financial account statement, or a legible copy thereof;
- (iii) a certified birth certificate;
- (iv) a valid social security card;
- (v) a check issued by the state or the federal government or a legible copy thereof;
- (vi) a paycheck from the voter's employer, or a legible copy thereof;
- (vii) a currently valid Utah hunting or fishing license;
- (viii) certified naturalization documentation;
- (ix) a currently valid license issued by an authorized agency of the United States;
- (x) a certified copy of court records showing the voter's adoption or name change;

SB0018S02 compared with SB0018

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

(xii) a currently valid identification card issued by:

(A) a local government within the state;

(B) an employer for an employee; or

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

(xiii) a current Utah vehicle registration.

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

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

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

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

(79) "Voter" means an individual who:

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

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register book.

(80) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

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

(82) "Voting booth" means:

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

(b) a voting device that is free standing.

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

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

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

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Nothing contained in this section prevents:

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

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

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

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

worker.

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

- (a) consider the provisional ballot a voter registration form;
- (b) place the ballot with the other ballots, to be counted with those ballots at the

canvass; and

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

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

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

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

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

SB0018S02 compared with SB0018

Committee on or before October 31, 2020, regarding:

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

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

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

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

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

(ii) on election day; and

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

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

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

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

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

20A-3a-201. Voting methods.

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

(a) by mail;

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

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

(2) An election officer who administers an election:

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

(i) a manual ballot;

(ii) a return envelope;

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

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

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

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

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

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

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

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

(i) provided at the time of registration; or

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

SB0018S02 compared with SB0018

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

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

(4) The return envelope shall include:

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

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

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

"County of ____ State of ____

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

Signature of Voter"; and

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

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

(a) mail a ballot to the voter; and

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

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

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

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

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

SB0018S02 compared with SB0018

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

(8) A county that administers an election:

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

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

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

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

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

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

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

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

(9) (a) The lieutenant governor shall:

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

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

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

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

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

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

20A-3a-801. Watchers.

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

(a) the election officer; or

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

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

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

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

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

(4) A watcher may:

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

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

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

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

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

(f) observe ballot duplication;

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

(h) observe ballot tabulation;

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

(j) observe a post-election audit;

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

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

(m) observe a recount.

(5) (a) A watcher may not:

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

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

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

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

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

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

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

20A-4-306. Statewide canvass.

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

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

(i) for each statewide officer and ballot proposition:

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

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

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

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

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

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

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

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

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

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

(c) The lieutenant governor shall:

(i) prepare certificates of election for:

(A) each successful candidate; and

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

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

(iii) deliver a certificate of election to:

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

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

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

SB0018S02 compared with SB0018

lieutenant governor shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

(b) The complaint shall include:

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

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

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

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

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

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

and

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

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

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

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

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

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

(2) (a) In contesting the results of a primary election, when contesting the petition nominating an independent candidate, or when challenging any person, election officer, election official, board, or convention for failing to nominate [~~a person~~] an individual, a

SB0018S02 compared with SB0018

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

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

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

(b) The complaint shall include:

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

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

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

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

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

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

(b) The complaint shall include:

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

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

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

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

and

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

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

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

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

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

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

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

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

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

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

(ii) The affidavit shall include:

(A) the petitioner's name;

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

(C) the respondent's name;

SB0018S02 compared with SB0018

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

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

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

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

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

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

- (a) the proceedings are dismissed for:
 - (i) insufficiency of pleading or proof; or
 - (ii) want of prosecution; or
- (b) the election is confirmed by the court.

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

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

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

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

20A-5-102. Voting instructions.

(1) Each election officer shall:

- (a) print instructions for voters;
- (b) ensure that the instructions are printed in English, and any other language required under the Voting Rights Act of 1965, as amended, in large clear type; and
- (c) ensure that the instructions inform voters:
 - (i) about how to obtain ballots for voting;
 - (ii) about special political party affiliation requirements for voting in a regular primary election or presidential primary election;
 - (iii) about how to prepare ballots for deposit in the ballot box;

SB0018S02 compared with SB0018

- (iv) about how to record write-in votes;
- (v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;
- (vi) about how to obtain assistance in marking ballots;
- (vii) about obtaining a new ballot if the voter's ballot is defaced;
- (viii) that identification marks or the spoiling or defacing of a ballot will make it invalid;
- (ix) about how to obtain and vote a provisional ballot;
- (x) about whom to contact to report election fraud;
- (xi) about applicable federal and state laws regarding:
 - (A) voting rights and the appropriate official to contact if the voter alleges [his] that the voter's rights have been violated; and
 - (B) prohibitions on acts of fraud and misrepresentation;
- (xii) about procedures governing mail-in registrants and first-time voters; and
- (xiii) about the date of the election and the hours that the polls are open on election day.

- (2) Each election officer shall:
 - (a) provide the election judges of each voting precinct with sufficient instruction cards to instruct voters in the preparation of their ballots;
 - (b) direct the election judges to post:
 - (i) general voting instructions in each voting booth; and
 - (ii) at least three instruction cards and at least one sample ballot elsewhere in and about the polling place.

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

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

- (1) Except as provided in Section 20A-7-609.5, each election officer shall:
 - (a) designate polling places for each voting precinct in the jurisdiction; and
 - (b) obtain the approval of the county or municipal legislative body or local district governing board for those polling places.
- (2) (a) For each polling place, the election officer shall provide:
 - (i) an American flag;

SB0018S02 compared with SB0018

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

SB0018S02 compared with SB0018

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

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

(ii) The actual costs shall include:

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

(B) reasonable and necessary administrative costs.

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

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

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

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

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

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

20A-5-406. Delivery of ballots.

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

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

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

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

SB0018S02 compared with SB0018

secured before commencement of voting;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

(b) the list is incomplete.

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

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

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

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

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

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

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

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

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

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

- (a) be a United States citizen;
- (b) meet the legal requirements of that office; and
- (c) if seeking a registered political party's nomination as a candidate for elective office,

state:

- (i) the registered political party of which the individual is a member; or
- (ii) that the individual is not a member of a registered political party.

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

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

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

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

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

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

(i) a United States citizen;

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

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

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

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

(i) a United States citizen;

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

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

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

SB0018S02 compared with SB0018

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

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

(i) is a United States citizen;

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

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

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

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

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

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

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

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

(a) inform the individual that:

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

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

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

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

SB0018S02 compared with SB0018

(B) Section 20A-11-303 for a candidate for the Legislature; or

(C) local campaign finance disclosure laws, if applicable;

(b) except for a presidential candidate, provide the individual with a copy of the current campaign financial disclosure laws for the office the individual is seeking and inform the individual that failure to comply will result in disqualification as a candidate and removal of the individual's name from the ballot;

(c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the individual of the submission deadline under Subsection 20A-7-801(4)(a);

(d) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:

(i) signing the pledge is voluntary; and

(ii) signed pledges shall be filed with the filing officer;

(e) accept the individual's declaration of candidacy; and

(f) if the individual has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the individual is a member.

(6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:

(a) accept the candidate's pledge; and

(b) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.

(7) (a) Except for a candidate for president or vice president of the United States, the form of the declaration of candidacy shall:

(i) be substantially as follows:

"State of Utah, County of ____

I, _____, declare my candidacy for the office of _____, seeking the nomination of the _____ party. I do solemnly swear, under penalty of perjury, that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of _____, Utah, Zip Code _____ Phone No.

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

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

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

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

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

(i) who is disqualified; or

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

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

(ii) The lieutenant governor shall:

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

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

SB0018S02 compared with SB0018

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

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

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

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

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

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

"Affidavit of Impecuniosity

Individual Name _____

_____ Address _____

Phone Number _____

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

Date _____ Signature _____

Affiant

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

(signature)

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

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

SB0018S02 compared with SB0018

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

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

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

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

Section ~~{19}~~21. Section **20A-9-503** is amended to read:

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

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

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

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

(B) pay the filing fee; or

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

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

(B) pay the filing fee.

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

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

SB0018S02 compared with SB0018

(A) the individual is located outside of the state during the entire filing period;
(B) the designated agent appears in person before the filing officer; and
(C) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other.

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

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

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

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

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

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

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

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

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

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

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

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

(b) Except for expenses made by a registered political party to benefit a party's candidates generally, a state office candidate or other person acting in concert with or with the knowledge of the state office candidate may not receive any contributions or make any

SB0018S02 compared with SB0018

expenditures on behalf of a state office candidate other than through:

- (i) a personal campaign committee established under this section; and
- (ii) a political action committee established under Part 6, Political Action Committee

Registration and Financial Reporting Requirements.

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~{21}~~23. Section **20A-11-901** is amended to read:

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

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

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

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

(b) The report shall include:

- (i) the name and address of the person described in Subsection (4)(a);
- (ii) the name and address of each person contributing at least \$100 to the person

described in Subsection (4)(a) for the purpose of disseminating the electioneering communication;

(iii) the amount spent on the electioneering communication;

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

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

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

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

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

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

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

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

(b) At the general election to be held in 2022, and biennially thereafter, one

SB0018S02 compared with SB0018

representative from each Congressional district shall be elected to serve in the Congress of the United States.

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

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

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

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

(ii) for all other purposes beginning January ~~1~~2, 2023.

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

Section ~~22~~26. Section **20A-15-104** is amended to read:

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

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

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

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

(b) contains the following information in this order:

(i) the text of the proposed amendment;

(ii) instructions to the voter;

(iii) three perpendicular columns of equal width;

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

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

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

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

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

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

and

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

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

SB0018S02 compared with SB0018

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

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

INSTRUCTIONS TO VOTERS

Do not vote for more than 21.

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

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

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

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

(Name of Candidate) _____

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

(Name of Candidate) _____":

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

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

(b) direct the election judges to:

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

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

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

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

SB0018S02 compared with SB0018

Section ~~{23}~~27. Section 67-1a-2 is amended to read:

67-1a-2. Duties enumerated.

(1) The lieutenant governor shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SB0018S02 compared with SB0018

- (i) exercise general supervisory authority over all elections;
- (ii) exercise direct authority over the conduct of elections for federal, state, and multicounty officers and statewide or multicounty ballot propositions and any recounts involving those races;
- (iii) assist county clerks in unifying the election ballot;
- (iv) (A) prepare election information for the public as required by statute and as determined appropriate by the lieutenant governor; and
(B) make the information under Subsection (2)(a)(iv)(A) available to the public and to news media on the Internet and in other forms as required by statute or as determined appropriate by the lieutenant governor;
- (v) receive and answer election questions and maintain an election file on opinions received from the attorney general;
- (vi) maintain a current list of registered political parties as defined in Section 20A-8-101;
- (vii) maintain election returns and statistics;
- (viii) certify to the governor the names of those persons who have received the highest number of votes for any office;
- (ix) ensure that all voting equipment purchased by the state complies with the requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;
- ~~[(x) conduct the study described in Section 67-1a-14;]~~
- ~~[(xi)]~~ (x) during a declared emergency, to the extent that the lieutenant governor determines it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location relating to:
 - (A) voting on election day;
 - (B) early voting;
 - (C) the transmittal or voting of an absentee ballot or military-overseas ballot;
 - (D) the counting of an absentee ballot or military-overseas ballot; or
 - (E) the canvassing of election returns; and
- ~~[(xii)]~~ (xi) perform other election duties as provided in Title 20A, Election Code.
- (b) As chief election officer, the lieutenant governor may not assume the responsibilities assigned to the county clerks, city recorders, town clerks, or other local election

SB0018S02 compared with SB0018

officials by Title 20A, Election Code.

(3) (a) The lieutenant governor shall:

(i) determine a new municipality's classification under Section 10-2-301 upon the city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the municipality's population using the population estimate from the Utah Population Committee; and

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

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

(b) The lieutenant governor shall:

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

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

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

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

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

(c) The lieutenant governor shall:

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

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

SB0018S02 compared with SB0018

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

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

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

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

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

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

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

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

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

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

Section ~~{24}~~28. Section **67-1a-3** is amended to read:

67-1a-3. Employment of personnel.

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

Section ~~{25}~~29. **Repealer.**

This bill repeals:

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

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

SB0018S02 compared with SB0018

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

Section 30. Effective date.

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