

ELECTION REVISIONS

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 provisions of the Election Code.

Highlighted Provisions:

This bill:

- ▶ changes the dates of a special election in an odd-numbered year to coincide with the dates of municipal elections;
- ▶ modifies requirements relating to the publishing and posting of sample ballots;
- ▶ modifies the crime of destroying election documents or supplies to include altering documents;
- ▶ provides for a voter's party affiliation to be changed to unaffiliated if the voter is affiliated with a party that is no longer a registered political party;
- ▶ modifies the deadline for determining whether a municipality will conduct an election by ranked choice voting to coincide with the deadline for publishing a notice of election;
- ▶ modifies a conflict of interest reporting requirement; and
- ▶ makes technical changes.

Money Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **11-14-203**, as last amended by Laws of Utah 2020, Chapter 31

34 **20A-1-102**, as last amended by Laws of Utah 2020, Chapters 31, 49, 255, and 354

35 **20A-1-204**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

36 **20A-1-403**, as last amended by Laws of Utah 2020, Chapter 31

37 **20A-1-604**, as last amended by Laws of Utah 2020, Chapter 31

38 **20A-2-107**, as last amended by Laws of Utah 2021, Chapter 430

39 **20A-4-602**, as last amended by Laws of Utah 2021, Chapter 101

40 **20A-5-102**, as last amended by Laws of Utah 2020, Chapter 31

41 **20A-5-405**, as last amended by Laws of Utah 2021, First Special Session, Chapter 15

42 **20A-5-605**, as last amended by Laws of Utah 2020, Chapter 31

43 **20A-7-103**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

44 **20A-11-1604**, as last amended by Laws of Utah 2021, Chapter 20



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

47 Section 1. Section **11-14-203** is amended to read:

48 **11-14-203. Time for election -- Equipment -- Election officials -- Combining**
49 **precincts.**

50 (1) (a) The local political subdivision shall ensure that bond elections are conducted
51 and administered according to the procedures set forth in this chapter and the sections of the
52 Election Code specifically referenced by this chapter.

53 (b) When a local political subdivision complies with those procedures, there is a
54 presumption that the bond election was properly administered.

55 (2) (a) A bond election may be held, and the proposition for the issuance of bonds may
56 be submitted, on the same date as the regular general election, the municipal general election
57 held in the local political subdivision calling the bond election, or at a special election called
58 for the purpose on a date authorized by Section **20A-1-204**.

59 (b) A bond election may not be held, nor a proposition for issuance of bonds be
60 submitted, at the presidential primary election held under Title 20A, Chapter 9, Part 8,
61 Presidential Primary Election.

62 (3) (a) The bond election shall be conducted and administered by the election officer
63 designated in Sections 20A-1-102 and 20A-5-400.5.

64 (b) (i) The duties of the election officer shall be governed by Title 20A, Chapter 5, Part
65 4, Election Officer's Duties.

66 (ii) The publishing requirement under Subsection 20A-5-405(1)(~~h~~)(f)(iii) does not
67 apply when notice of a bond election has been provided according to the requirements of
68 Section 11-14-202.

69 (c) The hours during which the polls are to be open shall be consistent with Section
70 20A-1-302.

71 (d) The appointment and duties of election judges shall be governed by Title 20A,
72 Chapter 5, Part 6, Poll Workers.

73 (e) General voting procedures shall be conducted according to the requirements of Title
74 20A, Chapter 3a, Voting.

75 (f) The designation of election crimes and offenses, and the requirements for the
76 prosecution and adjudication of those crimes and offenses are set forth in Title 20A, Election
77 Code.

78 (4) When a bond election is being held on a day when no other election is being held in
79 the local political subdivision calling the bond election, voting precincts may be combined for
80 purposes of bond elections so long as no voter is required to vote outside the county in which
81 the voter resides.

82 (5) When a bond election is being held on the same day as any other election held in a
83 local political subdivision calling the bond election, or in some part of that local political
84 subdivision, the polling places and election officials serving for the other election may also
85 serve as the polling places and election officials for the bond election, so long as no voter is
86 required to vote outside the county in which the voter resides.

87 Section 2. Section 20A-1-102 is amended to read:

88 **20A-1-102. Definitions.**

89 As used in this title:

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

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

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

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

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

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

100 (b) a constitutional amendment;

101 (c) an initiative;

102 (d) a referendum;

103 (e) a bond proposition;

104 (f) a judicial retention question;

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

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

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

110 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
111 [20A-4-306](#) to canvass election returns.

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

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

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

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

120 (11) "Contracting election officer" means an election officer who enters into a contract

121 or interlocal agreement with a provider election officer.

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

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

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

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

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

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

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

135 (b) does not include:

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

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

140 (18) "Elected official" means:

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

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

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

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

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

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

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

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

158 (23) "Election officer" means:

- 159 (a) the lieutenant governor, for all statewide ballots and elections;
- 160 (b) the county clerk for:
 - 161 (i) a county ballot and election; and
 - 162 (ii) a ballot and election as a provider election officer as provided in Section
163 20A-5-400.1 or 20A-5-400.5;

164 (c) the municipal clerk for:

- 165 (i) a municipal ballot and election; and
- 166 (ii) a ballot and election as a provider election officer as provided in Section
167 20A-5-400.1 or 20A-5-400.5;

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

- 169 (i) a local district ballot and election; and
- 170 (ii) a ballot and election as a provider election officer as provided in Section
171 20A-5-400.1 or 20A-5-400.5; or

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

- 173 (i) a school district ballot and election; and
- 174 (ii) a ballot and election as a provider election officer as provided in Section
175 20A-5-400.1 or 20A-5-400.5.

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

177 (25) "Election results" means:

- 178 (a) for an election other than a bond election, the count of votes cast in the election and
179 the election returns requested by the board of canvassers; or
- 180 (b) for bond elections, the count of those votes cast for and against the bond
181 proposition plus any or all of the election returns that the board of canvassers may request.

182 (26) "Election returns" includes the pollbook, the military and overseas absentee voter

183 registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted
184 ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
185 the total votes cast form.

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

189 (28) "Inactive voter" means a registered voter who is listed as inactive by a county
190 clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

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

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

194 (31) "Local district" means a local government entity under Title 17B, Limited Purpose
195 Local Government Entities - Local Districts, and includes a special service district under Title
196 17D, Chapter 1, Special Service District Act.

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

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

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

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

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

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

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

213 (b) records an individual voter's vote cast via a method other than an individual directly

214 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

215 (38) "Municipal executive" means:

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

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

218 10-3b-103(7); or

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

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

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

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

223 (40) "Municipal legislative body" means:

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

225 (b) the council of a metro township.

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

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

228 elected.

229 (43) "Municipal primary election" means an election held to nominate candidates for

230 municipal office.

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

232 (45) "Official ballot" means the ballots distributed by the election officer for voters to

233 record their votes.

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

235 (a) the ballot as an official ballot;

236 (b) the date of the election; and

237 (c) (i) for a ballot prepared by an election officer other than a county clerk, the

238 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

239 (ii) for a ballot prepared by a county clerk, the words required by Subsection

240 20A-6-301(1)(b)(iii).

241 (47) "Official register" means the official record furnished to election officials by the

242 election officer that contains the information required by Section 20A-5-401.

243 (48) "Political party" means an organization of registered voters that has qualified to

244 participate in an election by meeting the requirements of Chapter 8, Political Party Formation

245 and Procedures.

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

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

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

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

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

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

255 (53) "Presidential Primary Election" means the election established in Chapter 9, Part
256 8, Presidential Primary Election.

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

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

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

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

262 (56) "Provider election officer" means an election officer who enters into a contract or
263 interlocal agreement with a contracting election officer to conduct an election for the
264 contracting election officer's local political subdivision in accordance with Section
265 [20A-5-400.1](#).

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

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

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

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

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

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

- 276 (b) "Public figure" does not include an individual:
- 277 (i) elected to public office; or
- 278 (ii) appointed to fill a vacancy in an elected public office.
- 279 (60) "Qualify" or "qualified" means to take the oath of office and begin performing the
- 280 duties of the position for which the individual was elected.
- 281 (61) "Receiving judge" means the poll worker that checks the voter's name in the
- 282 official register at a polling location and provides the voter with a ballot.
- 283 (62) "Registration form" means a form by which an individual may register to vote
- 284 under this title.
- 285 (63) "Regular ballot" means a ballot that is not a provisional ballot.
- 286 (64) "Regular general election" means the election held throughout the state on the first
- 287 Tuesday after the first Monday in November of each even-numbered year for the purposes
- 288 established in Section [20A-1-201](#).
- 289 (65) "Regular primary election" means the election, held on the date specified in
- 290 Section [20A-1-201.5](#), to nominate candidates of political parties and candidates for nonpartisan
- 291 local school board positions to advance to the regular general election.
- 292 (66) "Resident" means a person who resides within a specific voting precinct in Utah.
- 293 (67) "Return envelope" means the envelope, described in Subsection [20A-3a-202\(4\)](#),
- 294 provided to a voter with a manual ballot:
- 295 (a) into which the voter places the manual ballot after the voter has voted the manual
- 296 ballot in order to preserve the secrecy of the voter's vote; and
- 297 (b) that includes the voter affidavit and a place for the voter's signature.
- 298 (68) "Sample ballot" means a mock ballot similar in form to the official ballot [~~printed~~
- 299 ~~and distributed~~], published as provided in Section [20A-5-405](#).
- 300 (69) "Special election" means an election held as authorized by Section [20A-1-203](#).
- 301 (70) "Spoiled ballot" means each ballot that:
- 302 (a) is spoiled by the voter;
- 303 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 304 (c) lacks the official endorsement.
- 305 (71) "Statewide special election" means a special election called by the governor or the
- 306 Legislature in which all registered voters in Utah may vote.

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

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

310 (a) political parties;

311 (b) candidates for an office; or

312 (c) ballot propositions.

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

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

318 (76) "Valid voter identification" means:

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

321 (i) a currently valid Utah driver license;

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

323 (A) the state; or

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

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

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

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

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

330 (i) a valid tribal identification card;

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

332 (iii) a tribal treaty card; or

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

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

- 338 (ii) a bank or other financial account statement, or a legible copy thereof;
- 339 (iii) a certified birth certificate;
- 340 (iv) a valid social security card;
- 341 (v) a check issued by the state or the federal government or a legible copy thereof;
- 342 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 343 (vii) a currently valid Utah hunting or fishing license;
- 344 (viii) certified naturalization documentation;
- 345 (ix) a currently valid license issued by an authorized agency of the United States;
- 346 (x) a certified copy of court records showing the voter's adoption or name change;
- 347 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 348 (xii) a currently valid identification card issued by:
 - 349 (A) a local government within the state;
 - 350 (B) an employer for an employee; or
 - 351 (C) a college, university, technical school, or professional school located within the
 - 352 state; or
 - 353 (xiii) a current Utah vehicle registration.

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

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

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

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

- 360 (a) meets the requirements for voting in an election;
- 361 (b) meets the requirements of election registration;
- 362 (c) is registered to vote; and
- 363 (d) is listed in the official register book.

364 (80) "Voter registration deadline" means the registration deadline provided in Section
365 [20A-2-102.5](#).

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

368 (82) "Voting booth" means:

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

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

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

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

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

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

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

381 Section 3. Section 20A-1-204 is amended to read:

382 **20A-1-204. Date of special election -- Legal effect.**

383 (1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the
384 legislative body of a local political subdivision calling a statewide special election or local
385 special election under Section 20A-1-203 shall schedule the special election to be held on:

386 (i) in an even-numbered year:

387 (A) the fourth Tuesday in June; or

388 [(ii)] (B) the first Tuesday after the first Monday in November[-]; or

389 (ii) in an odd-numbered year:

390 (A) the second Tuesday after the first Monday in August; or

391 (B) the first Tuesday after the first Monday in November.

392 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
393 body of a local political subdivision calling a statewide special election or local special election
394 under Section 20A-1-203 may not schedule a special election to be held on any other date.

395 (c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative
396 body of a local political subdivision may call a local special election on a date other than those
397 specified in this section if the legislative body:

398 (A) determines and declares that there is a disaster, as defined in Section 53-2a-102,
399 requiring that a special election be held on a date other than the ones authorized in statute;

400 (B) identifies specifically the nature of the disaster, as defined in Section 53-2a-102,
401 and the reasons for holding the special election on that other date; and

402 (C) votes unanimously to hold the special election on that other date.

403 (ii) The legislative body of a local political subdivision may not hold a local special
404 election on the same date as the presidential primary election conducted under Chapter 9, Part
405 8, Presidential Primary Election.

406 (d) The legislative body of a local political subdivision may only call a special election
407 for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after
408 the first Monday in November.

409 (e) Nothing in this section prohibits:

410 (i) the governor or Legislature from submitting a matter to the voters at the regular
411 general election if authorized by law; or

412 (ii) a local government from submitting a matter to the voters at the regular municipal
413 election if authorized by law.

414 (2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a
415 special election within a county on the same day as:

416 (i) another special election;

417 (ii) a regular general election; or

418 (iii) a municipal general election.

419 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

420 (i) polling places;

421 (ii) ballots;

422 (iii) election officials; and

423 (iv) other administrative and procedural matters connected with the election.

424 Section 4. Section 20A-1-403 is amended to read:

425 **20A-1-403. Errors or omissions in ballots.**

426 (1) The election officer shall, without delay, correct any errors in ballots that the
427 election officer discovers, or that are brought to the election officer's attention, if those errors
428 can be corrected without interfering with the timely distribution of the ballots.

429 (2) (a) (i) If an error or omission has occurred in the publication of the names or
430 description of the candidates nominated for office, in the publication of sample ballots, or in

431 the printing of ~~sample or~~ official ballots, a candidate or the candidate's agent may file,
432 without paying any fee, a petition for ballot correction with the district court.

433 (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the
434 respondents on the same day that the petition is filed with the court.

435 (b) The petition shall contain:

436 (i) an affidavit signed by the candidate or the candidate's agent identifying the error or
437 omission; and

438 (ii) a request that the court issue an order to the election officer responsible for the
439 ballot error or omission to correct the ballot error or omission.

440 (3) (a) After reviewing the petition, the court shall:

441 (i) issue an order commanding the respondent named in the petition to appear before
442 the court to answer, under oath, under penalty of perjury, to the petition;

443 (ii) summarily hear and dispose of any issues raised by the petition to obtain substantial
444 compliance with the provisions of this title by the parties to the controversy; and

445 (iii) enter appropriate orders.

446 (b) The court may assess costs, including reasonable attorney fees, against either party.

447 Section 5. Section **20A-1-604** is amended to read:

448 **20A-1-604. Destroying or altering voter instructions, sample ballots, or election**
449 **paraphernalia -- Penalties.**

450 (1) A person may not, without lawful authority granted by an election officer:

451 (a) willfully alter, deface, or destroy any list of candidates posted in accordance with
452 the provisions of this title;

453 (b) willfully alter, deface, tear down, remove or destroy any voter instructions or
454 sample ballot, printed or posted for the instruction of voters during an election;

455 (c) willfully alter, remove, or destroy any of the supplies or conveniences furnished to
456 enable a voter to prepare the voter's ballot during an election; or

457 (d) willfully hinder the voting of others.

458 (2) In addition to the penalties established in Subsections **20A-1-609**(2) and (3), a
459 person who commits an offense under Subsection (1) is guilty of an infraction.

460 Section 6. Section **20A-2-107** is amended to read:

461 **20A-2-107. Designating or changing party affiliation -- Times permitted.**

462 (1) The county clerk shall:
463 (a) except as provided in Subsection (3) or 20A-2-107.5(1)(c), record the party
464 affiliation designated by the voter on the voter registration form as the voter's party affiliation;
465 or
466 (b) if no political party affiliation is designated by the voter on the voter registration
467 form:
468 (i) except as provided in Subsection (1)(b)(ii), record the voter's party affiliation as the
469 party that the voter designated the last time that the voter designated a party on a voter
470 registration form, unless the voter more recently registered as "unaffiliated"; or
471 (ii) record the voter's party affiliation as "unaffiliated" if the voter:
472 (A) did not previously designate a party;
473 (B) most recently designated the voter's party affiliation as "unaffiliated"; or
474 (C) did not previously register.
475 (2) (a) Any registered voter may designate or change the voter's political party
476 affiliation by complying with the procedures and requirements of this Subsection (2).
477 (b) A registered voter may designate or change the voter's political party affiliation by
478 filing a signed form with the county clerk that identifies the registered political party with
479 which the voter chooses to affiliate.
480 (c) Except as provided in Subsection (2)(d), a signed form designating or changing a
481 voter's political party affiliation takes effect when the county clerk receives the signed form.
482 (d) In an even-numbered year, a form described in Subsection (2)(c) received by the
483 county clerk after March 31 takes effect on the day after that year's regular primary election if
484 the form changes a registered voter's affiliation with one political party to affiliate with another
485 political party.
486 (e) Any part of a form described in Subsection (2)(d), other than the voter's designation
487 or change of political party affiliation, takes effect when the county clerk receives the signed
488 form.
489 (f) For purposes of Subsection (2)(d), a signed form described in Subsection (2)(c) is
490 received by the county clerk on or before March 31 if:
491 (i) the individual submits the form in person at the county clerk's office no later than 5
492 p.m. on the last business day before April 1;

493 (ii) the individual submits the form electronically through the system described in
 494 Section [20A-2-206](#), at or before 11:59 p.m. on March 31; or

495 (iii) the individual's form is clearly postmarked on or before March 31.

496 (g) Subsection (2)(d) does not apply to the party affiliation designated by a voter on the
 497 voter registration form if:

498 (i) the voter has not previously been registered to vote in the state[:]; or

499 (ii) the voter's most recent party affiliation was changed to "unaffiliated" by a county
 500 clerk under Subsection (3).

501 (3) If the most recent party affiliation designated by a voter is for a political party that
 502 is no longer a registered political party, the county clerk shall:

503 (a) change the voter's party affiliation to "unaffiliated"; and

504 (b) mail notice to the voter:

505 (i) that the voter's affiliation has been changed to "unaffiliated" because the most recent
 506 party affiliation designated by the voter is for a political party that is no longer a registered
 507 political party; and

508 (ii) informing the voter of the methods and deadlines for changing the voter's party
 509 affiliation.

510 Section 7. Section [20A-4-602](#) is amended to read:

511 **20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation --**
 512 **Participation.**

513 (1) There is created the Municipal Alternate Voting Methods Pilot Project.

514 (2) The pilot project begins on January 1, 2019, and ends on January 1, 2026.

515 (3) (a) A municipality may participate in the pilot project, in accordance with the
 516 requirements of this section and all other applicable provisions of law, during any
 517 odd-numbered year that the pilot project is in effect, if, before [~~the second Monday in~~] May 1
 518 of the odd-numbered year, the legislative body of the municipality:

519 (i) votes to participate; and

520 (ii) provides written notice to the lieutenant governor and the county clerk stating that
 521 the municipality intends to participate in the pilot project for the year specified in the notice.

522 (b) The legislative body of a municipality that provides the notice of intent described in
 523 Subsection (3)(a) may withdraw the notice of intent, and not participate in the pilot project, if

524 the legislative body of the municipality provides written notice of withdrawal to the lieutenant
525 governor and the county clerk before [~~the second Monday in~~] May 1.

526 (4) The lieutenant governor shall maintain, in a prominent place on the lieutenant
527 governor's website, a current list of the municipalities that are participating in the pilot project.

528 (5) (a) An election officer of a participating municipality shall, in accordance with the
529 provisions of this part, conduct a multi-candidate race during the municipal general election
530 using instant runoff voting.

531 (b) Except as provided in Subsection 20A-4-603(9), an election officer of a
532 participating municipality that will conduct a multi-candidate race under Subsection (5)(a) may
533 not conduct a municipal primary election relating to that race.

534 (c) A municipality that has in effect an ordinance described in Subsection
535 20A-9-404(3) or (4) may not participate in the pilot project.

536 (6) Except for an election described in Subsection 20A-4-603(9), an individual who
537 files a declaration of candidacy or a nomination petition, for a candidate who will run in an
538 election described in this part, shall file the declaration of candidacy or nomination petition
539 during the office hours described in Section 10-3-301 and not later than the close of those
540 office hours, no sooner than the second Tuesday in August and no later than the third Tuesday
541 in August of an odd-numbered year.

542 Section 8. Section 20A-5-102 is amended to read:

543 **20A-5-102. Voting instructions.**

544 (1) Each election officer shall:

545 (a) print instructions for voters;

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

548 (c) ensure that the instructions inform voters:

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

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

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

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

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

- 555 (vi) about how to obtain assistance in marking ballots;
- 556 (vii) about obtaining a new ballot if the voter's ballot is defaced;
- 557 (viii) that identification marks or the spoiling or defacing of a ballot will make it
- 558 invalid;
- 559 (ix) about how to obtain and vote a provisional ballot;
- 560 (x) about whom to contact to report election fraud;
- 561 (xi) about applicable federal and state laws regarding:
- 562 (A) voting rights and the appropriate official to contact if the voter alleges ~~his~~ that the
- 563 voter's rights have been violated; and
- 564 (B) prohibitions on acts of fraud and misrepresentation;
- 565 (xii) about procedures governing mail-in registrants and first-time voters; and
- 566 (xiii) about the date of the election and the hours that the polls are open on election
- 567 day.
- 568 (2) Each election officer shall:
- 569 (a) provide the election judges of each voting precinct with sufficient instruction cards
- 570 to instruct voters in the preparation of ~~their~~ the voters' ballots; and
- 571 (b) direct the election judges to post:
- 572 (i) general voting instructions in each voting booth; ~~and~~
- 573 (ii) at least three instruction cards at other locations in the polling place; and
- 574 (iii) at least one sample ballot ~~[elsewhere in and about]~~ at the polling place.
- 575 Section 9. Section **20A-5-405** is amended to read:
- 576 **20A-5-405. Election officer to provide ballots.**
- 577 (1) An election officer shall:
- 578 (a) provide ballots for every election of public officers in which the voters, or any of
- 579 the voters, within the election officer's jurisdiction participate;
- 580 (b) cause the name of every candidate whose nomination has been certified to or filed
- 581 with the election officer in the manner provided by law to be included on each ballot;
- 582 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
- 583 be included on each ballot;
- 584 (d) ensure that the ballots are prepared and in the possession of the election officer
- 585 before commencement of voting;

586 (e) allow candidates and their agents and the sponsors of ballot propositions that have
587 qualified for the official ballot to inspect the ballots;

588 (f) ~~[cause]~~ no later than 45 days before the day of the election, make sample ballots ~~[to~~
589 ~~be printed that are]~~ available for inspection, in the same form as official ballots and that contain
590 the same information as official ballots ~~[but that are printed on different colored paper than~~
591 ~~official ballots or are identified by a watermark;], by:~~

592 ~~[(g) ensure that the sample ballots are printed and in the possession of the election~~
593 ~~officer at least seven days before commencement of voting;]~~

594 ~~[(h) make the sample ballots available for public inspection by:]~~

595 (i) posting a copy of the sample ballot in the election officer's office ~~[at least seven~~
596 ~~days before commencement of voting];~~

597 (ii) ~~[mailing]~~ sending a copy of the sample ballot to:

598 (A) each candidate listed on the ballot; and

599 (B) the lieutenant governor;

600 ~~[(iii) publicizing a copy of the sample ballot:]~~

601 (iii) (A) [at least seven days before the day of the election, by] posting one copy of the
602 sample ballot, and at least one additional copy of the sample ballot per 2,000 population of the
603 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
604 the jurisdiction, subject to a maximum of 10 notices; or

605 ~~(B) [at least 10 days before the day of the election, by]~~ mailing a copy of the sample
606 ballot to each registered voter who resides in the jurisdiction holding the election;

607 (iv) posting a copy of the sample ballot on the Utah Public Notice Website, created in
608 Section [63A-16-601](#) ~~[, for seven days before the day of the election];~~ and

609 (v) if the jurisdiction has a website, posting a copy of the sample ballot on the
610 jurisdiction's website ~~[for at least seven days before the day of the election];~~

611 ~~[(i)]~~ (g) deliver ~~[at least five copies]~~ a copy of the sample ballot to poll workers for
612 each polling place and direct ~~[them]~~ the poll workers to post the sample ~~[ballots]~~ ballot as
613 required by Section [20A-5-102](#); and

614 ~~[(j)]~~ (h) print and deliver, at the expense of the jurisdiction conducting the election,
615 enough ballots, sample ballots, and instructions to meet the voting demands of the qualified
616 voters in each voting precinct.

617 (2) Instead of posting the entire sample ballot under Subsection ~~[(1)(h)(iii)(A)]~~
618 ~~(1)(f)(iii)(A)~~, the election officer may post a statement that:

619 (a) is entitled, "sample ballot";

620 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
621 upcoming [indicate type and date of election] may be obtained from the following sources:";
622 and

623 (c) specifies the following sources where an individual may view or obtain a copy of
624 the sample ballot:

625 (i) if the jurisdiction has a website, the jurisdiction's website;

626 (ii) the physical address of the jurisdiction's offices; and

627 (iii) a mailing address and telephone number.

628 (3) (a) Each election officer shall, without delay, correct any error discovered in any
629 ballot, if the correction can be made without interfering with the timely distribution of the
630 ballots.

631 (b) (i) If the election officer discovers an error or omission in a manual ballot, and it is
632 not possible to correct the error or omission, the election officer shall direct the poll workers to
633 make the necessary corrections on the manual ballots before the ballots are distributed.

634 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
635 not possible to correct the error or omission by revising the electronic ballot, the election
636 officer shall direct the poll workers to post notice of each error or omission with instructions on
637 how to correct each error or omission in a prominent position at each polling booth.

638 ~~[(e)(i)]~~ (4) (a) If the election officer refuses or fails to correct an error or omission in a
639 ballot, a candidate or a candidate's agent may file a verified petition with the district court
640 asserting that:

641 ~~[(A)]~~ (i) an error or omission has occurred in:

642 ~~[(F)]~~ (A) the publication of the name or description of a candidate;

643 ~~[(H)]~~ (B) the preparation or display of an electronic ballot; or

644 ~~[(H)]~~ (C) ~~[in] the [printing]~~ posting of sample ballots or the printing of official manual
645 ballots; and

646 ~~[(B)]~~ (ii) the election officer has failed to correct or provide for the correction of the
647 error or omission.

648 [(ii)] (b) The district court shall issue an order requiring correction of any error in a
649 ballot or an order to show cause why the error should not be corrected if it appears to the court
650 that the error or omission has occurred and the election officer has failed to correct or provide
651 for the correction of the error or omission.

652 [(iii)] (c) A party aggrieved by the district court's decision may appeal the matter to the
653 Utah Supreme Court within five days after the day on which the district court enters the
654 decision.

655 Section 10. Section **20A-5-605** is amended to read:

656 **20A-5-605. Duties of poll workers.**

657 (1) Poll workers shall:

658 (a) arrive at the polling place at a time determined by the election officer; and

659 (b) remain until the official election returns are prepared for delivery.

660 (2) The election officer may designate the title and duties of each poll worker.

661 (3) Upon arriving to open the polls, the poll workers shall:

662 (a) display the United States flag;

663 (b) examine the voting devices to see that they are in proper working order and that
664 security devices have not been tampered with;

665 (c) place the voting devices, voting booths, and the ballot box in plain view of those
666 poll workers and watchers that are present;

667 (d) check the ballots, supplies, records, and forms;

668 (e) if directed by the election officer:

669 (i) make any necessary corrections to the official ballots before the ballots are
670 distributed at the polls; ~~and~~

671 (ii) post any necessary notice of errors in ballots before voting commences; and

672 (iii) post ~~[the sample ballots]~~ a sample ballot, instructions to voters, and constitutional
673 amendments, if any;

674 (f) open the ballot box in the presence of those assembled, turn the ballot box upside
675 down to empty the ballot box of anything; and

676 (g) immediately before the polls open, lock the ballot box or, if locks and keys are not
677 available, tape the ballot box securely.

678 (4) (a) If any poll worker fails to appear on the morning of the election, or fails or

679 refuses to act:

680 (i) at least six qualified electors who are present at the polling place at the hour
681 designated by law for the opening of the polls shall fill the vacancy by appointing another
682 qualified individual from the voting precinct who is a member of the same political party as the
683 poll worker who is being replaced to act as a poll worker; or

684 (ii) the election officer shall appoint a qualified individual to act as a poll worker.

685 (b) If a majority of the poll workers are present, the poll workers shall open the polls,
686 even though a poll worker has not arrived.

687 (5) (a) If it is impossible or inconvenient to hold an election at the polling place
688 designated, the poll workers, after having assembled at or as near as practicable to the
689 designated place, and before receiving any vote, may move to the nearest convenient place for
690 holding the election.

691 (b) If the poll workers move to a new polling place, the poll workers shall display a
692 proclamation of the change and station a peace officer or some other proper individual at the
693 original polling place to notify voters of the location of the new polling place.

694 (6) If, for any reason, the official ballots are not ready for distribution at a polling place
695 or, if the supply of ballots is exhausted before the polls are closed, the poll workers may use
696 unofficial ballots, made as nearly as possible in the form of the official ballot, until the election
697 officer provides additional ballots.

698 (7) When it is time to open the polls, one of the poll workers shall announce that the
699 polls are open as required by Section [20A-1-302](#), or in the case of early voting, Section
700 [20A-3a-602](#).

701 (8) (a) The poll workers shall comply with the voting procedures and requirements of
702 Chapter 3a, Voting, in allowing people to vote.

703 (b) The poll workers may not allow an individual, other than election officials and
704 those admitted to vote, within six feet of voting devices, voting booths, or the ballot box.

705 (c) Besides the poll workers and watchers, the poll workers may not allow more than
706 four voters in excess of the number of voting booths provided within six feet of voting devices,
707 voting booths, or the ballot box.

708 (d) If necessary, the poll workers shall instruct each voter permitted to use a voting
709 device how to operate the voting device before the voter enters the voting booth.

710 (e) (i) If the voter requests additional instructions after entering the voting booth, two
711 poll workers may, if necessary, enter the booth and give the voter additional instructions.

712 (ii) In regular general elections and regular primary elections, the two poll workers who
713 enter the voting booth to assist the voter shall be of different political parties.

714 Section 11. Section **20A-7-103** is amended to read:

715 **20A-7-103. Constitutional amendments and other questions submitted by the**
716 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

717 (1) The procedures contained in this section govern when the Legislature submits a
718 proposed constitutional amendment or other question to the voters.

719 (2) The lieutenant governor shall, not more than 60 days or less than 14 days before the
720 date of the election, publish the full text of the amendment, question, or statute in at least one
721 newspaper in every county of the state where a newspaper is published.

722 (3) The legislative general counsel shall:

723 (a) entitle each proposed constitutional amendment "Constitutional Amendment ___"
724 and assign it a letter according to the requirements of Section [20A-6-107](#);

725 (b) entitle each proposed question "Proposition Number ___" with the number assigned
726 to the proposition under Section [20A-6-107](#) placed in the blank;

727 (c) draft and designate a ballot title for each proposed amendment or question
728 submitted by the Legislature that summarizes the subject matter of the amendment or question;
729 and

730 (d) deliver each number and title to the lieutenant governor.

731 (4) The lieutenant governor shall certify the number and ballot title of each amendment
732 or question to the county clerk of each county no later than 65 days before the date of the
733 election.

734 (5) The county clerk of each county shall:

735 (a) ensure that both the number and title of each amendment and question is [~~printed~~
736 ~~on~~] included in the sample ballots and official ballots; and

737 (b) publish [~~them~~] the sample ballots and official ballots as provided by law.

738 Section 12. Section **20A-11-1604** is amended to read:

739 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with**
740 **reporting requirements.**

741 (1) (a) Before or during the execution of any order, settlement, declaration, contract, or
742 any other official act of office in which a state constitutional officer has actual knowledge that
743 the state constitutional officer has a conflict of interest that is not stated in the conflict of
744 interest disclosure, the state constitutional officer shall publicly declare that the state
745 constitutional officer may have a conflict of interest and what that conflict of interest is.

746 (b) Before or during any vote on legislation or any legislative matter in which a
747 legislator has actual knowledge that the legislator has a conflict of interest that is not stated in
748 the conflict of interest disclosure, the legislator shall orally declare to the committee or body
749 before which the matter is pending that the legislator may have a conflict of interest and what
750 that conflict is.

751 (c) Before or during any vote on any rule, resolution, order, or any other board matter
752 in which a member of the State Board of Education has actual knowledge that the member has
753 a conflict of interest that is not stated in the conflict of interest disclosure, the member shall
754 orally declare to the board that the member may have a conflict of interest and what that
755 conflict of interest is.

756 (2) Any public declaration of a conflict of interest that is made under Subsection (1)
757 shall be noted:

758 (a) on the official record of the action taken, for a state constitutional officer;

759 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
760 applicable, for a legislator; or

761 (c) in the minutes of the meeting or on the official record of the action taken, for a
762 member of the State Board of Education.

763 (3) A state constitutional officer shall make a complete conflict of interest disclosure
764 on the website:

765 (a) (i) no sooner than January 1 each year, and before January 11 each year; or

766 (ii) if the state constitutional officer takes office after January 10, within 10 days after
767 the day on which the state constitutional officer takes office; and

768 (b) each time the state constitutional officer changes employment.

769 (4) A legislator shall make a complete conflict of interest disclosure on the website:

770 (a) (i) no sooner than January 1 each year, and before January 11 each year; or

771 (ii) if the legislator takes office after January 10, within 10 days after the day on which

772 the legislator takes office; and

773 (b) each time the legislator changes employment.

774 (5) A member of the State Board of Education shall make a complete conflict of
775 interest disclosure on the website:

776 (a) (i) no sooner than January 1 each year, and before January 11 each year; or

777 (ii) if the member takes office after January 10, within 10 days after the day on which
778 the member takes office; and

779 (b) each time the member changes employment.

780 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall
781 include:

782 (a) the regulated officeholder's name;

783 (b) the name and address of each of the regulated officeholder's current employers and
784 each of the regulated officeholder's employers during the preceding year;

785 (c) for each employer described in Subsection (6)(b), a brief description of the
786 employment, including the regulated officeholder's occupation and, as applicable, job title;

787 (d) for each entity in which the regulated officeholder is an owner or officer, or was an
788 owner or officer during the preceding year:

789 (i) the name of the entity;

790 (ii) a brief description of the type of business or activity conducted by the entity; and

791 (iii) the regulated officeholder's position in the entity;

792 (e) in accordance with Subsection (7), for each individual from whom, or entity from
793 which, the regulated officeholder has received \$5,000 or more in income during the preceding
794 year:

795 (i) the name of the individual or entity; and

796 (ii) a brief description of the type of business or activity conducted by the individual or
797 entity;

798 (f) for each entity in which the regulated officeholder holds any stocks or bonds having
799 a fair market value of \$5,000 or more as of the date of the disclosure form or during the
800 preceding year, but excluding funds that are managed by a third party, including blind trusts,
801 managed investment accounts, and mutual funds:

802 (i) the name of the entity; and

803 (ii) a brief description of the type of business or activity conducted by the entity;

804 (g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated
805 officeholder currently serves, or served in the preceding year, ~~[on the board of directors or in~~
806 ~~any other type of]~~ in a paid leadership capacity or in a paid or unpaid position on a board of
807 directors:

808 (i) the name of the entity or organization;

809 (ii) a brief description of the type of business or activity conducted by the entity; and

810 (iii) the type of ~~[advisory]~~ position held by the regulated officeholder;

811 (h) at the option of the regulated officeholder, a description of any real property in
812 which the regulated officeholder holds an ownership or other financial interest that the
813 regulated officeholder believes may constitute a conflict of interest, including a description of
814 the type of interest held by the regulated officeholder in the property;

815 (i) the name of the regulated officeholder's spouse and any other adult residing in the
816 regulated officeholder's household who is not related by blood or marriage, as applicable;

817 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
818 is required to provide under Subsection (6)(b);

819 (k) a brief description of the employment and occupation of each adult who:

820 (i) resides in the regulated officeholder's household; and

821 (ii) is not related to the regulated officeholder by blood or marriage;

822 (l) at the option of the regulated officeholder, a description of any other matter or
823 interest that the regulated officeholder believes may constitute a conflict of interest;

824 (m) the date the form was completed;

825 (n) a statement that the regulated officeholder believes that the form is true and
826 accurate to the best of the regulated officeholder's knowledge; and

827 (o) the signature of the regulated officeholder.

828 (7) In making the disclosure described in Subsection (6)(e), a regulated officeholder
829 who provides goods or services to multiple customers or clients as part of a business or a
830 licensed profession is only required to provide the information described in Subsection (6)(e) in
831 relation to the entity or practice through which the regulated officeholder provides the goods or
832 services and is not required to provide the information described in Subsection (6)(e) in
833 relation to the regulated officeholder's individual customers or clients.

834 (8) The disclosure requirements described in this section do not prohibit a regulated
835 officeholder from voting or acting on any matter.

836 (9) A regulated officeholder may amend a conflict of interest disclosure described in
837 this part at any time.

838 (10) A regulated officeholder who violates the requirements of Subsection (1) is guilty
839 of a class B misdemeanor.

840 (11) (a) A regulated officeholder who intentionally or knowingly violates a provision
841 of this section, other than Subsection (1), is guilty of a class B misdemeanor.

842 (b) In addition to the criminal penalty described in Subsection (11)(a), the lieutenant
843 governor shall impose a civil penalty of \$100 against a regulated officeholder who violates a
844 provision of this section, other than Subsection (1).