

HB0068S01 compared with HB0068

~~{deleted text}~~ shows text that was in HB0068 but was deleted in HB0068S01.

inserted text shows text that was not in HB0068 but was inserted into HB0068S01.

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.

Senator Chris H. Wilson proposes the following substitute bill:

PETITION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Judy Weeks Rohner

Senate Sponsor: { _____ }

-

LONG TITLE

Committee Note:

~~_____ The Government Operations Interim Committee recommended this bill.~~

~~_____ Legislative Vote: 12 voting for _____ 0 voting against _____ 2 absent~~

~~{Chris H. Wilson~~

Cosponsors:

Cheryl K. Acton

Gay Lynn Bennion

Kera Birkeland

Jefferson S. Burton

Brett Garner

Marsha Judkins

Rosemary T. Lesser

Angela Romero

Raymond P. Ward

Christine F. Watkins

LONG TITLE

HB0068S01 compared with HB0068

General Description:

This bill consolidates ~~{provisions concerning initiative and referendum petitions }~~ and amends provisions ~~{related}~~ relating to ~~{other}~~ multiple types of petitions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ merges into a single ~~{new section certain}~~ part in the Election Code provisions ~~{related}~~ relating to the process ~~{for statewide and local initiative and referendum petitions;~~
- ~~adds provisions about the process for verifying the signature of a registered voter who signs a petition in several sections related to different types of petitions;~~
- ~~adds provisions about the process for a registered voter who signs a petition to remove the voter's signature from a petition for several}~~ of gathering signatures for, and removing signatures from, multiple types of petitions; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{None}~~ This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

10-2-601, as last amended by Laws of Utah 1993, Chapter 227

10-2-701, as enacted by Laws of Utah 1981, Chapter 55

10-2a-208, as last amended by Laws of Utah 2019, Chapter 165

10-2a-209, as last amended by Laws of Utah 2019, Chapter 165

17-2-102, as enacted by Laws of Utah 2009, Chapter 350

17-2-103, as renumbered and amended by Laws of Utah 2009, Chapter 350

17-2-202, as enacted by Laws of Utah 2009, Chapter 350

17-2-203, as renumbered and amended by Laws of Utah 2009, Chapter 350

17-3-1, as last amended by Laws of Utah 2011, Chapter 297

17-11-2, as last amended by Laws of Utah 2011, Chapter 297

HB0068S01 compared with HB0068

17-52a-303, as last amended by Laws of Utah 2020, Chapter 47
17-52a-505, as renumbered and amended by Laws of Utah 2018, Chapter 68
17B-1-205, as last amended by Laws of Utah 2011, Chapter 68
17B-1-209, as last amended by Laws of Utah 2011, Chapter 68
17B-1-506, as last amended by Laws of Utah 2011, Chapter 297
17B-1-507, as renumbered and amended by Laws of Utah 2007, Chapter 329
17B-1-1301, as renumbered and amended by Laws of Utah 2007, Chapter 329
17B-1-1305, as renumbered and amended by Laws of Utah 2007, Chapter 329
17D-2-502, as enacted by Laws of Utah 2008, Chapter 360
20A-7-101, as last amended by Laws of Utah 2022, Chapters 288, 325
20A-7-206.1, as enacted by Laws of Utah 2021, Chapter 140
20A-7-207, as last amended by Laws of Utah 2022, Chapter 325
20A-7-208, as last amended by Laws of Utah 2019, Chapter 275
20A-7-213, as last amended by Laws of Utah 2022, Chapter 325
20A-7-216, as enacted by Laws of Utah 2022, Chapter 325
20A-7-307, as last amended by Laws of Utah 2022, Chapters 274, 325
20A-7-314, as enacted by Laws of Utah 2022, Chapter 325
20A-7-401.5, as last amended by Laws of Utah 2021, Chapters 84, 140 and 345
20A-7-507, as last amended by Laws of Utah 2022, Chapter 325
20A-7-515, as enacted by Laws of Utah 2022, Chapter 325
20A-7-607, as last amended by Laws of Utah 2022, Chapters 274, 325
20A-7-613, as last amended by Laws of Utah 2022, Chapter 325
20A-7-615, as enacted by Laws of Utah 2022, Chapter 325
20A-8-103, as last amended by Laws of Utah 2019, Chapter 255
20A-9-203, as last amended by Laws of Utah 2021, First Special Session, Chapter 15
20A-9-403, as last amended by Laws of Utah 2022, Chapter 325
20A-9-404, as last amended by Laws of Utah 2019, Chapters 142, 255 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 142
20A-9-408, as last amended by Laws of Utah 2022, Chapters 13, 325
20A-9-502, as last amended by Laws of Utah 2022, Chapter 13
20A-11-802, as last amended by Laws of Utah 2019, Chapter 116

HB0068S01 compared with HB0068

20A-15-103, as last amended by Laws of Utah 2019, Chapter 255

20A-21-201, as enacted by Laws of Utah 2022, Chapter 325

53G-3-301, as last amended by Laws of Utah 2019, Chapter 293

53G-3-401, as last amended by Laws of Utah 2019, Chapter 293

53G-3-501, as last amended by Laws of Utah 2019, Chapter 293

73-10d-4, as last amended by Laws of Utah 2005, Chapter 105

ENACTS:

20A-1-1001, Utah Code Annotated 1953

20A-1-1002, Utah Code Annotated 1953

20A-1-1003, Utah Code Annotated 1953

20A-7-105, Utah Code Annotated 1953

REPEALS:

20A-7-205, as last amended by Laws of Utah 2022, Chapter 325

20A-7-206, as last amended by Laws of Utah 2022, Chapter 325

20A-7-206.3, as last amended by Laws of Utah 2022, Chapter 325

20A-7-305, as last amended by Laws of Utah 2022, Chapter 325

20A-7-306, as last amended by Laws of Utah 2022, Chapter 325

20A-7-306.3, as last amended by Laws of Utah 2022, Chapter 325

20A-7-505, as last amended by Laws of Utah 2022, Chapter 325

20A-7-506, as last amended by Laws of Utah 2022, Chapter 325

20A-7-506.3, as last amended by Laws of Utah 2022, Chapter 325

20A-7-605, as last amended by Laws of Utah 2022, Chapter 325

20A-7-606, as last amended by Laws of Utah 2022, Chapter 325

20A-7-606.3, as last amended by Laws of Utah 2022, Chapter 325

Utah Code Sections Affected by Coordination Clause:

10-2a-208, as last amended by Laws of Utah 2019, Chapter 165

20A-1-1003, Utah Code Annotated 1953

20A-7-307, as last amended by Laws of Utah 2022, Chapters 274 and 325

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

Section 1. Section **10-2-601** is amended to read:

HB0068S01 compared with HB0068

10-2-601. Consolidation of two or more municipalities -- Certification of petition signatures -- Removal of signature.

(1) The process for consolidating municipalities shall begin by filing with the county legislative bodies of the respective counties in which the municipalities are located:

~~[(1)]~~ (a) resolutions passed by the governing bodies of the municipalities which state their intention and desire to form a consolidated municipality; or

~~[(2)]~~ (b) petitions signed by at least 10% of the registered voters in each of the municipalities to be included with the boundaries of the consolidated municipality.

(2) (a) Within three business days after the day on which a county legislative body receives a petition under Subsection (1)(b), the county legislative body shall provide the petition to the county clerk.

(b) Within 14 days after the day on which a county clerk receives a petition from the county legislative body under Subsection (2)(a), the county clerk shall:

(i) use the procedures described in Section ~~{20A-7-105}~~20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (1)(b);

(ii) certify on the petition whether each name is that of a registered voter in one of the municipalities to be included with the boundaries of the consolidated municipality; and

(iii) deliver the certified petition to the county legislative body.

(3) (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (3)(a) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~———— (c) A voter may not submit a statement described in Subsection (3)(a) by email or other electronic means.~~

~~———— (d) 20A-1-1003(2).~~

(c) The county clerk shall use the procedures described in ~~{Section 20A-7-105}~~Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

HB0068S01 compared with HB0068

Section 2. Section 10-2-701 is amended to read:

10-2-701. Petition for disincorporation -- Validity -- Certification of petition signatures -- Removal of signature -- District court order for election.

(1) Disincorporation of a municipality shall be initiated upon petition. =

(2) The petition shall bear signatures equal in number to 25% of all votes cast from the municipality at the last congressional election. =

(3) No signature is valid, for purposes of this section, unless it is that of a registered voter who is a resident of the municipality proposed for disincorporation.

(4) The petition containing the specified number of signatures shall be filed with the county clerk for validation by that officer. =

(5) Within 21 days after the day on which the county clerk receives a petition, the county clerk shall:

(a) use the procedures described in Section ~~{20A-7-105}~~20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (2); and

(b) certify on the petition whether each name is that of a registered voter from the municipality.

(6) (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition is filed with the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (6)(a) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~—— (c) A voter may not submit a statement described in Subsection (6)(a) by email or other electronic means.~~

~~—— (d) 20A-1-1003(2).~~

(c) The county clerk shall use the procedures described in ~~{Section 20A-7-105}~~Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

(7) If the county clerk finds the petition valid, the clerk shall file the original with the district court and furnish a copy to the governing body of the municipality.

HB0068S01 compared with HB0068

(8) The district court, upon determining that the petition comports with Section 10-2-701.5 and that it does not offend Section 10-2-710 and is otherwise complete, shall order that the question of dissolution be placed before the voters of the municipality.

Section 3. Section **10-2a-208** is amended to read:

10-2a-208. Incorporation petition -- Requirements and form -- Removal of signature.

(1) At any time within one year after the day on which the lieutenant governor completes the public hearings described in Section 10-2a-207, individuals within the proposed municipality may proceed with the incorporation process by circulating and submitting to the lieutenant governor an incorporation petition that, to be certified under Subsection 10-2a-209(1)(b)(i), is required to be signed by:

(a) 10% of all registered voters within the area proposed to be incorporated as a municipality, as of the date the petition is filed;

(b) if the petition proposes the incorporation of a city, and subject to Subsection [~~(4)~~] (5), 10% of all registered voters within 90% of the voting precincts within the area proposed to be incorporated as a city, as of the date the petition is filed; and

(c) the owners of private real property that:

(i) is located within the proposed municipality;

(ii) covers at least 10% of the total private land area within the proposed municipality;

and

(iii) is equal in value to at least 7% of the value of all private real property within the proposed municipality.

(2) The petition sponsors shall ensure that the petition:

(a) includes the typed or printed name and current residence address of each voter that signs the petition;

(b) describes the area proposed to be incorporated as a municipality, as described in the feasibility study request or modified request that complies with Subsection 10-2a-205(6)(a);

(c) states the proposed name for the proposed municipality;

(d) designates five signers of the petition as petition sponsors, one of whom is designated as the contact sponsor, with the mailing address and telephone number of each;

(e) if the sponsors propose the incorporation of a city, states that the signers of the

HB0068S01 compared with HB0068

petition appoint the sponsors, if the incorporation measure passes, to represent the signers in:

- (i) selecting the number of commission or council members the new city will have; and
- (ii) drawing district boundaries for the election of council members, if the voters

decide to elect council members by district;

(f) is accompanied by and circulated with an accurate plat or map, prepared by a licensed surveyor, showing the boundaries of the proposed municipality; and

- (g) substantially complies with and is circulated in the following form:

"PETITION FOR INCORPORATION OF (insert the proposed name of the proposed municipality)

To the Honorable Lieutenant Governor:

We, the undersigned registered voters within the area described in this petition, respectfully petition the lieutenant governor to direct the county legislative body to submit to the registered voters residing within the area described in this petition, at the next regular general election, the question of whether the area should incorporate as a municipality. Each of the undersigned affirms that each has personally signed this petition and is a registered voter who resides within the described area, and that the current residence address of each is correctly written after the signer's name. The area proposed to be incorporated as a municipality is described as follows: (insert an accurate description of the area proposed to be incorporated).""

(3) A valid signature on a request described in Section 10-2a-202 or a modified request described in Section 10-2a-206 may not be used toward fulfilling the signature requirement described in Subsection (1):

(a) if the request notified the signer in conspicuous language that the signature, unless withdrawn, would also be used for a petition for incorporation under this section; and

(b) unless the signer files with the lieutenant governor a written withdrawal of the signature before the petition is filed under this section with the lieutenant governor.

(4) (a) A voter who signs an incorporation petition may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition is submitted to the lieutenant governor, submitting to the lieutenant governor a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (4)(a) shall comply with the requirements

HB0068S01 compared with HB0068

described in Subsection ~~{20A-7-105(9)(c)}~~.

~~— (c) A voter may not submit a statement described in Subsection (4)(a) by email or other electronic means.~~

~~— (d) 20A-1-1003(2).~~

(c) The lieutenant governor shall use the procedures described in ~~{Section 20A-7-105}~~ Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

~~[(4)] (5) (a)~~ A signature does not qualify under Subsection (1)(b) if the signature is gathered from a voting precinct that:

(i) except in a proposed municipality that will be a city of the fifth class, is not located entirely within the boundaries of a proposed city; or

(ii) includes less than 50 registered voters.

(b) A voting precinct that is not located entirely within the boundaries of the proposed city does not qualify as a voting precinct under Subsection (1)(b).

Section 4. Section **10-2a-209** is amended to read:

10-2a-209. Processing of petition by lieutenant governor -- Certification or rejection -- Petition modification.

(1) Within 45 days after the day on which an incorporation petition is filed under Section 10-2a-208, the lieutenant governor shall:

(a) (i) use the procedures described in Section ~~{20A-7-105}~~ 20A-1-1002 to determine whether a signer is a registered voter; and

(ii) with the assistance of other county officers of the county in which the incorporation is proposed, and from whom the lieutenant governor requests assistance, determine whether the petition complies with Section 10-2a-208; and

(b) (i) if the lieutenant governor determines that the petition complies with Section 10-2a-208, certify the petition and notify in writing the contact sponsor of the certification; or

(ii) if the lieutenant governor determines that the petition fails to comply with Section 10-2a-208, reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

(2) (a) If the lieutenant governor rejects a petition under Subsection (1)(b)(ii), the

HB0068S01 compared with HB0068

petition sponsors may correct the deficiencies for which the petition was rejected and refile the petition with the lieutenant governor.

(b) Notwithstanding the deadline described in Subsection 10-2a-208(1), the petition sponsors may file a modified petition under Subsection (2)(a) no later than 30 days after the day on which the lieutenant governor notifies the contact sponsor of rejection under Subsection (1)(b)(ii).

(c) A valid signature on an incorporation petition described in Section 10-2a-208 may be used toward fulfilling the signature requirement described in Subsection 10-2a-208(1) for a petition that is modified under Subsection (2)(a).

(3) (a) Within 20 days after the day on which the lieutenant governor receives a modified petition under Subsection (2)(a), the lieutenant governor shall review the modified petition in accordance with Subsection (1).

(b) The sponsors of an incorporation petition may not modify the petition more than once.

Section 5. Section **17-2-102** is amended to read:

17-2-102. Definitions.

As used in this part:

(1) "Consolidating county" means the county to which another county is joined or is proposed to be joined by consolidation under this part.

(2) "Legal voter" means an individual who is registered to vote in Utah.

~~[(2)]~~ (3) "Originating county" means the county that is joined or proposed to be joined to another county by consolidation under this part.

Section 6. Section **17-2-103** is amended to read:

17-2-103. Consolidation of counties -- Petition -- Certification of petition signatures -- Removal of signature -- Election -- Ballot.

(1) If a majority of the legal voters of any county desire to have the county joined to and consolidated with an adjoining county, they may petition the county legislative body of the county in which they reside and the county legislative body of the adjoining county.

(2) Each petition under Subsection (1) shall be presented before the first Monday in June of any year.

(3) (a) Within three business days after the day on which a county legislative body

HB0068S01 compared with HB0068

receives a petition under Subsection (1), the county legislative body shall provide the petition to the county clerk.

(b) Within 14 days after the day on which a county clerk receives a petition from the county legislative body under Subsection (3)(a), the county clerk shall:

(i) use the procedures described in Section ~~{20A-7-105}~~20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (1);

(ii) certify on the petition whether each name is that of a registered voter in the county;
and

(iii) deliver the certified petition to the county legislative body.

(4) (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (4)(a) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~—— (c) A voter may not submit a statement described in Subsection (4)(a) by email or other electronic means.~~

~~—— (d) 20A-1-1003(2).~~

(c) The county clerk shall use the procedures described in ~~{Section 20A-7-105}~~Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

~~[(3)]~~ (5) (a) If a petition under Subsection (1) is presented in a year during which a regular general election is held, the county legislative body of the originating county and the county legislative body of the consolidating county shall cause the proposition to be submitted to the legal voters of their respective counties at the next regular general election.

(b) If a petition under Subsection (1) is presented during a year in which there is no regular general election, the county legislative body of the originating county and the county legislative body of the consolidating county shall:

(i) call a special election to be held on the first Tuesday after the first Monday in November following the presentation of the petition; and

HB0068S01 compared with HB0068

(ii) cause the proposition to be submitted to the legal voters of the respective counties on that day.

(c) Except as otherwise provided in this part, an election under this Subsection [~~(3)~~] (5) shall be held, the results canvassed, and returns made under the provisions of the general election laws of the state.

(d) The ballot to be used at an election under this Subsection [~~(3)~~] (5) shall be:

For combining ____ county with ____ county.

Against combining ____ county with ____ county.

Section 7. Section 17-2-202 is amended to read:

17-2-202. Definitions.

As used in this part:

(1) "Annexing county" means the county to which a portion of an adjoining county is annexed or proposed to be annexed as provided in this part.

(2) "Initiating county" means the county, from which a portion is annexed or proposed to be annexed to an adjoining county.

(3) "Legal voter" means an individual who is registered to vote in Utah.

Section 8. Section 17-2-203 is amended to read:

17-2-203. Annexation of portion of county to adjoining county -- Petition -- Certification of petition signatures -- Removal of signature -- Election -- Ballot.

(1) (a) Except as provided in Section 17-2-209, if a majority of the legal voters of any portion of any county, in number equal to a majority of the votes cast at the preceding general election within that portion of the county, desire to have the territory within which they reside included within the boundaries of an adjoining county, they may petition the county legislative body of the county in which they reside and the county legislative body of the adjoining county.

(b) Each petition under Subsection (1)(a) shall be presented before the first Monday in June of a year during which a general election is held.

(c) If a petition is presented under Subsection (1)(a), at the ensuing regular general election:

(i) the legislative body of the initiating county shall cause the proposition to be submitted to the legal voters residing in the initiating county; and

(ii) the legislative body of the annexing county shall cause the proposition to be

HB0068S01 compared with HB0068

submitted to the legal voters of the annexing county.

(2) (a) Within three business days after the day on which a county legislative body receives a petition under Subsection (1), the county legislative body shall provide the petition to the county clerk.

(b) Within 14 days after the day on which a county clerk receives a petition from the county legislative body under Subsection (2)(a), the county clerk shall:

(i) use the procedures described in Section ~~{20A-7-105}~~20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (1);

(ii) certify on the petition whether each name is that of a registered voter in the county;
and

(iii) deliver the certified petition to the county legislative body.

(3) (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (3)(a) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~—— (c) A voter may not submit a statement described in Subsection (3)(a) by email or other electronic means.~~

~~—— (d) 20A-1-1003(2).~~

(c) The county clerk shall use the procedures described in ~~{Section 20A-7-105}~~Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

~~[(2)]~~ (4) (a) Except as otherwise provided, the election provided in Subsection (1) shall be held, the results canvassed, and returns made under the provisions of the general election laws of the state.

(b) The ballot to be used shall be:

For annexing a portion of ____ county to ____ county.

Against annexing a portion of ____ county to ____ county.

Section 9. Section **17-3-1** is amended to read:

HB0068S01 compared with HB0068

17-3-1. Creating a new county -- Petition -- Certification of petition signatures -- Removal of signature -- Election -- Ballots.

(1) Whenever any number of the [~~qualified electors~~] registered voters of any portion of any county desire to have the territory within which they reside created into a new county they may file a petition for the creation of a new county with the county legislative body of the county in which they reside.

(2) The petition shall be signed by at least one-fourth of the [~~qualified electors~~] registered voters as shown by the registration list of the last preceding general election, residing in that portion of the county to be created into a new county, and by not less than one-fourth of the [~~qualified electors~~] registered voters residing in the remaining portion of the county.

(3) The petition shall be presented on or before the first Monday in May of any year, and shall propose the name and define the boundaries of the new county.

(4) (a) Within three business days after the day on which a county legislative body receives a petition under Subsection (1), the county legislative body shall provide the petition to the county clerk.

(b) Within 14 days after the day on which a county clerk receives a petition from the county legislative body under Subsection (4)(a), the county clerk shall:

(i) use the procedures described in Section ~~20A-7-105~~20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (2):

(ii) certify on the petition whether each name is that of a registered voter in the county;
and

(iii) deliver the certified petition to the county legislative body.

(5) (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (5)(a) shall comply with the requirements described in Subsection ~~20A-7-105(9)(c):~~

~~(c) A voter may not submit a statement described in Subsection (5)(a) by email or other electronic means.~~

~~(d) 20A-1-1003(2).~~

HB0068S01 compared with HB0068

(c) The county clerk shall use the procedures described in ~~Section 20A-7-105~~; Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

(6) The county legislative body shall cause the proposition to be submitted to the legal voters residing in the county at a special election to be held according to the dates established in Section 20A-1-204, first causing 30 days' notice of the election to be given in the manner provided by law for giving notice of general elections.

(7) The election shall be held, the result canvassed, and returns made under the provisions of the general election laws.

(8) The form of ballot to be used at such election shall be:

For the creation of (supplying the name proposed) county.

Against the creation of (supplying the name proposed) county.

Section 10. Section ~~17-11-2~~ is amended to read:

17-11-2. Initiating petitions -- Certification of petition signatures -- Removal of signature -- Limitation.

(1) Whenever there is presented to the county legislative body of any county a petition signed by ~~[qualified electors]~~ registered voters of the county, in number equal to a majority of the votes cast at the preceding general election, praying for the submission of the question of the removal of the county seat, it shall be the duty of the county legislative body to submit the question of the removal at the next general election to the ~~[qualified electors]~~ registered voters of the county~~;~~ and the.

(2) (a) Within three business days after the day on which a county legislative body receives a petition under Subsection (1), the county legislative body shall provide the petition to the county clerk.

(b) Within 14 days after the day on which a county clerk receives a petition from the county legislative body under Subsection (2)(a), the county clerk shall:

(i) use the procedures described in Section ~~20A-7-105~~; 20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (1);

(ii) certify on the petition whether each name is that of a registered voter in the county;
and

HB0068S01 compared with HB0068

(iii) deliver the certified petition to the county legislative body.

(3) (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (3)(a) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~(c) A voter may not submit a statement described in Subsection (3)(a) by email or other electronic means.~~

~~(d) [20A-1-1003\(2\)](#).~~

(c) The county clerk shall use the procedures described in ~~{Section 20A-7-105}~~ [Subsection 20A-1-1003\(3\)](#) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

(4) The election shall be conducted and the returns canvassed in all respects as provided by law for the conducting of general elections and canvassing the returns.

(5) A proposition of removal of the county seat may not be submitted in the same county more than once in four years, or within four years after the day on which a proposition of removal of the county seat is submitted.

Section 11. Section **17-52a-303** is amended to read:

17-52a-303. Registered voter initiation of adoption of optional plan --

Certification of petition signatures -- Removal of signature -- Procedure.

(1) (a) Registered voters of a county may initiate the process of adopting an optional plan by filing with the county clerk a notice of intent to gather signatures for a petition:

(i) for the establishment of a study committee described in Section 17-52a-403; or

(ii) to adopt an optional plan that:

(A) accompanies the petition during the signature gathering process and accompanies the petition in the submission to the county clerk under Subsection (2)(b); and

(B) complies with the requirements described in Sections 17-52a-404 and 17-52a-405.

(b) A notice of intent described in Subsection (1)(a) shall:

(i) designate five sponsors for the petition;

HB0068S01 compared with HB0068

- (ii) designate a contact sponsor to serve as the primary contact for the petition sponsors;
 - (iii) list the mailing address and telephone number of each of the sponsors; and
 - (iv) be signed by each of the petition sponsors.
- (c) Registered voters of a county may not file a notice of intent to gather signatures in bad faith.

(2) (a) The sponsors of a petition may circulate the petition after filing a notice of intent to gather signatures under Subsection (1).

(b) (i) Except as provided in Subsection (2)(b)(ii), the petition is valid if the petition contains the number of legal signatures required under Subsection 20A-7-501(2).

(ii) For a county of the fifth or sixth class, the petition is valid if the petition contains at least the number of legal signatures equal to 30% of the number of active voters, as defined in Section 20A-7-501, in the county.

(iii) The county clerk may not count a signature that was collected for the petition before the petition sponsors filed a notice of intent under Subsection (1)(a).

(iv) Notwithstanding any other provision of law, an individual may not sign a petition circulated under this section by electronic signature as defined in Section 20A-1-202.

(c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit the completed petition and any amended or supplemental petition described in Subsection (4) with the county clerk not more than 180 days after the day on which the sponsors file the notice described in Subsection (1).

(d) (i) Within 30 days after the day on which the sponsors submit a petition, the sponsors shall submit financial disclosures to the county clerk that include:

- (A) a list of each contribution received by the sponsors and the name of the donor; and
- (B) a list of each expenditure for purposes of furthering or sponsoring the petition and the recipient of each expenditure.

(ii) The county clerk shall publish the financial disclosures described in Subsection (2)(d)(i).

(iii) All sponsors of a petition shall date and sign each list described in Subsection (2)(d)(i).

(3) Within 30 days after the day on which the sponsors submit a petition under

HB0068S01 compared with HB0068

Subsection (2)(c) or an amended or supplemental petition under Subsection (4), the county clerk shall:

(a) (i) use the procedures described in Section ~~20A-7-105~~ 20A-1-1002 to determine whether a signer is a registered voter; and

(ii) determine whether the petition or amended or supplemental petition has been signed by the required number of registered voters;

(b) (i) if the petition was signed by a sufficient number of registered voters:

(A) certify the petition;

(B) deliver the petition to the county legislative body and county executive; and

(C) notify the contact sponsor in writing of the certification; or

(ii) if the petition was not signed by a sufficient number of registered voters:

(A) reject the petition; and

(B) notify the county legislative body and the contact sponsor in writing of the rejection and the reasons for the rejection; and

(c) for a petition described in Subsection (1)(a)(ii), no later than 10 days after the day on which the county clerk certifies the petition under Subsection (3)(b)(i), the county clerk shall send a copy of the optional plan that accompanied the petition to the county attorney for review in accordance with Section 17-52a-406.

(4) The sponsors of a petition circulated under this section may submit supplemental signatures for the petition:

(a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and

(b) before the earlier of:

(i) the deadline described in Subsection (2)(c); or

(ii) 20 days after the day on which the county clerk rejects the petition under Subsection (3)(b)(ii).

(5) With the unanimous approval of petition sponsors, a petition filed under this section may be withdrawn at any time within 90 days after the day on which the county clerk certifies the petition under Subsection (3)(b)(i) and no later than 45 days before an election under Section 17-52a-501 if the petition included a notification to petition signers, in conspicuous language and in a conspicuous location, that the petition sponsors are authorized to withdraw the petition.

HB0068S01 compared with HB0068

(6) (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the sponsors submit the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (6)(a) shall comply with the requirements described in Subsection ~~20A-7-105(9)(c)~~.

~~— (c) A voter may not submit a statement described in Subsection (6)(a) by email or other electronic means.~~

~~— (d) 20A-1-1003(2).~~

(c) The county clerk shall use the procedures described in ~~Section 20A-7-105~~ Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

Section 12. Section **17-52a-505** is amended to read:

17-52a-505. Repeal of optional plan -- Certification of petition signatures -- Removal of signature.

(1) An optional plan that the voters in an election adopt under this chapter may be repealed as provided in this section.

(2) Registered voters of a county that has adopted an optional plan may initiate the process of repealing an optional plan by filing a petition for the repeal of the optional plan.

(3) (a) Registered voters of a county may not file a petition to repeal an optional plan sooner than four years or more than five years after the election of county officers under Section 17-52a-503.

(b) (i) If the registered voters file a petition to repeal an optional plan under this section, the petition is certified, and the optional plan is not repealed at an election described in Subsection ~~[(8)]~~ (9), the voters may not circulate or file a subsequent petition to repeal until at least four, and not more than five, years after the certification of the original petition.

(ii) If, after four years, the voters file a subsequent petition under Subsection (3)(b)(i), the voters:

(A) may not circulate or file another petition to repeal until at least four, and not more than five, years after certification of the subsequent petition; and

HB0068S01 compared with HB0068

(B) shall wait an additional four, and not more than five, years after the date of certification of the previous petition for each petition filed thereafter.

(4) A petition described in Subsection (2) shall:

(a) be signed by registered voters residing in the county:

(i) equal in number to at least 15% of the total number of votes cast in each precinct described in Subsection (4)(a)(ii) for all candidates for president of the United States at the most recent election in which a president of the United States was elected; and

(ii) who represent at least 85% of the voting precincts located within the county;

(b) designate up to five of the petition signers as sponsors, designating one petition signer as the contact sponsor, with the mailing address and telephone number of each; and

(c) be filed in the office of the clerk of the county in which the petition signers reside.

(5) Within 30 days after the filing of a petition under Subsection (2) or an amended petition under Subsection (6), the county clerk shall:

(a) (i) use the procedures described in Section ~~20A-7-105~~20A-1-1002 to determine whether a signer is a registered voter; and

(ii) determine whether the required number of voters have signed the petition or amended petition has been signed by the required number of registered voters; and

(b) (i) if a sufficient number of voters have signed the petition, certify the petition or amended petition and deliver it to the county legislative body, and notify in writing the contact sponsor of the certification; or

(ii) if a sufficient number of voters have not signed the petition, reject the petition or the amended petition and notify the county legislative body and the contact sponsor in writing of the rejection and the reasons for the rejection.

(6) If a county clerk rejects a petition or an amended petition under Subsection (5)(b)(ii), the petition may be amended or an amended petition may be further amended with additional signatures and refiled within 20 days of the date of rejection.

(7) (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the sponsors file the petition in the office of the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (7)(a) shall comply with the requirements

HB0068S01 compared with HB0068

described in Subsection ~~{20A-7-105(9)(c)}~~.

~~— (c) A voter may not submit a statement described in Subsection (7)(a) by email or other electronic means.~~

~~— (d) 20A-1-1003(2).~~

(c) The county clerk shall use the procedures described in ~~{Section 20A-7-105}~~ ~~Subsection 20A-1-1003(3)~~ to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

~~[(7)] (8) If a county clerk certifies a petition under Subsection (2), the county legislative body shall hold an election on the proposal to repeal the optional plan at the next regular general election that is at least 60 days after the day on which the county clerk certifies the petition.~~

~~[(8)] (9) If, at an election held under Subsection ~~[(7)] (8)~~, a majority of voters voting on the proposal to repeal the optional plan vote in favor of repealing:~~

~~(a) the optional plan is repealed, effective January 1 of the year following the election of county officers under Subsection ~~[(8)(c)] (9)(c)~~;~~

~~(b) upon the effective date of the repeal under Subsection ~~[(8)(a)] (9)(a)~~, the form of government under which the county operates reverts to the form it had before the optional plan was adopted; and~~

~~(c) the county officers under the form of government to which the county reverts, who are different than the county officers under the repealed optional plan, shall be elected at the next regular general election following the election under Subsection ~~[(7)] (8)~~.~~

Section 13. Section **17B-1-205** is amended to read:

17B-1-205. Petition and request requirements -- Withdrawal of signature.

(1) Each petition and request shall:

(a) indicate the typed or printed name and current residence address of each property owner, groundwater right owner, or registered voter signing the petition;

(b) (i) if it is a property owner request or petition, indicate the address of the property as to which the owner is signing the request or petition; or

(ii) if it is a groundwater right owner request or petition, indicate the location of the diversion of the groundwater as to which the owner is signing the groundwater right owner

HB0068S01 compared with HB0068

request or petition;

(c) describe the entire area of the proposed local district;

(d) be accompanied by a map showing the boundaries of the entire proposed local district;

(e) specify the service proposed to be provided by the proposed local district;

(f) if the petition or request proposes the creation of a specialized local district, specify the type of specialized local district proposed to be created;

(g) for a proposed basic local district:

(i) state whether the members of the board of trustees will be elected or appointed or whether some members will be elected and some appointed, as provided in Section 17B-1-1402;

(ii) if one or more members will be elected, state the basis upon which each elected member will be elected; and

(iii) if applicable, explain how the election or appointment of board members will transition from one method to another based on stated milestones or events, as provided in Section 17B-1-1402;

(h) for a proposed improvement district whose remaining area members or county members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those members will be elected; and

(i) for a proposed service area that is entirely within the unincorporated area of a single county, state whether the initial board of trustees will be:

(i) the county legislative body;

(ii) appointed as provided in Section 17B-1-304; or

(iii) elected as provided in Section 17B-1-306;

(j) designate up to five signers of the petition or request as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each;

(k) if the petition or request is a groundwater right owner petition or request proposing the creation of a local district to acquire a groundwater right under Section 17B-1-202, explain the anticipated method:

(i) of paying for the groundwater right acquisition; and

(ii) of addressing blowing dust created by the reduced use of water; and

HB0068S01 compared with HB0068

(1) if the petition or request is a groundwater right owner petition or request proposing the creation of a local district to assess a groundwater right under Section 17B-1-202, explain the anticipated method:

- (i) of assessing the groundwater right and securing payment of the assessment; and
- (ii) of addressing blowing dust created by the reduced use of water.

(2) A signer of a request or petition may withdraw or, once withdrawn, reinstate the signer's signature at any time before the filing of the request or petition by filing a written withdrawal or reinstatement with:

(a) in the case of a request:

(i) the clerk of the county or the clerk or recorder of the municipality in whose applicable area the signer's property is located, if the request is a property owner request;

(ii) the clerk of the county or the clerk or recorder of the municipality in whose applicable area the signer's groundwater diversion point is located, if the request is a groundwater right owner request; or

(iii) the clerk of the county or the clerk or recorder of the municipality in whose applicable area the signer resides, if the request is a registered voter request; or

(b) in the case of a petition, the responsible clerk.

(3) (a) A clerk of the county who receives a timely, valid written withdrawal or reinstatement from a signer of a registered voter request or registered voter petition shall use the procedures described in ~~{Section 20A-7-105}~~ Subsection 20A-1-1003(3) to determine whether to remove or reinstate the individual's signature.

(b) If a municipal clerk or recorder receives a timely, valid written withdrawal or reinstatement from a signer of a registered voter request or registered voter petition, the clerk of the municipality's county shall assist the municipal clerk or recorder with determining whether to remove or reinstate the individual's signature using the procedures described in ~~{Section 20A-7-105}~~ Subsection 20A-1-1003(3).

Section 14. Section **17B-1-209** is amended to read:

17B-1-209. Petition certification -- Amended petition.

(1) No later than five days after the day on which a petition is filed, the responsible clerk shall mail a copy of the petition to the clerk of each other county and the clerk or recorder of each municipality in which any part of the proposed local district is located.

HB0068S01 compared with HB0068

(2) (a) No later than 35 days after the day on which a petition is filed, the clerk of each county whose unincorporated area includes and the clerk or recorder of each municipality whose boundaries include part of the proposed local district shall:

(i) with the assistance of other county or municipal officers from whom the county clerk or municipal clerk or recorder requests assistance, determine, for the clerk or recorder's respective county or municipality, whether the petition complies with the requirements of Subsection 17B-1-203(1)(a), (b), or (c), as the case may be, and Subsections 17B-1-208(2), (3), and (4); and

(ii) notify the responsible clerk in writing of the clerk or recorder's determination under Subsection (2)(a)(i).

(b) The responsible clerk may rely on the determinations of other county clerks or municipal clerks or recorders under Subsection (2)(a) in making the responsible clerk's determinations and certification or rejection under Subsection (3).

(3) (a) Within 45 days after the filing of a petition, the responsible clerk shall:

(i) determine whether the petition complies with Subsection 17B-1-203(1)(a), (b), or (c), as the case may be, Subsection 17B-1-205(1), and Section 17B-1-208; and

(ii) (A) if the responsible clerk determines that the petition complies with the applicable requirements:

(I) (Aa) certify the petition and deliver the certified petition to the responsible body; and

(Bb) mail or deliver written notification of the certification to the contact sponsor; or

(II) for each petition described in Subsection (3)(b)(i), deliver a copy of the petition to the legislative body of each county whose unincorporated area includes and each municipality whose boundaries include any of the proposed basic local district, with a notice indicating that the clerk has determined that the petition complies with applicable requirements; or

(B) if the responsible clerk determines that the petition fails to comply with any of the applicable requirements, reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

(b) (i) A petition for which an election is not required under Subsection 17B-1-214(3) and that proposes the creation of a basic local district that has within its boundaries fewer than one residential dwelling unit per 10 acres of land may not be certified without the approval, by

HB0068S01 compared with HB0068

resolution, of the legislative body of each county whose unincorporated area includes and each municipality whose boundaries include any of the proposed local district.

(ii) Before adopting a resolution giving its approval under Subsection (3)(b)(i), a county or municipal legislative body may hold one or more public hearings on the petition.

(iii) If a petition described in Subsection (3)(b)(i) is approved as provided in that subsection, the responsible clerk shall, within 10 days after its approval:

(A) certify the petition and deliver the certified petition to the responsible body; and

(B) mail or deliver written notification of the certification to the contact sponsor.

(4) Except for a petition described in Subsection (3)(b)(i), if the responsible clerk fails to certify or reject a petition within 45 days after its filing, the petition shall be considered to be certified.

(5) The responsible clerk shall certify or reject petitions in the order in which they are filed.

(6) (a) If the responsible clerk rejects a petition under Subsection (3)(a)(ii)(B), the petition may be amended to correct the deficiencies for which it was rejected and then refiled.

(b) A valid signature on a petition that was rejected under Subsection (3)(a)(ii)(B) may be used toward fulfilling the applicable signature requirement of the petition as amended under Subsection (6)(a).

(c) If a petition is amended and refiled under Subsection (6)(a) after having been rejected by the responsible clerk under Subsection (3)(a)(ii)(B), the amended petition shall be considered as newly filed, and its processing priority shall be determined by the date on which it is refiled.

(7) The responsible clerk and each county clerk and municipal clerk or recorder shall ;

(a) act in good faith in making the determinations under this section[.]; and

(b) with the assistance of the county clerk if necessary, and as applicable, use the procedures described in Section ~~{20A-7-105}~~20A-1-1002 to determine whether a signer is a registered voter.

Section 15. Section **17B-1-506** is amended to read:

17B-1-506. Withdrawal petition requirements -- Removal of signature.

(1) Each petition under Section 17B-1-504 shall:

(a) indicate the typed or printed name and current address of each owner of acre-feet of

HB0068S01 compared with HB0068

water, property owner, registered voter, or authorized representative of the governing body signing the petition;

(b) separately group signatures by municipality and, in the case of unincorporated areas, by county;

(c) if it is a petition signed by the owners of land, the assessment of which is based on acre-feet of water, indicate the address of the property and the property tax identification parcel number of the property as to which the owner is signing the request;

(d) designate up to three signers of the petition as sponsors, or in the case of a petition filed under Subsection 17B-1-504(1)(a)(iv), designate a governmental representative as a sponsor, and in each case, designate one sponsor as the contact sponsor with the mailing address and telephone number of each;

(e) state the reasons for withdrawal; and

(f) when the petition is filed with the local district board of trustees, be accompanied by a map generally depicting the boundaries of the area proposed to be withdrawn and a legal description of the area proposed to be withdrawn.

(2) (a) The local district may prepare an itemized list of expenses, other than attorney expenses, that will necessarily be incurred by the local district in the withdrawal proceeding. The itemized list of expenses may be submitted to the contact sponsor. If the list of expenses is submitted to the contact sponsor within 21 days after receipt of the petition, the contact sponsor on behalf of the petitioners shall be required to pay the expenses to the local district within 90 days of receipt. Until funds to cover the expenses are delivered to the local district, the district will have no obligation to proceed with the withdrawal and the time limits on the district stated in this part will be tolled. If the expenses are not paid within the 90 days, or within 90 days from the conclusion of any arbitration under Subsection (2)(b), the petition requesting the withdrawal shall be considered to have been withdrawn.

(b) If there is no agreement between the board of trustees of the local district and the contact sponsor on the amount of expenses that will necessarily be incurred by the local district in the withdrawal proceeding, either the board of trustees or the contact sponsor may submit the matter to binding arbitration in accordance with Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act; provided that, if the parties cannot agree upon an arbitrator and the rules and procedures that will control the arbitration, either party may pursue arbitration under

HB0068S01 compared with HB0068

Title 78B, Chapter 11, Utah Uniform Arbitration Act.

(3) (a) A signer of a petition may withdraw or, once withdrawn, reinstate the signer's signature at any time before the public hearing under Section 17B-1-508 by submitting a written ~~(f)}~~ statement requesting withdrawal or reinstatement with the board of trustees of the local district in which the area proposed to be withdrawn is located.

(b) A statement described in Subsection (3)(a) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~———— (c) A signer may not submit a statement described in Subsection (3)(a) by email or other electronic means.~~

~~———— (d) 20A-1-1003(2).~~

(c) As applicable and using the procedures described in ~~{Section 20A-7-105}~~ Subsection 20A-1-1003(3), the county clerk shall assist the board of trustees to determine whether to remove or reinstate a registered voter's signature after the voter submits a timely, valid statement described in Subsection (3)(a).

(4) If it reasonably appears that, if the withdrawal which is the subject of a petition filed under Subsection 17B-1-504(1)(a)(i) or (ii) is granted, it will be necessary for a municipality to provide to the withdrawn area the service previously supplied by the local district, the board of trustees of the local district may, within 21 days after receiving the petition, notify the contact sponsor in writing that, before it will be considered by the board of trustees, the petition shall be presented to and approved by the governing body of the municipality as provided in Subsection 17B-1-504(1)(a)(iv) before it will be considered by the local district board of trustees. If the notice is timely given to the contact sponsor, the petition shall be considered to have been withdrawn until the municipality files a petition with the local district under Subsection 17B-1-504(1)(a)(iv).

(5) (a) After receiving the notice required by Subsection 17B-1-504(2), unless specifically allowed by law, a public entity may not make expenditures from public funds to support or oppose the gathering of signatures on a petition for withdrawal.

(b) Nothing in this section prohibits a public entity from providing factual information and analysis regarding a withdrawal petition to the public, so long as the information grants equal access to both the opponents and proponents of the petition for withdrawal.

(c) Nothing in this section prohibits a public official from speaking, campaigning,

HB0068S01 compared with HB0068

contributing personal money, or otherwise exercising the public official's constitutional rights.

Section 16. Section **17B-1-507** is amended to read:

17B-1-507. Withdrawal petition certification -- Amended petition.

(1) Within 30 days after the filing of a petition under Sections 17B-1-504 and 17B-1-506, the board of trustees of the local district in which the area proposed to be withdrawn is located shall:

(a) (i) as necessary and with the assistance of the county clerk of the county in which the area proposed to be withdrawn is located, use the procedures described in Section ~~20A-7-105~~ 20A-1-1002 to determine whether a signer is a registered voter; and

(ii) with the assistance of officers of the county in which the area proposed to be withdrawn is located, determine whether the petition meets the requirements of Sections 17B-1-504 and 17B-1-506; and

(b) (i) if the petition complies with the requirements set forth in Sections 17B-1-504 and 17B-1-506, certify the petition and mail or deliver written notification of the certification to the contact sponsor; or

(ii) if the petition fails to comply with any of the requirements set forth in Sections 17B-1-504 and 17B-1-506, reject the petition as insufficient and mail or deliver written notification of the rejection and the reasons for the rejection to the contact sponsor.

(2) (a) If the board rejects the petition under Subsection (1)(b)(ii), the petition may be amended to correct the deficiencies for which it was rejected and then refiled within 60 days after notice of the rejection.

(b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be used toward fulfilling the applicable signature requirement for an amended petition refiled under Subsection (2)(a).

(3) The board of trustees shall process an amended petition refiled under Subsection (2)(a) in the same manner as an original petition under Subsection (1). If an amended petition is rejected for failure to comply with the requirements of Sections 17B-1-504 and 17B-1-506, the board of trustees shall issue a final rejection of the petition for insufficiency and mail or deliver written notice of the final rejection to the contact sponsor.

(4) (a) A signer of a petition for which there has been a final rejection under Subsection (3) for insufficiency may seek judicial review of the board of trustees' final decision to reject

HB0068S01 compared with HB0068

the petition as insufficient.

(b) Judicial review under Subsection (4)(a) shall be initiated by filing an action in state district court in the county in which a majority of the area proposed to be withdrawn is located.

(c) The court in which an action is filed under this Subsection (4) may not overturn the board of trustees' decision to reject the petition unless the court finds that:

(i) the board of trustees' decision was arbitrary or capricious; or

(ii) the petition materially complies with the requirements set forth in Sections 17B-1-504 and 17B-1-506.

(d) The court may award costs and expenses of an action under this section, including reasonable attorney fees, to the prevailing party.

Section 17. Section **17B-1-1301** is amended to read:

17B-1-1301. Definitions.

For purposes of this part:

(1) "Active" means, with respect to a local district, that the district is not inactive.

(2) "Administrative body" means:

(a) if the local district proposed to be dissolved has a duly constituted board of trustees in sufficient numbers to form a quorum, the board of trustees; or

(b) except as provided in Subsection (2)(a):

(i) for a local district located entirely within a single municipality, the legislative body of that municipality;

(ii) for a local district located in multiple municipalities within the same county or at least partly within the unincorporated area of a county, the legislative body of that county; or

(iii) for a local district located within multiple counties, the legislative body of the county whose boundaries include more of the local district than is included within the boundaries of any other county.

(3) "Clerk" means:

(a) the board of trustees if the board is also the administrative body under Subsection (2)(a);

(b) the clerk or recorder of the municipality whose legislative body is the administrative body under Subsection (2)(b)(i); or

(c) the clerk of the county whose legislative body is the administrative body under

HB0068S01 compared with HB0068

Subsection (2)(b)(ii) or (iii).

(4) "Inactive" means, with respect to a local district, that during the preceding three years the district has not:

- (a) provided any service or otherwise operated;
- (b) received property taxes or user or other fees; and
- (c) expended any funds.

(5) "Registered voter petition" means a petition under Subsection 17B-1-1303(1)(a)(ii)(B) or 17B-1-1303(2)(c)(ii).

Section 18. Section **17B-1-1305** is amended to read:

17B-1-1305. Petition certification -- Withdrawal of signature.

(1) Within 30 days after the filing of a petition under Subsection 17B-1-1303(1)(a) or (2), the clerk shall:

(a) with the assistance of officers of the county in which the local district is located from whom the clerk requests assistance, determine whether the petition meets the requirements of Section 17B-1-1303 and Subsection 17B-1-1304(1); and

(b) (i) if the clerk determines that the petition complies with the requirements, certify the petition and mail or deliver written notification of the certification to the contact sponsor; or

(ii) if the clerk determines that the petition fails to comply with any of the requirements, reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the contact sponsor.

(2) For a registered voter petition, the county clerk shall determine or shall assist a board of trustees or municipal clerk or recorder with determining whether a signer is a registered voter using the procedures described in Section ~~20A-7-105~~ 20A-1-1002.

~~[(2)] (3)~~ (a) If the clerk rejects a petition under Subsection (1)(b)(ii), the petition may be amended to correct the deficiencies for which it was rejected and then refiled.

(b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be used toward fulfilling the applicable signature requirement of the petition as amended under Subsection ~~[(2)(a)] (3)(a)~~.

~~[(3)] (4)~~ The clerk shall process an amended petition filed under Subsection ~~[(2)(a)] (3)(a)~~ in the same manner as an original petition under Subsection (1).

HB0068S01 compared with HB0068

(5) (a) A signer of a petition may withdraw or, once withdrawn, reinstate the signer's signature at any time before the public hearing under Section 17B-1-1306 by submitting a written statement requesting withdrawal or reinstatement with the clerk.

~~{ (b) A signer may not submit a statement described in Subsection (5)(a) by email or other electronic means.~~

+ ~~(c)~~(b) For a registered voter petition:

(i) a statement described in Subsection (5)(a) shall comply with the requirements described in Subsection ~~{20A-7-105}~~20A-1-1003~~(f)~~(e)2; and

(ii) the county clerk shall determine or shall assist a board of trustees or municipal clerk or recorder with determining whether to remove or reinstate the signer's signature using the procedures described in ~~{Section 20A-7-105}~~Subsection 20A-1-1003(3).

Section 19. Section **17D-2-502** is amended to read:

17D-2-502. Required process for issuance of local building authority bonds -- Certification of petition signatures -- Removal of signature.

(1) A local building authority may not issue bonds unless the creating local entity's governing body approves the issuance and terms of the bonds.

(2) (a) Before issuing bonds, the authority board of a local building authority shall give public notice of the authority board's intent to issue bonds.

(b) (i) A local building authority may not issue bonds without the approval of the creating local entity's voters if, within 30 days after the notice under Subsection (2)(a) is given, a written petition requesting an election is filed with the local building authority, signed by at least 20% of the active voters, as defined in Section 20A-1-102, within the creating local entity.

(ii) Each election under Subsection (2)(b)(i) shall be held as provided in Title 11, Chapter 14, Local Government Bonding Act, in the same manner as an election for general obligation bonds issued by the creating local entity.

(3) (a) Within three business days after the day on which a local building authority receives a petition under Subsection (2)(b)(i), the local building authority shall provide the petition to the county clerk of the county in which the creating local entity is located.

(b) Within 14 days after the day on which a county clerk receives a petition from the local building authority under Subsection (3)(a), the county clerk shall:

(i) use the procedures described in Section ~~{20A-7-105}~~20A-1-1002 to determine

HB0068S01 compared with HB0068

whether the petition satisfies the requirements of Subsection (2)(b)(i):

(ii) certify on the petition whether each name is that of an active voter within the creating local entity; and

(iii) deliver the certified petition to the local building authority.

(4) (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the local building authority provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (4)(a) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~—— (c) A voter may not submit a statement described in Subsection (4)(a) by email or other electronic means.~~

~~—— (d) 20A-1-1003(2).~~

(c) The county clerk shall use the procedures described in Section ~~{20A-7-105}~~ 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

Section 20. Section 20A-1-1001 is enacted to read:

Part 10. Petitions

20A-1-1001. Definitions.

As used in this part:

(1) (a) "Clerk" means the lieutenant governor, a county clerk, municipal clerk, town clerk, city recorder, or municipal recorder.

(b) "Clerk" includes a board of trustees under Title 17B, Chapter 1, Provisions Applicable to All Local Districts.

(2) "Local petition" means:

(a) a manual or electronic local initiative petition described in Chapter 7, Part 5, Local Initiatives - Procedures; or

(b) a manual or electronic local referendum petition described in Chapter 7, Part 6, Local Referenda - Procedure.

(3) "Petition" means one of the following written requests, signed by registered voters, appealing to an authority with respect to a particular cause:

HB0068S01 compared with HB0068

- (a) a local petition;
- (b) a petition to consolidate two or more municipalities under Section 10-2-601;
- (c) a petition for disincorporation of a municipality under Section 10-2-701;
- (d) a petition to incorporate a proposed municipality under Section 10-2a-208;
- (e) a petition to consolidate adjoining counties under Section 17-2-103;
- (f) a petition to annex a portion of a county to an adjoining county under Section 17-2-203;
- (g) a petition for the creation of a new county under Section 17-3-1;
- (h) a petition for the removal of a county seat under Section 17-11-2;
- (i) a petition for the adoption of an optional plan under Section 17-52a-303;
- (j) a petition for the repeal of an optional plan under Section 17-52a-505;
- (k) a petition to create a local district under Section 17B-1-203;
- (l) a petition to withdraw an area from a local district under Section 17B-1-504;
- (m) a petition to dissolve a local district under Section 17B-1-1303;
- (n) a petition for issuance of local building authority bonds under Section 17D-2-502;
- (o) a petition to become a registered political party under Section 20A-8-103;
- (p) a nomination petition for municipal office under Section 20A-9-203;
- (q) a nomination petition for a regular primary election under Subsection 20A-9-403(3)(a) and Section 20A-9-405;
- (r) a petition for a political party to qualify as a municipal political party under Section 20A-9-404;
- (s) a petition for the nomination of a qualified political party under Section 20A-9-408;
- (t) a nomination petition for a candidate not affiliated with a political party under Section 20A-9-502;
- (u) a nomination petition to become a delegate to a ratification convention under Section 20A-15-103;
- (v) a petition to create a new school district under Section 53G-3-301;
- (w) a petition to consolidate school districts under Section 53G-3-401;
- (x) a petition to transfer a portion of a school district to another district under 53G-3-501;
- (y) a petition to determine whether a privatization project agreement should be

HB0068S01 compared with HB0068

approved under Section 73-10d-4; or

(z) a statewide petition.

(4) "Statewide petition" means:

(a) a manual or electronic statewide initiative petition described in Chapter 7, Part 2, Statewide Initiatives; or

(b) a manual or electronic statewide referendum petition described in Chapter 7, Part 3, Statewide Referenda.

(5) (a) "Substantially similar name" means:

(i) the given name, the surname, or both, provided by the individual with the individual's petition signature, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname provided by the individual with the individual's petition signature exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname provided by the individual with the individual's petition signature exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname provided by the individual with the individual's petition signature exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) "Substantially similar name" does not include a name having an initial or a middle name provided by the individual with the individual's petition signature that does not match a different initial or middle name shown on the official register.

Section 21. Section 20A-1-1002 is enacted to read:

20A-1-1002. Verification of voter registration.

(1) A clerk shall use the following procedures to determine whether a signer of a petition is a registered voter and to determine the address where the voter is registered to vote:

(a) if a signer's name and address provided by the individual with the individual's

HB0068S01 compared with HB0068

petition signature exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the clerk shall declare the signature valid for the district or jurisdiction in which the signer is registered to vote;

(b) if there is no exact match of an address and a name, the clerk shall declare the signature valid for the district or jurisdiction in which the signer is registered to vote, if:

(i) the address provided by the individual with the individual's petition signature matches the address of an individual on the official register with a substantially similar name;
and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (1)(b)(i);

(c) if there is no match of an address and a substantially similar name, the clerk shall declare the signature valid for the district or jurisdiction in which the signer is registered to vote if:

(i) the birth date or age provided by the individual with the individual's petition signature matches the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (1)(c)(i).

(2) If a signature is not declared valid under Subsection (1)(a), (b), or (c), the clerk shall declare the signature to be invalid.

Section 22. Section 20A-1-1003 is enacted to read:

20A-1-1003. Signature removal - Statement required.

(1) A voter who signs a petition may have the voter's signature removed from the petition by submitting to the clerk a statement requesting that the voter's signature be removed.

(2) (a) (i) The statement described in Subsection (1) shall include:

(A) the name of the voter;

(B) the resident address at which the voter is registered to vote;

(C) the voter's signature; and

(D) the date of the signature described in Subsection (2)(a)(i)(C).

(ii) To increase the likelihood of the voter's signature being identified and removed, the

HB0068S01 compared with HB0068

statement may include the voter's birth date or age.

(b) Except as provided in Subsection 20A-7-216(5)(c), 20A-7-314(5)(c), 20A-7-515(4)(d), or 20-7-615(4)(d), a voter may not submit a statement described in Subsection (1) by email or other electronic means.

(c) In order for the signature to be removed, the clerk must receive the statement described in Subsection (1) no later than the deadline described in the provision of law governing the petition.

(d) A voter may only remove a signature from a petition in accordance with this section and the provision of law governing the petition.

(e) A clerk shall analyze a signature, for purposes of removing a signature from a petition, in accordance with Subsection (3).

(3) The clerk shall use the following procedures to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature:

(a) if the signer's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the clerk shall remove the signature from the petition;

(b) if there is no exact match of an address and a name, the clerk shall remove the signature from the petition if:

(i) the address on the statement and the petition matches the address of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);

(c) if there is no match of an address and a substantially similar name, the clerk shall remove the signature from the petition if:

(i) the birth date or age on the statement and the petition match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described

HB0068S01 compared with HB0068

in Subsection (3)(c)(i); and

(d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the clerk may not remove the signature from the petition.

Section 23. Section 20A-7-101 is amended to read:

20A-7-101. Definitions.

As used in this chapter:

(1) "Approved device" means a device described in Subsection 20A-21-201(4) used to gather signatures for the electronic initiative process, the electronic referendum process, or the electronic candidate qualification process.

(2) "Budget officer" means:

(a) for a county, the person designated as finance officer as defined in Section 17-36-3;

(b) for a city, the person designated as budget officer in Subsection 10-6-106(4);

(c) for a town, the town council; or

(d) for a metro township, the person described in Subsection (2)(a) for the county in which the metro township is located.

(3) "Certified" means that the county clerk has acknowledged a signature as being the signature of a registered voter.

(4) "Circulation" means the process of submitting an initiative or referendum petition to legal voters for their signature.

(5) "Electronic initiative process" means:

(a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215 and 20A-21-201, for gathering signatures; or

(b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and 20A-21-201, for gathering signatures.

(6) "Electronic referendum process" means:

(a) as it relates to a statewide referendum, the process, described in Sections 20A-7-313 and 20A-21-201, for gathering signatures; or

(b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and 20A-21-201, for gathering signatures.

(7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or town that is holding an election on a ballot proposition.

HB0068S01 compared with HB0068

(8) "Final fiscal impact statement" means a financial statement prepared after voters approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or 20A-7-502.5(2).

(9) "Initial fiscal impact estimate" means:

(a) a financial statement prepared under Section 20A-7-202.5 after the filing of an application for an initiative petition; or

(b) a financial and legal statement prepared under Section 20A-7-502.5 or 20A-7-602.5 for an initiative or referendum petition.

(10) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.

(11) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law, and the signature sheets, all of which have been bound together as a unit.

(12) (a) "Land use law" means a law of general applicability, enacted based on the weighing of broad, competing policy considerations, that relates to the use of land, including land use regulation, a general plan, a land use development code, an annexation ordinance, the rezoning of a single property or multiple properties, or a comprehensive zoning ordinance or resolution.

(b) "Land use law" does not include a land use decision, as defined in Section 10-9a-103 or 17-27a-103.

(13) "Legal signatures" means the number of signatures of legal voters that:

(a) meet the numerical requirements of this chapter; and

(b) have been obtained, certified, and verified as provided in this chapter.

(14) "Legal voter" means a person who is registered to vote in Utah.

(15) "Legally referable to voters" means:

(a) for a proposed local initiative, that the proposed local initiative is legally referable to voters under Section 20A-7-502.7; or

(b) for a proposed local referendum, that the proposed local referendum is legally referable to voters under Section 20A-7-602.7.

(16) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.

(17) "Local clerk" means the county clerk, city recorder, or town clerk in whose

HB0068S01 compared with HB0068

jurisdiction a local initiative or referendum petition is circulated.

(18) (a) "Local law" includes:

- (i) an ordinance;
- (ii) a resolution;
- (iii) a land use law;
- (iv) a land use regulation, as defined in Section 10-9a-103; or
- (v) other legislative action of a local legislative body.

(b) "Local law" does not include a land use decision, as defined in Section 10-9a-103.

(19) "Local legislative body" means the legislative body of a county, city, town, or metro township.

(20) "Local obligation law" means a local law passed by the local legislative body regarding a bond that was approved by a majority of qualified voters in an election.

(21) "Local tax law" means a law, passed by a political subdivision with an annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

(22) "Manual initiative process" means the process for gathering signatures for an initiative using paper signature packets that a signer physically signs.

(23) "Manual referendum process" means the process for gathering signatures for a referendum using paper signature packets that a signer physically signs.

(24) "Measure" means a proposed constitutional amendment, an initiative, or referendum.

(25) "Referendum" means a process by which a law passed by the Legislature or by a local legislative body is submitted or referred to the voters for their approval or rejection.

(26) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted or referred to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.

(27) "Signature":

(a) for a statewide initiative:

(i) as it relates to the electronic initiative process, means an electronic signature collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or

(ii) as it relates to the manual initiative process:

(A) means a holographic signature collected physically on a signature sheet described

HB0068S01 compared with HB0068

in Section 20A-7-203; and

(B) does not include an electronic signature;

(b) for a statewide referendum:

(i) as it relates to the electronic referendum process, means an electronic signature collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or

(ii) as it relates to the manual referendum process:

(A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-303; and

(B) does not include an electronic signature;

(c) for a local initiative:

(i) as it relates to the electronic initiative process, means an electronic signature collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or

(ii) as it relates to the manual initiative process:

(A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-503; and

(B) does not include an electronic signature; or

(d) for a local referendum:

(i) as it relates to the electronic referendum process, means an electronic signature collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or

(ii) as it relates to the manual referendum process:

(A) means a holographic signature collected physically on a signature sheet described in Section 20A-7-603; and

(B) does not include an electronic signature.

(28) "Signature sheets" means sheets in the form required by this chapter that are used to collect signatures in support of an initiative or referendum.

(29) "Special local ballot proposition" means a local ballot proposition that is not a standard local ballot proposition.

(30) "Sponsors" means the legal voters who support the initiative or referendum and who sign the application for petition copies.

(31) (a) "Standard local ballot proposition" means a local ballot proposition for an initiative or a referendum.

HB0068S01 compared with HB0068

(b) "Standard local ballot proposition" does not include a property tax referendum described in Section 20A-7-613.

(32) "Tax percentage difference" means the difference between the tax rate proposed by an initiative or an initiative petition and the current tax rate.

(33) "Tax percentage increase" means a number calculated by dividing the tax percentage difference by the current tax rate and rounding the result to the nearest thousandth.

(34) "Verified" means acknowledged by the person circulating the petition as required in [Sections 20A-7-205 and 20A-7-305] Section 20A-7-105.

Section ~~{21}~~24. Section **20A-7-105** is enacted to read:

20A-7-105. Manual petition processes -- Obtaining signatures -- Verification -- Submitting the petition -- Certification of signatures -- Transfer to lieutenant governor -- Removal of signature.

(1) This section applies only to the manual initiative process and the manual referendum process.

(2) As used in this section:

(a) "Local petition" means:

(i) a manual local initiative petition described in Part 5, Local Initiatives - Procedures;

or

(ii) a manual local referendum petition described in Part 6, Local Referenda - Procedure.

(b) "Packet" means an initiative packet or referendum packet.

(c) "Petition" means a local petition or statewide petition.

(d) "Statewide petition" means:

(i) a manual statewide initiative petition described in Part 2, Statewide Initiatives; or

(ii) a manual statewide referendum petition described in Part 3, Statewide Referenda.

~~{~~ (c) (i) "Substantially similar name" means:

~~_____~~ (A) the given name, the surname, or both, provided by the individual with the individual's petition signature, contain only minor spelling differences when compared to the given name and surname shown on the official register;

~~_____~~ (B) the surname, provided by the individual with the individual's petition signature, exactly matches the surname shown on the official register, and the given names differ only

HB0068S01 compared with HB0068

~~because one of the given names shown is a commonly used abbreviation or variation of the other;~~

~~—— (C) the surname, provided by the individual with the individual's petition signature, exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or~~

~~—— (D) the surname, provided by the individual with the individual's petition signature, exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record;~~

~~—— (ii) "Substantially similar name" does not include a name having an initial or a middle name, provided by the individual with the individual's petition signature, that does not match a different initial or middle name shown on the official register.~~

‡ (3) (a) A Utah voter may sign a statewide petition if the voter is a legal voter.

(b) A Utah voter may sign a local petition if the voter:

(i) is a legal voter; and

(ii) resides in the local jurisdiction.

(4) (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:

(i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;

(ii) verifies each signature sheet by completing the verification printed on the last page of each packet; and

(iii) is informed that each signer is required to read and understand:

(A) for an initiative petition, the law proposed by the initiative; or

(B) for a referendum petition, the law that the referendum seeks to overturn.

(b) An individual may not sign the verification printed on the last page of a packet if the individual signed a signature sheet in the packet.

(5) (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

(i) for a statewide initiative:

HB0068S01 compared with HB0068

(A) 30 days after the day on which the first individual signs the initiative packet;

(B) 316 days after the day on which the application for the initiative petition is filed; or

(C) the February 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-202;

(ii) for a statewide referendum:

(A) 30 days after the day on which the first individual signs the referendum packet; or

(B) 40 days after the day on which the legislative session at which the law passed ends;

(iii) for a local initiative:

(A) 30 days after the day on which the first individual signs the initiative packet;

(B) 316 days after the day on which the application is filed;

(C) the April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502, if the local initiative is a county initiative; or

(D) the April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502, if the local initiative is a municipal initiative; or

(iv) for a local referendum:

(A) 30 days after the day on which the first individual signs the referendum packet; or

(B) 45 days after the day on which the sponsors receive the items described in Subsection 20A-7-604(3) from the local clerk.

(b) A person may not submit a packet after the applicable deadline described in Subsection (5)(a).

(c) Before delivering an initiative packet to the county clerk under this Subsection (5), the sponsors shall send an email to each individual who provides a legible, valid email address on the signature sheet that includes the following:

(i) the subject of the email shall include the following statement, "Notice Regarding Your Petition Signature"; and

(ii) the body of the email shall include the following statement in 12-point type: ~~---~~

"You signed a petition for the following initiative: ~~---~~

[insert title of initiative] ~~---~~

To access a copy of the initiative petition, the initiative, the fiscal impact statement, and information on the deadline for removing your signature from the petition, please visit the

HB0068S01 compared with HB0068

following link: [insert a uniform resource locator that takes the individual directly to the page on the lieutenant governor's or county clerk's website that includes the information referred to in the email]."

(d) When the sponsors submit the last initiative packet to the county clerk, the sponsors shall submit to the county clerk:

(i) a list containing:

(A) the name and email address of each individual the sponsors sent, or caused to be sent, the email described in Subsection (5)(c); and

(B) the date the email was sent;

(ii) a copy of the email described in Subsection (5)(c); and

(iii) the following written verification, completed and signed by each of the sponsors:

"Verification of initiative sponsor State of Utah, County of {_____

{_____} I, _____, of _____, hereby state, under penalty of perjury, that:

I am a sponsor of the initiative petition entitled _____; and {_____}

I sent, or caused to be sent, to each individual who provided a legible, valid email address on a signature sheet submitted to the county clerk in relation to the initiative petition, the email described in Utah Code Subsection 20A-7-105(5)(c).

{_____

{_____

(Name) {_____} (Residence Address)

(Date)".

(e) Signatures gathered for an initiative petition are not valid if the sponsors do not comply with Subsection (5)(c) or (d).

(6) (a) Within 21 days after the day on which the county clerk receives the packet, the county clerk shall:

(i) ~~use the procedures described in~~ ~~{accordance with Subsection (7)} Section 20A-1-1002 to~~ determine whether each signer is a ~~{registered}~~ legal voter and, as applicable, the jurisdiction where the signer is registered to vote;

(ii) for a statewide initiative or a statewide referendum:

(A) certify on the petition whether each name is that of a ~~{registered}~~ legal voter;

HB0068S01 compared with HB0068

(B) post the name, voter identification number, and date of signature of each ~~registered~~ legal voter certified under Subsection (6)(a)(ii)(A) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor; and

(C) deliver the verified packet to the lieutenant governor;

(iii) for a local initiative or a local referendum:

(A) certify on the petition whether each name is that of a ~~registered~~ legal voter who is registered in the jurisdiction to which the initiative or referendum relates;

(B) post the name, voter identification number, and date of signature of each ~~registered~~ legal voter certified under Subsection (6)(a)(iii)(A) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor; and

(C) deliver the verified packet to the local clerk.

(b) For a local initiative or local referendum, the local clerk shall post a link in a conspicuous location on the local government's website to the posting described in Subsection (6)(a)(iii)(B):

(i) for a local initiative, during the period of time described in Subsection 20A-7-507(3)(a); or

(ii) for a local referendum, during the period of time described in Subsection 20A-7-607(2)(a)(i).

~~{ (7) The county clerk shall use the following procedures to determine whether a signer is a registered voter and the address where the voter is registered to vote:~~

~~— (a) if a signer's name and address provided by the individual with the individual's petition signature exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid;~~

~~— (b) if there is no exact match of an address and a name, the county clerk shall declare the signature valid if:~~

~~— (i) the address provided by the individual with the individual's petition signature matches the address of an individual on the official register with a substantially similar name; and~~

~~— (ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (7)(b)(i);~~

HB0068S01 compared with HB0068

~~— (c) if there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid for the district or jurisdiction in which the signer is registered to vote if:~~

~~— (i) the birth date or age provided by the individual with the individual's petition signature matches the birth date or age of an individual on the official register with a substantially similar name; and~~

~~— (ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (7)(c)(i); and~~

~~— (d) if a signature is not declared valid under Subsection (7)(a), (b), or (c), the county clerk shall declare the signature to be invalid.~~

‡ ~~(8)7~~ The county clerk may not certify a signature under Subsection (6):

(a) on a packet that is not verified in accordance with Subsection (4); or

(b) that does not have a date of signature next to the signature.

~~(9)8~~ (a) A voter who signs a statewide initiative petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed no later than the earlier of:

(i) for an initiative packet received by the county clerk before December 1:

(A) 30 days after the day on which the voter signs the signature removal statement; or

(B) 90 days after the day on which the lieutenant governor posts the voter's name under

Subsection 20A-7-207(2); or

(ii) for an initiative packet received by the county clerk on or after December 1:

(A) 30 days after the day on which the voter signs the signature removal statement; or

(B) 45 days after the day on which the lieutenant governor posts the voter's name under

Subsection 20A-7-207(2).

(b) A voter who signs a statewide referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed no later than the earlier of:

(i) 30 days after the day on which the voter signs the statement requesting removal; or

(ii) 45 days after the day on which the lieutenant governor posts the voter's name under

Subsection 20A-7-307(2).

(c) A voter who signs a local initiative petition may have the voter's signature removed

HB0068S01 compared with HB0068

from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed no later than the earlier of:

(i) 30 days after the day on which the voter signs the signature removal statement;

(ii) 90 days after the day on which the local clerk posts the voter's name under

Subsection 20A-7-507(2);

(iii) 316 days after the day on which the application is filed; or

(iv) (A) for a county initiative, April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502; or

(B) for a municipal initiative, April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502.

(d) A voter who signs a local referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed no later than the earlier of:

(i) 30 days after the day on which the voter signs the statement requesting removal; or

(ii) 45 days after the day on which the local clerk posts the voter's name under

Subsection 20A-7-607(2)(a).

(e) ~~(i)~~ A statement described in this Subsection ~~(9)~~ shall include:

~~— (A) the name of the voter;~~

~~— (B) the resident address at which the voter is registered to vote;~~

~~— (C) the voter's signature; and~~

~~— (D) the date of the signature;~~ 8) shall comply with the requirements described in

Subsection ~~(9)~~(e)(i)(C):

~~— (ii) To increase the likelihood of the voter's signature being identified and removed, the statement may include the voter's birth date or age.~~

~~— (f) A voter may not submit a statement described in this Subsection (9) by email or other electronic means.~~

~~— (g) 20A-1-1003(2).~~

(f) In order for the signature to be removed, the county clerk must receive the statement described in this Subsection ~~(9)~~8) before 5 p.m. no later than the applicable deadline described in this Subsection ~~(9)~~8).

~~(h) A voter may only remove a signature from a petition in accordance with this~~

HB0068S01 compared with HB0068

Subsection (9):

~~—— (i)g~~ A county clerk shall analyze a signature, for purposes of removing a signature from a petition, in accordance with Subsection ~~§(10)~~:

~~—— (10) The county clerk shall use the following procedures to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature:~~

~~—— (a) if the signer's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database, the county clerk shall remove the signature from the petition;~~

~~—— (b) if there is no exact match of an address and a name, the county clerk shall remove the signature from the petition if:~~

~~—— (i) the address on the statement and the petition matches the address of an individual on the official register with a substantially similar name; and~~

~~—— (ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (10)(b)(i);~~

~~—— (c) if there is no match of an address and a substantially similar name, the county clerk shall remove the signature from the petition if:~~

~~—— (i) the birth date or age on the statement and the petition match the birth date or age of an individual on the official register with a substantially similar name; and~~

~~—— (ii) the signer's signature on both the statement and the petition appears substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (10)(c)(i); and~~

~~—— (d) if a signature does not qualify for removal under Subsection (10)(a), (b), or (c), the county clerk may not remove the signature from the petition.~~

~~—— (11) 20A-1-1003(3).~~

(9) (a) If the county clerk timely receives a statement requesting signature removal under Subsection ~~(9)8~~ and determines that the signature should be removed from the petition under Subsection ~~§(10)~~ 20A-1-1003(3), the county clerk shall:

(i) ensure that the voter's name, voter identification number, and date of signature are

HB0068S01 compared with HB0068

not included in the posting described in Subsection (6)(a)(ii)(B) or (iii)(B); and

(ii) remove the voter's signature from the signature packets and signature packet totals.

(b) The county clerk shall comply with Subsection (~~111~~9)(a) before the later of:

(i) the deadline described in Subsection (6)(a); or

(ii) two business days after the day on which the county clerk receives a statement requesting signature removal under Subsection (~~9~~8).

(~~12~~10) A person may not retrieve a packet from a county clerk, or make any alterations or corrections to a packet, after the packet is submitted to the county clerk.

Section ~~22~~25. Section 20A-7-206.1 is amended to read:

20A-7-206.1. Provisions relating only to process for submitting an initiative to the Legislature for approval or rejection.

(1) This section relates only to the process, described in Subsection 20A-7-201(1), for submitting an initiative to the Legislature for approval or rejection.

(2) Notwithstanding Section [~~20A-7-205~~] 20A-7-105, in order to qualify an initiative petition for submission to the Legislature, the sponsors, or an agent of the sponsors, shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than November 15 before the next annual general session of the Legislature immediately after the application is filed under Section 20A-7-202.

(3) Notwithstanding Section [~~20A-7-205~~] 20A-7-105, no later than December 15 before the annual general session of the Legislature, the county clerk shall, for an initiative for submission to the Legislature:

(a) determine whether each signer is a registered voter according to the requirements of Section [~~20A-7-206.3~~] 20A-7-105;

(b) certify on the petition whether each name is that of a registered voter; and

(c) deliver the verified packets to the lieutenant governor.

(4) The county clerk may not certify a signature under Subsection (3) on an initiative packet that is not verified in accordance with Section [~~20A-7-205~~] 20A-7-105.

(5) A person may not retrieve an initiative packet from a county clerk, or make any alterations or corrections to an initiative packet, after the initiative packet is submitted to the county clerk.

Section ~~23~~26. Section 20A-7-207 is amended to read:

HB0068S01 compared with HB0068

20A-7-207. Evaluation by the lieutenant governor.

(1) In relation to the manual initiative process, when the lieutenant governor receives an initiative packet from a county clerk, the lieutenant governor shall record the number of the initiative packet received.

(2) The county clerk shall:

(a) in relation to the manual initiative process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection [~~20A-7-206(3)(c)~~] 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor:

(A) for an initiative packet received by the county clerk before December 1, for at least 90 days; or

(B) for an initiative packet received by the county clerk on or after December 1, for at least 45 days; and

(ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update; or

(b) in relation to the electronic initiative process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-217(4) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor:

(A) for a signature received by the county clerk before December 1, for at least 90 days; or

(B) for a signature received by the county clerk on or after December 1, for at least 45 days; and

(ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.

(3) The lieutenant governor:

(a) shall, except as provided in Subsection (3)(b), declare the petition to be sufficient or insufficient on April 30 before the regular general election described in Subsection 20A-7-201(2)(b); or

(b) may declare the petition to be insufficient before the day described in Subsection (3)(a) if:

HB0068S01 compared with HB0068

(i) in relation to the manual initiative process, the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-201;

(ii) in relation to the electronic initiative process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-201; or

(iii) a requirement of this part has not been met.

(4) (a) If the total number of names certified under Subsection (3) equals or exceeds the number of names required under Section 20A-7-201, and the requirements of this part are met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."

(b) If the total number of names certified under Subsection (3) does not equal or exceed the number of names required under Section 20A-7-201 or a requirement of this part is not met, the lieutenant governor shall mark upon the front of the petition the word "insufficient."

(c) The lieutenant governor shall immediately notify any one of the sponsors of the lieutenant governor's finding.

(5) After a petition is declared insufficient, a person may not submit additional signatures to qualify the petition for the ballot.

(6) (a) If the lieutenant governor refuses to accept and file an initiative petition that a voter believes is legally sufficient, the voter may, no later than May 15, apply to the appropriate court for an extraordinary writ to compel the lieutenant governor to accept and file the initiative petition.

(b) If the court determines that the initiative petition is legally sufficient, the lieutenant governor shall file the petition, with a verified copy of the judgment attached to the petition, as of the date on which the petition was originally offered for filing in the lieutenant governor's office.

(c) If the court determines that a petition filed is not legally sufficient, the court may

HB0068S01 compared with HB0068

enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.

(7) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Section ~~{24}~~27. Section **20A-7-208** is amended to read:

20A-7-208. Disposition of initiative petitions by the Legislature.

(1) (a) Except as provided in Subsection (1)(b), when the lieutenant governor delivers an initiative petition to the Legislature, the law proposed by that initiative petition shall be either enacted or rejected without change or amendment by the Legislature.

(b) The speaker of the House and the president of the Senate may direct legislative staff to make technical corrections authorized by Section 36-12-12.

(c) If any law proposed by an initiative petition is enacted by the Legislature, the law is subject to referendum the same as other laws.

(2) If any law proposed by a petition is not enacted by the Legislature, that proposed law shall be submitted to a vote of the people at the next regular general election if:

(a) sufficient additional signatures to the petition are first obtained to bring the total number of signatures up to the number required by Subsection 20A-7-201(2); and

(b) those additional signatures are verified, certified by the county clerks, and declared sufficient by the lieutenant governor as provided in Section 20A-7-105 and ~~{}~~this part.

Section ~~{25}~~28. Section **20A-7-213** is amended to read:

20A-7-213. Misconduct of electors and officers -- Penalty.

(1) It is unlawful for any person to:

(a) sign any name other than the person's own to an initiative petition or a statement described in Subsection [20A-7-205(4)] 20A-7-105(~~{9}~~8) or 20A-7-216(4);

(b) knowingly sign the person's name more than once for the same measure at one election;

(c) knowingly indicate that a person who signed an initiative petition signed the petition on a date other than the date that the person signed the petition;

(d) sign an initiative petition knowing the person is not a legal voter; or

(e) knowingly and willfully violate any provision of this part.

(2) It is unlawful for any person to sign the verification for an initiative packet, or to

HB0068S01 compared with HB0068

electronically sign the verification for a signature under Subsection 20A-21-201(9), knowing that:

- (a) the person does not meet the residency requirements of Section 20A-2-105;
- (b) the signature date associated with the person's signature for the initiative petition is not the date that the person signed the petition;
- (c) the person has not witnessed the signatures of those persons whose signatures the person collects or submits; or
- (d) one or more individuals who signed the initiative petition are not registered to vote in Utah.

(3) It is unlawful for any person to:

- (a) pay a person to sign an initiative petition;
 - (b) pay a person to remove the person's signature from an initiative petition;
 - (c) accept payment to sign an initiative petition; or
 - (d) accept payment to have the person's name removed from an initiative petition.
- (4) Any person violating this section is guilty of a class A misdemeanor.

Section ~~26~~29. Section **20A-7-216** is amended to read:

20A-7-216. Electronic initiative process -- Obtaining signatures -- Request to remove signature.

- (1) This section applies to the electronic initiative process.
- (2) A Utah voter may sign an initiative if the voter is a legal voter.
- (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:
 - (a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and
 - (b) is informed that each signer is required to read and understand the law proposed by the initiative.
- (4) A voter who [~~has signed~~] signs an initiative petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:
 - (a) for an electronic signature gathered before December 1:
 - (i) 30 days after the day on which the voter signs the signature removal statement; or

HB0068S01 compared with HB0068

(ii) 90 days after the day on which the county clerk posts the voter's name under Subsection 20A-7-217(4); or

(b) for an electronic signature gathered on or after December 1:

(i) 30 days after the day on which the voter signs the signature removal statement; or

(ii) 45 days after the day on which the county clerk posts the voter's name under Subsection 20A-7-217(4).

(5) (a) The statement described in Subsection (4) shall include:

(i) the name of the voter;

(ii) the resident address at which the voter is registered to vote;

(iii) the signature of the voter; and

(iv) the date of the signature described in Subsection (5)(a)(iii).

(b) To increase the likelihood of the voter's signature being identified and removed, the statement described in Subsection (4) may include the voter's birth date or age.

(c) A voter may not submit a signature removal statement described in Subsection (4) by email or other electronic means, unless the lieutenant governor establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.

(d) A person may only remove an electronic signature from an initiative petition in accordance with this section.

(e) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from an initiative petition, in accordance with ~~Section~~ 20A-7-206.3] ~~20A-7-105~~ Subsection 20A-1-1003(3).

Section ~~27~~ 30. Section **20A-7-307** is amended to read:

20A-7-307. Evaluation by the lieutenant governor.

(1) In relation to the manual referendum process, when the lieutenant governor receives a referendum packet from a county clerk, the lieutenant governor shall record the number of the referendum packet received.

(2) The county clerk shall:

(a) in relation to the manual referendum process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection ~~20A-7-306(2)(c)]~~ 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a

HB0068S01 compared with HB0068

conspicuous location designated by the lieutenant governor, for at least 45 days; and

(ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update; or

(b) in relation to the electronic referendum process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-315(4) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and

(ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.

(3) The lieutenant governor:

(a) shall, except as provided in Subsection (3)(b), declare the petition to be sufficient or insufficient 106 days after the end of the legislative session at which the law passed; or

(b) may declare the petition to be insufficient before the day described in Subsection (3)(a) if:

(i) in relation to the manual referendum process, the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-301;

(ii) in relation to the electronic referendum process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-301; or

(iii) a requirement of this part has not been met.

(4) (a) If the total number of names certified under Subsection (3) equals or exceeds the number of names required under Section 20A-7-301, and the requirements of this part are met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."

(b) If the total number of names certified under Subsection (3) does not equal or exceed the number of names required under Section 20A-7-301 or a requirement of this part is not met, the lieutenant governor shall mark upon the front of the petition the word

HB0068S01 compared with HB0068

"insufficient."

(c) The lieutenant governor shall immediately notify any one of the sponsors of the lieutenant governor's finding.

(d) After a petition is declared insufficient, a person may not submit additional signatures to qualify the petition for the ballot.

(5) (a) If the lieutenant governor refuses to accept and file a referendum that a voter believes is legally sufficient, the voter may, no later than 10 days after the day on which the lieutenant governor declares the petition insufficient, apply to the appropriate court for an extraordinary writ to compel the lieutenant governor to accept and file the referendum petition.

(b) If the court determines that the referendum petition is legally sufficient, the lieutenant governor shall file the petition, with a verified copy of the judgment attached to the referendum petition, as of the date on which the petition was originally offered for filing in the lieutenant governor's office.

(c) If the court determines that a petition filed is not legally sufficient, the court may enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.

(6) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Section ~~28~~31. Section **20A-7-314** is amended to read:

20A-7-314. Electronic referendum process -- Obtaining signatures -- Request to remove signature.

(1) This section applies to the electronic referendum process.

(2) A Utah voter may sign a referendum petition if the voter is a legal voter.

(3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:

(a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(b) is informed that each signer is required to read and understand the law that is the subject of the referendum petition.

(4) A voter who [~~has signed~~] signs a referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the

HB0068S01 compared with HB0068

voter's signature be removed before 5 p.m. no later than the earlier of:

- (a) 30 days after the day on which the voter signs the statement requesting removal; or
- (b) 45 days after the day on which the lieutenant governor posts the voter's name under

Subsection 20A-7-315(4).

(5) (a) The statement described in Subsection (4) shall include:

- (i) the name of the voter;
- (ii) the resident address at which the voter is registered to vote;
- (iii) the signature of the voter; and
- (iv) the date of the signature described in Subsection (5)(a)(iii).

(b) To increase the likelihood of the voter's signature being identified and removed, the statement described in Subsection (4) may include the voter's birth date or age.

(c) A voter may not submit a signature removal statement described in Subsection (4) by email or other electronic means, unless the lieutenant governor establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.

(d) A person may only remove an electronic signature from a referendum petition in accordance with this section.

(e) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from a referendum petition, in accordance with ~~Section 20A-7-306.3~~ Subsection 20A-1-1003(3).

Section ~~29~~32. Section **20A-7-401.5** is amended to read:

20A-7-401.5. Proposition information pamphlet.

(1) (a) (i) Within 15 days after the day on which an eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602:

(A) the sponsors of the proposed initiative or referendum may submit a written argument in favor of the proposed initiative or referendum to the election officer of the county or municipality to which the petition relates; and

(B) the county or municipality to which the application relates may submit a written argument in favor of, or against, the proposed initiative or referendum to the county's or municipality's election officer.

HB0068S01 compared with HB0068

(ii) If a county or municipality submits more than one written argument under Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving preference to a written argument submitted by a member of a local legislative body if a majority of the local legislative body supports the written argument.

(b) Within one business day after the day on which an election officer receives an argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as applicable.

(c) Within one business day after the date on which an election officer receives an argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the argument to the first three sponsors of the proposed initiative or referendum described in Subsection (1)(a)(i)(A).

(d) The sponsors of the proposed initiative or referendum may submit a revised version of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the county or municipality to which the petition relates within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602.

(e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a county or municipality may submit a revised version of the written argument to the county's or municipality's election officer within 20 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or an application to circulate a referendum petition under Section 20A-7-602.

(2) (a) A written argument described in Subsection (1) may not exceed 500 words.

(b) Except as provided in Subsection (2)(c), a person may not modify a written argument described in Subsection (1)(d) or (e) after the written argument is submitted to the election officer.

(c) The election officer and the person that submits the written argument described in Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

(i) correct factual, grammatical, or spelling errors; or

(ii) reduce the number of words to come into compliance with Subsection (2)(a).

(d) An election officer shall refuse to include a written argument in the proposition

HB0068S01 compared with HB0068

information pamphlet described in this section if the person who submits the argument:

(i) fails to negotiate, in good faith, to modify the argument in accordance with Subsection (2)(c); or

(ii) does not timely submit the written argument to the election officer.

(e) An election officer shall make a good faith effort to negotiate a modification described in Subsection (2)(c) in an expedited manner.

(3) An election officer who receives a written argument described in Subsection (1) shall prepare a proposition information pamphlet for publication that includes:

(a) a copy of the application for the proposed initiative or referendum;

(b) except as provided in Subsection (2)(d), immediately after the copy described in Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or referendum, if any;

(c) except as provided in Subsection (2)(d), immediately after the argument described in Subsection (3)(b), the argument prepared by the county or municipality, if any; and

(d) a copy of the initial fiscal impact statement and legal impact statement described in Section 20A-7-502.5 or 20A-7-602.5.

(4) (a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter 2, Government Records Access and Management Act, until the earlier of when the election officer:

(i) complies with Subsection (4)(b); or

(ii) publishes the proposition information pamphlet under Subsection (5) or (6).

(b) Within 21 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502, or an application to circulate a referendum petition under Section 20A-7-602, the election officer shall provide a copy of the proposition information pamphlet to the sponsors of the initiative or referendum and each individual who submitted an argument included in the proposition information pamphlet.

(5) An election officer for a municipality shall publish the proposition information pamphlet as follows:

(a) within the later of 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three days after the day on

HB0068S01 compared with HB0068

which the election officer and the person that submitted the argument agree on the modification:

(i) by sending the proposition information pamphlet electronically to each individual in the municipality for whom the municipality has an email address, unless the individual has indicated that the municipality is prohibited from using the individual's email address for that purpose; and

(ii) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63A-16-601, and the home page of the municipality's website, if the municipality has a website, until:

(A) if the sponsors of the proposed initiative or referendum or an agent of the sponsors do not timely deliver any verified initiative packets [~~under Section 20A-7-506~~] or any verified referendum packets under Section [~~20A-7-606~~] 20A-7-105, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;

(B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

(C) the day after the date of the election at which the proposed initiative or referendum appears on the ballot; and

(b) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality's residents, including an Internet address, where a resident may view the proposition information pamphlet, in the next mailing, for which the municipality has not begun preparation, that falls on or after the later of:

(i) 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters; or

(ii) if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification.

(6) An election officer for a county shall, within the later of 10 days after the day on which the county or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),

HB0068S01 compared with HB0068

three days after the day on which the election officer and the person that submitted the argument agree on the modification, publish the proposition information pamphlet as follows:

(a) by sending the proposition information pamphlet electronically to each individual in the county for whom the county has an email address obtained via voter registration; and

(b) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63A-16-601, and the home page of the county's website, until:

(i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors do not timely deliver any verified initiative packets [~~under Section 20A-7-506~~] or any verified referendum packets under Section [~~20A-7-606~~] 20A-7-105, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;

(ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

(iii) the day after the date of the election at which the proposed initiative or referendum appears on the ballot.

Section ~~30~~33. Section **20A-7-507** is amended to read:

20A-7-507. Evaluation by the local clerk.

(1) In relation to the manual initiative process, when a local clerk receives an initiative packet from a county clerk, the local clerk shall record the number of the initiative packet received.

(2) The county clerk shall:

(a) in relation to the manual initiative process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection [~~20A-7-506(3)(c)~~] 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 90 days; and

(ii) update on the local government's website the number of signatures certified as of the date of the update; or

(b) in relation to the electronic initiative process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-516(4) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 90 days; and

HB0068S01 compared with HB0068

(ii) update on the local government's website the number of signatures certified as of the date of the update.

(3) The local clerk:

(a) shall, except as provided in Subsection (3)(b), declare the petition to be sufficient or insufficient:

(i) in relation to the manual initiative process, no later than 21 days after the day of the applicable deadline described in Subsection [~~20A-7-506(2)(a)~~ 20A-7-105(5)(a)(iii)]; or

(ii) in relation to the electronic initiative process, no later than 21 days after the day of the applicable deadline described in Subsection 20A-7-516(2); or

(b) may declare the petition to be insufficient before the day described in Subsection (3)(a) if:

(i) in relation to the manual initiative process, the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerks, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-501;

(ii) in relation to the electronic initiative process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-501; or

(iii) a requirement of this part has not been met.

(4) (a) If the total number of names certified under Subsection (3) equals or exceeds the number of names required by Section 20A-7-501 and the requirements of this part are met, the local clerk shall mark upon the front of the petition the word "sufficient."

(b) If the total number of names certified under Subsection (3) does not equal or exceed the number of names required by Section 20A-7-501 or a requirement of this part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

(c) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

(d) After a petition is declared insufficient, a person may not submit additional

HB0068S01 compared with HB0068

signatures to qualify the petition for the ballot.

(5) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the initiative petition in the presence of any sponsor.

(6) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Section ~~31~~34. Section **20A-7-515** is amended to read:

20A-7-515. Electronic initiative process -- Obtaining signatures -- Request to remove signature.

(1) This section applies to the electronic initiative process.

(2) A Utah voter may sign a local initiative petition if the voter is a legal voter and resides in the local jurisdiction.

(3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:

(a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(b) is informed that each signer is required to read and understand the law proposed by the initiative.

(4) (a) A voter who ~~[has signed]~~ signs an initiative petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed before 5 p.m. no later than the earlier of:

(i) 30 days after the day on which the voter signs the signature removal statement;

(ii) 90 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-516(4);

(iii) 316 days after the day on which the application is filed; or

(iv) (A) for a county initiative, April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502; or

(B) for a municipal initiative, April 15 immediately before the next municipal general election immediately after the application is filed under Section 20A-7-502.

(b) The statement described in Subsection (4)(a) ~~+~~ shall include:

HB0068S01 compared with HB0068

- (i) the name of the voter;
- (ii) the resident address at which the voter is registered to vote;
- (iii) the signature of the voter; and
- (iv) the date of the signature described in Subsection (4)(b)(iii).

(c) To increase the likelihood of the voter's signature being identified and removed, the statement described in Subsection (4)(a) ~~{ }~~ may include the voter's birth date or age.

(d) A voter may not submit a signature removal statement described in Subsection (4)(a) ~~{ }~~ by email or other electronic means, unless the lieutenant governor establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.

(e) A person may only remove an electronic signature from an initiative petition in accordance with this section.

(f) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from an initiative petition, in accordance with ~~[Section { } 20A-7-506.3]~~ ~~{20A-7-105}~~ Subsection 20A-1-1003(3).

Section ~~{32}~~ 35. Section **20A-7-607** is amended to read:

20A-7-607. Evaluation by the local clerk -- Determination of election for vote on referendum.

(1) In relation to the manual referendum process, when the local clerk receives a referendum packet from a county clerk, the local clerk shall record the number of the referendum packet received.

(2) The county clerk shall:

(a) in relation to the manual referendum process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection ~~[20A-7-606(3)(c)]~~ 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and

(ii) update on the local clerk's website the number of signatures certified as of the date of the update; or

(b) in relation to the electronic referendum process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous location

HB0068S01 compared with HB0068

designated by the lieutenant governor, for at least 45 days; and

(ii) update on the lieutenant governor's website the number of signatures certified as of the date of the update.

(3) The local clerk:

(a) shall, except as provided in Subsection (3)(b), declare the petition to be sufficient or insufficient:

(i) in relation to the manual referendum process, no later than 111 days after the day of the deadline, described in Subsection [~~20A-7-606(2)~~] 20A-7-105(5)(a)(iv), to submit a referendum packet to the county clerk; or

(ii) in relation to the electronic referendum process, no later than 111 days after the day of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or

(b) may declare the petition to be insufficient before the day described in Subsection (3)(a) if:

(i) in relation to the manual referendum process, the total of all valid signatures on timely and lawfully submitted signature packets that have been certified by the county clerk, plus the number of signatures on timely and lawfully submitted signature packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601;

(ii) in relation to the electronic referendum process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601; or

(iii) a requirement of this part has not been met.

(4) (a) If the total number of names certified under Subsection [~~(2)~~] (3) equals or exceeds the number of names required under Section 20A-7-601, and the requirements of this part are met, the local clerk shall mark upon the front of the petition the word "sufficient";

(b) If the total number of names certified under Subsection (3) does not equal or exceed the number of names required under Section 20A-7-601 or a requirement of this part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

(c) The local clerk shall immediately notify any one of the sponsors of the local clerk's

HB0068S01 compared with HB0068

finding.

(d) After a petition is declared insufficient, a person may not submit additional signatures to qualify the petition for the ballot.

(5) (a) If the local clerk refuses to accept and file any referendum petition, any voter may apply to a court for an extraordinary writ to compel the local clerk to do so within 10 days after the refusal.

(b) If the court determines that the referendum petition is legally sufficient, the local clerk shall file the petition, with a verified copy of the judgment attached to the petition, as of the date on which the petition was originally offered for filing in the local clerk's office.

(c) If the court determines that any petition filed is not legally sufficient, the court may enjoin the local clerk and all other officers from:

(i) certifying or printing the ballot title and numbers of that measure on the official ballot for the next election; or

(ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing, or mailing the ballot title and numbers of that measure under Section 20A-7-609.5.

(6) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

(7) (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to legislative action taken after April 15, the election officer may not place the referendum on an election ballot until a primary election, a general election, or a special election the following year.

(b) The election officer may place a referendum described in Subsection (7)(a) on the ballot for a special, primary, or general election held during the year that the legislative action was taken if the following agree, in writing, on a timeline to place the referendum on that ballot:

(i) the local clerk;

(ii) the county clerk; and

(iii) the attorney for the county or municipality that took the legislative action.

(c) For a referendum on a land use law, if, before August 30, the local clerk or a court determines that the total number of certified names equals or exceeds the number of signatures required in Section 20A-7-601, the election officer shall place the referendum on the election

HB0068S01 compared with HB0068

ballot for:

- (i) the next general election; or
- (ii) another election, if the following agree, in writing, on a timeline to place the

referendum on that ballot:

- (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;
- (B) the local clerk;
- (C) the county clerk; and
- (D) the attorney for the county or municipality that took the legislative action.

Section ~~{33}~~36. Section **20A-7-613** is amended to read:

20A-7-613. Property tax referendum petition.

(1) As used in this section, "certified tax rate" means the same as that term is defined in Section 59-2-924.

(2) Except as provided in this section, the requirements of this part apply to a referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that exceeds the certified tax rate.

(3) Notwithstanding Subsection [~~20A-7-606(2)~~] 20A-7-105(5)(a)(iv), the sponsors or an agent of the sponsors shall deliver a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

- (a) 30 days after the day on which the first individual signs the packet; or
- (b) 40 days after the day on which the local clerk complies with Subsection

20A-7-604(3).

(4) Notwithstanding Subsections [~~20A-7-606(3) and (4)~~] 20A-7-105(6)(a) and (~~111~~9), the county clerk shall take the actions required in Subsections [~~20A-7-606(3) and (4)~~] 20A-7-105(6)(a) and (~~111~~9) within 10 working days after the day on which the county clerk receives the signed and verified referendum packet as described in Subsection (3).

(5) The local clerk shall take the actions required by Section 20A-7-607 within two working days after:

(a) in relation to the manual referendum process, the day on which the local clerk receives the referendum packets from the county clerk; or

(b) in relation to the electronic referendum process, the deadline described in Subsection 20A-7-616(2).

HB0068S01 compared with HB0068

(6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot title within two working days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.

(7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot under this section shall appear on the ballot for the earlier of the next regular general election or the next municipal general election unless a special election is called.

(8) The election officer shall mail manual ballots on a referendum under this section the later of:

(a) the time provided in Section 20A-3a-202 or 20A-16-403; or

(b) the time that ballots are prepared for mailing under this section.

(9) Section 20A-7-402 does not apply to a referendum described in this section.

(10) (a) If a majority of voters does not vote against imposing the tax at a rate calculated to generate the increased revenue budgeted, adopted, and approved by the taxing entity's legislative body:

(i) the certified tax rate for the fiscal year during which the referendum petition is filed is its most recent certified tax rate; and

(ii) the proposed increased revenues for purposes of establishing the certified tax rate for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed increased revenues budgeted, adopted, and approved by the taxing entity's legislative body before the filing of the referendum petition.

(b) If a majority of voters votes against imposing a tax at the rate established by the vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the taxing entity's most recent certified tax rate.

(c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not required to comply with the notice and public hearing requirements of Section 59-2-919 if the taxing entity complies with those notice and public hearing requirements before the referendum petition is filed.

(11) The ballot title shall, at a minimum, include in substantially this form the following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as budgeted, adopted, and approved by the [name of the taxing entity].".

HB0068S01 compared with HB0068

(12) A taxing entity shall pay the county the costs incurred by the county that are directly related to meeting the requirements of this section and that the county would not have incurred but for compliance with this section.

(13) (a) An election officer shall include on a ballot a referendum that has not yet qualified for placement on the ballot, if:

(i) sponsors file an application for a referendum described in this section;

(ii) the ballot will be used for the election for which the sponsors are attempting to qualify the referendum; and

(iii) the deadline for qualifying the referendum for placement on the ballot occurs after the day on which the ballot will be printed.

(b) If an election officer includes on a ballot a referendum described in Subsection (13)(a), the ballot title shall comply with Subsection (11).

(c) If an election officer includes on a ballot a referendum described in Subsection (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the voters by any practicable method that the referendum has not qualified for the ballot and that votes cast in relation to the referendum will not be counted.

Section ~~34~~37. Section **20A-7-615** is amended to read:

20A-7-615. Electronic referendum process -- Obtaining signatures -- Request to remove signature.

(1) This section applies to the electronic referendum process described in Section 20A-21-201.

(2) A Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.

(3) The sponsors shall ensure that the signature-gatherer who collects a signature from an individual:

(a) verifies that the individual is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(b) is informed that each signer is required to read and understand the law that is the subject of the referendum petition.

(4) (a) A voter who ~~has signed~~ signs a referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting

HB0068S01 compared with HB0068

that the voter's signature be removed before 5 p.m. no later than the earlier of:

- (i) 30 days after the day on which the voter signs the statement requesting removal; or
- (ii) 45 days after the day on which the local clerk posts the voter's name under

Subsection 20A-7-616(3).

(b) The statement described in Subsection (4)(a) ~~{}~~ shall include:

- (i) the name of the voter;
- (ii) the resident address at which the voter is registered to vote;
- (iii) the signature of the voter; and
- (iv) the date of the signature described in Subsection (4)(b)(iii).

(c) To increase the likelihood of the voter's signature being identified and removed, the statement described in Subsection (4)(a) ~~{}~~ may include the voter's birth date or age.

(d) A voter may not submit a signature removal statement described in Subsection (4)(a) ~~{}~~ by email or other electronic means, unless the lieutenant governor establishes a signature removal process that is consistent with the requirements of this section and Section 20A-21-201.

(e) A person may only remove an electronic signature from an initiative petition in accordance with this section.

(f) A county clerk shall analyze a holographic signature, for purposes of removing an electronic signature from a referendum petition, in accordance with ~~[Section {} 20A-7-606.3]~~ ~~{20A-7-105}~~ Subsection 20A-1-1003(3).

Section ~~{35}~~ 38. Section **20A-8-103** is amended to read:

20A-8-103. Petition procedures -- Criminal penalty -- Removal of signature.

(1) As used in this section, the proposed name or emblem of a registered political party is "distinguishable" if a reasonable person of average intelligence will be able to perceive a difference between the proposed name or emblem and any name or emblem currently being used by another registered political party.

(2) To become a registered political party, an organization of registered voters that is not a continuing political party shall:

(a) circulate a petition seeking registered political party status beginning no earlier than the date of the statewide canvass held after the last regular general election and ending before 5 p.m. no later than November 30 of the year before the year in which the next regular general

HB0068S01 compared with HB0068

election will be held;

(b) file a petition with the lieutenant governor that is signed, with a holographic signature, by at least 2,000 registered voters before 5 p.m. no later than November 30 of the year in which a regular general election will be held; and

(c) file, with the petition described in Subsection (2)(b), a document certifying:

(i) the identity of one or more registered political parties whose members may vote for the organization's candidates;

(ii) whether unaffiliated voters may vote for the organization's candidates; and

(iii) whether, for the next election, the organization intends to nominate the organization's candidates in accordance with the provisions of Section 20A-9-406.

(3) The petition shall:

(a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;

(c) contain the name of the political party and the words "Political Party Registration Petition" printed directly below the horizontal line;

(d) contain the word "Warning" printed directly under the words described in Subsection (3)(c);

(e) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to knowingly sign a political party registration petition signature sheet with any name other than the individual's own name or more than once for the same party or if the individual is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor.";

(f) contain the following statement directly under the statement described in Subsection (3)(e):

"POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
Lieutenant Governor:

We, the undersigned citizens of Utah, seek registered political party status for _____
(name);

HB0068S01 compared with HB0068

Each signer says:

I have personally signed this petition with a holographic signature;

I am registered to vote in Utah or will register to vote in Utah before the petition is submitted to the lieutenant governor;

I am or desire to become a member of the political party; and

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

(g) be vertically divided into columns as follows:

(i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

(ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of Registered Voter";

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

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

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

(h) have a final page bound to one or more signature sheets that are bound together that contains the following printed statement:

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

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

All the names that appear on the signature sheets bound to this page were signed by individuals who professed to be the individuals whose names appear on the signature sheets, and each individual signed the individual's name on the signature sheets in my presence;

HB0068S01 compared with HB0068

I believe that each individual has printed and signed the individual's name and written the individual's street address correctly, and that each individual is registered to vote in Utah or will register to vote in Utah before the petition is submitted to the lieutenant governor.

(Signature)~~{---~~ (Residence Address) (Date)"; and

(i) be bound to a cover sheet that:

(i) identifies the political party's name, which may not exceed four words, and the emblem of the party;

(ii) states the process that the organization will follow to organize and adopt a constitution and bylaws; and

(iii) is signed by a filing officer, who agrees to receive communications on behalf of the organization.

(4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual in whose presence each signature sheet is signed:

(a) is at least 18 years old;

(b) meets the residency requirements of Section 20A-2-105; and

(c) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.

(5) An individual may not sign the verification if the individual signed a signature sheet bound to the verification.

(6) The lieutenant governor shall:

(a) [~~determine whether the required number of voters appears on the petition;~~] use the procedures described in Section ~~{20A-7-105}; 20A-1-1002~~ to determine whether a signer is a registered voter;

(b) review the proposed name and emblem to determine if they are "distinguishable" from the names and emblems of other registered political parties; and

(c) certify the lieutenant governor's findings to the filing officer described in Subsection (3)(i)(iii) within 30 days of the filing of the petition.

(7) (a) If the lieutenant governor determines that the petition meets the requirements of this section, and that the proposed name and emblem are distinguishable, the lieutenant

HB0068S01 compared with HB0068

governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the prospective political party.

(b) If the lieutenant governor finds that the name, emblem, or both are not distinguishable from the names and emblems of other registered political parties, the lieutenant governor shall notify the filing officer that the filing officer has seven days to submit a new name or emblem to the lieutenant governor.

(8) A registered political party may not change its name or emblem during the regular general election cycle.

(9) (a) It is unlawful for an individual to:

(i) knowingly sign a political party registration petition:

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

(B) more than once for the same political party; or

(C) if the individual is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor; or

(ii) sign the verification of a political party registration petition signature sheet if the individual:

(A) does not meet the residency requirements of Section 20A-2-105;

(B) has not witnessed the signing by those individuals whose names appear on the political party registration petition signature sheet; or

(C) knows that an individual whose signature appears on the political party registration petition signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.

(b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.

(10) (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition is filed with the lieutenant governor, submitting to the lieutenant governor a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (10)(a) shall comply with the requirements described in Subsection ~~20A-7-105(9)(c)~~.

~~(c) A voter may not submit a statement described in Subsection 10(a) by email or other electronic means.~~

HB0068S01 compared with HB0068

~~(d)~~ 20A-1-1003(2).

(c) The lieutenant governor shall use the procedures described in ~~Section 20A-7-105~~ Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

Section ~~36~~ 39. Section **20A-9-203** is amended to read:

20A-9-203. Declarations of candidacy -- Municipal general elections --

Nomination petition -- Removal of signature.

(1) An individual may become a candidate for any municipal office if:

(a) the individual is a registered voter; and

(b) (i) the individual has resided within the municipality in which the individual seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or

(ii) the territory in which the individual resides was annexed into the municipality, the individual has resided within the annexed territory or the municipality the 12 consecutive months immediately before the date of the election.

(2) (a) For purposes of determining whether an individual meets the residency requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months before the election, the municipality is considered to have been incorporated 12 months before the date of the election.

(b) In addition to the requirements of Subsection (1), each candidate for a municipal council position shall, if elected from a district, be a resident of the council district from which the candidate is elected.

(c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent individual, an individual convicted of a felony, or an individual convicted of treason or a crime against the elective franchise may not hold office in this state until the right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.

(3) (a) An individual seeking to become a candidate for a municipal office shall, regardless of the nomination method by which the individual is seeking to become a candidate:

(i) except as provided in Subsection (3)(b) or ~~[Title 20A,]~~ Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a

HB0068S01 compared with HB0068

declaration of candidacy, in person with the city recorder or town clerk, during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year; and

(ii) pay the filing fee, if one is required by municipal ordinance.

(b) Subject to Subsection (5)(b), an individual may designate an agent to file a declaration of candidacy with the city recorder or town clerk if:

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

(ii) the designated agent appears in person before the city recorder or town clerk;

(iii) the individual communicates with the city recorder or town clerk using an electronic device that allows the individual and city recorder or town clerk to see and hear each other; and

(iv) the individual provides the city recorder or town clerk with an email address to which the city recorder or town clerk may send the individual the copies described in Subsection (4).

(c) Any resident of a municipality may nominate a candidate for a municipal office by:

(i) except as provided in [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support of the nomination petition of the lesser of at least:

(A) 25 registered voters who reside in the municipality; or

(B) 20% of the registered voters who reside in the municipality; and

(ii) paying the filing fee, if one is required by municipal ordinance.

(4) (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:

(i) read to the prospective candidate or individual filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking;

(ii) require the candidate or individual filing the petition to state whether the candidate meets the requirements described in Subsection (4)(a)(i); and

(iii) inform the candidate or the individual filing the petition that an individual who holds a municipal elected office may not, at the same time, hold a county elected office.

HB0068S01 compared with HB0068

(b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.

(c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall:

(i) inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy;

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

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

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

(A) signing the pledge is voluntary; and

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

(v) accept the declaration of candidacy or nomination petition.

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

(i) accept the candidate's pledge; and

(ii) 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.

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

"I, (print name) ____, being first sworn and under penalty of perjury, say that I reside at ____ Street, City of ____, County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet the legal qualifications required of candidates for this office. If filing via a designated agent, I attest that 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

HB0068S01 compared with HB0068

office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots. (Signed) _____

Subscribed and sworn to (or affirmed) before me by ____ on this _____ (month\day\year).

(Signed) _____ (Clerk or other officer qualified to administer oath)."

(b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may not sign the form described in Subsection (5)(a).

(c) (i) A nomination petition shall be in substantially the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality), being registered voters, nominate (name of nominee) for the office of (name of office) for the (length of term of office)."

(ii) The remainder of the petition shall contain lines and columns for the signatures of individuals signing the petition and each individual's address and phone number.

(6) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two-year or four-year term, the clerk shall consider the nomination to be for the four-year term.

(7) (a) (i) The clerk shall verify with the county clerk that all candidates are registered voters.

~~{(b) [Any candidate who is not registered to vote is disqualified and the clerk may not print the candidate's name on the ballot.]}~~

~~_____ } {(b) }~~ With the assistance of the county clerk, and using the procedures described in Section ~~{20A-7-105}~~ 20A-1-1002, the municipal clerk shall determine whether the required number of signatures of registered voters appears on a nomination petition.

(8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:

(a) publicize a list of the names of the candidates as they will appear on the ballot:

(i) (A) by publishing the list in at least two successive publications of a newspaper of general circulation in the municipality;

(B) by posting one copy of the list, and at least one additional copy of the list per 2,000 population of the municipality, in places within the municipality that are most likely to give

HB0068S01 compared with HB0068

notice to the voters in the municipality, subject to a maximum of 10 lists; or

(C) by mailing the list to each registered voter in the municipality;

(ii) by posting the list on the Utah Public Notice Website, created in Section 63A-16-601, for seven days; and

(iii) if the municipality has a website, by posting the list on the municipality's website for seven days; and

(b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.

(9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of candidacy or nomination petition filed under this section after the candidate filing period ends.

(10) (a) A declaration of candidacy or nomination petition that an individual files under this section is valid unless a person files a written objection with the clerk before 5 p.m. within 10 days after the last day for filing.

(b) If a person files an objection, the clerk shall:

(i) mail or personally deliver notice of the objection to the affected candidate immediately; and

(ii) decide any objection within 48 hours after the objection is filed.

(c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days after the day on which the clerk sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, or by filing a new declaration of candidacy.

(d) (i) The clerk's decision upon objections to form is final.

(ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.

(iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.

(11) A candidate who qualifies for the ballot under this section may withdraw as a candidate by filing a written affidavit with the municipal clerk.

(12) (a) A voter who signs a nomination petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day

HB0068S01 compared with HB0068

on which the petition is filed with the city recorder or municipal clerk, submitting to the municipal clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (12)(a) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~—— (c) A voter may not submit a statement described in Subsection (12)(a) by email or other electronic means.~~

~~—— (d) 20A-1-1003(2).~~

(c) With the assistance of the county clerk and using the procedures described in ~~{Section 20A-7-105}~~ Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

Section ~~{37}~~40. Section **20A-9-403** is amended to read:

20A-9-403. Regular primary elections.

(1) (a) Candidates for elective office that are to be filled at the next regular general election shall be nominated in a regular primary election by direct vote of the people in the manner prescribed in this section. The regular primary election is held on the date specified in Section 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to participate in a regular general election as a write-in candidate under Section 20A-9-601.

(b) Each registered political party that chooses to have the names of the registered political party's candidates for elective office featured with party affiliation on the ballot at a regular general election shall comply with the requirements of this section and shall nominate the registered political party's candidates for elective office in the manner described in this section.

(c) A filing officer may not permit an official ballot at a regular general election to be produced or used if the ballot denotes affiliation between a registered political party or any other political group and a candidate for elective office who is not nominated in the manner prescribed in this section or in Subsection 20A-9-202(4).

(d) Unless noted otherwise, the dates in this section refer to those that occur in each even-numbered year in which a regular general election will be held.

(2) (a) Each registered political party, in a statement filed with the lieutenant governor,

HB0068S01 compared with HB0068

shall:

(i) either declare the registered political party's intent to participate in the next regular primary election or declare that the registered political party chooses not to have the names of the registered political party's candidates for elective office featured on the ballot at the next regular general election; and

(ii) if the registered political party participates in the upcoming regular primary election, identify one or more registered political parties whose members may vote for the registered political party's candidates and whether individuals identified as unaffiliated with a political party may vote for the registered political party's candidates.

(b) (i) A registered political party that is a continuing political party shall file the statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on November 30 of each odd-numbered year.

(ii) An organization that is seeking to become a registered political party under Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered political party files the petition described in Section 20A-8-103.

(3) (a) Except as provided in Subsection (3)(e), an individual who submits a declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective office on the regular primary ballot of the registered political party listed on the declaration of candidacy only if the individual is certified by the appropriate filing officer as having submitted a nomination petition that was:

(i) circulated and completed in accordance with Section 20A-9-405; and

(ii) signed by at least 2% of the registered political party's members who reside in the political division of the office that the individual seeks.

(b) (i) A candidate for elective office shall submit signatures for a nomination petition to the appropriate filing officer for verification and certification no later than 5 p.m. on the final day in March.

(ii) A candidate may supplement the candidate's submissions at any time on or before the filing deadline.

(c) (i) The lieutenant governor shall determine for each elective office the total number of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8) by counting the aggregate number of individuals residing in each elective office's political division who

HB0068S01 compared with HB0068

have designated a particular registered political party on the individuals' voter registration forms on or before November 15 of each odd-numbered year.

(ii) The lieutenant governor shall publish the determination for each elective office no later than November 30 of each odd-numbered year.

(d) The filing officer shall:

(i) except as otherwise provided in Section 20A-21-201, verify signatures on nomination petitions in a transparent and orderly manner, no later than 14 days after the day on which a candidate submits the signatures to the filing officer;

(ii) for all qualifying candidates for elective office who submit nomination petitions to the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline described in Subsection 20A-9-202(1)(b);

(iii) consider active and inactive voters eligible to sign nomination petitions;

(iv) consider an individual who signs a nomination petition a member of a registered political party for purposes of Subsection (3)(a)(ii) if the individual has designated that registered political party as the individual's party membership on the individual's voter registration form; and

(v) except as otherwise provided in Section 20A-21-201[~~utilize~~] and with the assistance of the county clerk as applicable, use the procedures described in Section [20A-7-206.3] ~~20A-7-105~~; 20A-1-1002 to verify submitted nomination petition signatures, or use statistical sampling procedures to verify submitted nomination petition signatures in accordance with rules made under Subsection (3)(f).

(e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant governor may appear on the regular primary ballot of a registered political party without submitting nomination petitions if the candidate files a declaration of candidacy and complies with Subsection 20A-9-202(3).

(f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of elections, within the Office of the Lieutenant Governor, may make rules that:

(i) provide for the use of statistical sampling procedures that:

(A) filing officers are required to use to verify signatures under Subsection (3)(d); and

(B) reflect a bona fide effort to determine the validity of a candidate's entire submission, using widely recognized statistical sampling techniques; and

HB0068S01 compared with HB0068

(ii) provide for the transparent, orderly, and timely submission, verification, and certification of nomination petition signatures.

(g) The county clerk shall:

(i) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;

(ii) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and

(iii) determine the order of the local board of education candidates' names on the ballot in accordance with Section 20A-6-305.

(4) (a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant governor shall provide to the county clerks:

(i) a list of the names of all candidates for federal, constitutional, multi-county, single county, and county offices who have received certifications under Subsection (3), along with instructions on how those names shall appear on the primary election ballot in accordance with Section 20A-6-305; and

(ii) a list of unopposed candidates for elective office who have been nominated by a registered political party under Subsection (5)(c) and instruct the county clerks to exclude the unopposed candidates from the primary election ballot.

(b) A candidate for lieutenant governor and a candidate for governor campaigning as joint-ticket running mates shall appear jointly on the primary election ballot.

(c) After the county clerk receives the certified list from the lieutenant governor under Subsection (4)(a), the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June ____, _____(year), to nominate party candidates for the parties and candidates for nonpartisan local school board positions listed on the primary ballot. The polling place for voting precinct ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

Attest: county clerk."

(5) (a) A candidate who, at the regular primary election, receives the highest number of votes cast for the office sought by the candidate is:

HB0068S01 compared with HB0068

(i) nominated for that office by the candidate's registered political party; or

(ii) for a nonpartisan local school board position, nominated for that office.

(b) If two or more candidates are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of the candidates' party for those positions.

(c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

(A) no individual other than the candidate receives a certification under Subsection (3) for the regular primary election ballot of the candidate's registered political party for a particular elective office; or

(B) for an office where more than one individual is to be elected or nominated, the number of candidates who receive certification under Subsection (3) for the regular primary election of the candidate's registered political party does not exceed the total number of candidates to be elected or nominated for that office.

(ii) A candidate who is unopposed for an elective office in the regular primary election of a registered political party is nominated by the party for that office without appearing on the primary election ballot.

(6) (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.

(b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.

(7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

(8) An individual may not 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

HB0068S01 compared with HB0068

permits otherwise under the registered political party's bylaws.

Section ~~{38}~~41. Section **20A-9-404** is amended to read:

20A-9-404. Municipal primary elections.

(1) (a) Except as otherwise provided in this section or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all municipalities shall be nominated at a municipal primary election.

(b) Municipal primary elections shall be held:

(i) consistent with Section 20A-1-201.5, on the second Tuesday following the first Monday in the August before the regular municipal election; and

(ii) whenever possible, at the same polling places as the regular municipal election.

(2) Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, if the number of candidates for a particular municipal office does not exceed twice the number of individuals needed to fill that office, a primary election for that office may not be held and the candidates are considered nominated.

(3) (a) For purposes of this Subsection (3), "convention" means an organized assembly of voters or delegates.

(b) (i) By ordinance adopted before the May 1 that falls before a regular municipal election, any third, fourth, or fifth class city or town may exempt itself from a primary election by providing that the nomination of candidates for municipal office to be voted upon at a municipal election be nominated by a municipal party convention or committee.

(ii) The municipal party convention or committee described in Subsection (3)(b)(i) shall be held on or before May 30 of an odd-numbered year.

(iii) Any primary election exemption ordinance adopted under this Subsection (3) remains in effect until repealed by ordinance.

(c) (i) A convention or committee may not nominate more than one candidate for each of the municipal offices to be voted upon at the municipal election.

(ii) A convention or committee may not nominate an individual who has accepted the nomination of a different convention or committee.

(iii) A municipal party may not have more than one group of candidates placed upon the ballot and may not group the same candidates on different tickets by the same party under a different name or emblem.

HB0068S01 compared with HB0068

(d) (i) On or before May 31 of an odd-numbered year, a convention or committee shall prepare and submit to the filing officer a certificate of nomination for each individual nominated.

(ii) The certificate of nomination shall:

(A) contain the name of the office for which each individual is nominated, the name, post office address, and, if in a city, the street number of residence and place of business, if any, of each individual nominated;

(B) designate in not more than five words the party that the convention or committee represents;

(C) contain a copy of the resolution passed at the convention that authorized the committee to make the nomination;

(D) contain a statement certifying that the name of the candidate nominated by the political party will not appear on the ballot as a candidate for any other political party;

(E) be signed by the presiding officer and secretary of the convention or committee; and

(F) contain a statement identifying the residence and post office address of the presiding officer and secretary and certifying that the presiding officer and secretary were officers of the convention or committee and that the certificates are true to the best of their knowledge and belief.

(iii) A candidate nominated by a municipal party convention or committee shall file a declaration with the filing officer in accordance with Subsection 20A-9-203(3) that includes:

(A) the name of the municipal party or convention that nominated the candidate; and

(B) the office for which the convention or committee nominated the candidate.

(e) A committee appointed at a convention, if authorized by an enabling resolution, may also make nominations or fill vacancies in nominations made at a convention if the committee makes the nomination before the deadline for a write-in candidate to file a declaration of candidacy under Section 20A-9-601.

(f) The election ballot shall substantially comply with the form prescribed in Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall be included with the candidate's name.

(4) (a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the

HB0068S01 compared with HB0068

May 1 that falls before the regular municipal election that:

(i) exempts the city or town from the other methods of nominating candidates to municipal office provided in this section; and

(ii) provides for a municipal partisan convention method of nominating candidates as provided in this Subsection (4).

(b) (i) Any party that was a registered political party at the last regular general election or regular municipal election is a municipal political party under this section.

(ii) Any political party may qualify as a municipal political party by presenting a petition to the city recorder that:

(A) is signed, with a holographic signature, by registered voters within the municipality equal to at least 20% of the number of votes cast for all candidates for mayor in the last municipal election at which a mayor was elected;

(B) is filed with the city recorder or town clerk before 5 p.m. no later than the day before the day on which the municipal party holds a convention to nominate a candidate under this Subsection (4);

(C) is substantially similar to the form of the signature sheets described in Section 20A-7-303; and

(D) contains the name of the municipal political party using not more than five words.

(iii) With the assistance of the county clerk, the city recorder or town clerk shall use the procedures described in Section ~~20A-7-105~~ 20A-1-1002 to determine whether each signer is a registered voter who is qualified to sign the petition.

(c) (i) If the number of candidates for a particular office does not exceed twice the number of offices to be filled at the regular municipal election, no primary election for that office shall be held and the candidates are considered to be nominated.

(ii) If the number of candidates for a particular office exceeds twice the number of offices to be filled at the regular municipal election, those candidates for municipal office shall be nominated at a municipal primary election.

(d) The clerk shall ensure that the partisan municipal primary ballot is similar to the ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.

(e) After marking a municipal primary ballot, the voter shall deposit the ballot in the blank ballot box.

HB0068S01 compared with HB0068

(f) Immediately after the canvass, the election judges shall, without examination, destroy the tickets deposited in the blank ballot box.

(5) (a) A voter who signs a petition under Subsection (4)(b)(ii) may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition is filed with the city recorder or town clerk, submitting to the city recorder or town clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (5)(a) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~—— (c) A voter may not submit a statement described in Subsection (5)(a) by email or other electronic means.~~

~~—— (d) 20A-1-1003(2).~~

(c) With the assistance of the county clerk and using the procedures described in ~~{Section 20A-7-105}~~ Subsection 20A-1-1003(3), the city recorder or town clerk shall determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

Section ~~{39}~~42. Section **20A-9-408** is amended to read:

20A-9-408. Signature-gathering process to seek the nomination of a qualified political party -- Removal of signature.

(1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of the qualified political party for an elective office through the signature-gathering process described in this section.

(2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as described in Section 20A-9-408.5.

(3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election shall:

(a) during the declaration of candidacy filing period described in Section 20A-9-201.5, and before gathering signatures under this section, file with the filing officer on a form

HB0068S01 compared with HB0068

approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

(i) the name of the member who will attempt to become a candidate for a registered political party under this section;

(ii) the name of the registered political party for which the member is seeking nomination;

(iii) the office for which the member is seeking to become a candidate;

(iv) the address and telephone number of the member; and

(v) other information required by the lieutenant governor;

(b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer during the declaration of candidacy filing period described in Section 20A-9-201.5; and

(c) pay the filing fee.

(4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:

(a) during the declaration of candidacy filing period described in Section 20A-9-201.5, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

(i) the name of the member who will attempt to become a candidate for a registered political party under this section;

(ii) the name of the registered political party for which the member is seeking nomination;

(iii) the office for which the member is seeking to become a candidate;

(iv) the address and telephone number of the member; and

(v) other information required by the lieutenant governor;

(b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer during the declaration of candidacy filing period described in Section 20A-9-201.5; and

HB0068S01 compared with HB0068

(c) pay the filing fee.

(5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall, during the declaration of candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.

(6) The lieutenant governor shall ensure that the certification described in Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party under this section.

(7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.

(8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:

(a) complying with the requirements described in this section; and

(b) collecting signatures, on a form approved by the lieutenant governor that complies with Subsection 20A-9-405(3), during the period beginning on the day on which the member files a notice of intent to gather signatures and ending at 5 p.m. 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:

(i) for a statewide race, 28,000 signatures of registered voters in the state who are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(ii) for a congressional district race, 7,000 signatures of registered voters who are residents of the congressional district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iv) for a state House district race, 1,000 signatures of registered voters who are residents of the state House district and are permitted by the qualified political party to vote for

HB0068S01 compared with HB0068

the qualified political party's candidates in a primary election;

(v) for a State Board of Education race, the lesser of:

(A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; or

(B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and

(vi) for a county office race, signatures of 3% of the registered voters who are residents of the area permitted to vote for the county office and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election.

(9) (a) This Subsection (9) applies only to the manual candidate qualification process.

(b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, using the manual candidate qualification process, the member shall:

(i) collect the signatures on a form approved by the lieutenant governor, using the same circulation and verification requirements described in Sections ~~{} 20A-7-105 and 20A-7-204~~ [and ~~20A-7-205~~]; and

(ii) submit the signatures to the election officer before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination.

(c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the election officer shall, no later than the earlier of 14 days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

(i) check the name of each individual who completes the verification for a signature packet to determine whether each individual is a resident of Utah and is at least 18 years old;

(ii) submit the name of each individual described in Subsection (9)(c)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

(iii) with the assistance of the county clerk as applicable, ~~{} determine~~ whether each signer is a registered voter who is qualified to sign the petition, using the same method,

HB0068S01 compared with HB0068

described in Section [20A-7-206.3] ~~{20A-7-105}~~20A-1-1002, used to verify a signature on a petition; and

(iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.

(d) (i) A registered voter who physically signs a form under Subsections (8) and (9)(b) may have the voter's signature removed from the form by, no later than three business days after the day on which the member submits the signature form to the election officer, submitting to the election officer a statement requesting that the voter's signature be removed.

(ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements described in Subsection ~~{20A-7-105}~~20A-1-1003(~~{9}(c)2~~).

~~(iii) A voter may not submit a statement described in Subsection (9)(d)(i) by email or other electronic means.~~

~~(iv)~~ With the assistance of the county clerk as applicable, the election officer shall use the procedures described in ~~{Section 20A-7-105}~~Subsection 20A-1-1003(3) to determine whether to remove an individual's signature after receiving a timely, valid statement requesting removal of the signature.

(10) (a) This Subsection (10) applies only to the electronic candidate qualification process.

(b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, the member shall, before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination, collect signatures electronically:

(i) in accordance with Section 20A-21-201; and

(ii) using progressive screens, in a format approved by the lieutenant governor, that complies with Subsection 20A-9-405(4).

(c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the election officer shall, no later than the earlier of 14 days after the day on which the election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

HB0068S01 compared with HB0068

(i) check the name of each individual who completes the verification for a signature to determine whether each individual is a resident of Utah and is at least 18 years old; and

(ii) submit the name of each individual described in Subsection (10)(c)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney.

(11) (a) An individual may not gather signatures under this section until after the individual files a notice of intent to gather signatures for candidacy described in this section.

(b) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:

(i) required to comply with the reporting requirements that a candidate for office is required to comply with; and

(ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection (11)(b)(i).

(c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or Subsections (8) and (10)(b), the election officer shall, no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate, notify the qualified political party and the lieutenant governor of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.

(d) Upon receipt of a notice of intent to gather signatures for candidacy described in this section, the lieutenant governor shall post the notice of intent to gather signatures for candidacy on the lieutenant governor's website in the same location that the lieutenant governor posts a declaration of candidacy.

Section ~~40~~43. Section **20A-9-502** is amended to read:

20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification -- Criminal penalty -- Removal of petition signature.

(1) The candidate shall:

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

"State of Utah, County of _____

HB0068S01 compared with HB0068

I, _____, declare my intention of becoming an unaffiliated candidate for the political group designated as ____ for the office of _____. I do solemnly swear that I can qualify to hold that office both legally and constitutionally if selected, and that I reside at _____ Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and that I am providing, or have provided, the required number of holographic signatures of registered voters required by law; that as a candidate at the next election I will not knowingly violate any election or campaign law; that, if filing via a designated agent for an office other than president of the United States, 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.

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

Notary Public (or other officer
qualified to administer oaths)";

(b) bind signature sheets to the certificate that:

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

(ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;

(iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate Certificate of Nomination Petition" printed directly below the horizontal line;

(iv) contain the word "Warning" printed directly under the words described in Subsection (1)(b)(iii);

(v) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination signature sheet with any name other than the person's own name or more than once for the same candidate or if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures.";

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

HB0068S01 compared with HB0068

Subsection (1)(b)(v):

"Each signer says:

I have personally signed this petition with a holographic signature;

I am registered to vote in Utah or intend to become registered to vote in Utah before the county clerk certifies my signature; and

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

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

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

(viii) be vertically divided into columns as follows:

(A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

(B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

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

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

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

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

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

"Verification

State of Utah, County of _____

I, _____, of _____, hereby state that:

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

All the names that appear on the signature sheets bound to this page were signed by

HB0068S01 compared with HB0068

persons who professed to be the persons whose names appear on the signature sheets, and each of them signed the person's name on the signature sheets in my presence;

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

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

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

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

(i) is at least 18 years old;

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

(iii) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.

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

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

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

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

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

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

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

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

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

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

HB0068S01 compared with HB0068

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

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

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

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

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

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

(i) are registered voters within the political division that the candidate seeks to represent; and

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

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

(d) The county clerk shall use the procedures described in Section ~~{20A-7-105}~~20A-1-1002 to determine whether a signer is a registered voter who is qualified to sign the petition.

(6) (a) A voter who signs a nomination petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the candidate submits the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (6)(a) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~———— (c) A voter may not submit a statement described in Subsection (6)(a) by email or other electronic means.~~

~~———— (d) 20A-1-1003(2).~~

HB0068S01 compared with HB0068

(c) The county clerk shall use the procedures described in ~~Section 20A-7-105~~; Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

Section ~~{41}~~44. Section **20A-11-802** is amended to read:

20A-11-802. Political issues committees -- Financial reporting.

(1) (a) Each registered political issues committee that has received political issues contributions totaling at least \$750, or disbursed political issues expenditures totaling at least \$750, during a calendar year, shall file a verified financial statement with the lieutenant governor's office:

(i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;

(ii) seven days before the state political convention of each major political party;

(iii) seven days before the regular primary election date;

(iv) seven days before the date of an incorporation election, if the political issues committee has received or expended funds to affect an incorporation;

(v) at least three days before the first public hearing held as required by Section 20A-7-204.1;

(vi) if the political issues committee has received or expended funds in relation to an initiative or referendum, five days before the deadline for the initiative or referendum sponsors to submit:

(A) the verified and certified initiative packets under Section ~~[20A-7-206]~~ 20A-7-105;

or

(B) the signed and verified referendum packets under Section ~~[20A-7-306]~~ 20A-7-105;

(vii) on September 30; and

(viii) seven days before:

(A) the municipal general election; and

(B) the regular general election.

(b) The political issues committee shall report:

(i) a detailed listing of all contributions received and expenditures made since the last statement; and

HB0068S01 compared with HB0068

(ii) all contributions and expenditures as of five days before the required filing date of the financial statement, except for a financial statement filed on January 10.

(c) The political issues committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.

(2) (a) That statement shall include:

(i) the name and address, if known, of any individual who makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(ii) the identification of any publicly identified class of individuals that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(iii) the name and address, if known, of any political issues committee, group, or entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(iv) the name and address of each reporting entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(v) for each nonmonetary contribution, the fair market value of the contribution;

(vi) except as provided in Subsection (2)(c), the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than \$50 from the reporting political issues committee, and the amount of each political issues expenditure;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure;

(viii) the total amount of political issues contributions received and political issues expenditures disbursed by the reporting political issues committee;

(ix) a statement by the political issues committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial statement is accurate; and

(x) a summary page in the form required by the lieutenant governor that identifies:

(A) beginning balance;

(B) total contributions during the period since the last statement;

(C) total contributions to date;

HB0068S01 compared with HB0068

(D) total expenditures during the period since the last statement; and

(E) total expenditures to date.

(b) (i) Political issues contributions received by a political issues committee that have a value of \$50 or less need not be reported individually, but shall be listed on the report as an aggregate total.

(ii) Two or more political issues contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.

(c) When reporting political issue expenditures made to circulators of initiative petitions, the political issues committee:

(i) need only report the amount paid to each initiative petition circulator; and

(ii) need not report the name or address of the circulator.

(3) (a) As used in this Subsection (3), "received" means:

(i) for a cash contribution, that the cash is given to a political issues committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political issues committee.

(b) A political issues committee shall report each contribution to the lieutenant governor within 31 days after the contribution is received.

(4) A political issues committee may not expend a contribution for a political issues expenditure if the contribution:

(a) is cash or a negotiable instrument;

(b) exceeds \$50; and

(c) is from an unknown source.

(5) Within 31 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, a political issues committee shall disburse the amount of the contribution to:

(a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

(b) an organization that is exempt from federal income taxation under Section

HB0068S01 compared with HB0068

501(c)(3), Internal Revenue Code.

Section ~~{42}~~45. Section **20A-15-103** is amended to read:

20A-15-103. Delegates -- Candidacy -- Qualifications -- Nominating procedures -- Removal of petition signature.

(1) Candidates for the office of delegate to the ratification convention shall be citizens, residents of Utah, and at least 21 years old.

(2) Persons wishing to be delegates to the ratification convention shall:

(a) circulate a nominating petition meeting the requirements of this section; and

(b) obtain the signature of at least 100 registered voters.

(3) (a) A single nominating petition may nominate any number of candidates up to 21, the total number of delegates to be elected.

(b) Nominating petitions may not contain anything identifying a candidate's party or political affiliation.

(c) Each nominating petition shall contain a written statement signed by each nominee, indicating either that the candidate will:

(i) vote for ratification of the proposed amendment; or

(ii) vote against ratification of the proposed amendment.

(d) A nominating petition containing the names of more than one nominee may not contain the name of any nominee whose stated position in the nominating petition is inconsistent with that of any other nominee listed in the petition.

(4) (a) Candidates shall file their nominating petitions with the lieutenant governor before 5 p.m. no later than 40 days before the proclaimed date of the election.

(b) Within 10 days after the last day for filing the petitions, the lieutenant governor shall:

(i) use the procedures described in Section ~~{20A-7-105}~~20A-1-1002 to determine whether a signer is a registered voter;

~~{(†)}~~ (ii) declare nominated the 21 nominees in favor of ratification and the 21 nominees against ratification whose nominating petitions have been signed by the largest number of registered voters;

~~{(††)}~~ (iii) decide any ties by lot drawn by the lieutenant governor; and

~~{(†††)}~~ (iv) certify the nominated candidates of each group to the county clerk of each

HB0068S01 compared with HB0068

county within the state.

(5) (a) A voter who signs a nomination petition under this section may have the voter's signature removed from the petition by, no later than three business days after the last day for filing the petitions, submitting to the lieutenant governor a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (5)(a) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~— (c) A voter may not submit a statement described in Subsection (5)(a) by email or other electronic means.~~

~~— (d) 20A-1-1003(2).~~

(c) The lieutenant governor shall use the procedures described in ~~{Section 20A-7-105}~~ Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

Section ~~{43}~~46. Section **20A-21-201** is amended to read:

20A-21-201. Electronic signature gathering for an initiative, a referendum, or candidate qualification.

(1) (a) After filing a petition for a statewide initiative or a statewide referendum, and before gathering signatures, the sponsors shall, after consulting with the Office of the Lieutenant Governor, sign a form provided by the Office of the Lieutenant Governor indicating whether the sponsors will gather signatures manually or electronically.

(b) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures electronically:

(i) in relation to a statewide initiative, signatures for that initiative:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections ~~{}~~ 20A-7-105 and 20A-7-204~~[-20A-7-205, and 20A-7-206]~~; and

(ii) in relation to a statewide referendum, signatures for that referendum:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-313, 20A-7-314, and 20A-7-315; and

HB0068S01 compared with HB0068

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections ~~†~~ 20A-7-105 and 20A-7-304 [~~20A-7-305, and 20A-7-306~~].

(c) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures manually:

(i) in relation to a statewide initiative, signatures for that initiative:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections ~~†~~ 20A-7-105 and 20A-7-204 [~~20A-7-205, and 20A-7-206~~]; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

(ii) in relation to a statewide referendum, signatures for that referendum:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections ~~†~~ 20A-7-105 and 20A-7-304 [~~20A-7-305, and 20A-7-306~~]; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-313, 20A-7-314, and 20A-7-315.

(2) (a) After filing a petition for a local initiative or a local referendum, and before gathering signatures, the sponsors shall, after consulting with the local clerk's office, sign a form provided by the local clerk's office indicating whether the sponsors will gather signatures manually or electronically.

(b) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather signatures electronically:

(i) in relation to a local initiative, signatures for that initiative:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections ~~†~~ 20A-7-105 and 20A-7-504 [~~20A-7-505, and 20A-7-506~~]; and

(ii) in relation to a local referendum, signatures for that referendum:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-614, 20A-7-615, and 20A-7-616; and

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections ~~†~~ 20A-7-105 and 20A-7-604 [~~20A-7-605, and 20A-7-606~~].

(c) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather

HB0068S01 compared with HB0068

signatures manually:

(i) in relation to a local initiative, signatures for that initiative:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections ~~+~~ 20A-7-105 and 20A-7-504~~[-20A-7-505, and 20A-7-506]~~; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and

(ii) in relation to a local referendum, signatures for that referendum:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections ~~+~~ 20A-7-105 and 20A-7-604~~[-20A-7-605, and 20A-7-606]~~; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-614, 20A-7-615, and 20A-7-616.

(3) (a) After a candidate files a notice of intent to gather signatures to qualify for a ballot, and before gathering signatures, the candidate shall, after consulting with the election officer, sign a form provided by the election officer indicating whether the candidate will gather signatures manually or electronically.

(b) If a candidate indicates, under Subsection (3)(a), that the candidate will gather signatures electronically, signatures for the candidate:

(i) may only be gathered and submitted using the electronic candidate qualification process; and

(ii) may not be gathered or submitted using the manual candidate qualification process.

(c) If a candidate indicates, under Subsection (3)(a), that the candidate will gather signatures manually, signatures for the candidate:

(i) may only be gathered and submitted using the manual candidate qualification process; and

(ii) may not be gathered or submitted using the electronic candidate qualification process.

(4) To gather a signature electronically, a signature-gatherer shall:

(a) use a device provided by the signature-gatherer or a sponsor of the petition that:

(i) is approved by the lieutenant governor;

(ii) except as provided in Subsection (4)(a)(iii), does not store a signature or any other information relating to an individual signing the petition in any location other than the location

HB0068S01 compared with HB0068

used by the website to store the information;

(iii) does not, on the device, store a signature or any other information relating to an individual signing the petition except for the minimum time necessary to upload information to the website;

(iv) does not contain any applications, software, or data other than those approved by the lieutenant governor; and

(v) complies with cyber-security and other security protocols required by the lieutenant governor;

(b) use the approved device to securely access a website designated by the lieutenant governor, directly, or via an application designated by the lieutenant governor; ~~and~~ and

(c) while connected to the website, present the approved device to an individual considering signing the petition and, while the signature-gatherer is in the physical presence of the individual:

(i) wait for the individual to reach each screen presented to the individual on the approved device; and

(ii) wait for the individual to advance to each subsequent screen by clicking on the acknowledgement at the bottom of the screen.

(5) Each screen shown on an approved device as part of the signature-gathering process shall appear as a continuous electronic document that, if the entire document does not appear on the screen at once, requires the individual viewing the screen to, before advancing to the next screen, scroll through the document until the individual reaches the end of the document.

(6) After advancing through each screen required for the petition, the signature process shall proceed as follows:

(a) except as provided in Subsection (6)(b):

(i) the individual desiring to sign the petition shall present the individual's driver license or state identification card to the signature-gatherer;

(ii) the signature-gatherer shall verify that the individual pictured on the driver license or state identification card is the individual signing the petition;

(iii) the signature-gatherer shall scan or enter the driver license number or state identification card number through the approved device; and

(iv) immediately after the signature-gatherer complies with Subsection (6)(a)(iii), the

HB0068S01 compared with HB0068

website shall determine whether the individual desiring to sign the petition is eligible to sign the petition;

(b) if the individual desiring to sign the petition is unable to provide a driver license or state identification card to the signature gatherer:

(i) the individual may present other valid voter identification;

(ii) if the valid voter identification contains a picture of the individual, the signature-gatherer shall verify that the individual pictured is the individual signing the petition;

(iii) if the valid voter identification does not contain a picture of the individual, the signature-gatherer shall, to the extent reasonably practicable, use the individual's address or other available means to determine whether the identification relates to the individual presenting the identification;

(iv) the signature-gatherer shall scan an image of the valid voter identification and immediately upload the image to the website; and

(v) the individual:

(A) shall enter the individual's address; and

(B) may, at the discretion of the individual, enter the individual's date of birth or age after the individual clicks on the screen acknowledging that they have read and understand the following statement, "Birth date or age information is not required, but may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before your signature is verified or if the information you provide does not match your voter registration records."; and

(c) after completing the process described in Subsection (6)(a) or (b), the screen shall:

(i) except for a petition to qualify a candidate for the ballot, give the individual signing the petition the opportunity to enter the individual's email address after the individual reads the following statement, "If you provide your email address, you may receive an email with additional information relating to the petition you are signing."; and

(ii) (A) if the website determines, under Subsection (6)(a)(iv), that the individual is eligible to sign the petition, permit the individual to enter the individual's name as the individual's electronic signature and, immediately after the signature-gatherer timely complies with Subsection (10), certify the signature; or

(B) if the individual provides valid voter identification under Subsection (6)(b), permit

HB0068S01 compared with HB0068

the individual to enter the individual's name as the individual's electronic signature.

(7) If an individual provides valid voter identification under Subsection (6)(b), the county clerk shall, within seven days after the day on which the individual submits the valid voter identification, certify the signature if:

- (a) the individual is eligible to sign the petition;
 - (b) the identification provided matches the information on file; and
 - (c) the signature-gatherer timely complies with Subsection (10).
- (8) For each signature submitted under this section, the website shall record:
- (a) the information identifying the individual who signs;
 - (b) the date the signature was collected; and
 - (c) the name of the signature-gatherer.

(9) An individual who is a signature-gatherer may not sign a petition unless another individual acts as the signature-gatherer when the individual signs the petition.

(10) Except for a petition for a candidate to seek the nomination of a registered political party, each individual who gathers a signature under this section shall, within one business day after the day on which the individual gathers a signature, electronically sign and submit the following statement to the website:

"VERIFICATION OF SIGNATURE-GATHERER

State of Utah, County of _____

I, _____, of _____, hereby state, under penalty of perjury, that:

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

All the signatures that I collected on [Date signatures were gathered] were signed by individuals who professed to be the individuals whose signatures I gathered, and each of the individuals signed the petition in my presence;

I did not knowingly make a misrepresentation of fact concerning the law or proposed law to which the petition relates;

I believe that each individual has signed the individual's name and written the individual's residence correctly, that each signer has read and understands the law to which the petition relates, and that each signer is registered to vote in Utah;

Each signature correctly reflects the date on which the individual signed the petition;
and

HB0068S01 compared with HB0068

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it."

(11) Except for a petition for a candidate to seek the nomination of a registered political party:

(a) the county clerk may not certify a signature that is not timely verified in accordance with Subsection (10); and

(b) if a signature certified by a county clerk under Subsection (6)(c)(ii)(A) is not timely verified in accordance with Subsection (10), the county clerk shall:

(i) revoke the certification;

(ii) remove the signature from the posting described in Subsection 20A-7-217(4), 20A-7-315(3), 20A-7-516(4), or 20A-7-616(3); and

(iii) update the totals described in Subsections 20A-7-217(5)(a)(ii), 20A-7-315(5)(a)(ii), 20A-7-516(5)(a)(ii), and 20A-7-616(5)(a)(ii).

(12) For a petition for a candidate to seek the nomination of a registered political party, each individual who gathers a signature under this section shall, within one business day after the day on which the individual gathers a signature, electronically sign and submit the following statement to the lieutenant governor in the manner specified by the lieutenant governor:

"VERIFICATION OF SIGNATURE-GATHERER

State of Utah, County of _____

I, _____, of _____, hereby state that:

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

All the signatures that I collected on [Date signatures were gathered] were signed by individuals who professed to be the individuals whose signatures I gathered, and each of the individuals signed the petition in my presence;

I believe that each individual has signed the individual's name and written the individual's residence correctly and that each signer is registered to vote in Utah; and

Each signature correctly reflects the date on which the individual signed the petition."

(13) For a petition for a candidate to seek the nomination of a registered political party, the election officer may not certify a signature that is not timely verified in accordance with Subsection (12).

HB0068S01 compared with HB0068

Section ~~{44}~~47. Section 53G-3-301 is amended to read:

53G-3-301. Creation of new school district -- Initiation of process -- Procedures to be followed.

(1) A new school district may be created from one or more existing school districts, as provided in this section.

(2) The process to create a new school district may be initiated:

(a) through a citizens' initiative petition;

(b) at the request of the local school board of the existing district or districts to be affected by the creation of the new district; or

(c) at the request of a city within the boundaries of the school district or at the request of interlocal agreement participants, pursuant to Section 53G-3-302.

(3) (a) An initiative petition submitted under Subsection (2)(a) shall be signed by ~~[qualified electors]~~ registered voters residing within the geographical boundaries of the proposed new school district in an amount equal to at least 15% of all votes cast within the geographic boundaries of the proposed new school district for all candidates for president of the United States at the last regular general election at which a president of the United States was elected.

(b) Each request or petition submitted under Subsection (2) shall:

(i) be filed with the clerk of each county in which any part of the proposed new school district is located;

(ii) indicate the typed or printed name and current residence address of each governing board member making a request, or registered voter signing a petition, as the case may be;

(iii) describe the proposed new school district boundaries; and

(iv) designate up to five signers of the petition or request as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each.

(c) The process described in Subsection (2)(a) may only be initiated once during any four-year period.

(d) A new district may not be formed under Subsection (2) if the student population of the proposed new district is less than 3,000 or the existing district's student population would be less than 3,000 because of the creation of the new school district.

HB0068S01 compared with HB0068

(4) (a) (i) A signer of a petition described in Subsection (2)(a) may withdraw or, once withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing a written ~~[request]~~ statement requesting for withdrawal or reinstatement with the county clerk ~~;~~ no later than three business days after the day on which the petition is filed with the county clerk.

(ii) A statement described in Subsection (4)(a)(i) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~(iii) A voter may not submit a statement described in Subsection (4)(a)(i) by email or other electronic means.~~

~~(iv) 20A-1-1003(2).~~

(iii) The county clerk shall use the procedures described in ~~{Section 20A-7-105}~~ Subsection 20A-1-1003(3) to determine whether to remove or reinstate an individual's signature from a petition after receiving a timely, valid statement.

(b) For a petition described in Subsection (2)(a), the county clerk shall use the procedures described in Section ~~{20A-7-105}~~ 20A-1-1002 to determine whether the petition has been signed by the required number of registered voters residing within the geographical boundaries of the proposed new school district.

(5) Within 45 days after the day on which a petition described in Subsection (2)(a) is filed, or five business days after the day on which a request described in Subsection (2)(b) or (c) is filed, the clerk of each county with which the request or petition is filed shall:

(a) determine whether the request or petition complies with Subsections (2) and (3), as applicable; and

(b) (i) if the county clerk determines that the request or petition complies with the applicable requirements:

(A) certify the request or petition and deliver the certified request or petition to the county legislative body; and

(B) mail or deliver written notification of the certification to the contact sponsor; or

(ii) if the county clerk determines that the request or petition fails to comply with any of the applicable requirements, reject the request or petition and notify the contact sponsor in writing of the rejection and reasons for the rejection.

(6) (a) If the county clerk fails to certify or reject a request or petition within the time

HB0068S01 compared with HB0068

specified in Subsection (5), the request or petition is considered to be certified.

(b) (i) If the county clerk rejects a request or petition, the person that submitted the request or petition may amend the request or petition to correct the deficiencies for which the request or petition was rejected, and refile the request or petition.

(ii) Subsection (3)(c) does not apply to a request or petition that is amended and refiled after having been rejected by a county clerk.

(c) If, on or before December 1, a county legislative body receives a request from a local school board under Subsection (2)(b) or a petition under Subsection (2)(a) that is certified by the county clerk:

(i) the county legislative body shall appoint an ad hoc advisory committee, as provided in Subsection (7), on or before January 1;

(ii) the ad hoc advisory committee shall submit its report and recommendations to the county legislative body, as provided in Subsection (7), on or before July 1; and

(iii) if the legislative body of each county with which a request or petition is filed approves a proposal to create a new district, each legislative body shall submit the proposal to the respective county clerk to be voted on by the electors of each existing district at the regular general or municipal general election held in November.

(7) (a) The legislative body of each county with which a request or petition is filed shall appoint an ad hoc advisory committee to review and make recommendations on a request for the creation of a new school district submitted under Subsection (2)(a) or (b).

(b) The advisory committee shall:

(i) seek input from:

(A) those requesting the creation of the new school district;

(B) the local school board and school personnel of each existing school district;

(C) those citizens residing within the geographical boundaries of each existing school district;

(D) the state board; and

(E) other interested parties;

(ii) review data and gather information on at least:

(A) the financial viability of the proposed new school district;

(B) the proposal's financial impact on each existing school district;

HB0068S01 compared with HB0068

(C) the exact placement of school district boundaries; and

(D) the positive and negative effects of creating a new school district and whether the positive effects outweigh the negative if a new school district were to be created; and

(iii) make a report to the county legislative body in a public meeting on the committee's activities, together with a recommendation on whether to create a new school district.

(8) For a request or petition submitted under Subsection (2)(a) or (b):

(a) The county legislative body shall provide for a 45-day public comment period on the report and recommendation to begin on the day the report is given under Subsection (7)(b)(iii).

(b) Within 14 days after the end of the comment period, the legislative body of each county with which a request or petition is filed shall vote on the creation of the proposed new school district.

(c) The proposal is approved if a majority of the members of the legislative body of each county with which a request or petition is filed votes in favor of the proposal.

(d) If the proposal is approved, the legislative body of each county with which a request or petition is filed shall submit the proposal to the county clerk to be voted on:

(i) by the legal voters of each existing school district affected by the proposal;

(ii) in accordance with the procedures and requirements applicable to a regular general election under Title 20A, Election Code; and

(iii) at the next regular general election or municipal general election, whichever is first.

(e) Creation of the new school district shall occur if a majority of the electors within both the proposed school district and each remaining school district voting on the proposal vote in favor of the creation of the new district.

(f) Each county legislative body shall comply with the requirements of Section 53G-3-203.

(g) If a proposal submitted under Subsection (2)(a) or (b) to create a new district is approved by the electors, the existing district's documented costs to study and implement the proposal shall be reimbursed by the new district.

(9) (a) If a proposal submitted under Subsection (2)(c) is certified under Subsection (5) or (6)(a), the legislative body of each county in which part of the proposed new school district

HB0068S01 compared with HB0068

is located shall submit the proposal to the respective clerk of each county to be voted on:

- (i) by the legal voters residing within the proposed new school district boundaries;
- (ii) in accordance with the procedures and requirements applicable to a regular general election under Title 20A, Election Code; and
- (iii) at the next regular general election or municipal general election, whichever is first.

(b) (i) If a majority of the legal voters within the proposed new school district boundaries voting on the proposal at an election under Subsection (9)(a) vote in favor of the creation of the new district:

(A) each county legislative body shall comply with the requirements of Section 53G-3-203; and

(B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5, the new district is created.

(ii) Notwithstanding the creation of a new district as provided in Subsection (9)(b)(i)(B):

(A) a new school district may not begin to provide educational services to the area within the new district until July 1 of the second calendar year following the local school board general election date described in Subsection 53G-3-302(3)(a)(i);

(B) a remaining district may not begin to provide educational services to the area within the remaining district until the time specified in Subsection (9)(b)(ii)(A); and

(C) each existing district shall continue, until the time specified in Subsection (9)(b)(ii)(A), to provide educational services within the entire area covered by the existing district.

Section ~~{45}~~48. Section **53G-3-401** is amended to read:

53G-3-401. Consolidation of school districts -- Resolution by local school board members -- Petition by electors -- Certification of petition signatures -- Removal of signature -- Election.

(1) Two or more school districts may unite and form a single school district in one of the following ways:

(a) a majority of the members of each of the local school boards of the affected districts shall approve and present to the county legislative body of the affected counties a resolution to

HB0068S01 compared with HB0068

consolidate the districts. Once this is done, consolidation shall be established under this chapter; or

(b) a majority of the members of the local school board of each affected district, or 15% of the ~~[qualified electors]~~ registered voters in each of the affected districts, shall sign and present a petition to the county legislative body of each affected county. The question shall be voted upon at an election called for that purpose, which shall be the next general or municipal election. Consolidation shall occur if a majority of those voting on the question in each district favor consolidation.

(2) If a registered voter petition is presented to the county legislative body under Subsection (1)(b):

(a) within three business days after the day on which the county legislative body receives the petition, the county legislative body shall provide the petition to the county clerk; and

(b) within 14 days after the day on which a county clerk receives a petition from the county legislative body, the county clerk shall:

(i) use the procedures described in Section ~~{20A-7-105}~~20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (1)(b) for a registered voter petition;

(ii) certify on the petition whether each name is that of a registered voter in one of the affected districts; and

(iii) deliver the certified petition to the county legislative body.

(3) (a) A voter who signs a registered voter petition under Subsection (1)(b) may have the voter's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (3)(a) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~— (c) A voter may not submit a statement described in Subsection (3)(a) by email or other electronic means.~~

~~— (d) 20A-1-1003(2).~~

(c) The county clerk shall use the procedures described in ~~{Section~~

HB0068S01 compared with HB0068

~~20A-7-105~~Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

~~(2)~~ (4) The elections required under Subsection (1)(b) shall be conducted and the returns canvassed as provided by election laws.

Section ~~{46}~~49. Section **53G-3-501** is amended to read:

53G-3-501. Transfer of a portion of a school district -- State board resolution -- Local school board petition -- Elector petition -- Certification of petition signatures -- Removal of signature -- Transfer election.

(1) Part of a school district may be transferred to another district in one of the following ways:

(a) presentation to the county legislative body of each of the affected counties of a resolution requesting the transfer, approved by at least four-fifths of the members of the local school board of each affected school district;

(b) presentation to the county legislative body of each affected county of a petition requesting that the ~~[electors]~~ voters vote on the transfer, signed by a majority of the members of the local school board of each affected school district; or

(c) presentation to the county legislative body of each affected county of a petition requesting that the ~~[electors]~~ voters vote on the transfer, signed by 15% of the ~~[qualified electors]~~ registered voters in each of the affected school districts within that county.

(2) (a) If an annexation of property by a city would result in its residents being served by more than one school district, then the presidents of the affected local school boards shall meet within 60 days prior to the effective date of the annexation to determine whether it would be advisable to adjust school district boundaries to permit all residents of the expanded city to be served by a single school district.

(b) Upon conclusion of the meeting, the local school board presidents shall prepare a recommendation for presentation to their respective local school boards as soon as reasonably possible.

(c) The local school boards may then initiate realignment proceedings under Subsection (1)(a) or (b).

(d) If a local school board rejects realignment under Subsection (1)(a) or (b), the other

HB0068S01 compared with HB0068

local school board may initiate the following procedures by majority vote within 60 days of the vote rejecting realignment:

(i) (A) within 30 days after a vote to initiate these procedures, each local school board shall appoint one member to a boundary review committee; or

(B) if the local school board becomes deadlocked in selecting the appointee under Subsection (2)(d)(i)(A), the local school board's chair shall make the appointment or serve as the appointee to the review committee.

(ii) The two local school board-appointed members of the committee shall meet and appoint a third member of the committee.

(iii) If the two local school board-appointed members are unable to agree on the appointment of a third member within 30 days after both are appointed, the state superintendent shall appoint the third member.

(iv) The committee shall meet as necessary to prepare recommendations concerning resolution of the realignment issue, and shall submit the recommendations to the affected local school boards within six months after the appointment of the third member of the committee.

(v) If a majority of the members of each local school board accepts the recommendation of the committee, or accepts the recommendation after amendment by the local school boards, then the accepted recommendation shall be implemented.

(vi) If the committee fails to submit its recommendation within the time allotted, or if one local school board rejects the recommendation, the affected local school boards may agree to extend the time for the committee to prepare an acceptable recommendation or either local school board may request the state board to resolve the question.

(vii) If the committee has submitted a recommendation which the state board finds to be reasonably supported by the evidence, the state board shall adopt the committee's recommendation.

(viii) The decision of the state board is final.

(3) If a registered voter petition is presented to the county legislative body under Subsection (1)(c):

(a) within three business days after the day on which the county legislative body receives the petition, the county legislative body shall provide the petition to the county clerk; and

HB0068S01 compared with HB0068

(b) within 14 days after the day on which a county clerk receives a petition from the county legislative body, the county clerk shall:

(i) use the procedures described in Section ~~20A-7-105~~20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (1)(c) for a registered voter petition;

(ii) certify on the petition whether each name is that of a registered voter in one of the affected districts; and

(iii) deliver the certified petition to the county legislative body.

(4) (a) A voter who signs a registered voter petition under Subsection (1)(c) may have the voter's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (4)(a) shall comply with the requirements described in Subsection ~~20A-7-105(9)(c)~~.

~~(c) A voter may not submit a statement described in Subsection (4)(a) by email or other electronic means.~~

~~(d)20A-1-1003(2).~~

(c) The county clerk shall use the procedures described in ~~Section 20A-7-105~~Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

~~(3)~~ (5) (a) The [electors] voters of each affected district shall vote on the transfer requested under Subsection (1)(b) or (c) at an election called for that purpose, which may be the next general election.

(b) The election shall be conducted and the returns canvassed as provided by election law.

(c) A transfer is effected only if a majority of votes cast by the [electors] voters in both the proposed transferor district and in the proposed transferee district are in favor of the transfer.

Section ~~47~~50. Section 73-10d-4 is amended to read:

73-10d-4. Notice of intention to enter privatization project -- Petition for election

HB0068S01 compared with HB0068

-- Certification of petition signatures -- Removal of signature -- Election procedures -- Powers of political subdivision -- Public bidding laws not to apply.

(1) The governing authority of any political subdivision considering entering into a privatization project agreement shall issue a notice of intention setting forth a brief summary of the agreement provisions and the time within which and place at which petitions may be filed requesting the calling of an election in the political subdivision to determine whether the agreement should be approved. The notice of intention shall specify the form of the petitions. If, within 30 days after the publication of the notice of intention, petitions are filed with the clerk, recorder, or similar officer of the political subdivision, signed by at least 5% of the ~~[qualified electors]~~ registered voters of the political subdivision (as certified by the county clerks of the respective counties within which the political subdivision is located ~~{ }~~ pursuant to Subsections (7) and (8)) requesting an election be held to authorize the agreement, then the governing authority shall proceed to call and hold an election. If an adequate petition is not filed within 30 days, the governing authority may adopt a resolution so finding and may proceed to enter into the agreement.

(2) If, under Subsection (1), the governing authority of a political subdivision is required to call an election to authorize an agreement, the governing authority shall adopt a resolution directing that an election be held in the political subdivision for the purpose of determining whether the political subdivision may enter into the agreement. The resolution calling the election shall be adopted, notice of the election shall be given, voting precincts shall be established, the election shall be held, voters' qualifications shall be determined, and the results shall be canvassed in the manner and subject to the conditions provided for in Title 11, Chapter 14, Local Government Bonding Act.

(3) A political subdivision may, upon approval of an agreement as provided by Subsections (1) and (2) and subject to the powers and rules of the supervising agency:

(a) supervise and regulate the construction, maintenance, ownership, and operation of all privatization projects within its jurisdiction or in which it has a contractual interest;

(b) contract, by entry into agreements with private owner/operators for the provision within its jurisdiction of the services of privatization projects;

(c) levy and collect taxes, as otherwise provided by law, and impose and collect assessments, fees, or charges for services provided by privatization projects, as appropriate,

HB0068S01 compared with HB0068

and, subject to any limitation imposed by the constitution, pledge, assign, or otherwise convey as security for the payment of its obligations under any agreements any revenues and receipts derived from any assessments, fees, or charges for services provided by privatization projects;

(d) require the private owner/operator to obtain any and all licenses as appropriate under federal, state, and local law and impose other requirements which are necessary or desirable to discharge the responsibility of the political subdivision to supervise and regulate the construction, maintenance, ownership, and operation of any privatization project;

(e) control the right to contract, maintain, own, and operate any privatization project and the services provided in connection with that project within its jurisdiction;

(f) purchase, lease, or otherwise acquire all or any part of a privatization project;

(g) with respect to the services of any privatization project, control the right to establish or regulate the rates paid by the users of the services within the jurisdiction of the political subdivision;

(h) agree that the sole and exclusive right to provide the services within its jurisdiction related to privatization projects be assumed by any private owner/operator;

(i) contract for the lease or purchase of land, facilities, equipment, and vehicles for the operation of privatization projects;

(j) lease, sell, or otherwise convey, as permitted by state and local law, but without any requirement of competitive public bidding, land, facilities, equipment, and vehicles, previously used in connection with privatization projects, to private owner/operators; and

(k) establish policies for the operation of any privatization project within its jurisdiction or with respect to which it has a contractual interest, including hours of operation, the character and kinds of services, and other rules necessary for the safety of operating personnel.

(4) Any political subdivision may enter into agreements with respect to privatization projects. Agreements may contain provisions relating to, without limitation, any matter provided for in this section or consistent with the purposes of this chapter.

(5) Any agreement entered into between a political subdivision and a private owner/operator for the provision of the services of a privatization project is considered an exercise of that political subdivision's business or proprietary power binding upon its succeeding governing authorities. Any agreement made by a political subdivision with a

HB0068S01 compared with HB0068

private owner/operator for payment for services provided or to be provided may not be construed to be an indebtedness or a lending of credit of the political subdivision within the meaning of any constitutional or statutory restriction.

(6) The provisions of the various laws of the state and the rules or ordinances of a political subdivision which would otherwise require public bidding in respect to any matter provided for in this chapter shall have no application to that matter.

(7) If a petition is presented to the clerk of a political subdivision under Subsection (1):

(a) as applicable, within three business days after the day on which the clerk receives the petition, the clerk shall provide the petition to the county clerk for the county in which the political subdivision is located; and

(b) within 14 days after the day on which a county clerk receives a petition under this section, the county clerk shall:

(i) use the procedures described in Section ~~{20A-7-105}~~20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (1) for a registered voter petition;

(ii) certify on the petition whether each name is that of a registered voter in the affected political subdivision; and

(iii) as applicable, deliver the certified petition to the governing authority of the affected political subdivision.

(8) (a) A voter who signs a petition under Subsection (1) may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition is provided to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (8)(a) shall comply with the requirements described in Subsection ~~{20A-7-105(9)(c)}~~.

~~—— (c) A voter may not submit a statement described in Subsection (8)(a) by email or other electronic means.~~

~~—— (d) 20A-1-1003(2).~~

(c) The county clerk shall use the procedures described in ~~{Section 20A-7-105}~~Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

HB0068S01 compared with HB0068

Section ~~{48}~~51. Repealer.

This bill repeals:

Section 20A-7-205, Manual initiative process -- Obtaining signatures --

Verification -- Removal of signature.

Section 20A-7-206, Manual initiative process -- Submitting the initiative petition --

Certification of signatures by the county clerks -- Transfer to lieutenant governor.

Section 20A-7-206.3, Verification of petition signatures.

Section 20A-7-305, Manual referendum process -- Obtaining signatures --

Verification -- Removal of signature.

Section 20A-7-306, Manual referendum process -- Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.

Section 20A-7-306.3, Verification of petition signatures.

Section 20A-7-505, Manual initiative process -- Obtaining signatures --

Verification -- Removal of signature.

Section 20A-7-506, Manual initiative process -- Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to local clerk.

Section 20A-7-506.3, Verification of petition signatures.

Section 20A-7-605, Manual referendum process -- Obtaining signatures --

Verification -- Removal of signature.

Section 20A-7-606, Manual referendum process -- Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to local clerk.

Section 20A-7-606.3, Verification of petition signatures.

Section 52. Coordinating H.B. 68 with S.B. 37 -- Substantive and technical amendments.

If this H.B. 68 and S.B. 37, Municipality Incorporation Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication as follows:

(1) by amending Subsection 10-2a-208(4)(a) in H.B. 68 to read:

"(4)(a) A voter who signs a petition for incorporation may have the voter's signature removed from the petition by, no later than three business days after the day on which the

HB0068S01 compared with HB0068

petition for incorporation is submitted to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed."; and

(2) by amending Subsection 10-2a-208(4)(d) in H.B. 68 to read:

"(d) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition for incorporation after receiving a timely, valid statement requesting removal of the signature."

Section 53. Coordinating H.B. 68 with H.B. 38 and H.B. 448 -- Substantive and technical amendments.

(1) If this H.B. 68 and H.B. 38, Initiative and Referendum Modifications, both pass and become law, and H.B. 448, Election Changes, does not pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication as follows:

(a) the amendments to Subsection 20A-7-307(2)(a)(i) in H.B. 68 supersede the amendments to Subsection 20A-7-307(2)(a)(i) in H.B. 38; and

(b) by amending Subsection 20A-1-1003(3) in H.B. 68 to read:

"(3) The clerk shall use the following procedures to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature:

(a) if the signer's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the signer's signatures on both the statement and the petition appear substantially similar to the signature on the statewide voter registration database, the clerk shall remove the signature from the petition;

(b) if there is no exact match of an address and a name, the clerk shall remove the signature from the petition if:

(i) the address on the statement and the address provided by the individual with the individual's petition signature match the address of an individual on the official register with a substantially similar name; and

(ii) the signer's signatures on both the statement and the petition appear substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);

(c) if there is no match of an address and a substantially similar name, the clerk shall

HB0068S01 compared with HB0068

remove the signature from the petition if:

(i) the birth date or age on the statement and the birth date or age provided by the individual with the individual's petition signature match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the signer's signatures on both the statement and the petition appear substantially similar to the signature on the statewide voter registration database of the individual described in Subsection (3)(c)(i); and

(d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the clerk may not remove the signature from the petition.";

(2) if this H.B. 68, H.B. 38, Initiative and Referendum Modifications, and H.B. 448, Election Changes, all pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication as follows:

(a) the amendments to Subsection 20A-7-307(2)(a)(i) in H.B. 68 supersede the amendments to Subsection 20A-7-307(2)(a)(i) in H.B. 38; and

(b) Subsection 20A-1-1003(3) in H.B. 68 is amended to read:

"(3) The clerk shall use the following procedures to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature:

(a) if the signer's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the individual's signature on the statement is reasonably consistent with the individual's signature on the statewide voter registration database, the clerk shall remove the signature from the petition;

(b) if there is no exact match of an address and a name, the clerk shall remove the signature from the petition if:

(i) the address on the statement and the address provided by the individual with the individual's petition signature match the address of an individual on the official register with a substantially similar name; and

(ii) the individual's signature on the statement is reasonably consistent with the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);

HB0068S01 compared with HB0068

(c) if there is no match of an address and a substantially similar name, the clerk shall remove the signature from the petition if:

(i) the birth date or age on the statement and the birth date or age provided by the individual with the individual's petition signature match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the individual's signature on the statement is reasonably consistent with the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i); and

(d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the clerk may not remove the signature from the petition."; and

(3) if this H.B. 68 and H.B. 448, Election Changes, both pass and become law and H.B. 38, Initiative and Referendum Modifications, does not pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsection 20A-1-1003(3) in H.B. 68 to read:

"(3) The clerk shall use the following procedures to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature:

(a) if the individual's name and address shown on the statement and the petition exactly match a name and address shown on the official register and the individual's signature on the statement is reasonably consistent with the individual's signature on the statewide voter registration database, the clerk shall remove the signature from the petition;

(b) if there is no exact match of an address and a name, the clerk shall remove the signature from the petition if:

(i) the address on the statement and the address provided by the individual with the individual's petition signature match the address of an individual on the official register with a substantially similar name; and

(ii) the individual's signature on the statement is reasonably consistent with the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i);

(c) if there is no match of an address and a substantially similar name, the clerk shall

HB0068S01 compared with HB0068

remove the signature from the petition if:

(i) the birth date or age on the statement and the birth date or age provided by the individual with the individual's petition signature match the birth date or age of an individual on the official register with a substantially similar name; and

(ii) the individual's signature on the statement is reasonably consistent with the signature on the statewide voter registration database of the individual described in Subsection (3)(b)(i); and

(d) if a signature does not qualify for removal under Subsection (3)(a), (b), or (c), the clerk may not remove the signature from the petition."