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ELECTION LAW REVISIONS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Lincoln Fillmore
House Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill modifies provisions in the Election Code and related provisions.

Highlighted Provisions:

This bill:

- ▶ permits the board of a special district to submit an application to the lieutenant governor requesting permission to hold elections for membership on the board at a municipal general election instead of a regular general election, or vice versa;
- ▶ to compensate for a change in the election year, permits the lieutenant governor to shorten the term of office of a special district board member by one year if:
 - shortening the board member's term of office is necessary to have approximately half of the board members' terms expire every two years; and
 - the board members unanimously support the application to change the election for the board;
- ▶ directs the lieutenant governor to make an electronic compilation of the Election Code and transmit the compilation to each county clerk;
- ▶ provides that, in conducting a ballot reconciliation, an election officer must ensure that the sum of the number of ballots tabulated and the number of uncounted verified ballots equals the number of voters given credit for voting;
- ▶ clarifies that the board of trustees or the administrative control board of a special district is the board of canvassers for a special district election;
- ▶ specifies that a ballot for a municipal primary election must instruct a voter to mark the space adjacent to the name of the candidate for whom the voter votes;
- ▶ modifies provisions relating to a ballot title for, and analysis of, a proposed constitutional amendment or another question submitted to the voters by the Legislature;

- 28 ▸ requires the sponsors of a statewide initiative to submit certain information to the
 29 lieutenant governor on the day on which the sponsors submit the last initiative packet to the
 30 county clerk;
- 31 ▸ requires a filing officer to inform an individual who files a declaration of candidacy that
 32 the individual must provide an actively-monitored email address for certain election-related
 33 communications;
- 34 ▸ provides that the email address described above is not a record for purposes of the
 35 Government Records Access and Management Act;
- 36 ▸ requires an election officer to, based on when a candidate withdraws, email notice of the
 37 withdrawal to voters;
- 38 ▸ permits a government agency to release an at-risk government employee's voter
 39 registration record, subject to the same requirements imposed on a county clerk for releasing
 40 the voter registration record of a protected individual; and
- 41 ▸ makes technical and conforming changes.

42 **Money Appropriated in this Bill:**

43 None

44 **Other Special Clauses:**

45 None

46 **Utah Code Sections Affected:**

47 AMENDS:

- 48 **17B-1-303**, as last amended by Laws of Utah 2023, Chapter 15
- 49 **17B-1-306**, as last amended by Laws of Utah 2023, Chapters 15, 435
- 50 **20A-1-305**, as enacted by Laws of Utah 1993, Chapter 1
- 51 **20A-4-109**, as enacted by Laws of Utah 2023, Chapter 297
- 52 **20A-4-301**, as last amended by Laws of Utah 2023, Chapter 15
- 53 **20A-6-401**, as last amended by Laws of Utah 2023, Chapter 45
- 54 **20A-7-101**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 55 **20A-7-103**, as last amended by Laws of Utah 2023, Chapter 435
- 56 **20A-7-105**, as enacted by Laws of Utah 2023, Chapter 116
- 57 **20A-7-702**, as last amended by Laws of Utah 2023, Chapter 107
- 58 **20A-7-703**, as last amended by Laws of Utah 2020, Chapter 277
- 59 **20A-9-201**, as last amended by Laws of Utah 2022, Chapters 13, 18
- 60 **20A-9-203**, as last amended by Laws of Utah 2023, Chapters 116, 435
- 61 **20A-9-207**, as enacted by Laws of Utah 2023, Chapter 45

62 **20A-9-601**, as last amended by Laws of Utah 2019, Chapters 142, 255 and 279
63 **63G-2-103**, as last amended by Laws of Utah 2023, Chapters 16, 173, 231, and 516
64 **63G-2-303**, as last amended by Laws of Utah 2019, Chapter 402

65 ENACTS:

66 **20A-7-703.1**, as Utah Code Annotated 1953

67

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

69 Section 1. Section **17B-1-303** is amended to read:

70 **17B-1-303 . Term of board of trustees members -- Oath of office -- Bond -- Notice**
71 **of board member contact information.**

72 (1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each
73 member of a board of trustees begins at noon on the January 1 following the
74 member's election or appointment.

75 (b) The term of each member of the initial board of trustees of a newly created special
76 district begins:

77 (i) upon appointment, for an appointed member; and

78 (ii) upon the member taking the oath of office after the canvass of the election at
79 which the member is elected, for an elected member.

80 (c) The term of each water conservancy district board member whom the governor
81 appoints in accordance with Subsection 17B-2a-1005(2)(c):

82 (i) begins on the later of the following:

83 (A) the date on which the Senate consents to the appointment; or

84 (B) the expiration date of the prior term; and

85 (ii) ends on the February 1 that is approximately four years after the date described in
86 Subsection (1)(c)(i)(A) or (B).

87 (d) The term of a member of a board of trustees whom an appointing authority appoints
88 in accordance with Subsection (5)(b) begins upon the member taking the oath of
89 office.

90 (e) If the member of the board of trustees fails to assume or qualify for office on January
91 1 for any reason, the term begins on the date the member assumes or qualifies for
92 office.

93 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)
94 and (iii), the term of each member of a board of trustees is four years, except that
95 approximately half the members of the initial board of trustees, chosen by lot,

96 shall serve a two-year term so that the term of approximately half the board
97 members expires every two years.

98 (ii) If the terms of members of the initial board of trustees of a newly created special
99 district do not begin on January 1 because of application of Subsection (1)(b), the
100 terms of those members shall be adjusted as necessary, subject to Subsection
101 (2)(a)(iii), to result in the terms of their successors complying with:

102 (A) the requirement under Subsection (1)(a) for a term to begin on January 1
103 following a member's election or appointment; and

104 (B) the requirement under Subsection (2)(a)(i) that terms be four years.

105 (iii) If the term of a member of a board of trustees does not begin on January 1
106 because of the application of Subsection (1)(e), the term is shortened as necessary
107 to result in the term complying with the requirement under Subsection (1)(a) that
108 the successor member's term, regardless of whether the incumbent is the
109 successor, begins at noon on January 1 following the successor member's election
110 or appointment.

111 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or
112 subtract more than a year from a member's term.

113 (b) Each board of trustees member shall serve until a successor is duly elected or
114 appointed and qualified, unless the member earlier is removed from office or resigns
115 or otherwise leaves office.

116 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
117 17B-1-302(1), (2), or (3), or if the member's term expires without a duly elected or
118 appointed successor:

119 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

120 (ii) the member may continue to serve until a successor is duly elected or appointed
121 and qualified.

122 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees shall
123 take the oath of office specified in Utah Constitution, Article IV,
124 Section 10.

125 (ii) A judge, county clerk, notary public, or the special district clerk may administer
126 an oath of office.

127 (b) The member of the board of trustees taking the oath of office shall file the oath of
128 office with the clerk of the special district.

129 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)

- 130 does not invalidate any official act of that member.
- 131 (4) A board of trustees member may serve any number of terms.
- 132 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of
133 trustees position is filled in accordance with Section 20A-1-512.
- 134 (b) When the number of members of a board of trustees increases in accordance with
135 Subsection 17B-1-302(6), the appointing authority may appoint an individual to fill a
136 new board of trustees position in accordance with Section 17B-1-304 or 20A-1-512.
- 137 (6) (a) As used in this Subsection (6):
- 138 (i) "Appointed official" means a person who:
- 139 (A) is appointed as a member of a special district board of trustees by a county or
140 municipality that is entitled to appoint a member to the board; and
- 141 (B) holds an elected position with the appointing county or municipality.
- 142 (ii) "Appointing entity" means the county or municipality that appointed the
143 appointed official to the board of trustees.
- 144 (b) The board of trustees shall declare a midterm vacancy for the board position held by
145 an appointed official if:
- 146 (i) during the appointed official's term on the board of trustees, the appointed official
147 ceases to hold the elected position with the appointing entity; and
- 148 (ii) the appointing entity submits a written request to the board to declare the vacancy.
- 149 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
150 appointing entity shall appoint another person to fill the remaining unexpired term on
151 the board of trustees.
- 152 (7) (a) A member of a board of trustees shall obtain a fidelity bond or obtain theft or
153 crime insurance for the faithful performance of the member's duties, in the amount
154 and with the sureties or with an insurance company that the board of trustees
155 prescribes.
- 156 (b) The special district:
- 157 (i) may assist the board of trustees in obtaining a fidelity bond or obtaining theft or
158 crime insurance as a group or for members individually; and
- 159 (ii) shall pay the cost of each fidelity bond or insurance coverage required under this
160 Subsection (7).
- 161 (8) (a) [~~The lieutenant governor may extend the term of an elected district board member~~
162 ~~by one year in] In order to compensate for a change in the election year under
163 Subsection 17B-1-306(14)[~~]~~, the lieutenant governor may:~~

- 164 (i) extend the term of an elected district board member by one year; or
 165 (ii) subject to Subsection 17B-1-306(14)(b)(iii), and in accordance with Subsection
 166 (2)(a), shorten the term of an elected district board member by one year, if
 167 necessary, to ensure that the term of approximately half of the board members
 168 expires every two years.
- 169 (b) When the number of members of a board of trustees increases in accordance with
 170 Subsection 17B-1-302(6), to ensure that the term of approximately half of the board
 171 members expires every two years in accordance with Subsection (2)(a):
- 172 (i) the board shall set shorter terms for approximately half of the new board members,
 173 chosen by lot; and
- 174 (ii) the initial term of a new board member position may be less than two or four
 175 years.
- 176 (9) (a) A special district shall:
- 177 (i) post on the Utah Public Notice Website created in Section 63A-16-601 the name,
 178 phone number, and email address of each member of the special district's board of
 179 trustees;
- 180 (ii) update the information described in Subsection (9)(a)(i) when:
- 181 (A) the membership of the board of trustees changes; or
- 182 (B) a member of the board of trustees' phone number or email address changes;
- 183 and
- 184 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date
 185 on which the change requiring the update occurs.
- 186 (b) This Subsection (9) applies regardless of whether the county or municipal legislative
 187 body also serves as the board of trustees of the special district.
- 188 Section 2. Section **17B-1-306** is amended to read:
- 189 **17B-1-306 . Special district board -- Election procedures -- Notice.**
- 190 (1) Except as provided in Subsection (12), each elected board member shall be selected as
 191 provided in this section.
- 192 (2) (a) Each election of a special district board member shall be held:
- 193 (i) at the same time as the municipal general election or the regular general election,
 194 as applicable; and
- 195 (ii) at polling places designated by the special district board in consultation with the
 196 county clerk for each county in which the special district is located, which polling
 197 places shall coincide with municipal general election or regular general election

- 198 polling places, as applicable, whenever feasible.
- 199 (b) The special district board, in consultation with the county clerk, may consolidate two
200 or more polling places to enable voters from more than one district to vote at one
201 consolidated polling place.
- 202 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under
203 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall
204 be one polling place per division of the district, designated by the district board.
205 (ii) Each polling place designated by an irrigation district board under Subsection
206 (2)(c)(i) shall coincide with a polling place designated by the county clerk under
207 Subsection (2)(a)(ii).
- 208 (3) The clerk of each special district with a board member position to be filled at the next
209 municipal general election or regular general election, as applicable, shall provide notice
210 of:
- 211 (a) each elective position of the special district to be filled at the next municipal general
212 election or regular general election, as applicable;
- 213 (b) the constitutional and statutory qualifications for each position; and
- 214 (c) the dates and times for filing a declaration of candidacy.
- 215 (4) The clerk of the special district shall publish the notice described in Subsection (3) for
216 the special district, as a class A notice under Section 63G-30-102, for at least 10 days
217 before the first day for filing a declaration of candidacy.
- 218 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective
219 special district board position, an individual shall file a declaration of candidacy in
220 person with an official designated by the special district within the candidate filing
221 period for the applicable election year in which the election for the special district
222 board is held and:
- 223 (i) during the special district's standard office hours, if the standard office hours
224 provide at least three consecutive office hours each day during the candidate filing
225 period that is not a holiday or weekend; or
- 226 (ii) if the standard office hours of a special district do not provide at least three
227 consecutive office hours each day, a three-hour consecutive time period each day
228 designated by the special district during the candidate filing period that is not a
229 holiday or weekend.
- 230 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the filing
231 time shall be extended until the close of normal office hours on the following regular

- 232 business day.
- 233 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
 234 declaration of candidacy with the official designated by the special district if:
- 235 (i) the individual is located outside of the state during the entire filing period;
- 236 (ii) the designated agent appears in person before the official designated by the
 237 special district; and
- 238 (iii) the individual communicates with the official designated by the special district
 239 using an electronic device that allows the individual and official to see and hear
 240 each other.
- 241 (d) (i) Before the filing officer may accept any declaration of candidacy from an
 242 individual, the filing officer shall:
- 243 (A) read to the individual the constitutional and statutory qualification
 244 requirements for the office that the individual is seeking; and
- 245 (B) require the individual to state whether the individual meets those requirements.
- 246 (ii) If the individual does not meet the qualification requirements for the office, the
 247 filing officer may not accept the individual's declaration of candidacy.
- 248 (iii) If it appears that the individual meets the requirements of candidacy, the filing
 249 officer shall accept the individual's declaration of candidacy.
- 250 (e) The declaration of candidacy shall be in substantially the following form:
- 251 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
 252 _____, City of _____, County of _____, state of Utah,
 253 (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications
 254 for the office of board of trustees member for _____ (state the name of
 255 the special district); that I am a candidate for that office to be voted upon at the next election;
 256 and that, if filing via a designated agent, I will be out of the state of Utah during the entire
 257 candidate filing period, and I hereby request that my name be printed upon the official ballot
 258 for that election.
- 259 (Signed) _____
- 260 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of
 261 _____, _____.
- 262 (Signed) _____
- 263 (Clerk or Notary Public)".
- 264 (f) An agent designated under Subsection (5)(c) may not sign the form described in
 265 Subsection (5)(e).

- 266 (g) Each individual wishing to become a valid write-in candidate for an elective special
267 district board position is governed by Section 20A-9-601.
- 268 (h) If at least one individual does not file a declaration of candidacy as required by this
269 section, an individual shall be appointed to fill that board position in accordance with
270 the appointment provisions of Section 20A-1-512.
- 271 (i) If only one candidate files a declaration of candidacy and there is no write-in
272 candidate who complies with Section 20A-9-601, the board, in accordance with
273 Section 20A-1-206, may:
- 274 (i) consider the candidate to be elected to the position; and
275 (ii) cancel the election.
- 276 (6) (a) A primary election may be held if:
- 277 (i) the election is authorized by the special district board; and
278 (ii) the number of candidates for a particular local board position or office exceeds
279 twice the number of persons needed to fill that position or office.
- 280 (b) The primary election shall be conducted:
- 281 (i) on the same date as the municipal primary election or the regular primary election,
282 as applicable; and
283 (ii) according to the procedures for primary elections provided under Title 20A,
284 Election Code.
- 285 (7) (a) Except as provided in Subsection (7)(c), within one business day after the
286 deadline for filing a declaration of candidacy, the special district clerk shall certify
287 the candidate names to the clerk of each county in which the special district is located.
- 288 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
289 20A-6-305, the clerk of each county in which the special district is located and the
290 special district clerk shall coordinate the placement of the name of each candidate
291 for special district office in the nonpartisan section of the ballot with the
292 appropriate election officer.
- 293 (ii) If consolidation of the special district election ballot with the municipal general
294 election ballot or the regular general election ballot, as applicable, is not feasible,
295 the special district board of trustees, in consultation with the county clerk, shall
296 provide for a separate special district election ballot to be administered by poll
297 workers at polling places designated under Subsection (2).
- 298 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
299 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

- 300 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district
301 shall prescribe the form of the ballot for each board member election.
- 302 (B) Each ballot for an election of an irrigation district board member shall be in a
303 nonpartisan format.
- 304 (C) The name of each candidate shall be placed on the ballot in the order specified
305 under Section 20A-6-305.
- 306 (8) (a) Each voter at an election for a board of trustees member of a special district shall:
307 (i) be a registered voter within the district, except for an election of:
308 (A) an irrigation district board of trustees member; or
309 (B) a basic special district board of trustees member who is elected by property
310 owners; and
311 (ii) meet the requirements to vote established by the district.
- 312 (b) Each voter may vote for as many candidates as there are offices to be filled.
- 313 (c) The candidates who receive the highest number of votes are elected.
- 314 (9) Except as otherwise provided by this section, the election of special district board
315 members is governed by Title 20A, Election Code.
- 316 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
317 special district board shall serve a four-year term, beginning at noon on the January 1
318 after the person's election.
- 319 (b) A person elected shall be sworn in as soon as practical after January 1.
- 320 (11) (a) Except as provided in Subsection (11)(b), each special district shall reimburse
321 the county or municipality holding an election under this section for the costs of the
322 election attributable to that special district.
- 323 (b) Each irrigation district shall bear the district's own costs of each election the district
324 holds under this section.
- 325 (12) This section does not apply to an improvement district that provides electric or gas
326 service.
- 327 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
328 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.
- 329 (14) (a) As used in this Subsection (14), "board" means:
330 (i) a special district board; or
331 (ii) the administrative control board of a special service district that has elected
332 members on the board.
- 333 (b) ~~[A board may]~~ If a board desires to hold elections for membership on the board at a

- 334 regular general election instead of a municipal general election [~~if the board submits~~] ,
335 or at a municipal general election instead of a regular general election, the board may
336 submit an application to the lieutenant governor that:
- 337 (i) requests permission to [~~hold elections for membership on the board at a regular~~
338 ~~general election instead of a municipal general election; and~~] change the election
339 year for membership on the board in a manner described in this Subsection (14)(b);
- 340 (ii) indicates that [~~holding elections at the time of the regular general election~~] a
341 change in the election year is beneficial, based on potential cost savings, a
342 potential increase in voter turnout, or another material reason[-] ; and
- 343 (iii) if a change in the election year may result in shortening a board member's term
344 of office, indicates that the members of the board unanimously support the
345 lieutenant governor taking that action.
- 346 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
347 governor may approve the [~~application~~]if:
- 348 (i) [~~the lieutenant governor concludes that [holding the elections at the regular~~
349 ~~general election] changing the election year~~] is beneficial based on the criteria
350 described in Subsection [(14)(b)(ii).] (14)(b)(ii); and
- 351 (ii) for an application that may result in shortening a board member's term of office,
352 the application satisfies the unanimity requirement described in Subsection
353 (14)(b)(iii).
- 354 (d) If the lieutenant governor approves a board's application described in this section:
- 355 (i) all future elections for membership on the board shall be held at the time of the [
356 ~~regular~~]general election specified in the application; and
- 357 (ii) the board may not hold elections at the time of [~~a municipal general election~~] an
358 election other than the general election specified in the application, unless the
359 board receives permission from the lieutenant governor to [~~hold all future~~
360 ~~elections for membership on the board at a municipal general election instead of a~~
361 ~~regular general election;~~] change the election under the same procedure, and by
362 applying the same criteria, described in this Subsection (14).
- 363 (15) (a) This Subsection (15) applies to a special district if:
- 364 (i) the special district's board members are elected by the owners of real property, as
365 provided in Subsection 17B-1-1402(1)(b); and
- 366 (ii) the special district was created before January 1, 2020.
- 367 (b) The board of a special district described in Subsection (15)(a) may conduct an

- 368 election:
- 369 (i) to fill a board member position that expires at the end of the term for that board
- 370 member's position; and
- 371 (ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired
- 372 term of a board member.
- 373 (c) An election under Subsection (15)(b) may be conducted as determined by the special
- 374 district board, subject to Subsection (15)(d).
- 375 (d) (i) The special district board shall provide to property owners eligible to vote at
- 376 the special district election:
- 377 (A) notice of the election; and
- 378 (B) a form to nominate an eligible individual to be elected as a board member.
- 379 (ii) (A) The special district board may establish a deadline for a property owner to
- 380 submit a nomination form.
- 381 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days
- 382 after the board provides the notice and nomination form under Subsection
- 383 (15)(d)(i).
- 384 (iii) (A) After the deadline for submitting nomination forms, the special district
- 385 board shall provide a ballot to all property owners eligible to vote at the special
- 386 district election.
- 387 (B) A special district board shall allow at least five days for ballots to be returned.
- 388 (iv) A special district board shall certify the results of an election under this
- 389 Subsection (15) during an open meeting of the board.

390 Section 3. Section **20A-1-305** is amended to read:

391 **20A-1-305 . Compilation and distribution of election laws.**

- 392 (1) The lieutenant governor shall:
- 393 (a) ~~[publish a sufficient number of copies of]~~ make an electronic compilation of Title
- 394 20A, Election Code, and any other provisions of law that govern elections; and
- 395 (b) ~~[transmit copies]~~ transmit an electronic copy of the compilation to each county clerk.
- 396 (2) Each county clerk shall~~[:]~~ furnish each election officer in the county with a copy of the
- 397 compilation described in Subsection (1)(a).
- 398 ~~[(a) inform the lieutenant governor of the number of copies needed; and]~~
- 399 ~~[(b) furnish each election officer in the county with one copy.]~~

400 Section 4. Section **20A-4-109** is amended to read:

401 **20A-4-109 . Ballot reconciliation -- Rulemaking authority.**

- 402 (1) In accordance with this section and rules made under Subsection (2), an election officer
403 whose office processes ballots shall:
- 404 (a) conduct ballot reconciliations every time ballots are tabulated;
- 405 (b) conduct a final ballot reconciliation when an election officer concludes processing all
406 ballots;
- 407 (c) document each ballot reconciliation;
- 408 (d) publicly release the results of each ballot reconciliation; and
- 409 (e) in conducting ballot reconciliations:
- 410 (i) ensure that the ~~[number of ballots received for processing, the number of ballots~~
411 ~~processed, and]~~ sum of the number of uncounted verified ballots and the number of
412 ballots tabulated is equal to the number of voters given credit for voting~~[, are equal]~~;
- 413 or
- 414 (ii) if the ~~[numbers]~~ sum described in Subsection (1)(e)(i) ~~[are]~~ is not equal to the
415 number of voters given credit for voting, account for and explain the differences
416 in the numbers.
- 417 (2) The director of elections within the Office of the Lieutenant Governor may make rules,
418 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
419 establishing procedures and requirements for conducting, documenting, and publishing a
420 ballot reconciliation.
- 421 Section 5. Section **20A-4-301** is amended to read:
- 422 **20A-4-301 . Board of canvassers.**
- 423 (1) (a) Each county legislative body is the board of county canvassers for:
- 424 (i) the county; and
- 425 (ii) each special district whose election is conducted by the county if:
- 426 (A) the election relates to the creation of the special district;
- 427 (B) the county legislative body serves as the governing body of the special
428 district; or
- 429 (C) there is no duly constituted governing body of the special district.
- 430 (b) The board of county canvassers shall meet to canvass the returns at the usual place of
431 meeting of the county legislative body, at a date and time determined by the county
432 clerk that is no sooner than seven days after the election and no later than 14 days
433 after the election.
- 434 (c) If one or more of the county legislative body fails to attend the meeting of the board
435 of county canvassers, the remaining members shall replace the absent member by

- 436 appointing in the order named:
- 437 (i) the county treasurer;
- 438 (ii) the county assessor; or
- 439 (iii) the county sheriff.
- 440 (d) Attendance of the number of persons equal to a simple majority of the county
- 441 legislative body, but not less than three persons, shall constitute a quorum for
- 442 conducting the canvass.
- 443 (e) The county clerk is the clerk of the board of county canvassers.
- 444 (2) (a) The mayor and the municipal legislative body are the board of municipal
- 445 canvassers for the municipality.
- 446 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
- 447 place of meeting of the municipal legislative body:
- 448 (i) for canvassing of returns from a municipal general election, no sooner than seven
- 449 days after the election and no later than 14 days after the election; or
- 450 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
- 451 days after the election and no later than 14 days after the election.
- 452 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
- 453 quorum for conducting the canvass.
- 454 (3) (a) The legislative body of the entity authorizing a bond election is the board of
- 455 canvassers for each bond election.
- 456 (b) The board of canvassers for the bond election shall comply with the canvassing
- 457 procedures and requirements of Section 11-14-207.
- 458 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
- 459 bond election shall constitute a quorum for conducting the canvass.
- 460 (4) (a) If a board of trustees or an administrative control board is the governing body of
- 461 a special district, the board of trustees or the administrative control board is the board
- 462 of special district canvassers for the special district.
- 463 (b) The board of special district canvassers shall meet to canvass the returns at the usual
- 464 place of meeting for the board of trustees or the administrative control board, as
- 465 applicable, at a date and time determined by the special district clerk that is no sooner
- 466 than seven days after the day of the election and no later than 14 days after the day of
- 467 the election.
- 468 (c) Attendance of a simple majority of the board of trustees or the administrative control
- 469 board is a quorum for conducting the canvass.

470 Section 6. Section **20A-6-401** is amended to read:

471 **20A-6-401 . Ballots for municipal primary elections.**

472 (1) Each election officer shall ensure that:

473 (a) the following endorsements are printed in 18 point bold type:

474 (i) "Official Primary Ballot for ____ (City, Town, or Metro Township), Utah";

475 (ii) the date of the election; and

476 (iii) a facsimile of the signature of the election officer and the election officer's title in
477 eight point type;

478 (b) immediately below the election officer's title, two one-point parallel horizontal rules
479 separate endorsements from the rest of the ballot;

480 (c) immediately below the horizontal rules, an "Instructions to Voters" section is printed
481 in 10 point bold type that states: "To vote for a candidate, mark the space [~~following~~
482 adjacent to the name(s) of the person(s) you favor as the candidate(s) for each
483 respective office." followed by two one-point parallel rules;

484 (d) after the rules, the designation of the office for which the candidates seek nomination
485 is printed and the words, "Vote for one" or "Vote for up to ____ (the number of
486 candidates for which the voter may vote)" are printed in 10-point bold type, followed
487 by a hair-line rule;

488 (e) after the hair-line rule, the names of the candidates are printed in heavy face type
489 between lines or rules three-eighths inch apart, in the order specified under Section
490 20A-6-305 with surnames last and grouped according to the office that they seek;

491 (f) a square with sides not less than one-fourth inch long is printed immediately adjacent
492 to the names of the candidates; and

493 (g) the candidate groups are separated from each other by one light and one heavy line
494 or rule.

495 (2) A municipal primary ballot may not contain any space for write-in votes.

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

497 **20A-7-101 . Definitions.**

498 As used in this chapter:

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

502 (2) "Budget officer" means:

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

- 504 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4);
505 (c) for a town, the town council; or
506 (d) for a metro township, the person described in Subsection (2)(a) for the county in
507 which the metro township is located.
- 508 (3) "Certified" means that the county clerk has acknowledged a signature as being the
509 signature of a registered voter.
- 510 (4) "Circulation" means the process of submitting an initiative petition or a referendum
511 petition to legal voters for their signature.
- 512 (5) "Electronic initiative process" means:
513 (a) as it relates to a statewide initiative, the process, described in Sections 20A-7-215
514 and 20A-21-201, for gathering signatures; or
515 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and
516 20A-21-201, for gathering signatures.
- 517 (6) "Electronic referendum process" means:
518 (a) as it relates to a statewide referendum, the process, described in Sections 20A-7-313
519 and 20A-21-201, for gathering signatures; or
520 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and
521 20A-21-201, for gathering signatures.
- 522 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or
523 town that is holding an election on a ballot proposition.
- 524 (8) "Final fiscal impact statement" means a financial statement prepared after voters
525 approve an initiative that contains the information required by Subsection 20A-7-202.5
526 (2) or 20A-7-502.5(2).
- 527 (9) "Initial fiscal impact statement" means
528 a financial statement prepared under Section 20A-7-202.5 after the filing of a statewide
529 initiative application.
- 530 (10) "Initial fiscal impact and legal statement" means a financial and legal statement
531 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local
532 referendum.
- 533 (11) "Initiative" means a new law proposed for adoption by the public as provided in this
534 chapter.
- 535 (12) "Initiative application" means:
536 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that
537 includes all the information, statements, documents, and notarized signatures

- 538 required under Subsection 20A-7-202(2); or
- 539 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that
- 540 includes all the information, statements, documents, and notarized signatures
- 541 required under Subsection 20A-7-502(2).
- 542 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law,
- 543 and the signature sheets, all of which have been bound together as a unit.
- 544 (14) "Initiative petition":
- 545 (a) as it relates to a statewide initiative, using the manual initiative process:
- 546 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for
- 547 submission of the initiative to the Legislature or the legal voters; and
- 548 (ii) if the initiative proposes a tax increase, includes the statement described in
- 549 Subsection 20A-7-203(2)(b);
- 550 (b) as it relates to a statewide initiative, using the electronic initiative process:
- 551 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for
- 552 submission of the initiative to the Legislature or the legal voters; and
- 553 (ii) if the initiative proposes a tax increase, includes the statement described in
- 554 Subsection 20A-7-215(5)(b);
- 555 (c) as it relates to a local initiative, using the manual initiative process:
- 556 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for
- 557 submission of the initiative to the legislative body or the legal voters; and
- 558 (ii) if the initiative proposes a tax increase, includes the statement described in
- 559 Subsection 20A-7-503(2)(b); or
- 560 (d) as it relates to a local initiative, using the electronic initiative process:
- 561 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for
- 562 submission of the initiative to the legislative body or the legal voters; and
- 563 (ii) if the initiative proposes a tax increase, includes the statement described in
- 564 Subsection 20A-7-514(4)(a).
- 565 (15) (a) "Land use law" means a law of general applicability, enacted based on the
- 566 weighing of broad, competing policy considerations, that relates to the use of land,
- 567 including land use regulation, a general plan, a land use development code, an
- 568 annexation ordinance, the rezoning of a single property or multiple properties, or a
- 569 comprehensive zoning ordinance or resolution.
- 570 (b) "Land use law" does not include a land use decision, as defined in Section 10-9a-103
- 571 or 17-27a-103.

- 572 (16) "Legal signatures" means the number of signatures of legal voters that:
573 (a) meet the numerical requirements of this chapter; and
574 (b) have been obtained, certified, and verified as provided in this chapter.
- 575 (17) "Legal voter" means an individual who is registered to vote in Utah.
- 576 (18) "Legally referable to voters" means:
577 (a) for a proposed local initiative, that the proposed local initiative is legally referable to
578 voters under Section 20A-7-502.7; or
579 (b) for a proposed local referendum, that the proposed local referendum is legally
580 referable to voters under Section 20A-7-602.7.
- 581 (19) "Local attorney" means the county attorney, city attorney, or town attorney in whose
582 jurisdiction a local initiative or referendum petition is circulated.
- 583 (20) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction
584 a local initiative or referendum petition is circulated.
- 585 (21) (a) "Local law" includes:
586 (i) an ordinance;
587 (ii) a resolution;
588 (iii) a land use law;
589 (iv) a land use regulation, as defined in Section 10-9a-103; or
590 (v) other legislative action of a local legislative body.
- 591 (b) "Local law" does not include a land use decision, as defined in Section 10-9a-103.
- 592 (22) "Local legislative body" means the legislative body of a county, city, town, or metro
593 township.
- 594 (23) "Local obligation law" means a local law passed by the local legislative body
595 regarding a bond that was approved by a majority of qualified voters in an election.
- 596 (24) "Local tax law" means a law, passed by a political subdivision with an annual or
597 biannual calendar fiscal year, that increases a tax or imposes a new tax.
- 598 (25) "Manual initiative process" means the process for gathering signatures for an initiative
599 using paper signature packets that a signer physically signs.
- 600 (26) "Manual referendum process" means the process for gathering signatures for a
601 referendum using paper signature packets that a signer physically signs.
- 602 (27) "Measure" means a proposed constitutional amendment, an initiative, or referendum.
- 603 (28) "Presiding officers" means the president of the Senate and the speaker of the House of
604 Representatives.
- 605 [~~28~~] (29) "Referendum" means a process by which a law passed by the Legislature or by a

606 local legislative body is submitted or referred to the voters for their approval or rejection.

607 [~~(29)~~] (30) "Referendum application" means:

- 608 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2) that
609 includes all the information, statements, documents, and notarized signatures
610 required under Subsection 20A-7-302(2); or
611 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that
612 includes all the information, statements, documents, and notarized signatures
613 required under Subsection 20A-7-602(2).

614 [~~(30)~~] (31) "Referendum packet" means a copy of the referendum petition, a copy of the law
615 being submitted or referred to the voters for their approval or rejection, and the signature
616 sheets, all of which have been bound together as a unit.

617 [~~(31)~~] (32) "Referendum petition" means:

- 618 (a) as it relates to a statewide referendum, using the manual referendum process, the
619 form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law
620 passed by the Legislature to legal voters for their approval or rejection;
621 (b) as it relates to a statewide referendum, using the electronic referendum process, the
622 form described in Subsection 20A-7-313(2), petitioning for submission of a law
623 passed by the Legislature to legal voters for their approval or rejection;
624 (c) as it relates to a local referendum, using the manual referendum process, the form
625 described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law to
626 legal voters for their approval or rejection; or
627 (d) as it relates to a local referendum, using the electronic referendum process, the form
628 described in Subsection 20A-7-614(2), petitioning for submission of a local law to
629 legal voters for their approval or rejection.

630 [~~(32)~~] (33) "Signature":

- 631 (a) for a statewide initiative:
632 (i) as it relates to the electronic initiative process, means an electronic signature
633 collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or
634 (ii) as it relates to the manual initiative process:
635 (A) means a holographic signature collected physically on a signature sheet
636 described in Section 20A-7-203; and
637 (B) does not include an electronic signature;
638 (b) for a statewide referendum:
639 (i) as it relates to the electronic referendum process, means an electronic signature

- 640 collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or
- 641 (ii) as it relates to the manual referendum process:
- 642 (A) means a holographic signature collected physically on a signature sheet
- 643 described in Section 20A-7-303; and
- 644 (B) does not include an electronic signature;
- 645 (c) for a local initiative:
- 646 (i) as it relates to the electronic initiative process, means an electronic signature
- 647 collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or
- 648 (ii) as it relates to the manual initiative process:
- 649 (A) means a holographic signature collected physically on a signature sheet
- 650 described in Section 20A-7-503; and
- 651 (B) does not include an electronic signature; or
- 652 (d) for a local referendum:
- 653 (i) as it relates to the electronic referendum process, means an electronic signature
- 654 collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or
- 655 (ii) as it relates to the manual referendum process:
- 656 (A) means a holographic signature collected physically on a signature sheet
- 657 described in Section 20A-7-603; and
- 658 (B) does not include an electronic signature.
- 659 ~~[(33)]~~ (34) "Signature sheets" means sheets in the form required by this chapter that are used
- 660 under the manual initiative process or the manual referendum process to collect
- 661 signatures in support of an initiative or referendum.
- 662 ~~[(34)]~~ (35) "Special local ballot proposition" means a local ballot proposition that is not a
- 663 standard local ballot proposition.
- 664 ~~[(35)]~~ (36) "Sponsors" means the legal voters who support the initiative or referendum and
- 665 who sign the initiative application or referendum application.
- 666 ~~[(36)]~~ (37) (a) "Standard local ballot proposition" means a local ballot proposition for an
- 667 initiative or a referendum.
- 668 (b) "Standard local ballot proposition" does not include a property tax referendum
- 669 described in Section 20A-7-613.
- 670 ~~[(37)]~~ (38) "Tax percentage difference" means the difference between the tax rate proposed
- 671 by an initiative or an initiative petition and the current tax rate.
- 672 ~~[(38)]~~ (39) "Tax percentage increase" means a number calculated by dividing the tax
- 673 percentage difference by the current tax rate and rounding the result to the nearest

674 thousandth.

675 [(39)] (40) "Verified" means acknowledged by the person circulating the petition as required
676 in Section 20A-7-105.

677 Section 8. Section **20A-7-103** is amended to read:

678 **20A-7-103 . Constitutional amendments and other questions submitted by the**
679 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular**
680 **vote.**

- 681 (1) The procedures contained in this section govern when the Legislature submits a
682 proposed constitutional amendment or other question to the voters.
- 683 (2) The lieutenant governor shall, not more than 60 days or less than 14 days before the
684 date of the election, publish the full text of the amendment, question, or statute for the
685 state, as a class A notice under Section 63G-30-102, through the date of the election.
- 686 (3) The [~~legislative general counsel~~] presiding officers shall:
- 687 (a) entitle each proposed constitutional amendment "Constitutional Amendment ___" and
688 assign [~~it a letter according to~~] a letter to the constitutional amendment in accordance
689 with the requirements of Section 20A-6-107;
- 690 (b) entitle each proposed question "Proposition Number ___" with the number assigned to
691 the proposition under Section 20A-6-107 placed in the blank;
- 692 (c) draft and designate a ballot title for each proposed amendment or question submitted
693 by the Legislature that:
- 694 (i) summarizes the subject matter of the amendment or question; and
695 (ii) for a proposed constitutional amendment, summarizes any legislation that is
696 enacted and will become effective upon the voters' adoption of the proposed
697 constitutional amendment; and
- 698 (d) deliver each letter or number and ballot title to the lieutenant governor.
- 699 (4) The lieutenant governor shall certify the letter or number and ballot title of each
700 amendment or question to the county clerk of each county no later than 65 days before
701 the date of the election.
- 702 (5) The county clerk of each county shall:
- 703 (a) ensure that the letter or number and the ballot title of each amendment and question
704 prepared in accordance with this section are included in the sample ballots and
705 official ballots; and
- 706 (b) publish the sample ballots and official ballots as provided by law.
- 707 Section 9. Section **20A-7-105** is amended to read:

708 **20A-7-105 . Manual petition processes -- Obtaining signatures -- Verification --**
 709 **Submitting the petition -- Certification of signatures -- Transfer to lieutenant**
 710 **governor -- Removal of signature.**

- 711 (1) This section applies only to the manual initiative process and the manual referendum
 712 process.
- 713 (2) As used in this section:
- 714 (a) "Local petition" means:
- 715 (i) a manual local initiative petition described in Part 5, Local Initiatives -
 716 Procedures; or
- 717 (ii) a manual local referendum petition described in Part 6, Local Referenda -
 718 Procedures.
- 719 (b) "Packet" means an initiative packet or referendum packet.
- 720 (c) "Petition" means a local petition or statewide petition.
- 721 (d) "Statewide petition" means:
- 722 (i) a manual statewide initiative petition described in Part 2, Statewide Initiatives; or
 723 (ii) a manual statewide referendum petition described in Part 3, Statewide Referenda.
- 724 (3) (a) A Utah voter may sign a statewide petition if the voter is a legal voter.
- 725 (b) A Utah voter may sign a local petition if the voter:
- 726 (i) is a legal voter; and
 727 (ii) resides in the local jurisdiction.
- 728 (4) (a) The sponsors shall ensure that the individual in whose presence each signature
 729 sheet was signed:
- 730 (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;
 731 (ii) verifies each signature sheet by completing the verification printed on the last
 732 page of each packet; and
 733 (iii) is informed that each signer is required to read and understand:
- 734 (A) for an initiative petition, the law proposed by the initiative; or
 735 (B) for a referendum petition, the law that the referendum seeks to overturn.
- 736 (b) An individual may not sign the verification printed on the last page of a packet if the
 737 individual signed a signature sheet in the packet.
- 738 (5) (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified
 739 packet to the county clerk of the county in which the packet was circulated before 5
 740 p.m. no later than the earlier of:
- 741 (i) for a statewide initiative:

- 742 (A) 30 days after the day on which the first individual signs the initiative packet;
743 (B) 316 days after the day on which the application for the initiative petition is
744 filed; or
745 (C) the February 15 immediately before the next regular general election
746 immediately after the application is filed under Section 20A-7-202;
- 747 (ii) for a statewide referendum:
748 (A) 30 days after the day on which the first individual signs the referendum
749 packet; or
750 (B) 40 days after the day on which the legislative session at which the law passed
751 ends;
- 752 (iii) for a local initiative:
753 (A) 30 days after the day on which the first individual signs the initiative packet;
754 (B) 316 days after the day on which the application is filed;
755 (C) the April 15 immediately before the next regular general election immediately
756 after the application is filed under Section 20A-7-502, if the local initiative is a
757 county initiative; or
758 (D) the April 15 immediately before the next municipal general election
759 immediately after the application is filed under Section 20A-7-502, if the local
760 initiative is a municipal initiative; or
- 761 (iv) for a local referendum:
762 (A) 30 days after the day on which the first individual signs the referendum
763 packet; or
764 (B) 45 days after the day on which the sponsors receive the items described in
765 Subsection 20A-7-604(3) from the local clerk.
- 766 (b) A person may not submit a packet after the applicable deadline described in
767 Subsection (5)(a).
- 768 (c) Before delivering an initiative packet to the county clerk under this Subsection (5),
769 the sponsors shall send an email to each individual who provides a legible, valid
770 email address on the signature sheet that includes the following:
771 (i) the subject of the email shall include the following statement, "Notice Regarding
772 Your Petition Signature"; and
773 (ii) the body of the email shall include the following statement in 12-point type:
774 "You signed a petition for the following initiative:
775 [insert title of initiative]

776 To access a copy of the initiative petition, the initiative, the fiscal impact statement, and
 777 information on the deadline for removing your signature from the petition, please visit the
 778 following link: [insert a uniform resource locator that takes the individual directly to the page
 779 on the lieutenant governor's or county clerk's website that includes the information referred to
 780 in the email]."

781 (d) ~~[When the sponsors submit the last initiative packet to the county clerk, the sponsors~~
 782 ~~shall submit to the county clerk:]~~ For a statewide initiative, the sponsors shall, no later
 783 than 5 p.m. on the day on which the sponsors submit the last initiative packet to the
 784 county clerk, submit to the lieutenant governor:

785 (i) a list containing:

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

788 (B) the date the email was sent;

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

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

791 "Verification of initiative sponsor State of Utah, County of _____ I, _____, of
 792 _____, hereby state, under penalty of perjury, that:

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

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

797 _____

798 (Name) (Residence Address) (Date)".

799 (e) For a local initiative, the sponsors shall, no later than 5 p.m. on the day on which the
 800 sponsors submit the last initiative packet to the local clerk, submit to the local clerk
 801 the items described in Subsection (5)(d).

802 ~~[(e)]~~ (f) Signatures gathered for an initiative petition are not valid if the sponsors do not
 803 comply with Subsection (5)(c) ~~[(e)]~~, (d), or (e).

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

806 (i) use the procedures described in Section 20A-1-1002 to determine whether each
 807 signer is a legal voter and, as applicable, the jurisdiction where the signer is
 808 registered to vote;

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

- 810 (A) certify on the petition whether each name is that of a legal voter;
- 811 (B) post the name, voter identification number, and date of signature of each legal
- 812 voter certified under Subsection (6)(a)(ii)(A) on the lieutenant governor's
- 813 website, in a conspicuous location designated by the lieutenant governor; and
- 814 (C) deliver the verified packet to the lieutenant governor;
- 815 (iii) for a local initiative or a local referendum:
- 816 (A) certify on the petition whether each name is that of a legal voter who is
- 817 registered in the jurisdiction to which the initiative or referendum relates;
- 818 (B) post the name, voter identification number, and date of signature of each legal
- 819 voter certified under Subsection (6)(a)(iii)(A) on the lieutenant governor's
- 820 website, in a conspicuous location designated by the lieutenant governor; and
- 821 (C) deliver the verified packet to the local clerk.
- 822 (b) For a local initiative or local referendum, the local clerk shall post a link in a
- 823 conspicuous location on the local government's website to the posting described in
- 824 Subsection (6)(a)(iii)(B):
- 825 (i) for a local initiative, during the period of time described in Subsection 20A-7-507
- 826 (3)(a); or
- 827 (ii) for a local referendum, during the period of time described in Subsection
- 828 20A-7-607(2)(a)(i).
- 829 (7) The county clerk may not certify a signature under Subsection (6):
- 830 (a) on a packet that is not verified in accordance with Subsection (4); or
- 831 (b) that does not have a date of signature next to the signature.
- 832 (8) (a) A voter who signs a statewide initiative petition may have the voter's signature
- 833 removed from the petition by submitting to the county clerk a statement requesting
- 834 that the voter's signature be removed no later than the earlier of:
- 835 (i) for an initiative packet received by the county clerk before December 1:
- 836 (A) 30 days after the day on which the voter signs the signature removal
- 837 statement; or
- 838 (B) 90 days after the day on which the lieutenant governor posts the voter's name
- 839 under Subsection 20A-7-207(2); or
- 840 (ii) for an initiative packet received by the county clerk on or after December 1:
- 841 (A) 30 days after the day on which the voter signs the signature removal
- 842 statement; or
- 843 (B) 45 days after the day on which the lieutenant governor posts the voter's name

- 844 under Subsection 20A-7-207(2).
- 845 (b) A voter who signs a statewide referendum petition may have the voter's signature
846 removed from the petition by submitting to the county clerk a statement requesting
847 that the voter's signature be removed no later than the earlier of:
- 848 (i) 30 days after the day on which the voter signs the statement requesting removal; or
849 (ii) 45 days after the day on which the lieutenant governor posts the voter's name
850 under Subsection 20A-7-307(2).
- 851 (c) A voter who signs a local initiative petition may have the voter's signature removed
852 from the petition by submitting to the county clerk a statement requesting that the
853 voter's signature be removed no later than the earlier of:
- 854 (i) 30 days after the day on which the voter signs the signature removal statement;
855 (ii) 90 days after the day on which the local clerk posts the voter's name under
856 Subsection 20A-7-507(2);
857 (iii) 316 days after the day on which the application is filed; or
858 (iv) (A) for a county initiative, April 15 immediately before the next regular
859 general election immediately after the application is filed under Section
860 20A-7-502; or
861 (B) for a municipal initiative, April 15 immediately before the next municipal
862 general election immediately after the application is filed under Section
863 20A-7-502.
- 864 (d) A voter who signs a local referendum petition may have the voter's signature
865 removed from the petition by submitting to the county clerk a statement requesting
866 that the voter's signature be removed no later than the earlier of:
- 867 (i) 30 days after the day on which the voter signs the statement requesting removal; or
868 (ii) 45 days after the day on which the local clerk posts the voter's name under
869 Subsection 20A-7-607(2)(a).
- 870 (e) A statement described in this Subsection (8) shall comply with the requirements
871 described in Subsection 20A-1-1003(2).
- 872 (f) In order for the signature to be removed, the county clerk must receive the statement
873 described in this Subsection (8) before 5 p.m. no later than the applicable deadline
874 described in this Subsection (8).
- 875 (g) A county clerk shall analyze a signature, for purposes of removing a signature from a
876 petition, in accordance with Subsection 20A-1-1003(3).
- 877 (9) (a) If the county clerk timely receives a statement requesting signature removal under

878 Subsection (8) and determines that the signature should be removed from the petition
879 under Subsection 20A-1-1003(3), the county clerk shall:

880 (i) ensure that the voter's name, voter identification number, and date of signature are
881 not included in the posting described in Subsection (6)(a)(ii)(B) or (iii)(B); and

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

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

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

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

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

890 Section 10. Section **20A-7-702** is amended to read:

891 **20A-7-702 . Voter information pamphlet -- Form -- Contents.**

892 The voter information pamphlet shall contain the following items in this order:

893 (1) a cover title page;

894 (2) an introduction to the pamphlet by the lieutenant governor;

895 (3) a table of contents;

896 (4) a list of all candidates for constitutional offices;

897 (5) a list of candidates for each legislative district;

898 (6) a 100-word statement of qualifications for each candidate for the office of governor,
899 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
900 candidate to the lieutenant governor's office before 5 p.m. on the first business day in
901 August before the date of the election;

902 (7) information pertaining to all measures to be submitted to the voters, beginning a new
903 page for each measure and containing, in the following order for each measure:

904 (a) a copy of the number and ballot title of the measure;

905 (b) the final vote cast by the Legislature on the measure if it is a measure submitted by
906 the Legislature or by referendum;

907 (c) (i) for a measure other than a measure described in Section 20A-7-103, the
908 impartial analysis of the measure prepared by the Office of Legislative Research
909 and General Counsel; or

910 (ii) for a measure described in Section 20A-7-103, the analysis of the measure
911 prepared by the presiding officers;

- 912 (d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
913 measure, the arguments against the measure, and the rebuttal to the arguments against
914 the measure, with the name and title of the authors at the end of each argument or
915 rebuttal;
- 916 (e) for each constitutional amendment, a complete copy of the text of the constitutional
917 amendment, with all new language underlined, and all deleted language placed within
918 brackets;
- 919 (f) for each initiative qualified for the ballot:
- 920 (i) a copy of the initiative as certified by the lieutenant governor and a copy of the
921 initial fiscal impact statement prepared according to Section 20A-7-202.5; and
922 (ii) if the initiative proposes a tax increase, the following statement in bold type:
- 923 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
924 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
925 increase in the current tax rate."; and
- 926 (g) for each referendum qualified for the ballot, a complete copy of the text of the law
927 being submitted to the voters for their approval or rejection, with all new language
928 underlined and all deleted language placed within brackets, as applicable;
- 929 (8) a description provided by the Judicial Performance Evaluation Commission of the
930 selection and retention process for judges, including, in the following order:
- 931 (a) a description of the judicial selection process;
- 932 (b) a description of the judicial performance evaluation process;
- 933 (c) a description of the judicial retention election process;
- 934 (d) a list of the criteria of the judicial performance evaluation and the certification
935 standards;
- 936 (e) the names of the judges standing for retention election; and
- 937 (f) for each judge:
- 938 (i) a list of the counties in which the judge is subject to retention election;
- 939 (ii) a short biography of professional qualifications and a recent photograph;
- 940 (iii) a narrative concerning the judge's performance;
- 941 (iv) for each certification standard under Section 78A-12-205, a statement identifying
942 whether, under Section 78A-12-205, the judge met the standard and, if not, the
943 manner in which the judge failed to meet the standard;
- 944 (v) a statement that the Judicial Performance Evaluation Commission:
- 945 (A) has determined that the judge meets or exceeds minimum performance

- 946 standards;
- 947 (B) has determined that the judge does not meet or exceed minimum performance
948 standards; or
- 949 (C) has not made a determination regarding whether the judge meets or exceeds
950 minimum performance standards;
- 951 (vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge
952 whom the Judicial Performance Evaluation Commission determines does not meet
953 or exceed minimum performance standards;
- 954 (vii) in a bar graph, the average of responses to each survey category, displayed with
955 an identification of the minimum acceptable score as set by Section 78A-12-205
956 and the average score of all judges of the same court level; and
- 957 (viii) a website address that contains the Judicial Performance Evaluation
958 Commission's report on the judge's performance evaluation;
- 959 (9) for each judge, a statement provided by the Utah Supreme Court identifying the
960 cumulative number of informal reprimands, when consented to by the judge in
961 accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal
962 reprimands, and all orders of censure and suspension issued by the Utah Supreme Court
963 under Utah Constitution, Article VIII, Section 13, during the judge's current term and the
964 immediately preceding term, and a detailed summary of the supporting reasons for each
965 violation of the Code of Judicial Conduct that the judge has received;
- 966 (10) an explanation of ballot marking procedures prepared by the lieutenant governor,
967 indicating the ballot marking procedure used by each county and explaining how to
968 mark the ballot for each procedure;
- 969 (11) voter registration information, including information on how to obtain a ballot;
- 970 (12) a list of all county clerks' offices and phone numbers;
- 971 (13) the address of the Statewide Electronic Voter Information Website, with a statement
972 indicating that the election officer will post on the website any changes to the location of
973 a polling place and the location of any additional polling place;
- 974 (14) a phone number that a voter may call to obtain information regarding the location of a
975 polling place; and
- 976 (15) on the back cover page, a printed copy of the following statement signed by the lieutenant
977 governor:
- 978 "I, _____ (print name), Lieutenant Governor of Utah, certify that the measures
979 contained in this pamphlet will be submitted to the voters of Utah at the election to be held

980 throughout the state on ____ (date of election), and that this pamphlet is complete and correct
 981 according to law.

982 SEAL

983 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day of
 984 ____ (month), ____ (year)

985

(signed) _____

986

Lieutenant Governor".

987 Section 11. Section **20A-7-703** is amended to read:

988 **20A-7-703 . Analysis of initiative or referendum -- Determination of fiscal effects.**

- 989 (1) The director of the Office of Legislative Research and General Counsel, after the
 990 approval of the legislative general counsel as to legal sufficiency, shall:
- 991 (a) prepare an impartial analysis of each measure submitted to the voters [~~by the~~
 992 ~~Legislature or~~]by initiative or referendum petition; and
- 993 (b) submit the impartial analysis to the lieutenant governor no later than the day that
 994 falls 90 days before the date of the election in which the measure will appear on the
 995 ballot.
- 996 (2) The director shall ensure that the impartial analysis:
- 997 (a) is not more than 1,000 words long;
- 998 (b) is prepared in clear and concise language that will easily be understood by the
 999 average voter;
- 1000 (c) avoids the use of technical terms as much as possible;
- 1001 (d) shows the effect of the measure on existing law;
- 1002 (e) identifies any potential conflicts with the United States or Utah Constitutions raised
 1003 by the measure;
- 1004 (f) fairly describes the operation of the measure;
- 1005 (g) identifies the measure's fiscal effects over the time period or time periods determined
 1006 by the director to be most useful in understanding the estimated fiscal impact of the
 1007 proposed law; and
- 1008 (h) identifies the amount of any increase or decrease in revenue or cost to state or local
 1009 government.
- 1010 [~~(3) The director shall analyze the measure as it is proposed to be adopted without~~
 1011 ~~considering any implementing legislation, unless the implementing legislation has been~~

1012 ~~enacted and will become effective upon the adoption of the measure by the voters.]~~
1013 [(4)] (3) (a) In determining the fiscal effects of a measure, the director shall confer with
1014 the legislative fiscal analyst.
1015 (b) The director shall consider any measure that requires implementing legislation in
1016 order to take effect to have no financial effect, unless implementing legislation has
1017 been enacted that will become effective upon adoption of the measure by the voters.
1018 [(5)] (4) If the director requests the assistance of any state department, agency, or official in
1019 preparing the director's analysis, that department, agency, or official shall assist the
1020 director.

1021 Section 12. Section **20A-7-703.1** is enacted to read:

1022 **20A-7-703.1 . Analysis of measure submitted to voters by Legislature --**

1023 **Determination of fiscal effects.**

1024 (1) The presiding officers shall:

1025 (a) prepare an analysis of each measure, described in Section 20A-7-103, that is
1026 submitted to the voters by the Legislature; and
1027 (b) submit the analysis to the lieutenant governor no later than the day that falls 90 days
1028 before the date of the election in which the measure will appear on the ballot.

1029 (2) The presiding officers shall ensure that the analysis:

1030 (a) is not more than 1,000 words long;
1031 (b) is prepared in clear and concise language that will easily be understood by the
1032 average voter;
1033 (c) to the extent possible, avoids the use of technical terms;
1034 (d) shows the effect of the measure on existing law;
1035 (e) describes the measure;
1036 (f) identifies the measure's fiscal effects over the time period or time periods determined
1037 by the presiding officers to be most useful in understanding the estimated fiscal
1038 impact of the measure; and
1039 (g) identifies the amount of any increase or decrease in revenue or cost to state or local
1040 government.

1041 (3) The presiding officers shall analyze the measure as the measure is proposed to be
1042 adopted, without considering any implementing legislation, unless the implementing
1043 legislation has been enacted and will become effective upon the adoption of the measure
1044 by the voters.

1045 (4) (a) In determining the fiscal effects of a measure, the presiding officers shall confer

1046 with the legislative fiscal analyst.

1047 (b) The presiding officers shall consider any measure that requires implementing
 1048 legislation in order to take effect to have no financial effect, unless implementing
 1049 legislation has been enacted that will become effective upon adoption of the measure
 1050 by the voters.

1051 (5) If the presiding officers request the assistance of any state department, agency, or
 1052 official in preparing the analysis described in this section, that department, agency, or
 1053 official shall assist the presiding officers.

1054 Section 13. Section **20A-9-201** is amended to read:

1055 **20A-9-201 . Declarations of candidacy -- Candidacy for more than one office or**
 1056 **of more than one political party prohibited with exceptions -- General filing and**
 1057 **form requirements -- Affidavit of impecuniosity.**

1058 (1) Before filing a declaration of candidacy for election to any office, an individual shall:

1059 (a) be a United States citizen;

1060 (b) meet the legal requirements of that office; and

1061 (c) if seeking a registered political party's nomination as a candidate for elective office,
 1062 state:

1063 (i) the registered political party of which the individual is a member; or

1064 (ii) that the individual is not a member of a registered political party.

1065 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

1066 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
 1067 Utah during any election year;

1068 (ii) appear on the ballot as the candidate of more than one political party; or

1069 (iii) file a declaration of candidacy for a registered political party of which the
 1070 individual is not a member, except to the extent that the registered political party
 1071 permits otherwise in the registered political party's bylaws.

1072 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
 1073 president or vice president of the United States and another office, if the
 1074 individual resigns the individual's candidacy for the other office after the
 1075 individual is officially nominated for president or vice president of the United
 1076 States.

1077 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
 1078 than one justice court judge office.

1079 (iii) An individual may file a declaration of candidacy for lieutenant governor even if

1080 the individual filed a declaration of candidacy for another office in the same
1081 election year if the individual withdraws as a candidate for the other office in
1082 accordance with Subsection 20A-9-202(6) before filing the declaration of
1083 candidacy for lieutenant governor.

1084 (3) (a) Except for a candidate for president or vice president of the United States, before
1085 the filing officer may accept any declaration of candidacy, the filing officer shall:

1086 (i) read to the individual the constitutional and statutory qualification requirements
1087 for the office that the individual is seeking;

1088 (ii) require the individual to state whether the individual meets the requirements
1089 described in Subsection (3)(a)(i);

1090 (iii) if the declaration of candidacy is for a county office, inform the individual that
1091 an individual who holds a county elected office may not, at the same time, hold a
1092 municipal elected office; and

1093 (iv) if the declaration of candidacy is for a legislative office, inform the individual
1094 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a
1095 public office of profit or trust, under authority of the United States or Utah, from
1096 being a member of the Legislature.

1097 (b) Before accepting a declaration of candidacy for the office of county attorney, the
1098 county clerk shall ensure that the individual filing that declaration of candidacy is:

1099 (i) a United States citizen;

1100 (ii) an attorney licensed to practice law in the state who is an active member in good
1101 standing of the Utah State Bar;

1102 (iii) a registered voter in the county in which the individual is seeking office; and

1103 (iv) a current resident of the county in which the individual is seeking office and
1104 either has been a resident of that county for at least one year before the date of the
1105 election or was appointed and is currently serving as county attorney and became
1106 a resident of the county within 30 days after appointment to the office.

1107 (c) Before accepting a declaration of candidacy for the office of district attorney, the
1108 county clerk shall ensure that, as of the date of the election, the individual filing that
1109 declaration of candidacy is:

1110 (i) a United States citizen;

1111 (ii) an attorney licensed to practice law in the state who is an active member in good
1112 standing of the Utah State Bar;

1113 (iii) a registered voter in the prosecution district in which the individual is seeking

- 1114 office; and
- 1115 (iv) a current resident of the prosecution district in which the individual is seeking
1116 office and either will have been a resident of that prosecution district for at least
1117 one year before the date of the election or was appointed and is currently serving
1118 as district attorney and became a resident of the prosecution district within 30
1119 days after receiving appointment to the office.
- 1120 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
1121 county clerk shall ensure that the individual filing the declaration:
- 1122 (i) is a United States citizen;
- 1123 (ii) is a registered voter in the county in which the individual seeks office;
- 1124 (iii) (A) has successfully met the standards and training requirements established
1125 for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
1126 Training and Certification Act; or
1127 (B) has met the waiver requirements in Section 53-6-206;
- 1128 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
1129 53-13-103; and
- 1130 (v) before the date of the election, will have been a resident of the county in which
1131 the individual seeks office for at least one year.
- 1132 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
1133 governor, state auditor, state treasurer, attorney general, state legislator, or State
1134 Board of Education member, the filing officer shall ensure that the individual filing
1135 the declaration of candidacy also makes the conflict of interest disclosure described
1136 in Section 20A-11-1603.
- 1137 (4) If an individual who files a declaration of candidacy does not meet the qualification
1138 requirements for the office the individual is seeking, the filing officer may not accept the
1139 individual's declaration of candidacy.
- 1140 (5) If an individual who files a declaration of candidacy meets the requirements described
1141 in Subsection (3), the filing officer shall:
- 1142 (a) inform the individual that:
- 1143 (i) the individual's name will appear on the ballot as the individual's name is written
1144 on the individual's declaration of candidacy;
- 1145 (ii) the individual may be required to comply with state or local campaign finance
1146 disclosure laws; and
- 1147 (iii) the individual is required to file a financial statement before the individual's

- 1148 political convention under:
- 1149 (A) Section 20A-11-204 for a candidate for constitutional office;
- 1150 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 1151 (C) local campaign finance disclosure laws, if applicable;
- 1152 (b) except for a presidential candidate, provide the individual with a copy of the current
- 1153 campaign financial disclosure laws for the office the individual is seeking and inform
- 1154 the individual that failure to comply will result in disqualification as a candidate and
- 1155 removal of the individual's name from the ballot;
- 1156 (c) (i) provide the individual with a copy of Section 20A-7-801 regarding the
- 1157 Statewide Electronic Voter Information Website Program and inform the
- 1158 individual of the submission deadline under Subsection 20A-7-801(4)(a);
- 1159 (ii) inform the individual that the individual must provide the filing officer with an
- 1160 email address that the individual actively monitors:
- 1161 (A) to receive a communication from a filing officer or an election officer; and
- 1162 (B) if the individual wishes to display a candidate profile on the Statewide
- 1163 Electronic Voter Information Website, to submit to the website the
- 1164 biographical and other information described in Subsection 20A-7-801
- 1165 (4)(a)(ii);
- 1166 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is
- 1167 not a record under Title 63G, Chapter 2, Government Records Access and
- 1168 Management Act; and
- 1169 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
- 1170 (d) provide the candidate with a copy of the pledge of fair campaign practices described
- 1171 under Section 20A-9-206 and inform the candidate that:
- 1172 (i) signing the pledge is voluntary; and
- 1173 (ii) signed pledges shall be filed with the filing officer;
- 1174 (e) accept the individual's declaration of candidacy; and
- 1175 (f) if the individual has filed for a partisan office, provide a certified copy of the
- 1176 declaration of candidacy to the chair of the county or state political party of which the
- 1177 individual is a member.
- 1178 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
- 1179 shall:
- 1180 (a) accept the candidate's pledge; and
- 1181 (b) if the candidate has filed for a partisan office, provide a certified copy of the

1182 candidate's pledge to the chair of the county or state political party of which the
1183 candidate is a member.

1184 (7) (a) Except for a candidate for president or vice president of the United States, the
1185 form of the declaration of candidacy shall:

1186 (i) be substantially as follows:

1187 "State of Utah, County of _____

1188 I, _____, declare my candidacy for the office of _____, seeking the nomination of
1190 the _____ party. I do solemnly swear, under penalty of perjury, that: I will meet the
1191 qualifications to hold the office, both legally and constitutionally, if selected; I reside at
1192 _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
1193 knowingly violate any law governing campaigns and elections; if filing via a designated agent,
1194 I will be out of the state of Utah during the entire candidate filing period; I will file all
1195 campaign financial disclosure reports as required by law; and I understand that failure to do so
1196 will result in my disqualification as a candidate for this office and removal of my name from
1197 the ballot. The mailing address that I designate for receiving official election notices is
1198 _____.

1199 _____
1200 Subscribed and sworn before me this _____(month\day\year).

1201 Notary Public (or other officer qualified to administer oath)."; and

1202 (ii) require the candidate to state, in the sworn statement described in Subsection

1203 (7)(a)(i):

1204 (A) the registered political party of which the candidate is a member; or

1205 (B) that the candidate is not a member of a registered political party.

1206 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of
1207 candidacy may not sign the form described in Subsection (7)(a) or Section
1208 20A-9-408.5.

1209 (8) (a) Except for a candidate for president or vice president of the United States, the fee
1210 for filing a declaration of candidacy is:

1211 (i) \$50 for candidates for the local school district board; and

1212 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
1213 person holding the office for all other federal, state, and county offices.

1214 (b) Except for presidential candidates, the filing officer shall refund the filing fee to any
1215 candidate:

1216 (i) who is disqualified; or

1217 (ii) who the filing officer determines has filed improperly.

1218 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received

1219 from candidates.

1220 (ii) The lieutenant governor shall:

1221 (A) apportion to and pay to the county treasurers of the various counties all fees

1222 received for filing of nomination certificates or acceptances; and

1223 (B) ensure that each county receives that proportion of the total amount paid to the

1224 lieutenant governor from the congressional district that the total vote of that

1225 county for all candidates for representative in Congress bears to the total vote

1226 of all counties within the congressional district for all candidates for

1227 representative in Congress.

1228 (d) (i) A person who is unable to pay the filing fee may file a declaration of

1229 candidacy without payment of the filing fee upon a prima facie showing of

1230 impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing

1231 officer and, if requested by the filing officer, a financial statement filed at the time

1232 the affidavit is submitted.

1233 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

1234 (iii) (A) False statements made on an affidavit of impecuniosity or a financial

1235 statement filed under this section shall be subject to the criminal penalties

1236 provided under Sections 76-8-503 and 76-8-504 and any other applicable

1237 criminal provision.

1238 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be

1239 considered an offense under this title for the purposes of assessing the penalties

1240 provided in Subsection 20A-1-609(2).

1241 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially

1242 the following form:

1243 "Affidavit of Impecuniosity

1244 Individual Name _____

1245 _____ Address _____

1246 Phone Number _____

1247 I, _____ (name), do solemnly [swear] [affirm], under penalty of law

1248 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by

1249 law.

1250 Date _____ Signature _____

1251 Affiant

1252 Subscribed and sworn to before me on _____ (month\day\year)

1253 _____

1254 (signature)

1255 _____ Name and Title of Officer Authorized to Administer Oath

1256 (v) The filing officer shall provide to a person who requests an affidavit of impecuniosity a
1257 statement printed in substantially the following form, which may be included on the affidavit
1258 of impecuniosity:

1259 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
1260 candidate who is found guilty of filing a false statement, in addition to being subject to
1261 criminal penalties, will be removed from the ballot."

1262 (vi) The filing officer may request that a person who makes a claim of impecuniosity
1263 under this Subsection (8)(d) file a financial statement on a form prepared by the
1264 election official.

1265 (9) An individual who fails to file a declaration of candidacy or certificate of nomination
1266 within the time provided in this chapter is ineligible for nomination to office.

1267 (10) A declaration of candidacy filed under this section may not be amended or modified
1268 after the final date established for filing a declaration of candidacy.

1269 Section 14. Section **20A-9-203** is amended to read:

1270 **20A-9-203 . Declarations of candidacy -- Municipal general elections --**

1271 **Nomination petition -- Removal of signature.**

1272 (1) An individual may become a candidate for any municipal office if:

1273 (a) the individual is a registered voter; and

1274 (b) (i) the individual has resided within the municipality in which the individual seeks
1275 to hold elective office for the 12 consecutive months immediately before the date
1276 of the election; or

1277 (ii) the territory in which the individual resides was annexed into the municipality,
1278 the individual has resided within the annexed territory or the municipality the 12
1279 consecutive months immediately before the date of the election.

1280 (2) (a) For purposes of determining whether an individual meets the residency
1281 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than
1282 12 months before the election, the municipality is considered to have been
1283 incorporated 12 months before the date of the election.

1284 (b) In addition to the requirements of Subsection (1), each candidate for a municipal

- 1285 council position shall, if elected from a district, be a resident of the council district
1286 from which the candidate is elected.
- 1287 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
1288 individual, an individual convicted of a felony, or an individual convicted of treason
1289 or a crime against the elective franchise may not hold office in this state until the
1290 right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.
- 1291 (3) (a) An individual seeking to become a candidate for a municipal office shall,
1292 regardless of the nomination method by which the individual is seeking to become a
1293 candidate:
- 1294 (i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate
1295 Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a
1296 declaration of candidacy, in person with the city recorder or town clerk, during the
1297 office hours described in Section 10-3-301 and not later than the close of those
1298 office hours, between June 1 and June 7 of any odd-numbered year; and
- 1299 (ii) pay the filing fee, if one is required by municipal ordinance.
- 1300 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
1301 declaration of candidacy with the city recorder or town clerk if:
- 1302 (i) the individual is located outside of the state during the entire filing period;
- 1303 (ii) the designated agent appears in person before the city recorder or town clerk;
- 1304 (iii) the individual communicates with the city recorder or town clerk using an
1305 electronic device that allows the individual and city recorder or town clerk to see
1306 and hear each other; and
- 1307 (iv) the individual provides the city recorder or town clerk with an email address to
1308 which the city recorder or town clerk may send the individual the copies described
1309 in Subsection (4).
- 1310 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
- 1311 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
1312 Project, filing a nomination petition with the city recorder or town clerk during the
1313 office hours described in Section 10-3-301 and not later than the close of those
1314 office hours, between June 1 and June 7 of any odd-numbered year that includes
1315 signatures in support of the nomination petition of the lesser of at least:
- 1316 (A) 25 registered voters who reside in the municipality; or
- 1317 (B) 20% of the registered voters who reside in the municipality; and
- 1318 (ii) paying the filing fee, if one is required by municipal ordinance.

- 1319 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
1320 petition, the filing officer shall:
- 1321 (i) read to the prospective candidate or individual filing the petition the constitutional
1322 and statutory qualification requirements for the office that the candidate is seeking;
- 1323 (ii) require the candidate or individual filing the petition to state whether the
1324 candidate meets the requirements described in Subsection (4)(a)(i); and
- 1325 (iii) inform the candidate or the individual filing the petition that an individual who
1326 holds a municipal elected office may not, at the same time, hold a county elected
1327 office.
- 1328 (b) If the prospective candidate does not meet the qualification requirements for the
1329 office, the filing officer may not accept the declaration of candidacy or nomination
1330 petition.
- 1331 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
1332 filing officer shall:
- 1333 (i) inform the candidate that the candidate's name will appear on the ballot as it is
1334 written on the declaration of candidacy;
- 1335 (ii) provide the candidate with a copy of the current campaign financial disclosure
1336 laws for the office the candidate is seeking and inform the candidate that failure to
1337 comply will result in disqualification as a candidate and removal of the candidate's
1338 name from the ballot;
- 1339 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1340 Electronic Voter Information Website Program and inform the candidate of the
1341 submission deadline under Subsection 20A-7-801(4)(a);
- 1342 (iv) inform the candidate that the candidate must provide the filing officer with an
1343 email address that the candidate actively monitors:
- 1344 (A) to receive a communication from a filing officer or an election officer; and
1345 (B) if the candidate wishes to display a candidate profile on the Statewide
1346 Electronic Voter Information Website, to submit to the website the
1347 biographical and other information described in Subsection 20A-7-801
1348 (4)(a)(ii);
- 1349 (v) inform the candidate that the email address described in Subsection (4)(c)(iv) is
1350 not a record under Title 63G, Chapter 2, Government Records Access and
1351 Management Act;
- 1352 (vi) obtain from the candidate the email address described in Subsection (4)(c)(iv);

1353 [~~(iv)~~] (vii) provide the candidate with a copy of the pledge of fair campaign practices
 1354 described under Section 20A-9-206 and inform the candidate that:

1355 (A) signing the pledge is voluntary; and

1356 (B) signed pledges shall be filed with the filing officer; and

1357 [~~(v)~~] (viii) accept the declaration of candidacy or nomination petition.

1358 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
 1359 shall:

1360 (i) accept the candidate's pledge; and

1361 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
 1362 candidate's pledge to the chair of the county or state political party of which the
 1363 candidate is a member.

1364 (5) (a) The declaration of candidacy shall be in substantially the following form:

1365 "I, (print name) ____, being first sworn and under penalty of perjury, say that I reside at
 1366 ____ Street, City of ____, County of ____, state of Utah, Zip Code ____, Telephone Number
 1367 (if any) ____; that I am a registered voter; and that I am a candidate for the office of ____
 1368 (stating the term). I will meet the legal qualifications required of candidates for this office. If
 1369 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
 1370 candidate filing period. I will file all campaign financial disclosure reports as required by law
 1371 and I understand that failure to do so will result in my disqualification as a candidate for this
 1372 office and removal of my name from the ballot. I request that my name be printed upon the
 1373 applicable official ballots. (Signed) _____

1374 Subscribed and sworn to (or affirmed) before me by ____ on this
 1375 _____(month\day\year).

1376 (Signed) _____ (Clerk or other officer qualified to administer oath)."

1377 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
 1378 not sign the form described in Subsection (5)(a).

1379 (c) (i) A nomination petition shall be in substantially the following form:

1380 "NOMINATION PETITION

1381 The undersigned residents of (name of municipality), being registered voters, nominate
 1382 (name of nominee) for the office of (name of office) for the (length of term of office)."

1383 (ii) The remainder of the petition shall contain lines and columns for the signatures of
 1384 individuals signing the petition and each individual's address and phone number.

1385 (6) If the declaration of candidacy or nomination petition fails to state whether the
 1386 nomination is for the two-year or four-year term, the clerk shall consider the nomination

- 1387 to be for the four-year term.
- 1388 (7) (a) (i) The clerk shall verify with the county clerk that all candidates are
1389 registered voters.
- 1390 (b) With the assistance of the county clerk, and using the procedures described in
1391 Section 20A-1-1002, the municipal clerk shall determine whether the required
1392 number of signatures of registered voters appears on a nomination petition.
- 1393 (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk
1394 shall:
- 1395 (a) publicize a list of the names of the candidates as they will appear on the ballot by
1396 publishing the list for the municipality, as a class A notice under Section 63G-30-102,
1397 for seven days; and
- 1398 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1399 the ballot.
- 1400 (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of
1401 candidacy or nomination petition filed under this section after the candidate filing period
1402 ends.
- 1403 (10) (a) A declaration of candidacy or nomination petition that an individual files under
1404 this section is valid unless a person files a written objection with the clerk before 5
1405 p.m. within 10 days after the last day for filing.
- 1406 (b) If a person files an objection, the clerk shall:
- 1407 (i) mail or personally deliver notice of the objection to the affected candidate
1408 immediately; and
- 1409 (ii) decide any objection within 48 hours after the objection is filed.
- 1410 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days
1411 after the day on which the clerk sustains the objection, correct the problem for which
1412 the objection is sustained by amending the candidate's declaration of candidacy or
1413 nomination petition, or by filing a new declaration of candidacy.
- 1414 (d) (i) The clerk's decision upon objections to form is final.
- 1415 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1416 prompt application is made to the district court.
- 1417 (iii) The decision of the district court is final unless the Supreme Court, in the
1418 exercise of its discretion, agrees to review the lower court decision.
- 1419 (11) A candidate who qualifies for the ballot under this section may withdraw as a
1420 candidate by filing a written affidavit with the municipal clerk.

- 1421 (12) (a) A voter who signs a nomination petition under this section may have the voter's
 1422 signature removed from the petition by, no later than three business days after the day
 1423 on which the petition is filed with the city recorder or municipal clerk, submitting to
 1424 the municipal clerk a statement requesting that the voter's signature be removed.
- 1425 (b) A statement described in Subsection (12)(a) shall comply with the requirements
 1426 described in Subsection 20A-1-1003(2).
- 1427 (c) With the assistance of the county clerk and using the procedures described in
 1428 Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an
 1429 individual's signature from a petition after receiving a timely, valid statement
 1430 requesting removal of the signature.

1431 Section 15. Section **20A-9-207** is amended to read:

1432 **20A-9-207 . Withdrawal of candidacy -- Notice.**

1433 As used in this section:

- 1434 (1) "Public office" means the offices of governor, lieutenant governor, attorney general,
 1435 state auditor, state treasurer, state senator, state representative, state school board, or an
 1436 elective office of a local political subdivision.
- 1437 (2) "Public office candidate" means a person who files a declaration of candidacy for a
 1438 public office.
- 1439 (3) If a public office candidate withdraws as a candidate, ~~the~~ an election officer shall:
- 1440 (a) no later than two business days after the day on which the election officer receives
 1441 notice of the withdrawal, notify every opposing candidate for the public office that
 1442 the public office candidate has withdrawn;
- 1443 (b) subject to Subsection (4), upon notice of a withdrawal that occurs 65 or fewer days
 1444 before the date of the election, send an email notification to each voter who is eligible
 1445 to vote in the public office race for whom the election officer has an email address
 1446 informing the voter:
- 1447 (i) that the public office candidate has withdrawn; and
- 1448 (ii) that ~~votes~~ a vote cast for the public office candidate will not be counted~~;~~ ,
 1449 regardless of whether the public office candidate's name appears on the ballot;
- 1450 (c) post notice of the withdrawal on a public website; and
- 1451 ~~[(d) if practicable, remove the public office candidate's name from the ballot.]~~
- 1452 (d) if practicable, include with the ballot, including a military or overseas ballot, a
 1453 written notice that:
- 1454 (i) contains the information described in Subsections (3)(b)(i) and (ii); or

1455 (ii) directs the voter to a public website to inform the voter whether a candidate on
 1456 the ballot has withdrawn.

1457 ~~[(4) An election officer may fulfill the requirement described in Subsection (3) in relation~~
 1458 ~~to a mailed ballot, including a military or overseas ballot, by including with the ballot a~~
 1459 ~~written notice:]~~

1460 ~~[(a) informing the voter that the candidate has withdraw; or]~~

1461 ~~[(b) directing the voter to a public website to inform the voter whether a candidate on the~~
 1462 ~~ballot has withdrawn.]~~

1463 (4) An election officer shall send the email notification described in Subsection (3)(b) on or
 1464 before the earlier of:

1465 (a) the next day on which the election officer mails ballots in accordance with Section
 1466 20A-3a-202; or

1467 (b) two business days before the date of the election.

1468 Section 16. Section **20A-9-601** is amended to read:

1469 **20A-9-601 . Qualifying as a write-in candidate.**

1470 (1) (a) Except as provided in Subsection (1)(b), an individual who wishes to become a
 1471 valid write-in candidate shall file a declaration of candidacy in person, or through a
 1472 designated agent for a candidate for president or vice president of the United States,
 1473 with the appropriate filing officer before 5 p.m. no later than 65 days before the date
 1474 of the regular general election or [a] the municipal general election in which the
 1475 individual intends to be a write-in candidate.

1476 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files
 1477 a declaration of candidacy for president of the United States.

1478 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a
 1479 declaration of candidacy with the appropriate filing officer if:

1480 (A) the individual is located outside of the state during the entire filing period;

1481 (B) the designated agent appears in person before the filing officer; and

1482 (C) the individual communicates with the filing officer using an electronic device
 1483 that allows the individual and filing officer to see and hear each other.

1484 (2) (a) The form of the declaration of candidacy for a write-in candidate for all offices, except
 1485 president or vice president of the United States, is substantially as follows:

1486 "State of Utah, County of ____

1487 I, _____, declare my intention of becoming a candidate for the office of ____ for
 1488 the ____ district (if applicable). I do solemnly swear that: I will meet the qualifications to hold

1489 the office, both legally and constitutionally, if selected; I reside at _____ in the City
 1490 or Town of ____, Utah, Zip Code ____, Phone No. ____; I will not knowingly violate any law
 1491 governing campaigns and elections; if filing via a designated agent, I will be out of the state of
 1492 Utah during the entire candidate filing period; I will file all campaign financial disclosure
 1493 reports as required by law; and I understand that failure to do so will result in my
 1494 disqualification as a candidate for this office and rejection of any votes cast for me. The
 1495 mailing address that I designate for receiving official election notices is
 1496 _____.

1497 _____
 1498 Subscribed and sworn before me this _____(month\day\year).
 1499 Notary Public (or other officer qualified to administer oath)."

1500 (b) The form of the declaration of candidacy for a write-in candidate for president of the
 1501 United States is substantially as follows:

1502 "State of Utah, County of ____
 1503 I, _____, declare my intention of becoming a candidate for the office of the
 1504 president of the United States. I do solemnly swear that: I will meet the qualifications to hold
 1505 the office, both legally and constitutionally, if selected; I reside at _____ in the City
 1506 or Town of ____, State ____, Zip Code ____, Phone No. ____; I will not knowingly violate
 1507 any law governing campaigns and elections. The mailing address that I designate for receiving
 1508 official election notices is _____. I designate _____ as
 1509 my vice presidential candidate.

1510 _____
 1511 Subscribed and sworn before me this _____(month\day\year).
 1512 Notary Public (or other officer qualified to administer oath.)"

1513 (c) A declaration of candidacy for a write-in candidate for vice president of the United
 1514 States shall be in substantially the same form as a declaration of candidacy described
 1515 in Subsection 20A-9-202(7).

1516 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in
 1517 Subsection (2)(a) or (b).

1518 (3) (a) The filing officer shall:
 1519 (i) read to the candidate the constitutional and statutory requirements for the office;
 1520 (ii) ask the candidate whether the candidate meets the requirements; and
 1521 (iii) if the declaration of candidacy is for a legislative office, inform the individual
 1522 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a

1523 public office of profit or trust, under authority of the United States or Utah, from
 1524 being a member of the Legislature.

1525 (b) If the candidate cannot meet the requirements of office, the filing officer may not
 1526 accept the write-in candidate's declaration of candidacy.

1527 (4) (a) Except as provided in Subsection (4)(b), a write-in candidate is subject to
 1528 Subsection 20A-9-201(8).

1529 (b) A write-in candidate for president of the United States is subject to Subsection
 1530 20A-9-201(8)(d) or 20A-9-803(1)(d), as applicable.

1531 (5) By November 1 of each regular general election year, the lieutenant governor shall
 1532 certify to each county clerk the names of all write-in candidates who filed their
 1533 declaration of candidacy with the lieutenant governor.

1534 Section 17. Section **63G-2-103** is amended to read:

1535 **63G-2-103 . Definitions.**

1536 As used in this chapter:

1537 (1) "Audit" means:

1538 (a) a systematic examination of financial, management, program, and related records for
 1539 the purpose of determining the fair presentation of financial statements, adequacy of
 1540 internal controls, or compliance with laws and regulations; or

1541 (b) a systematic examination of program procedures and operations for the purpose of
 1542 determining their effectiveness, economy, efficiency, and compliance with statutes
 1543 and regulations.

1544 (2) "Chronological logs" mean the regular and customary summary records of law
 1545 enforcement agencies and other public safety agencies that show:

1546 (a) the time and general nature of police, fire, and paramedic calls made to the agency;
 1547 and

1548 (b) any arrests or jail bookings made by the agency.

1549 (3) "Classification," "classify," and their derivative forms mean determining whether a
 1550 record series, record, or information within a record is public, private, controlled,
 1551 protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

1552 (4) (a) "Computer program" means:

1553 (i) a series of instructions or statements that permit the functioning of a computer
 1554 system in a manner designed to provide storage, retrieval, and manipulation of
 1555 data from the computer system; and

1556 (ii) any associated documentation and source material that explain how to operate the

- 1557 computer program.
- 1558 (b) "Computer program" does not mean:
- 1559 (i) the original data, including numbers, text, voice, graphics, and images;
- 1560 (ii) analysis, compilation, and other manipulated forms of the original data produced
- 1561 by use of the program; or
- 1562 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
- 1563 algorithms contained in the program, that would be used if the manipulated forms
- 1564 of the original data were to be produced manually.
- 1565 (5) (a) "Contractor" means:
- 1566 (i) any person who contracts with a governmental entity to provide goods or services
- 1567 directly to a governmental entity; or
- 1568 (ii) any private, nonprofit organization that receives funds from a governmental entity.
- 1569 (b) "Contractor" does not mean a private provider.
- 1570 (6) "Controlled record" means a record containing data on individuals that is controlled as
- 1571 provided by Section 63G-2-304.
- 1572 (7) "Designation," "designate," and their derivative forms mean indicating, based on a
- 1573 governmental entity's familiarity with a record series or based on a governmental entity's
- 1574 review of a reasonable sample of a record series, the primary classification that a
- 1575 majority of records in a record series would be given if classified and the classification
- 1576 that other records typically present in the record series would be given if classified.
- 1577 (8) "Elected official" means each person elected to a state office, county office, municipal
- 1578 office, school board or school district office, special district office, or special service
- 1579 district office, but does not include judges.
- 1580 (9) "Explosive" means a chemical compound, device, or mixture:
- 1581 (a) commonly used or intended for the purpose of producing an explosion; and
- 1582 (b) that contains oxidizing or combustive units or other ingredients in proportions,
- 1583 quantities, or packing so that:
- 1584 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
- 1585 compound or mixture may cause a sudden generation of highly heated gases; and
- 1586 (ii) the resultant gaseous pressures are capable of:
- 1587 (A) producing destructive effects on contiguous objects; or
- 1588 (B) causing death or serious bodily injury.
- 1589 (10) "Government audit agency" means any governmental entity that conducts an audit.
- 1590 (11) (a) "Governmental entity" means:

- 1591 (i) executive department agencies of the state, the offices of the governor, lieutenant
1592 governor, state auditor, attorney general, and state treasurer, the Board of Pardons
1593 and Parole, the Board of Examiners, the National Guard, the Career Service
1594 Review Office, the State Board of Education, the Utah Board of Higher
1595 Education, and the State Archives;
- 1596 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
1597 Analyst, Office of Legislative Research and General Counsel, the Legislature, and
1598 legislative committees, except any political party, group, caucus, or rules or sifting
1599 committee of the Legislature;
- 1600 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
1601 administrative units in the judicial branch;
- 1602 (iv) any state-funded institution of higher education or public education; or
- 1603 (v) any political subdivision of the state, but, if a political subdivision has adopted an
1604 ordinance or a policy relating to information practices pursuant to Section
1605 63G-2-701, this chapter shall apply to the political subdivision to the extent
1606 specified in Section 63G-2-701 or as specified in any other section of this chapter
1607 that specifically refers to political subdivisions.
- 1608 (b) "Governmental entity" also means:
- 1609 (i) every office, agency, board, bureau, committee, department, advisory board, or
1610 commission of an entity listed in Subsection (11)(a) that is funded or established
1611 by the government to carry out the public's business;
- 1612 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
1613 undertaking;
- 1614 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;
- 1615 (iv) an association as defined in Section 53G-7-1101;
- 1616 (v) the Utah Independent Redistricting Commission; and
- 1617 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or
1618 more law enforcement officers, as defined in Section 53-13-103.
- 1619 (c) "Governmental entity" does not include the Utah Educational Savings Plan created in
1620 Section 53B-8a-103.
- 1621 (12) "Gross compensation" means every form of remuneration payable for a given period to
1622 an individual for services provided including salaries, commissions, vacation pay,
1623 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and
1624 any similar benefit received from the individual's employer.

- 1625 (13) "Individual" means a human being.
- 1626 (14) (a) "Initial contact report" means an initial written or recorded report, however
1627 titled, prepared by peace officers engaged in public patrol or response duties
1628 describing official actions initially taken in response to either a public complaint
1629 about or the discovery of an apparent violation of law, which report may describe:
- 1630 (i) the date, time, location, and nature of the complaint, the incident, or offense;
 - 1631 (ii) names of victims;
 - 1632 (iii) the nature or general scope of the agency's initial actions taken in response to the
1633 incident;
 - 1634 (iv) the general nature of any injuries or estimate of damages sustained in the incident;
 - 1635 (v) the name, address, and other identifying information about any person arrested or
1636 charged in connection with the incident; or
 - 1637 (vi) the identity of the public safety personnel, except undercover personnel, or
1638 prosecuting attorney involved in responding to the initial incident.
- 1639 (b) Initial contact reports do not include follow-up or investigative reports prepared after
1640 the initial contact report. However, if the information specified in Subsection (14)(a)
1641 appears in follow-up or investigative reports, it may only be treated confidentially if
1642 it is private, controlled, protected, or exempt from disclosure under Subsection
1643 63G-2-201(3)(b).
- 1644 (c) Initial contact reports do not include accident reports, as that term is described in
1645 Title 41, Chapter 6a, Part 4, Accident Responsibilities.
- 1646 (15) "Legislative body" means the Legislature.
- 1647 (16) "Notice of compliance" means a statement confirming that a governmental entity has
1648 complied with an order of the State Records Committee.
- 1649 (17) "Person" means:
- 1650 (a) an individual;
 - 1651 (b) a nonprofit or profit corporation;
 - 1652 (c) a partnership;
 - 1653 (d) a sole proprietorship;
 - 1654 (e) other type of business organization; or
 - 1655 (f) any combination acting in concert with one another.
- 1656 (18) "Personal identifying information" means the same as that term is defined in Section
1657 63A-12-100.5.
- 1658 (19) "Privacy annotation" means the same as that term is defined in Section 63A-12-100.5.

- 1659 (20) "Private provider" means any person who contracts with a governmental entity to
1660 provide services directly to the public.
- 1661 (21) "Private record" means a record containing data on individuals that is private as
1662 provided by Section 63G-2-302.
- 1663 (22) "Protected record" means a record that is classified protected as provided by Section
1664 63G-2-305.
- 1665 (23) "Public record" means a record that is not private, controlled, or protected and that is
1666 not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).
- 1667 (24) "Reasonable search" means a search that is:
- 1668 (a) reasonable in scope and intensity; and
- 1669 (b) not unreasonably burdensome for the government entity.
- 1670 (25) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,
1671 card, tape, recording, electronic data, or other documentary material regardless of
1672 physical form or characteristics:
- 1673 (i) that is prepared, owned, received, or retained by a governmental entity or political
1674 subdivision; and
- 1675 (ii) where all of the information in the original is reproducible by photocopy or other
1676 mechanical or electronic means.
- 1677 (b) "Record" does not ~~mean~~ include:
- 1678 (i) a personal note or personal communication prepared or received by an employee
1679 or officer of a governmental entity:
- 1680 (A) in a capacity other than the employee's or officer's governmental capacity; or
- 1681 (B) that is unrelated to the conduct of the public's business;
- 1682 (ii) a temporary draft or similar material prepared for the originator's personal use or
1683 prepared by the originator for the personal use of an individual for whom the
1684 originator is working;
- 1685 (iii) material that is legally owned by an individual in the individual's private capacity;
- 1686 (iv) material to which access is limited by the laws of copyright or patent unless the
1687 copyright or patent is owned by a governmental entity or political subdivision;
- 1688 (v) proprietary software;
- 1689 (vi) junk mail or a commercial publication received by a governmental entity or an
1690 official or employee of a governmental entity;
- 1691 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
1692 of a library open to the public;

- 1693 (viii) material that is cataloged, indexed, or inventoried and contained in the
1694 collections of a library open to the public, regardless of physical form or
1695 characteristics of the material;
- 1696 (ix) a daily calendar or other personal note prepared by the originator for the
1697 originator's personal use or for the personal use of an individual for whom the
1698 originator is working;
- 1699 (x) a computer program that is developed or purchased by or for any governmental
1700 entity for its own use;
- 1701 (xi) a note or internal memorandum prepared as part of the deliberative process by:
1702 (A) a member of the judiciary;
1703 (B) an administrative law judge;
1704 (C) a member of the Board of Pardons and Parole; or
1705 (D) a member of any other body, other than an association or appeals panel as
1706 defined in Section 53G-7-1101, charged by law with performing a
1707 quasi-judicial function;
- 1708 (xii) a telephone number or similar code used to access a mobile communication
1709 device that is used by an employee or officer of a governmental entity, provided
1710 that the employee or officer of the governmental entity has designated at least one
1711 business telephone number that is a public record as provided in Section
1712 63G-2-301;
- 1713 (xiii) information provided by the Public Employees' Benefit and Insurance Program,
1714 created in Section 49-20-103, to a county to enable the county to calculate the
1715 amount to be paid to a health care provider under Subsection 17-50-319(2)(e)(ii);
- 1716 (xiv) information that an owner of unimproved property provides to a local entity as
1717 provided in Section 11-42-205;
- 1718 (xv) a video or audio recording of an interview, or a transcript of the video or audio
1719 recording, that is conducted at a Children's Justice Center established under
1720 Section 67-5b-102;
- 1721 (xvi) child sexual abuse material, as defined by Section 76-5b-103;
- 1722 (xvii) before final disposition of an ethics complaint occurs, a video or audio
1723 recording of the closed portion of a meeting or hearing of:
1724 (A) a Senate or House Ethics Committee;
1725 (B) the Independent Legislative Ethics Commission;
1726 (C) the Independent Executive Branch Ethics Commission, created in Section

- 1727 63A-14-202; or
- 1728 (D) the Political Subdivisions Ethics Review Commission established in Section
- 1729 63A-15-201; [or]
- 1730 (xviii) confidential communication described in Section 58-60-102, 58-61-102, or
- 1731 58-61-702[-] ; or
- 1732 (xix) the email address that a candidate for elective office provides to a filing officer
- 1733 under Subsection 20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv).
- 1734 (26) "Record series" means a group of records that may be treated as a unit for purposes of
- 1735 designation, description, management, or disposition.
- 1736 (27) "Records officer" means the individual appointed by the chief administrative officer of
- 1737 each governmental entity, or the political subdivision to work with state archives in the
- 1738 care, maintenance, scheduling, designation, classification, disposal, and preservation of
- 1739 records.
- 1740 (28) "Schedule," "scheduling," and their derivative forms mean the process of specifying
- 1741 the length of time each record series should be retained by a governmental entity for
- 1742 administrative, legal, fiscal, or historical purposes and when each record series should be
- 1743 transferred to the state archives or destroyed.
- 1744 (29) "Sponsored research" means research, training, and other sponsored activities as
- 1745 defined by the federal Executive Office of the President, Office of Management and
- 1746 Budget:
- 1747 (a) conducted:
- 1748 (i) by an institution within the state system of higher education defined in Section
- 1749 53B-1-102; and
- 1750 (ii) through an office responsible for sponsored projects or programs; and
- 1751 (b) funded or otherwise supported by an external:
- 1752 (i) person that is not created or controlled by the institution within the state system of
- 1753 higher education; or
- 1754 (ii) federal, state, or local governmental entity.
- 1755 (30) "State archives" means the Division of Archives and Records Service created in
- 1756 Section 63A-12-101.
- 1757 (31) "State archivist" means the director of the state archives.
- 1758 (32) "State Records Committee" means the State Records Committee created in Section
- 1759 63G-2-501.
- 1760 (33) "Summary data" means statistical records and compilations that contain data derived

1761 from private, controlled, or protected information but that do not disclose private,
1762 controlled, or protected information.

1763 Section 18. Section **63G-2-303** is amended to read:

1764 **63G-2-303 . Private information concerning certain government employees.**

1765 (1) As used in this section:

1766 (a) "At-risk government employee" means a current or former:

1767 (i) peace officer as specified in Section 53-13-102;

1768 (ii) state or federal judge of an appellate, district, justice, or juvenile court, or court
1769 commissioner;

1770 (iii) judge authorized by Title 39A, Chapter 5, Utah Code of Military Justice;

1771 (iv) judge authorized by Armed Forces, Title 10, United States Code;

1772 (v) federal prosecutor;

1773 (vi) prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;

1774 (vii) law enforcement official as defined in Section 53-5-711;

1775 (viii) prosecutor authorized by Title 39A, Chapter 5, Utah Code of Military Justice; or

1776 (ix) state or local government employee who, because of the unique nature of the
1777 employee's regular work assignments or because of one or more recent credible
1778 threats directed to or against the employee, would be at immediate and substantial
1779 risk of physical harm if the employee's personal information is disclosed.

1780 (b) "Family member" means the spouse, child, sibling, parent, or grandparent of an
1781 at-risk government employee who is living with the employee.

1782 (c) "Personal information" means the employee's or the employee's family member's
1783 home address, home telephone number, personal mobile telephone number, personal
1784 pager number, personal email address, social security number, insurance coverage,
1785 marital status, or payroll deductions.

1786 (2) (a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may
1787 file a written application that:

1788 (i) gives notice of the employee's status as an at-risk government employee to each
1789 agency of a government entity holding a record or a part of a record that would
1790 disclose the employee's personal information; and

1791 (ii) requests that the government agency classify those records or parts of records as
1792 private.

1793 (b) An at-risk government employee desiring to file an application under this section

1794 may request assistance from the government agency to identify the individual records

- 1795 containing personal information.
- 1796 (c) Each government agency shall develop a form that:
- 1797 (i) requires the at-risk government employee to designate each specific record or part
- 1798 of a record containing the employee's personal information that the applicant
- 1799 desires to be classified as private;
- 1800 (ii) affirmatively requests that the government entity holding those records classify
- 1801 them as private;
- 1802 (iii) informs the employee that by submitting a completed form the employee may
- 1803 not receive official announcements affecting the employee's property, including
- 1804 notices about proposed municipal annexations, incorporations, or zoning
- 1805 modifications; and
- 1806 (iv) contains a place for the signature required under Subsection (2)(d).
- 1807 (d) A form submitted by an employee under Subsection (2)(c) shall be signed by the
- 1808 highest ranking elected or appointed official in the employee's chain of command
- 1809 certifying that the employee submitting the form is an at-risk government employee.
- 1810 (3) A county recorder, county treasurer, county auditor, or a county tax assessor may fully
- 1811 satisfy the requirements of this section by:
- 1812 (a) providing a method for the assessment roll and index and the tax roll and index that
- 1813 will block public access to the home address, home telephone number, situs address,
- 1814 and Social Security number; and
- 1815 (b) providing the at-risk government employee requesting the classification with a
- 1816 disclaimer informing the employee that the employee may not receive official
- 1817 announcements affecting the employee's property, including notices about proposed
- 1818 annexations, incorporations, or zoning modifications.
- 1819 (4) A government agency holding records of an at-risk government employee classified as
- 1820 private under this section may release the record or part of the record if:
- 1821 (a) the employee or former employee gives written consent;
- 1822 (b) a court orders release of the records; [or]
- 1823 (c) the government agency receives a certified death certificate for the employee or
- 1824 former employee[-] ; or
- 1825 (d) as it relates to the employee's voter registration record:
- 1826 (i) the person to whom the record or part of the record is released is a qualified
- 1827 person under Subsection 20A-2-104(4)(n); and
- 1828 (ii) the government agency's release of the record or part of the record complies with

- 1829 the requirements of Subsection 20A-2-104(4)(o).
- 1830 (5) (a) If the government agency holding the private record receives a subpoena for the
1831 records, the government agency shall attempt to notify the at-risk government
1832 employee or former employee by mailing a copy of the subpoena to the employee's
1833 last-known mailing address together with a request that the employee either:
- 1834 (i) authorize release of the record; or
- 1835 (ii) within 10 days of the date that the copy and request are mailed, deliver to the
1836 government agency holding the private record a copy of a motion to quash filed
1837 with the court who issued the subpoena.
- 1838 (b) The government agency shall comply with the subpoena if the government agency
1839 has:
- 1840 (i) received permission from the at-risk government employee or former employee to
1841 comply with the subpoena;
- 1842 (ii) not received a copy of a motion to quash within 10 days of the date that the copy
1843 of the subpoena was mailed; or
- 1844 (iii) received a court order requiring release of the records.
- 1845 (6) (a) Except as provided in Subsection (6)(b), a form submitted under this section
1846 remains in effect until the earlier of:
- 1847 (i) four years after the date the employee signs the form, whether or not the
1848 employee's employment terminates before the end of the four-year period; and
- 1849 (ii) one year after the government agency receives official notice of the death of the
1850 employee.
- 1851 (b) A form submitted under this section may be rescinded at any time by:
- 1852 (i) the at-risk government employee who submitted the form; or
- 1853 (ii) if the at-risk government employee is deceased, a member of the employee's
1854 immediate family.

1855 Section 19. **Effective date.**

1856 This bill takes effect on May 1, 2024.