

Senator Lincoln Fillmore proposes the following substitute bill:

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;



- 26 ▶ clarifies that the board of trustees or the administrative control board of a special
- 27 district is the board of canvassers for a special district election;
- 28 ▶ specifies that a ballot for a municipal primary election must instruct a voter to mark
- 29 the space adjacent to the name of the candidate for whom the voter votes;
- 30 ▶ modifies provisions relating to a ballot title for, and analysis of, a proposed
- 31 constitutional amendment or another question submitted to the voters by the
- 32 Legislature;
- 33 ▶ requires the sponsors of a statewide initiative to submit certain information to the
- 34 lieutenant governor on the day on which the sponsors submit the last initiative
- 35 packet to the county clerk;
- 36 ▶ requires a filing officer to inform an individual who files a declaration of candidacy
- 37 that the individual must provide an actively-monitored email address for certain
- 38 election-related communications;
- 39 ▶ provides that the email address described above is not a record for purposes of the
- 40 Government Records Access and Management Act;
- 41 ▶ requires an election officer to, based on when a candidate withdraws, email notice
- 42 of the withdrawal to voters;
- 43 ▶ permits a government agency to release an at-risk government employee's voter
- 44 registration record, subject to the same requirements imposed on a county clerk for
- 45 releasing the voter registration record of a protected individual; and
- 46 ▶ makes technical and conforming changes

47 **Money Appropriated in this Bill:**

48 None

49 **Other Special Clauses:**

50 None

51 **Utah Code Sections Affected:**

52 AMENDS:

53 **17B-1-303**, as last amended by Laws of Utah 2023, Chapter 15

54 **17B-1-306**, as last amended by Laws of Utah 2023, Chapters 15, 435

55 **20A-1-305**, as enacted by Laws of Utah 1993, Chapter 1

56 **20A-4-109**, as enacted by Laws of Utah 2023, Chapter 297

- 57 [20A-4-301](#), as last amended by Laws of Utah 2023, Chapter 15
- 58 [20A-6-401](#), as last amended by Laws of Utah 2023, Chapter 45
- 59 [20A-7-101](#), as last amended by Laws of Utah 2023, Chapters 107, 116
- 60 [20A-7-103](#), as last amended by Laws of Utah 2023, Chapter 435
- 61 [20A-7-105](#), as enacted by Laws of Utah 2023, Chapter 116
- 62 [20A-7-702](#), as last amended by Laws of Utah 2023, Chapter 107
- 63 [20A-7-703](#), as last amended by Laws of Utah 2020, Chapter 277
- 64 [20A-9-201](#), as last amended by Laws of Utah 2022, Chapters 13, 18
- 65 [20A-9-203](#), as last amended by Laws of Utah 2023, Chapters 116, 435
- 66 [20A-9-207](#), as enacted by Laws of Utah 2023, Chapter 45
- 67 [20A-9-601](#), as last amended by Laws of Utah 2019, Chapters 142, 255 and 279
- 68 [63G-2-103](#), as last amended by Laws of Utah 2023, Chapters 16, 173, 231, and 516
- 69 [63G-2-303](#), as last amended by Laws of Utah 2019, Chapter 402

70 ENACTS:

71 [20A-7-703.1](#), Utah Code Annotated 1953



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

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

75 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**
76 **of board member contact information.**

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

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

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

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

85 (c) The term of each water conservancy district board member whom the governor
86 appoints in accordance with Subsection [17B-2a-1005\(2\)\(c\)](#):

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

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

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

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

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

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

97 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)
98 and (iii), the term of each member of a board of trustees is four years, except that
99 approximately half the members of the initial board of trustees, chosen by lot, shall serve a
100 two-year term so that the term of approximately half the board members expires every two
101 years.

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

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

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

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

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

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

119 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
120 17B-1-302(1), (2), or (3), or if the member's term expires without a duly elected or appointed
121 successor:

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

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

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

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

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

132 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)
133 does not invalidate any official act of that member.

134 (4) A board of trustees member may serve any number of terms.

135 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of
136 trustees position is filled in accordance with Section 20A-1-512.

137 (b) When the number of members of a board of trustees increases in accordance with
138 Subsection 17B-1-302(6), the appointing authority may appoint an individual to fill a new
139 board of trustees position in accordance with Section 17B-1-304 or 20A-1-512.

140 (6) (a) As used in this Subsection (6):

141 (i) "Appointed official" means a person who:

142 (A) is appointed as a member of a special district board of trustees by a county or
143 municipality that is entitled to appoint a member to the board; and

144 (B) holds an elected position with the appointing county or municipality.

145 (ii) "Appointing entity" means the county or municipality that appointed the appointed
146 official to the board of trustees.

147 (b) The board of trustees shall declare a midterm vacancy for the board position held
148 by an appointed official if:

149 (i) during the appointed official's term on the board of trustees, the appointed official

150 ceases to hold the elected position with the appointing entity; and

151 (ii) the appointing entity submits a written request to the board to declare the vacancy.

152 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
153 appointing entity shall appoint another person to fill the remaining unexpired term on the board
154 of trustees.

155 (7) (a) A member of a board of trustees shall obtain a fidelity bond or obtain theft or
156 crime insurance for the faithful performance of the member's duties, in the amount and with the
157 sureties or with an insurance company that the board of trustees prescribes.

158 (b) The special district:

159 (i) may assist the board of trustees in obtaining a fidelity bond or obtaining theft or
160 crime insurance as a group or for members individually; and

161 (ii) shall pay the cost of each fidelity bond or insurance coverage required under this
162 Subsection (7).

163 (8) (a) [~~The lieutenant governor may extend the term of an elected district board~~
164 ~~member by one year in~~] In order to compensate for a change in the election year under
165 Subsection 17B-1-306(14)[:], the lieutenant governor may:

166 (i) extend the term of an elected district board member by one year; or

167 (ii) subject to Subsection 17B-1-306(14)(b)(iii), and in accordance with Subsection
168 (2)(a), shorten the term of an elected district board member by one year, if necessary, to ensure
169 that the term of approximately half of the board members expires every two years.

170 (b) When the number of members of a board of trustees increases in accordance with
171 Subsection 17B-1-302(6), to ensure that the term of approximately half of the board members
172 expires every two years in accordance with Subsection (2)(a):

173 (i) the board shall set shorter terms for approximately half of the new board members,
174 chosen by lot; and

175 (ii) the initial term of a new board member position may be less than two or four 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 trustees;

179 (ii) update the information described in Subsection (9)(a)(i) when:

180 (A) the membership of the board of trustees changes; or

181 (B) a member of the board of trustees' phone number or email address changes; and
182 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date
183 on which the change requiring the update occurs.

184 (b) This Subsection (9) applies regardless of whether the county or municipal
185 legislative body also serves as the board of trustees of the special district.

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

187 **17B-1-306. Special district board -- Election procedures -- Notice.**

188 (1) Except as provided in Subsection (12), each elected board member shall be selected
189 as provided in this section.

190 (2) (a) Each election of a special district board member shall be held:

191 (i) at the same time as the municipal general election or the regular general election, as
192 applicable; and

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

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

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

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

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

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

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

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

213 (4) The clerk of the special district shall publish the notice described in Subsection (3)
214 for the special district, as a class A notice under Section 63G-30-102, for at least 10 days
215 before the first day for filing a declaration of candidacy.

216 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective
217 special district board position, an individual shall file a declaration of candidacy in person with
218 an official designated by the special district within the candidate filing period for the applicable
219 election year in which the election for the special district board is held and:

220 (i) during the special district's standard office hours, if the standard office hours
221 provide at least three consecutive office hours each day during the candidate filing period that
222 is not a holiday or weekend; or

223 (ii) if the standard office hours of a special district do not provide at least three
224 consecutive office hours each day, a three-hour consecutive time period each day designated by
225 the special district during the candidate filing period that is not a holiday or weekend.

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

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

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

232 (ii) the designated agent appears in person before the official designated by the special
233 district; and

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

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

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

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

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

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

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

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

254 (Signed) _____

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

257 (Signed) _____

258 (Clerk or Notary Public)".

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

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

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

266 (i) If only one candidate files a declaration of candidacy and there is no write-in
267 candidate who complies with Section 20A-9-601, the board, in accordance with Section
268 20A-1-206, may:

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

270 (ii) cancel the election.

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

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

273 (ii) the number of candidates for a particular local board position or office exceeds

274 twice the number of persons needed to fill that position or office.

275 (b) The primary election shall be conducted:

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

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

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

283 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
284 20A-6-305, the clerk of each county in which the special district is located and the special
285 district clerk shall coordinate the placement of the name of each candidate for special district
286 office in the nonpartisan section of the ballot with the appropriate election officer.

287 (ii) If consolidation of the special district election ballot with the municipal general
288 election ballot or the regular general election ballot, as applicable, is not feasible, the special
289 district board of trustees, in consultation with the county clerk, shall provide for a separate
290 special district election ballot to be administered by poll workers at polling places designated
291 under Subsection (2).

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

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

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

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

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

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

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

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

305 and

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

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

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

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

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

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

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

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

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

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

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

325 (i) a special district board; or

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

328 (b) ~~[A board may]~~ If a board desires to hold elections for membership on the board at a
329 regular general election instead of a municipal general election [if the board submits], or at a
330 municipal general election instead of a regular general election, the board may submit an
331 application to the lieutenant governor that:

332 (i) requests permission to [hold elections for membership on the board at a regular
333 general election instead of a municipal general election; and] change the election year for
334 membership on the board in a manner described in this Subsection (14)(b);

335 (ii) indicates that [holding elections at the time of the regular general election] a change

336 in the election year is beneficial, based on potential cost savings, a potential increase in voter
337 turnout, or another material reason[-]; and

338 (iii) if a change in the election year may result in shortening a board member's term of
339 office, indicates that the members of the board unanimously support the lieutenant governor
340 taking that action.

341 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
342 governor may approve the application if:

343 (i) the lieutenant governor concludes that [~~holding the elections at the regular general~~
344 ~~election~~] changing the election year is beneficial based on the criteria described in Subsection
345 [~~(14)(b)(ii);~~] (14)(b)(ii); and

346 (ii) for an application that may result in shortening a board member's term of office, the
347 application satisfies the unanimity requirement described in Subsection (14)(b)(iii).

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

349 (i) all future elections for membership on the board shall be held at the time of the
350 [~~regular~~] general election specified in the application; and

351 (ii) the board may not hold elections at the time of [~~a municipal general election~~] an
352 election other than the general election specified in the application, unless the board receives
353 permission from the lieutenant governor to [~~hold all future elections for membership on the~~
354 ~~board at a municipal general election instead of a regular general election;~~] change the election
355 under the same procedure, and by applying the same criteria, described in this Subsection (14).

356 (15) (a) This Subsection (15) applies to a special district if:

357 (i) the special district's board members are elected by the owners of real property, as
358 provided in Subsection [17B-1-1402\(1\)\(b\)](#); and

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

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

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

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

366 (c) An election under Subsection (15)(b) may be conducted as determined by the

367 special district board, subject to Subsection (15)(d).

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

370 (A) notice of the election; and

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

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

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

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

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

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

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

382 **20A-1-305. Compilation and distribution of election laws.**

383 (1) The lieutenant governor shall:

384 (a) [~~publish a sufficient number of copies of~~] make an electronic compilation of Title
385 20A, Election Code, and any other provisions of law that govern elections; and

386 (b) [~~transmit copies~~] transmit an electronic copy of the compilation to each county
387 clerk.

388 (2) Each county clerk shall[~~:~~] furnish each election officer in the county with a copy of
389 the compilation described in Subsection (1)(a).

390 [~~(a) inform the lieutenant governor of the number of copies needed; and~~]

391 [~~(b) furnish each election officer in the county with one copy.~~]

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

393 **20A-4-109. Ballot reconciliation -- Rulemaking authority.**

394 (1) In accordance with this section and rules made under Subsection (2), an election
395 officer whose office processes ballots shall:

396 (a) conduct ballot reconciliations every time ballots are tabulated;

397 (b) conduct a final ballot reconciliation when an election officer concludes processing

398 all ballots;

399 (c) document each ballot reconciliation;

400 (d) publicly release the results of each ballot reconciliation; and

401 (e) in conducting ballot reconciliations:

402 (i) ensure that the [~~number of ballots received for processing, the number of ballots~~
403 ~~processed, and~~] sum of the number of uncounted verified ballots and the number of ballots
404 tabulated is equal to the number of voters given credit for voting[~~, are equal~~]; or

405 (ii) if the [~~numbers~~] sum described in Subsection (1)(e)(i) [~~are~~] is not equal to the
406 number of voters given credit for voting, account for and explain the differences in the
407 numbers.

408 (2) The director of elections within the Office of the Lieutenant Governor may make
409 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
410 establishing procedures and requirements for conducting, documenting, and publishing a ballot
411 reconciliation.

412 Section 5. Section **20A-4-301** is amended to read:

413 **20A-4-301. Board of canvassers.**

414 (1) (a) Each county legislative body is the board of county canvassers for:

415 (i) the county; and

416 (ii) each special district whose election is conducted by the county if:

417 (A) the election relates to the creation of the special district;

418 (B) the county legislative body serves as the governing body of the special district; or

419 (C) there is no duly constituted governing body of the special district.

420 (b) The board of county canvassers shall meet to canvass the returns at the usual place
421 of meeting of the county legislative body, at a date and time determined by the county clerk
422 that is no sooner than seven days after the election and no later than 14 days after the election.

423 (c) If one or more of the county legislative body fails to attend the meeting of the board
424 of county canvassers, the remaining members shall replace the absent member by appointing in
425 the order named:

426 (i) the county treasurer;

427 (ii) the county assessor; or

428 (iii) the county sheriff.

429 (d) Attendance of the number of persons equal to a simple majority of the county
430 legislative body, but not less than three persons, shall constitute a quorum for conducting the
431 canvass.

432 (e) The county clerk is the clerk of the board of county canvassers.

433 (2) (a) The mayor and the municipal legislative body are the board of municipal
434 canvassers for the municipality.

435 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
436 place of meeting of the municipal legislative body:

437 (i) for canvassing of returns from a municipal general election, no sooner than seven
438 days after the election and no later than 14 days after the election; or

439 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
440 days after the election and no later than 14 days after the election.

441 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
442 quorum for conducting the canvass.

443 (3) (a) The legislative body of the entity authorizing a bond election is the board of
444 canvassers for each bond election.

445 (b) The board of canvassers for the bond election shall comply with the canvassing
446 procedures and requirements of Section 11-14-207.

447 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
448 bond election shall constitute a quorum for conducting the canvass.

449 (4) (a) If a board of trustees or an administrative control board is the governing body of
450 a special district, the board of trustees or the administrative control board is the board of
451 special district canvassers for the special district.

452 (b) The board of special district canvassers shall meet to canvass the returns at the
453 usual place of meeting for the board of trustees or the administrative control board, as
454 applicable, at a date and time determined by the special district clerk that is no sooner than
455 seven days after the day of the election and no later than 14 days after the day of the election.

456 (c) Attendance of a simple majority of the board of trustees or the administrative
457 control board is a quorum for conducting the canvass.

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

459 **20A-6-401. Ballots for municipal primary elections.**

- 460 (1) Each election officer shall ensure that:
- 461 (a) the following endorsements are printed in 18 point bold type:
- 462 (i) "Official Primary Ballot for ____ (City, Town, or Metro Township), Utah";
- 463 (ii) the date of the election; and
- 464 (iii) a facsimile of the signature of the election officer and the election officer's title in
- 465 eight point type;
- 466 (b) immediately below the election officer's title, two one-point parallel horizontal
- 467 rules separate endorsements from the rest of the ballot;
- 468 (c) immediately below the horizontal rules, an "Instructions to Voters" section is
- 469 printed in 10 point bold type that states: "To vote for a candidate, mark the space [~~following~~
- 470 adjacent to the name(s) of the person(s) you favor as the candidate(s) for each respective
- 471 office." followed by two one-point parallel rules;
- 472 (d) after the rules, the designation of the office for which the candidates seek
- 473 nomination is printed and the words, "Vote for one" or "Vote for up to ____ (the number of
- 474 candidates for which the voter may vote)" are printed in 10-point bold type, followed by a
- 475 hair-line rule;
- 476 (e) after the hair-line rule, the names of the candidates are printed in heavy face type
- 477 between lines or rules three-eighths inch apart, in the order specified under Section [20A-6-305](#)
- 478 with surnames last and grouped according to the office that they seek;
- 479 (f) a square with sides not less than one-fourth inch long is printed immediately
- 480 adjacent to the names of the candidates; and
- 481 (g) the candidate groups are separated from each other by one light and one heavy line
- 482 or rule.

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

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

485 **20A-7-101. Definitions.**

486 As used in this chapter:

487 (1) "Approved device" means a device described in Subsection [20A-21-201](#)(4) used to

488 gather signatures for the electronic initiative process, the electronic referendum process, or the

489 electronic candidate qualification process.

490 (2) "Budget officer" means:

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

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

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

494 (d) for a metro township, the person described in Subsection (2)(a) for the county in

495 which the metro township is located.

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

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

500 (5) "Electronic initiative process" means:

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

503 (b) as it relates to a local initiative, the process, described in Sections 20A-7-514 and
504 20A-21-201, for gathering signatures.

505 (6) "Electronic referendum process" means:

506 (a) as it relates to a statewide referendum, the process, described in Sections
507 20A-7-313 and 20A-21-201, for gathering signatures; or

508 (b) as it relates to a local referendum, the process, described in Sections 20A-7-614 and
509 20A-21-201, for gathering signatures.

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

512 (8) "Final fiscal impact statement" means a financial statement prepared after voters
513 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
514 20A-7-502.5(2).

515 (9) "Initial fiscal impact statement" means

516 a financial statement prepared under Section 20A-7-202.5 after the filing of a statewide
517 initiative application.

518 (10) "Initial fiscal impact and legal statement" means a financial and legal statement
519 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local
520 referendum.

521 (11) "Initiative" means a new law proposed for adoption by the public as provided in

522 this chapter.

523 (12) "Initiative application" means:

524 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that
525 includes all the information, statements, documents, and notarized signatures required under
526 Subsection 20A-7-202(2); or

527 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that
528 includes all the information, statements, documents, and notarized signatures required under
529 Subsection 20A-7-502(2).

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

532 (14) "Initiative petition":

533 (a) as it relates to a statewide initiative, using the manual initiative process:

534 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for
535 submission of the initiative to the Legislature or the legal voters; and

536 (ii) if the initiative proposes a tax increase, includes the statement described in
537 Subsection 20A-7-203(2)(b);

538 (b) as it relates to a statewide initiative, using the electronic initiative process:

539 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for
540 submission of the initiative to the Legislature or the legal voters; and

541 (ii) if the initiative proposes a tax increase, includes the statement described in
542 Subsection 20A-7-215(5)(b);

543 (c) as it relates to a local initiative, using the manual initiative process:

544 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for
545 submission of the initiative to the legislative body or the legal voters; and

546 (ii) if the initiative proposes a tax increase, includes the statement described in
547 Subsection 20A-7-503(2)(b); or

548 (d) as it relates to a local initiative, using the electronic initiative process:

549 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for
550 submission of the initiative to the legislative body or the legal voters; and

551 (ii) if the initiative proposes a tax increase, includes the statement described in
552 Subsection 20A-7-514(4)(a).

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

558 (b) "Land use law" does not include a land use decision, as defined in Section
559 [10-9a-103](#) or [17-27a-103](#).

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

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

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

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

564 (18) "Legally referable to voters" means:

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

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

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

571 (20) "Local clerk" means the county clerk, city recorder, or town clerk in whose
572 jurisdiction a local initiative or referendum petition is circulated.

573 (21) (a) "Local law" includes:

574 (i) an ordinance;

575 (ii) a resolution;

576 (iii) a land use law;

577 (iv) a land use regulation, as defined in Section [10-9a-103](#); or

578 (v) other legislative action of a local legislative body.

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

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

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

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

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

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

590 (27) "Measure" means a proposed constitutional amendment, an initiative, or
591 referendum.

592 (28) "Presiding officers" means the president or the Senate and the speaker of the
593 House of Representatives.

594 [~~(28)~~] (29) "Referendum" means a process by which a law passed by the Legislature or
595 by a local legislative body is submitted or referred to the voters for their approval or rejection.

596 [~~(29)~~] (30) "Referendum application" means:

597 (a) for a statewide referendum, an application described in Subsection 20A-7-302(2)
598 that includes all the information, statements, documents, and notarized signatures required
599 under Subsection 20A-7-302(2); or

600 (b) for a local referendum, an application described in Subsection 20A-7-602(2) that
601 includes all the information, statements, documents, and notarized signatures required under
602 Subsection 20A-7-602(2).

603 [~~(30)~~] (31) "Referendum packet" means a copy of the referendum petition, a copy of
604 the law being submitted or referred to the voters for their approval or rejection, and the
605 signature sheets, all of which have been bound together as a unit.

606 [~~(31)~~] (32) "Referendum petition" means:

607 (a) as it relates to a statewide referendum, using the manual referendum process, the
608 form described in Subsection 20A-7-303(2)(a), petitioning for submission of a law passed by
609 the Legislature to legal voters for their approval or rejection;

610 (b) as it relates to a statewide referendum, using the electronic referendum process, the
611 form described in Subsection 20A-7-313(2), petitioning for submission of a law passed by the
612 Legislature to legal voters for their approval or rejection;

613 (c) as it relates to a local referendum, using the manual referendum process, the form
614 described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law to legal

615 voters for their approval or rejection; or

616 (d) as it relates to a local referendum, using the electronic referendum process, the form
617 described in Subsection 20A-7-614(2), petitioning for submission of a local law to legal voters
618 for their approval or rejection.

619 [~~(32)~~] (33) "Signature":

620 (a) for a statewide initiative:

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

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

624 (A) means a holographic signature collected physically on a signature sheet described
625 in Section 20A-7-203; and

626 (B) does not include an electronic signature;

627 (b) for a statewide referendum:

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

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

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

633 (B) does not include an electronic signature;

634 (c) for a local initiative:

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

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

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

640 (B) does not include an electronic signature; or

641 (d) for a local referendum:

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

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

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

646 in Section [20A-7-603](#); and

647 (B) does not include an electronic signature.

648 ~~[(33)]~~ (34) "Signature sheets" means sheets in the form required by this chapter that are
649 used under the manual initiative process or the manual referendum process to collect signatures
650 in support of an initiative or referendum.

651 ~~[(34)]~~ (35) "Special local ballot proposition" means a local ballot proposition that is
652 not a standard local ballot proposition.

653 ~~[(35)]~~ (36) "Sponsors" means the legal voters who support the initiative or referendum
654 and who sign the initiative application or referendum application.

655 ~~[(36)]~~ (37) (a) "Standard local ballot proposition" means a local ballot proposition for
656 an initiative or a referendum.

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

659 ~~[(37)]~~ (38) "Tax percentage difference" means the difference between the tax rate
660 proposed by an initiative or an initiative petition and the current tax rate.

661 ~~[(38)]~~ (39) "Tax percentage increase" means a number calculated by dividing the tax
662 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

663 ~~[(39)]~~ (40) "Verified" means acknowledged by the person circulating the petition as
664 required in Section [20A-7-105](#).

665 Section 8. Section [20A-7-103](#) is amended to read:

666 **20A-7-103. Constitutional amendments and other questions submitted by the**
667 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

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

670 (2) The lieutenant governor shall, not more than 60 days or less than 14 days before the
671 date of the election, publish the full text of the amendment, question, or statute for the state, as
672 a class A notice under Section [63G-30-102](#), through the date of the election.

673 (3) The ~~[legislative general counsel]~~ presiding officers shall:

674 (a) entitle each proposed constitutional amendment "Constitutional Amendment ___"
675 and assign ~~[it a letter according to]~~ a letter to the constitutional amendment in accordance with
676 the requirements of Section [20A-6-107](#);

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

679 (c) draft and designate a ballot title for each proposed amendment or question
680 submitted by the Legislature that:

681 (i) summarizes the subject matter of the amendment or question; and

682 (ii) for a proposed constitutional amendment, summarizes any legislation that is
683 enacted and will become effective upon the voters' adoption of the proposed constitutional
684 amendment; and

685 (d) deliver each letter or number and ballot title to the lieutenant governor.

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

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

690 (a) ensure that the letter or number and the ballot title of each amendment and question
691 prepared in accordance with this section are included in the sample ballots and official ballots;
692 and

693 (b) publish the sample ballots and official ballots as provided by law.

694 Section 9. Section 20A-7-105 is amended to read:

695 **20A-7-105. Manual petition processes -- Obtaining signatures -- Verification --**
696 **Submitting the petition -- Certification of signatures -- Transfer to lieutenant governor --**
697 **Removal of signature.**

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

700 (2) As used in this section:

701 (a) "Local petition" means:

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

703 or

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

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

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

- 708 (d) "Statewide petition" means:
- 709 (i) a manual statewide initiative petition described in Part 2, Statewide Initiatives; or
- 710 (ii) a manual statewide referendum petition described in Part 3, Statewide Referenda.
- 711 (3) (a) A Utah voter may sign a statewide petition if the voter is a legal voter.
- 712 (b) A Utah voter may sign a local petition if the voter:
- 713 (i) is a legal voter; and
- 714 (ii) resides in the local jurisdiction.
- 715 (4) (a) The sponsors shall ensure that the individual in whose presence each signature
- 716 sheet was signed:
- 717 (i) is at least 18 years old and meets the residency requirements of Section [20A-2-105](#);
- 718 (ii) verifies each signature sheet by completing the verification printed on the last page
- 719 of each packet; and
- 720 (iii) is informed that each signer is required to read and understand:
- 721 (A) for an initiative petition, the law proposed by the initiative; or
- 722 (B) for a referendum petition, the law that the referendum seeks to overturn.
- 723 (b) An individual may not sign the verification printed on the last page of a packet if
- 724 the individual signed a signature sheet in the packet.
- 725 (5) (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified
- 726 packet to the county clerk of the county in which the packet was circulated before 5 p.m. no
- 727 later than the earlier of:
- 728 (i) for a statewide initiative:
- 729 (A) 30 days after the day on which the first individual signs the initiative packet;
- 730 (B) 316 days after the day on which the application for the initiative petition is filed; or
- 731 (C) the February 15 immediately before the next regular general election immediately
- 732 after the application is filed under Section [20A-7-202](#);
- 733 (ii) for a statewide referendum:
- 734 (A) 30 days after the day on which the first individual signs the referendum packet; or
- 735 (B) 40 days after the day on which the legislative session at which the law passed ends;
- 736 (iii) for a local initiative:
- 737 (A) 30 days after the day on which the first individual signs the initiative packet;
- 738 (B) 316 days after the day on which the application is filed;

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

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

744 (iv) for a local referendum:

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

746 (B) 45 days after the day on which the sponsors receive the items described in

747 Subsection 20A-7-604(3) from the local clerk.

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

749 Subsection (5)(a).

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

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

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

756 "You signed a petition for the following initiative:

757 [insert title of initiative]

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

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

767 (i) a list containing:

768 (A) the name and email address of each individual the sponsors sent, or caused to be

769 sent, the email described in Subsection (5)(c); and

770 (B) the date the email was sent;
 771 (ii) a copy of the email described in Subsection (5)(c); and
 772 (iii) the following written verification, completed and signed by each of the sponsors:
 773 "Verification of initiative sponsor State of Utah, County of _____ I, _____,
 774 of _____, hereby state, under penalty of perjury, that:
 775 I am a sponsor of the initiative petition entitled _____; and
 776 I sent, or caused to be sent, to each individual who provided a legible, valid email
 777 address on a signature sheet submitted to the county clerk in relation to the initiative petition,
 778 the email described in Utah Code Subsection 20A-7-105(5)(c).
 779 _____

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

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

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

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

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

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

791 (A) certify on the petition whether each name is that of a legal voter;

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

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

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

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

799 (B) post the name, voter identification number, and date of signature of each legal

800 voter certified under Subsection (6)(a)(iii)(A) on the lieutenant governor's website, in a
801 conspicuous location designated by the lieutenant governor; and

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

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

806 (i) for a local initiative, during the period of time described in Subsection
807 20A-7-507(3)(a); or

808 (ii) for a local referendum, during the period of time described in Subsection
809 20A-7-607(2)(a)(i).

810 (7) The county clerk may not certify a signature under Subsection (6):

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

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

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

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

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

818 (B) 90 days after the day on which the lieutenant governor posts the voter's name under
819 Subsection 20A-7-207(2); or

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

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

822 (B) 45 days after the day on which the lieutenant governor posts the voter's name under
823 Subsection 20A-7-207(2).

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

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

828 (ii) 45 days after the day on which the lieutenant governor posts the voter's name under
829 Subsection 20A-7-307(2).

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

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

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

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

835 Subsection 20A-7-507(2);

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

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

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

841 (d) A voter who signs a local referendum petition may have the voter's signature

842 removed from the petition by submitting to the county clerk a statement requesting that the

843 voter's signature be removed no later than the earlier of:

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

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

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

847 (e) A statement described in this Subsection (8) shall comply with the requirements
848 described in Subsection 20A-1-1003(2).

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

852 (g) A county clerk shall analyze a signature, for purposes of removing a signature from
853 a petition, in accordance with Subsection 20A-1-1003(3).

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

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

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

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

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

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

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

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

867 **20A-7-702. Voter information pamphlet -- Form -- Contents.**

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

869 (1) a cover title page;

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

871 (3) a table of contents;

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

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

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

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

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

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

883 (c) (i) for a measure other than a measure described in Section [20A-7-103](#), the
884 impartial analysis of the measure prepared by the Office of Legislative Research and General
885 Counsel; or

886 (ii) for a measure described in Section [20A-7-103](#), the analysis of the measure prepared
887 by the presiding officers;

888 (d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the
889 measure, the arguments against the measure, and the rebuttal to the arguments against the
890 measure, with the name and title of the authors at the end of each argument or rebuttal;

891 (e) for each constitutional amendment, a complete copy of the text of the constitutional
892 amendment, with all new language underlined, and all deleted language placed within brackets;

- 893 (f) for each initiative qualified for the ballot:
- 894 (i) a copy of the initiative as certified by the lieutenant governor and a copy of the
895 initial fiscal impact statement prepared according to Section 20A-7-202.5; and
- 896 (ii) if the initiative proposes a tax increase, the following statement in bold type:
897 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
898 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
899 increase in the current tax rate."; and
- 900 (g) for each referendum qualified for the ballot, a complete copy of the text of the law
901 being submitted to the voters for their approval or rejection, with all new language underlined
902 and all deleted language placed within brackets, as applicable;
- 903 (8) a description provided by the Judicial Performance Evaluation Commission of the
904 selection and retention process for judges, including, in the following order:
- 905 (a) a description of the judicial selection process;
- 906 (b) a description of the judicial performance evaluation process;
- 907 (c) a description of the judicial retention election process;
- 908 (d) a list of the criteria of the judicial performance evaluation and the certification
909 standards;
- 910 (e) the names of the judges standing for retention election; and
- 911 (f) for each judge:
- 912 (i) a list of the counties in which the judge is subject to retention election;
- 913 (ii) a short biography of professional qualifications and a recent photograph;
- 914 (iii) a narrative concerning the judge's performance;
- 915 (iv) for each certification standard under Section 78A-12-205, a statement identifying
916 whether, under Section 78A-12-205, the judge met the standard and, if not, the manner in
917 which the judge failed to meet the standard;
- 918 (v) a statement that the Judicial Performance Evaluation Commission:
- 919 (A) has determined that the judge meets or exceeds minimum performance standards;
- 920 (B) has determined that the judge does not meet or exceed minimum performance
921 standards; or
- 922 (C) has not made a determination regarding whether the judge meets or exceeds
923 minimum performance standards;

924 (vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge
925 whom the Judicial Performance Evaluation Commission determines does not meet or exceed
926 minimum performance standards;

927 (vii) in a bar graph, the average of responses to each survey category, displayed with an
928 identification of the minimum acceptable score as set by Section 78A-12-205 and the average
929 score of all judges of the same court level; and

930 (viii) a website address that contains the Judicial Performance Evaluation
931 Commission's report on the judge's performance evaluation;

932 (9) for each judge, a statement provided by the Utah Supreme Court identifying the
933 cumulative number of informal reprimands, when consented to by the judge in accordance with
934 Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of
935 censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article
936 VIII, Section 13, during the judge's current term and the immediately preceding term, and a
937 detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct
938 that the judge has received;

939 (10) an explanation of ballot marking procedures prepared by the lieutenant governor,
940 indicating the ballot marking procedure used by each county and explaining how to mark the
941 ballot for each procedure;

942 (11) voter registration information, including information on how to obtain a ballot;

943 (12) a list of all county clerks' offices and phone numbers;

944 (13) the address of the Statewide Electronic Voter Information Website, with a
945 statement indicating that the election officer will post on the website any changes to the
946 location of a polling place and the location of any additional polling place;

947 (14) a phone number that a voter may call to obtain information regarding the location
948 of a polling place; and

949 (15) on the back cover page, a printed copy of the following statement signed by the
950 lieutenant governor:

951 "I, _____ (print name), Lieutenant Governor of Utah, certify that the
952 measures contained in this pamphlet will be submitted to the voters of Utah at the election to
953 be held throughout the state on ____ (date of election), and that this pamphlet is complete and
954 correct according to law.

955 SEAL

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

958 (signed) _____
959 Lieutenant Governor".

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

961 **20A-7-703. Analysis of initiative or referendum -- Determination of fiscal effects.**

962 (1) The director of the Office of Legislative Research and General Counsel, after the approval
963 of the legislative general counsel as to legal sufficiency, shall:

964 (a) prepare an impartial analysis of each measure submitted to the voters [~~by the~~
965 ~~Legislature or~~] by initiative or referendum petition; and

966 (b) submit the impartial analysis to the lieutenant governor no later than the day that
967 falls 90 days before the date of the election in which the measure will appear on the ballot.

968 (2) The director shall ensure that the impartial analysis:

969 (a) is not more than 1,000 words long;

970 (b) is prepared in clear and concise language that will easily be understood by the
971 average voter;

972 (c) avoids the use of technical terms as much as possible;

973 (d) shows the effect of the measure on existing law;

974 (e) identifies any potential conflicts with the United States or Utah Constitutions raised
975 by the measure;

976 (f) fairly describes the operation of the measure;

977 (g) identifies the measure's fiscal effects over the time period or time periods
978 determined by the director to be most useful in understanding the estimated fiscal impact of the
979 proposed law; and

980 (h) identifies the amount of any increase or decrease in revenue or cost to state or local
981 government.

982 [~~(3) The director shall analyze the measure as it is proposed to be adopted without~~
983 ~~considering any implementing legislation, unless the implementing legislation has been enacted~~
984 ~~and will become effective upon the adoption of the measure by the voters.]~~

985 [(4)] (3) (a) In determining the fiscal effects of a measure, the director shall confer with

986 the legislative fiscal analyst.

987 (b) The director shall consider any measure that requires implementing legislation in
988 order to take effect to have no financial effect, unless implementing legislation has been
989 enacted that will become effective upon adoption of the measure by the voters.

990 [~~5~~] (4) If the director requests the assistance of any state department, agency, or
991 official in preparing the director's analysis, that department, agency, or official shall assist the
992 director.

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

994 **20A-7-703.1. Analysis of measure submitted to voters by Legislature --**
995 **Determination of fiscal effects.**

996 (1) The presiding officers shall:

997 (a) prepare an analysis of each measure, described in Section [20A-7-103](#), that is
998 submitted to the voters by the Legislature; and

999 (b) submit the analysis to the lieutenant governor no later than the day that falls 90 days
1000 before the date of the election in which the measure will appear on the ballot.

1001 (2) The presiding officers shall ensure that the analysis:

1002 (a) is not more than 1,000 words long;

1003 (b) is prepared in clear and concise language that will easily be understood by the
1004 average voter;

1005 (c) to the extent possible, avoids the use of technical terms;

1006 (d) shows the effect of the measure on existing law;

1007 (e) describes the measure;

1008 (f) identifies the measure's fiscal effects over the time period or time periods

1009 determined by the presiding officers to be most useful in understanding the estimated fiscal
1010 impact of the measure; and

1011 (g) identifies the amount of any increase or decrease in revenue or cost to state or local
1012 government.

1013 (3) The presiding officers shall analyze the measure as the measure is proposed to be
1014 adopted, without considering any implementing legislation, unless the implementing legislation
1015 has been enacted and will become effective upon the adoption of the measure by the voters.

1016 (4) (a) In determining the fiscal effects of a measure, the presiding officers shall confer

1017 with the legislative fiscal analyst.

1018 (b) The presiding officers shall consider any measure that requires implementing
1019 legislation in order to take effect to have no financial effect, unless implementing legislation
1020 has been enacted that will become effective upon adoption of the measure by the voters.

1021 (5) If the presiding officers request the assistance of any state department, agency, or
1022 official in preparing the analysis described in this section, that department, agency, or official
1023 shall assist the presiding officers.

1024 Section 13. Section **20A-9-201** is amended to read:

1025 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
1026 **more than one political party prohibited with exceptions -- General filing and form**
1027 **requirements -- Affidavit of impecuniosity.**

1028 (1) Before filing a declaration of candidacy for election to any office, an individual
1029 shall:

1030 (a) be a United States citizen;

1031 (b) meet the legal requirements of that office; and

1032 (c) if seeking a registered political party's nomination as a candidate for elective office,
1033 state:

1034 (i) the registered political party of which the individual is a member; or

1035 (ii) that the individual is not a member of a registered political party.

1036 (2) (a) Except as provided in Subsection (2)(b), an individual may not:

1037 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
1038 Utah during any election year;

1039 (ii) appear on the ballot as the candidate of more than one political party; or

1040 (iii) file a declaration of candidacy for a registered political party of which the
1041 individual is not a member, except to the extent that the registered political party permits
1042 otherwise in the registered political party's bylaws.

1043 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,
1044 president or vice president of the United States and another office, if the individual resigns the
1045 individual's candidacy for the other office after the individual is officially nominated for
1046 president or vice president of the United States.

1047 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more

1048 than one justice court judge office.

1049 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
1050 the individual filed a declaration of candidacy for another office in the same election year if the
1051 individual withdraws as a candidate for the other office in accordance with Subsection
1052 [20A-9-202](#)(6) before filing the declaration of candidacy for lieutenant governor.

1053 (3) (a) Except for a candidate for president or vice president of the United States,
1054 before the filing officer may accept any declaration of candidacy, the filing officer shall:

1055 (i) read to the individual the constitutional and statutory qualification requirements for
1056 the office that the individual is seeking;

1057 (ii) require the individual to state whether the individual meets the requirements
1058 described in Subsection (3)(a)(i);

1059 (iii) if the declaration of candidacy is for a county office, inform the individual that an
1060 individual who holds a county elected office may not, at the same time, hold a municipal
1061 elected office; and

1062 (iv) if the declaration of candidacy is for a legislative office, inform the individual that
1063 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
1064 or trust, under authority of the United States or Utah, from being a member of the Legislature.

1065 (b) Before accepting a declaration of candidacy for the office of county attorney, the
1066 county clerk shall ensure that the individual filing that declaration of candidacy is:

1067 (i) a United States citizen;

1068 (ii) an attorney licensed to practice law in the state who is an active member in good
1069 standing of the Utah State Bar;

1070 (iii) a registered voter in the county in which the individual is seeking office; and

1071 (iv) a current resident of the county in which the individual is seeking office and either
1072 has been a resident of that county for at least one year before the date of the election or was
1073 appointed and is currently serving as county attorney and became a resident of the county
1074 within 30 days after appointment to the office.

1075 (c) Before accepting a declaration of candidacy for the office of district attorney, the
1076 county clerk shall ensure that, as of the date of the election, the individual filing that
1077 declaration of candidacy is:

1078 (i) a United States citizen;

1079 (ii) an attorney licensed to practice law in the state who is an active member in good
1080 standing of the Utah State Bar;

1081 (iii) a registered voter in the prosecution district in which the individual is seeking
1082 office; and

1083 (iv) a current resident of the prosecution district in which the individual is seeking
1084 office and either will have been a resident of that prosecution district for at least one year
1085 before the date of the election or was appointed and is currently serving as district attorney and
1086 became a resident of the prosecution district within 30 days after receiving appointment to the
1087 office.

1088 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
1089 county clerk shall ensure that the individual filing the declaration:

1090 (i) is a United States citizen;

1091 (ii) is a registered voter in the county in which the individual seeks office;

1092 (iii) (A) has successfully met the standards and training requirements established for
1093 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
1094 Certification Act; or

1095 (B) has met the waiver requirements in Section 53-6-206;

1096 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
1097 53-13-103; and

1098 (v) before the date of the election, will have been a resident of the county in which the
1099 individual seeks office for at least one year.

1100 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
1101 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
1102 Education member, the filing officer shall ensure that the individual filing the declaration of
1103 candidacy also makes the conflict of interest disclosure described in Section 20A-11-1603.

1104 (4) If an individual who files a declaration of candidacy does not meet the qualification
1105 requirements for the office the individual is seeking, the filing officer may not accept the
1106 individual's declaration of candidacy.

1107 (5) If an individual who files a declaration of candidacy meets the requirements
1108 described in Subsection (3), the filing officer shall:

1109 (a) inform the individual that:

- 1110 (i) the individual's name will appear on the ballot as the individual's name is written on
1111 the individual's declaration of candidacy;
- 1112 (ii) the individual may be required to comply with state or local campaign finance
1113 disclosure laws; and
- 1114 (iii) the individual is required to file a financial statement before the individual's
1115 political convention under:
- 1116 (A) Section 20A-11-204 for a candidate for constitutional office;
- 1117 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 1118 (C) local campaign finance disclosure laws, if applicable;
- 1119 (b) except for a presidential candidate, provide the individual with a copy of the current
1120 campaign financial disclosure laws for the office the individual is seeking and inform the
1121 individual that failure to comply will result in disqualification as a candidate and removal of
1122 the individual's name from the ballot;
- 1123 (c) (i) provide the individual with a copy of Section 20A-7-801 regarding the Statewide
1124 Electronic Voter Information Website Program and inform the individual of the submission
1125 deadline under Subsection 20A-7-801(4)(a);
- 1126 (ii) inform the individual that the individual must provide the filing officer with an
1127 email address that the individual actively monitors:
- 1128 (A) to receive a communication from a filing officer or an election officer; and
- 1129 (B) if the individual wishes to display a candidate profile on the Statewide Electronic
1130 Voter Information Website, to submit to the website the biographical and other information
1131 described in Subsection 20A-7-801(4)(a)(ii);
- 1132 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is
1133 not a record under Title 63G, Chapter 2, Government Records Access and Management Act;
1134 and
- 1135 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
- 1136 (d) provide the candidate with a copy of the pledge of fair campaign practices
1137 described under Section 20A-9-206 and inform the candidate that:
- 1138 (i) signing the pledge is voluntary; and
- 1139 (ii) signed pledges shall be filed with the filing officer;
- 1140 (e) accept the individual's declaration of candidacy; and

1141 (f) if the individual has filed for a partisan office, provide a certified copy of the
1142 declaration of candidacy to the chair of the county or state political party of which the
1143 individual is a member.

1144 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing
1145 officer shall:

1146 (a) accept the candidate's pledge; and

1147 (b) if the candidate has filed for a partisan office, provide a certified copy of the
1148 candidate's pledge to the chair of the county or state political party of which the candidate is a
1149 member.

1150 (7) (a) Except for a candidate for president or vice president of the United States, the
1151 form of the declaration of candidacy shall:

1152 (i) be substantially as follows:

1153 "State of Utah, County of _____

1154 I, _____, declare my candidacy for the office of _____, seeking the
1155 nomination of the _____ party. I do solemnly swear, under penalty of perjury, that: I will
1156 meet the qualifications to hold the office, both legally and constitutionally, if selected; I
1157 reside at _____ in the City or Town of _____, Utah, Zip Code _____ Phone No.
1158 _____; I will not knowingly violate any law governing campaigns and elections; if filing
1159 via a designated agent, I will be out of the state of Utah during the entire candidate
1160 filing period; I will file all campaign financial disclosure reports as required by law; and
1161 I understand that failure to do so will result in my disqualification as a candidate for this
1162 office and removal of my name from the ballot. The mailing address that I designate
1163 for receiving official election notices is _____.

1164 _____

1165 Subscribed and sworn before me this _____(month\day\year).

1166 _____ Notary Public (or other officer qualified to administer oath)."; and

1167 (ii) require the candidate to state, in the sworn statement described in Subsection
1168 (7)(a)(i):

1169 (A) the registered political party of which the candidate is a member; or

1170 (B) that the candidate is not a member of a registered political party.

1171 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of

1172 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

1173 (8) (a) Except for a candidate for president or vice president of the United States, the
1174 fee for filing a declaration of candidacy is:

1175 (i) \$50 for candidates for the local school district board; and

1176 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
1177 person holding the office for all other federal, state, and county offices.

1178 (b) Except for presidential candidates, the filing officer shall refund the filing fee to
1179 any candidate:

1180 (i) who is disqualified; or

1181 (ii) who the filing officer determines has filed improperly.

1182 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
1183 from candidates.

1184 (ii) The lieutenant governor shall:

1185 (A) apportion to and pay to the county treasurers of the various counties all fees
1186 received for filing of nomination certificates or acceptances; and

1187 (B) ensure that each county receives that proportion of the total amount paid to the
1188 lieutenant governor from the congressional district that the total vote of that county for all
1189 candidates for representative in Congress bears to the total vote of all counties within the
1190 congressional district for all candidates for representative in Congress.

1191 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
1192 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
1193 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
1194 a financial statement filed at the time the affidavit is submitted.

1195 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

1196 (iii) (A) False statements made on an affidavit of impecuniosity or a financial
1197 statement filed under this section shall be subject to the criminal penalties provided under
1198 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

1199 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
1200 considered an offense under this title for the purposes of assessing the penalties provided in
1201 Subsection 20A-1-609(2).

1202 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in

1203 substantially the following form:

1204 "Affidavit of Impecuniosity

1205 Individual Name

1206 _____ Address _____

1207 Phone Number _____

1208 I, _____ (name), do solemnly [swear] [affirm], under penalty of law
1209 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
1210 law.

1211 Date _____ Signature _____

1212 Affiant

1213 Subscribed and sworn to before me on _____ (month\day\year)

1214 _____
1215 (signature)

1216 Name and Title of Officer Authorized to Administer Oath _____".

1217 (v) The filing officer shall provide to a person who requests an affidavit of
1218 impecuniosity a statement printed in substantially the following form, which may be included
1219 on the affidavit of impecuniosity:

1220 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
1221 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
1222 penalties, will be removed from the ballot."

1223 (vi) The filing officer may request that a person who makes a claim of impecuniosity
1224 under this Subsection (8)(d) file a financial statement on a form prepared by the election
1225 official.

1226 (9) An individual who fails to file a declaration of candidacy or certificate of
1227 nomination within the time provided in this chapter is ineligible for nomination to office.

1228 (10) A declaration of candidacy filed under this section may not be amended or
1229 modified after the final date established for filing a declaration of candidacy.

1230 Section 14. Section 20A-9-203 is amended to read:

1231 **20A-9-203. Declarations of candidacy -- Municipal general elections --**
1232 **Nomination petition -- Removal of signature.**

1233 (1) An individual may become a candidate for any municipal office if:

1234 (a) the individual is a registered voter; and

1235 (b) (i) the individual has resided within the municipality in which the individual seeks
1236 to hold elective office for the 12 consecutive months immediately before the date of the
1237 election; or

1238 (ii) the territory in which the individual resides was annexed into the municipality, the
1239 individual has resided within the annexed territory or the municipality the 12 consecutive
1240 months immediately before the date of the election.

1241 (2) (a) For purposes of determining whether an individual meets the residency
1242 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
1243 before the election, the municipality is considered to have been incorporated 12 months before
1244 the date of the election.

1245 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
1246 council position shall, if elected from a district, be a resident of the council district from which
1247 the candidate is elected.

1248 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
1249 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
1250 against the elective franchise may not hold office in this state until the right to hold elective
1251 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

1252 (3) (a) An individual seeking to become a candidate for a municipal office shall,
1253 regardless of the nomination method by which the individual is seeking to become a candidate:

1254 (i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate
1255 Voting Methods Pilot Project, and subject to Subsection [20A-9-404\(3\)\(e\)](#), file a declaration of
1256 candidacy, in person with the city recorder or town clerk, during the office hours described in
1257 Section [10-3-301](#) and not later than the close of those office hours, between June 1 and June 7
1258 of any odd-numbered year; and

1259 (ii) pay the filing fee, if one is required by municipal ordinance.

1260 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
1261 declaration of candidacy with the city recorder or town clerk if:

1262 (i) the individual is located outside of the state during the entire filing period;

1263 (ii) the designated agent appears in person before the city recorder or town clerk;

1264 (iii) the individual communicates with the city recorder or town clerk using an

1265 electronic device that allows the individual and city recorder or town clerk to see and hear each
1266 other; and

1267 (iv) the individual provides the city recorder or town clerk with an email address to
1268 which the city recorder or town clerk may send the individual the copies described in
1269 Subsection (4).

1270 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

1271 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
1272 Project, filing a nomination petition with the city recorder or town clerk during the office hours
1273 described in Section 10-3-301 and not later than the close of those office hours, between June 1
1274 and June 7 of any odd-numbered year that includes signatures in support of the nomination
1275 petition of the lesser of at least:

1276 (A) 25 registered voters who reside in the municipality; or

1277 (B) 20% of the registered voters who reside in the municipality; and

1278 (ii) paying the filing fee, if one is required by municipal ordinance.

1279 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
1280 petition, the filing officer shall:

1281 (i) read to the prospective candidate or individual filing the petition the constitutional
1282 and statutory qualification requirements for the office that the candidate is seeking;

1283 (ii) require the candidate or individual filing the petition to state whether the candidate
1284 meets the requirements described in Subsection (4)(a)(i); and

1285 (iii) inform the candidate or the individual filing the petition that an individual who
1286 holds a municipal elected office may not, at the same time, hold a county elected office.

1287 (b) If the prospective candidate does not meet the qualification requirements for the
1288 office, the filing officer may not accept the declaration of candidacy or nomination petition.

1289 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
1290 filing officer shall:

1291 (i) inform the candidate that the candidate's name will appear on the ballot as it is
1292 written on the declaration of candidacy;

1293 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
1294 for the office the candidate is seeking and inform the candidate that failure to comply will
1295 result in disqualification as a candidate and removal of the candidate's name from the ballot;

1296 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1297 Electronic Voter Information Website Program and inform the candidate of the submission
1298 deadline under Subsection 20A-7-801(4)(a);

1299 (iv) inform the candidate that the candidate must provide the filing officer with an
1300 email address that the candidate actively monitors:

1301 (A) to receive a communication from a filing officer or an election officer; and

1302 (B) if the candidate wishes to display a candidate profile on the Statewide Electronic
1303 Voter Information Website, to submit to the website the biographical and other information
1304 described in Subsection 20A-7-801(4)(a)(ii);

1305 (v) inform the candidate that the email address described in Subsection (4)(c)(iv) is not
1306 a record under Title 63G, Chapter 2, Government Records Access and Management Act;

1307 (vi) obtain from the candidate the email address described in Subsection (4)(c)(iv);

1308 [~~(iv)~~] (vii) provide the candidate with a copy of the pledge of fair campaign practices
1309 described under Section 20A-9-206 and inform the candidate that:

1310 (A) signing the pledge is voluntary; and

1311 (B) signed pledges shall be filed with the filing officer; and

1312 [~~(v)~~] (viii) accept the declaration of candidacy or nomination petition.

1313 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
1314 officer shall:

1315 (i) accept the candidate's pledge; and

1316 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1317 candidate's pledge to the chair of the county or state political party of which the candidate is a
1318 member.

1319 (5) (a) The declaration of candidacy shall be in substantially the following form:

1320 "I, (print name) ____, being first sworn and under penalty of perjury, say that I reside at
1321 ____ Street, City of ____, County of ____, state of Utah, Zip Code ____, Telephone Number

1322 (if any) ____; that I am a registered voter; and that I am a candidate for the office of ____

1323 (stating the term). I will meet the legal qualifications required of candidates for this office. If

1324 filing via a designated agent, I attest that I will be out of the state of Utah during the entire

1325 candidate filing period. I will file all campaign financial disclosure reports as required by law

1326 and I understand that failure to do so will result in my disqualification as a candidate for this

1327 office and removal of my name from the ballot. I request that my name be printed upon the
1328 applicable official ballots. (Signed) _____

1329 Subscribed and sworn to (or affirmed) before me by ____ on this
1330 _____(month\day\year).

1331 (Signed) _____ (Clerk or other officer qualified to administer oath)."

1332 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
1333 not sign the form described in Subsection (5)(a).

1334 (c) (i) A nomination petition shall be in substantially the following form:

1335 "NOMINATION PETITION

1336 The undersigned residents of (name of municipality), being registered voters, nominate
1337 (name of nominee) for the office of (name of office) for the (length of term of office)."

1338 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1339 individuals signing the petition and each individual's address and phone number.

1340 (6) If the declaration of candidacy or nomination petition fails to state whether the
1341 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
1342 for the four-year term.

1343 (7) (a) (i) The clerk shall verify with the county clerk that all candidates are registered
1344 voters.

1345 (b) With the assistance of the county clerk, and using the procedures described in
1346 Section [20A-1-1002](#), the municipal clerk shall determine whether the required number of
1347 signatures of registered voters appears on a nomination petition.

1348 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
1349 clerk shall:

1350 (a) publicize a list of the names of the candidates as they will appear on the ballot by
1351 publishing the list for the municipality, as a class A notice under Section [63G-30-102](#), for
1352 seven days; and

1353 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1354 the ballot.

1355 (9) Except as provided in Subsection (10)(c), an individual may not amend a

1356 declaration of candidacy or nomination petition filed under this section after the candidate
1357 filing period ends.

1358 (10) (a) A declaration of candidacy or nomination petition that an individual files under
1359 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
1360 10 days after the last day for filing.

1361 (b) If a person files an objection, the clerk shall:

1362 (i) mail or personally deliver notice of the objection to the affected candidate
1363 immediately; and

1364 (ii) decide any objection within 48 hours after the objection is filed.

1365 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
1366 days after the day on which the clerk sustains the objection, correct the problem for which the
1367 objection is sustained by amending the candidate's declaration of candidacy or nomination
1368 petition, or by filing a new declaration of candidacy.

1369 (d) (i) The clerk's decision upon objections to form is final.

1370 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1371 prompt application is made to the district court.

1372 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1373 of its discretion, agrees to review the lower court decision.

1374 (11) A candidate who qualifies for the ballot under this section may withdraw as a
1375 candidate by filing a written affidavit with the municipal clerk.

1376 (12) (a) A voter who signs a nomination petition under this section may have the
1377 voter's signature removed from the petition by, no later than three business days after the day
1378 on which the petition is filed with the city recorder or municipal clerk, submitting to the
1379 municipal clerk a statement requesting that the voter's signature be removed.

1380 (b) A statement described in Subsection (12)(a) shall comply with the requirements
1381 described in Subsection [20A-1-1003\(2\)](#).

1382 (c) With the assistance of the county clerk and using the procedures described in
1383 Subsection [20A-1-1003\(3\)](#), the municipal clerk shall determine whether to remove an
1384 individual's signature from a petition after receiving a timely, valid statement requesting
1385 removal of the signature.

1386 Section 15. Section [20A-9-207](#) is amended to read:

1387 **20A-9-207. Withdrawal of candidacy -- Notice.**

1388 As used in this section:

1389 (1) "Public office" means the offices of governor, lieutenant governor, attorney general,
1390 state auditor, state treasurer, state senator, state representative, state school board, or an elective
1391 office of a local political subdivision.

1392 (2) "Public office candidate" means a person who files a declaration of candidacy for a
1393 public office.

1394 (3) If a public office candidate withdraws as a candidate, ~~the~~ an election officer shall:

1395 (a) no later than two business days after the day on which the election officer receives
1396 notice of the withdrawal, notify every opposing candidate for the public office that the public
1397 office candidate has withdrawn;

1398 (b) subject to Subsection (4), upon notice of a withdrawal that occurs 65 or fewer days
1399 before the date of the election, send an email notification to each voter who is eligible to vote
1400 in the public office race for whom the election officer has an email address informing the voter;

1401 (i) that the public office candidate has withdrawn; and

1402 (ii) that ~~votes~~ a vote cast for the public office candidate will not be counted~~;~~,

1403 regardless of whether the public office candidate's name appears on the ballot;

1404 (c) post notice of the withdrawal on a public website; and

1405 ~~[(d) if practicable, remove the public office candidate's name from the ballot.]~~

1406 ~~[(4) An election officer may fulfill the requirement described in Subsection (3) in~~

1407 ~~relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a~~
1408 ~~written notice:]~~

1409 ~~[(a) informing the voter that the candidate has withdraw; or]~~

1410 ~~[(b) directing the voter to a public website to inform the voter whether a candidate on~~
1411 ~~the ballot has withdrawn.]~~

1412 (d) if practicable, include with the ballot, including a military or overseas ballot, a
1413 written notice that:

1414 (i) contains the information described in Subsections (3)(b)(i) and (ii); or

1415 (ii) directs the voter to a public website to inform the voter whether a candidate on the
1416 ballot has withdrawn.

1417 (4) An election officer shall send the email notification described in Subsection (3)(b)

1418 on or before the earlier of:

1419 (a) the next day on which the election officer mails ballots in accordance with Section
1420 20A-3a-202; or

1421 (b) two business days before the date of the election.

1422 Section 16. Section **20A-9-601** is amended to read:

1423 **20A-9-601. Qualifying as a write-in candidate.**

1424 (1) (a) Except as provided in Subsection (1)(b), an individual who wishes to become a
1425 valid write-in candidate shall file a declaration of candidacy in person, or through a designated
1426 agent for a candidate for president or vice president of the United States, with the appropriate
1427 filing officer before 5 p.m. no later than 65 days before the date of the regular general election
1428 or [a] the municipal general election in which the individual intends to be a write-in candidate.

1429 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a
1430 declaration of candidacy for president of the United States.

1431 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a
1432 declaration of candidacy with the appropriate filing officer if:

- 1433 (A) the individual is located outside of the state during the entire filing period;
- 1434 (B) the designated agent appears in person before the filing officer; and
- 1435 (C) the individual communicates with the filing officer using an electronic device that
1436 allows the individual and filing officer to see and hear each other.

1437 (2) (a) The form of the declaration of candidacy for a write-in candidate for all offices,
1438 except president or vice president of the United States, is substantially as follows:

1439 "State of Utah, County of ____

1440 I, _____, declare my intention of becoming a candidate for the office of

1441 ____ for the ____ district (if applicable). I do solemnly swear that: I will meet the

1442 qualifications to hold the office, both legally and constitutionally, if selected; I reside at

1443 _____ in the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will

1444 not knowingly violate any law governing campaigns and elections; if filing via a designated

1445 agent, I will be out of the state of Utah during the entire candidate filing period; I will file all

1446 campaign financial disclosure reports as required by law; and I understand that failure to do so

1447 will result in my disqualification as a candidate for this office and rejection of any votes cast

1448 for me. The mailing address that I designate for receiving official election notices is

1449 _____.

1450 _____

1451 Subscribed and sworn before me this _____(month\day\year).

1452 Notary Public (or other officer qualified to administer oath)."

1453 (b) The form of the declaration of candidacy for a write-in candidate for president of
1454 the United States is substantially as follows:

1455 "State of Utah, County of _____

1456 I, _____, declare my intention of becoming a candidate for the office of the
1457 president of the United States. I do solemnly swear that: I will meet the qualifications to hold
1458 the office, both legally and constitutionally, if selected; I reside at _____ in the City
1459 or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate
1460 any law governing campaigns and elections. The mailing address that I designate for receiving
1461 official election notices is _____. I designate _____ as
1462 my vice presidential candidate.

1463 _____

1464 Subscribed and sworn before me this _____(month\day\year).

1465 Notary Public (or other officer qualified to administer oath.)"

1466 (c) A declaration of candidacy for a write-in candidate for vice president of the United
1467 States shall be in substantially the same form as a declaration of candidacy described in
1468 Subsection 20A-9-202(7).

1469 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in
1470 Subsection (2)(a) or (b).

1471 (3) (a) The filing officer shall:

1472 (i) read to the candidate the constitutional and statutory requirements for the office;

1473 (ii) ask the candidate whether the candidate meets the requirements; and

1474 (iii) if the declaration of candidacy is for a legislative office, inform the individual that
1475 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit
1476 or trust, under authority of the United States or Utah, from being a member of the Legislature.

1477 (b) If the candidate cannot meet the requirements of office, the filing officer may not
1478 accept the write-in candidate's declaration of candidacy.

1479 (4) (a) Except as provided in Subsection (4)(b), a write-in candidate is subject to

1480 Subsection 20A-9-201(8).

1481 (b) A write-in candidate for president of the United States is subject to Subsection
1482 20A-9-201(8)(d) or 20A-9-803(1)(d), as applicable.

1483 (5) By November 1 of each regular general election year, the lieutenant governor shall
1484 certify to each county clerk the names of all write-in candidates who filed their declaration of
1485 candidacy with the lieutenant governor.

1486 Section 17. Section 63G-2-103 is amended to read:

1487 **63G-2-103. Definitions.**

1488 As used in this chapter:

1489 (1) "Audit" means:

1490 (a) a systematic examination of financial, management, program, and related records
1491 for the purpose of determining the fair presentation of financial statements, adequacy of
1492 internal controls, or compliance with laws and regulations; or

1493 (b) a systematic examination of program procedures and operations for the purpose of
1494 determining their effectiveness, economy, efficiency, and compliance with statutes and
1495 regulations.

1496 (2) "Chronological logs" mean the regular and customary summary records of law
1497 enforcement agencies and other public safety agencies that show:

1498 (a) the time and general nature of police, fire, and paramedic calls made to the agency;
1499 and

1500 (b) any arrests or jail bookings made by the agency.

1501 (3) "Classification," "classify," and their derivative forms mean determining whether a
1502 record series, record, or information within a record is public, private, controlled, protected, or
1503 exempt from disclosure under Subsection 63G-2-201(3)(b).

1504 (4) (a) "Computer program" means:

1505 (i) a series of instructions or statements that permit the functioning of a computer
1506 system in a manner designed to provide storage, retrieval, and manipulation of data from the
1507 computer system; and

1508 (ii) any associated documentation and source material that explain how to operate the
1509 computer program.

1510 (b) "Computer program" does not mean:

- 1511 (i) the original data, including numbers, text, voice, graphics, and images;
- 1512 (ii) analysis, compilation, and other manipulated forms of the original data produced by
1513 use of the program; or
- 1514 (iii) the mathematical or statistical formulas, excluding the underlying mathematical
1515 algorithms contained in the program, that would be used if the manipulated forms of the
1516 original data were to be produced manually.
- 1517 (5) (a) "Contractor" means:
- 1518 (i) any person who contracts with a governmental entity to provide goods or services
1519 directly to a governmental entity; or
- 1520 (ii) any private, nonprofit organization that receives funds from a governmental entity.
- 1521 (b) "Contractor" does not mean a private provider.
- 1522 (6) "Controlled record" means a record containing data on individuals that is controlled
1523 as provided by Section [63G-2-304](#).
- 1524 (7) "Designation," "designate," and their derivative forms mean indicating, based on a
1525 governmental entity's familiarity with a record series or based on a governmental entity's
1526 review of a reasonable sample of a record series, the primary classification that a majority of
1527 records in a record series would be given if classified and the classification that other records
1528 typically present in the record series would be given if classified.
- 1529 (8) "Elected official" means each person elected to a state office, county office,
1530 municipal office, school board or school district office, special district office, or special service
1531 district office, but does not include judges.
- 1532 (9) "Explosive" means a chemical compound, device, or mixture:
- 1533 (a) commonly used or intended for the purpose of producing an explosion; and
- 1534 (b) that contains oxidizing or combustive units or other ingredients in proportions,
1535 quantities, or packing so that:
- 1536 (i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the
1537 compound or mixture may cause a sudden generation of highly heated gases; and
- 1538 (ii) the resultant gaseous pressures are capable of:
- 1539 (A) producing destructive effects on contiguous objects; or
- 1540 (B) causing death or serious bodily injury.
- 1541 (10) "Government audit agency" means any governmental entity that conducts an audit.

1542 (11) (a) "Governmental entity" means:

1543 (i) executive department agencies of the state, the offices of the governor, lieutenant
1544 governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole,
1545 the Board of Examiners, the National Guard, the Career Service Review Office, the State
1546 Board of Education, the Utah Board of Higher Education, and the State Archives;

1547 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal
1548 Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative
1549 committees, except any political party, group, caucus, or rules or sifting committee of the
1550 Legislature;

1551 (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar
1552 administrative units in the judicial branch;

1553 (iv) any state-funded institution of higher education or public education; or

1554 (v) any political subdivision of the state, but, if a political subdivision has adopted an
1555 ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this
1556 chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or
1557 as specified in any other section of this chapter that specifically refers to political subdivisions.

1558 (b) "Governmental entity" also means:

1559 (i) every office, agency, board, bureau, committee, department, advisory board, or
1560 commission of an entity listed in Subsection (11)(a) that is funded or established by the
1561 government to carry out the public's business;

1562 (ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative
1563 undertaking;

1564 (iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;

1565 (iv) an association as defined in Section 53G-7-1101;

1566 (v) the Utah Independent Redistricting Commission; and

1567 (vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or
1568 more law enforcement officers, as defined in Section 53-13-103.

1569 (c) "Governmental entity" does not include the Utah Educational Savings Plan created
1570 in Section 53B-8a-103.

1571 (12) "Gross compensation" means every form of remuneration payable for a given
1572 period to an individual for services provided including salaries, commissions, vacation pay,

1573 severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any
1574 similar benefit received from the individual's employer.

1575 (13) "Individual" means a human being.

1576 (14) (a) "Initial contact report" means an initial written or recorded report, however
1577 titled, prepared by peace officers engaged in public patrol or response duties describing official
1578 actions initially taken in response to either a public complaint about or the discovery of an
1579 apparent violation of law, which report may describe:

1580 (i) the date, time, location, and nature of the complaint, the incident, or offense;

1581 (ii) names of victims;

1582 (iii) the nature or general scope of the agency's initial actions taken in response to the
1583 incident;

1584 (iv) the general nature of any injuries or estimate of damages sustained in the incident;

1585 (v) the name, address, and other identifying information about any person arrested or
1586 charged in connection with the incident; or

1587 (vi) the identity of the public safety personnel, except undercover personnel, or
1588 prosecuting attorney involved in responding to the initial incident.

1589 (b) Initial contact reports do not include follow-up or investigative reports prepared
1590 after the initial contact report. However, if the information specified in Subsection (14)(a)
1591 appears in follow-up or investigative reports, it may only be treated confidentially if it is
1592 private, controlled, protected, or exempt from disclosure under Subsection [63G-2-201\(3\)\(b\)](#).

1593 (c) Initial contact reports do not include accident reports, as that term is described in
1594 Title 41, Chapter 6a, Part 4, Accident Responsibilities.

1595 (15) "Legislative body" means the Legislature.

1596 (16) "Notice of compliance" means a statement confirming that a governmental entity
1597 has complied with an order of the State Records Committee.

1598 (17) "Person" means:

1599 (a) an individual;

1600 (b) a nonprofit or profit corporation;

1601 (c) a partnership;

1602 (d) a sole proprietorship;

1603 (e) other type of business organization; or

1604 (f) any combination acting in concert with one another.

1605 (18) "Personal identifying information" means the same as that term is defined in
1606 Section [63A-12-100.5](#).

1607 (19) "Privacy annotation" means the same as that term is defined in Section
1608 [63A-12-100.5](#).

1609 (20) "Private provider" means any person who contracts with a governmental entity to
1610 provide services directly to the public.

1611 (21) "Private record" means a record containing data on individuals that is private as
1612 provided by Section [63G-2-302](#).

1613 (22) "Protected record" means a record that is classified protected as provided by
1614 Section [63G-2-305](#).

1615 (23) "Public record" means a record that is not private, controlled, or protected and that
1616 is not exempt from disclosure as provided in Subsection [63G-2-201\(3\)\(b\)](#).

1617 (24) "Reasonable search" means a search that is:

1618 (a) reasonable in scope and intensity; and

1619 (b) not unreasonably burdensome for the government entity.

1620 (25) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film,
1621 card, tape, recording, electronic data, or other documentary material regardless of physical form
1622 or characteristics:

1623 (i) that is prepared, owned, received, or retained by a governmental entity or political
1624 subdivision; and

1625 (ii) where all of the information in the original is reproducible by photocopy or other
1626 mechanical or electronic means.

1627 (b) "Record" does not ~~mean~~ include:

1628 (i) a personal note or personal communication prepared or received by an employee or
1629 officer of a governmental entity:

1630 (A) in a capacity other than the employee's or officer's governmental capacity; or

1631 (B) that is unrelated to the conduct of the public's business;

1632 (ii) a temporary draft or similar material prepared for the originator's personal use or
1633 prepared by the originator for the personal use of an individual for whom the originator is
1634 working;

- 1635 (iii) material that is legally owned by an individual in the individual's private capacity;
- 1636 (iv) material to which access is limited by the laws of copyright or patent unless the
- 1637 copyright or patent is owned by a governmental entity or political subdivision;
- 1638 (v) proprietary software;
- 1639 (vi) junk mail or a commercial publication received by a governmental entity or an
- 1640 official or employee of a governmental entity;
- 1641 (vii) a book that is cataloged, indexed, or inventoried and contained in the collections
- 1642 of a library open to the public;
- 1643 (viii) material that is cataloged, indexed, or inventoried and contained in the collections
- 1644 of a library open to the public, regardless of physical form or characteristics of the material;
- 1645 (ix) a daily calendar or other personal note prepared by the originator for the
- 1646 originator's personal use or for the personal use of an individual for whom the originator is
- 1647 working;
- 1648 (x) a computer program that is developed or purchased by or for any governmental
- 1649 entity for its own use;
- 1650 (xi) a note or internal memorandum prepared as part of the deliberative process by:
- 1651 (A) a member of the judiciary;
- 1652 (B) an administrative law judge;
- 1653 (C) a member of the Board of Pardons and Parole; or
- 1654 (D) a member of any other body, other than an association or appeals panel as defined
- 1655 in Section [53G-7-1101](#), charged by law with performing a quasi-judicial function;
- 1656 (xii) a telephone number or similar code used to access a mobile communication
- 1657 device that is used by an employee or officer of a governmental entity, provided that the
- 1658 employee or officer of the governmental entity has designated at least one business telephone
- 1659 number that is a public record as provided in Section [63G-2-301](#);
- 1660 (xiii) information provided by the Public Employees' Benefit and Insurance Program,
- 1661 created in Section [49-20-103](#), to a county to enable the county to calculate the amount to be
- 1662 paid to a health care provider under Subsection [17-50-319\(2\)\(e\)\(ii\)](#);
- 1663 (xiv) information that an owner of unimproved property provides to a local entity as
- 1664 provided in Section [11-42-205](#);
- 1665 (xv) a video or audio recording of an interview, or a transcript of the video or audio

1666 recording, that is conducted at a Children's Justice Center established under Section 67-5b-102;

1667 (xvi) child sexual abuse material, as defined by Section 76-5b-103;

1668 (xvii) before final disposition of an ethics complaint occurs, a video or audio recording
1669 of the closed portion of a meeting or hearing of:

1670 (A) a Senate or House Ethics Committee;

1671 (B) the Independent Legislative Ethics Commission;

1672 (C) the Independent Executive Branch Ethics Commission, created in Section
1673 63A-14-202; or

1674 (D) the Political Subdivisions Ethics Review Commission established in Section
1675 63A-15-201; [or]

1676 (xviii) confidential communication described in Section 58-60-102, 58-61-102, or
1677 58-61-702[-]; or

1678 (xix) the email address that a candidate for elective office provides to a filing officer
1679 under Subsection 20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv).

1680 (26) "Record series" means a group of records that may be treated as a unit for
1681 purposes of designation, description, management, or disposition.

1682 (27) "Records officer" means the individual appointed by the chief administrative
1683 officer of each governmental entity, or the political subdivision to work with state archives in
1684 the care, maintenance, scheduling, designation, classification, disposal, and preservation of
1685 records.

1686 (28) "Schedule," "scheduling," and their derivative forms mean the process of
1687 specifying the length of time each record series should be retained by a governmental entity for
1688 administrative, legal, fiscal, or historical purposes and when each record series should be
1689 transferred to the state archives or destroyed.

1690 (29) "Sponsored research" means research, training, and other sponsored activities as
1691 defined by the federal Executive Office of the President, Office of Management and Budget:

1692 (a) conducted:

1693 (i) by an institution within the state system of higher education defined in Section
1694 53B-1-102; and

1695 (ii) through an office responsible for sponsored projects or programs; and

1696 (b) funded or otherwise supported by an external:

1697 (i) person that is not created or controlled by the institution within the state system of
1698 higher education; or

1699 (ii) federal, state, or local governmental entity.

1700 (30) "State archives" means the Division of Archives and Records Service created in
1701 Section [63A-12-101](#).

1702 (31) "State archivist" means the director of the state archives.

1703 (32) "State Records Committee" means the State Records Committee created in
1704 Section [63G-2-501](#).

1705 (33) "Summary data" means statistical records and compilations that contain data
1706 derived from private, controlled, or protected information but that do not disclose private,
1707 controlled, or protected information.

1708 Section 18. Section [63G-2-303](#) is amended to read:

1709 **[63G-2-303](#). Private information concerning certain government employees.**

1710 (1) As used in this section:

1711 (a) "At-risk government employee" means a current or former:

1712 (i) peace officer as specified in Section [53-13-102](#);

1713 (ii) state or federal judge of an appellate, district, justice, or juvenile court, or court
1714 commissioner;

1715 (iii) judge authorized by Title 39A, Chapter 5, Utah Code of Military Justice;

1716 (iv) judge authorized by Armed Forces, Title 10, United States Code;

1717 (v) federal prosecutor;

1718 (vi) prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;

1719 (vii) law enforcement official as defined in Section [53-5-711](#);

1720 (viii) prosecutor authorized by Title 39A, Chapter 5, Utah Code of Military Justice; or

1721 (ix) state or local government employee who, because of the unique nature of the
1722 employee's regular work assignments or because of one or more recent credible threats directed
1723 to or against the employee, would be at immediate and substantial risk of physical harm if the
1724 employee's personal information is disclosed.

1725 (b) "Family member" means the spouse, child, sibling, parent, or grandparent of an
1726 at-risk government employee who is living with the employee.

1727 (c) "Personal information" means the employee's or the employee's family member's

1728 home address, home telephone number, personal mobile telephone number, personal pager
1729 number, personal email address, social security number, insurance coverage, marital status, or
1730 payroll deductions.

1731 (2) (a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may
1732 file a written application that:

1733 (i) gives notice of the employee's status as an at-risk government employee to each
1734 agency of a government entity holding a record or a part of a record that would disclose the
1735 employee's personal information; and

1736 (ii) requests that the government agency classify those records or parts of records as
1737 private.

1738 (b) An at-risk government employee desiring to file an application under this section
1739 may request assistance from the government agency to identify the individual records
1740 containing personal information.

1741 (c) Each government agency shall develop a form that:

1742 (i) requires the at-risk government employee to designate each specific record or part
1743 of a record containing the employee's personal information that the applicant desires to be
1744 classified as private;

1745 (ii) affirmatively requests that the government entity holding those records classify
1746 them as private;

1747 (iii) informs the employee that by submitting a completed form the employee may not
1748 receive official announcements affecting the employee's property, including notices about
1749 proposed municipal annexations, incorporations, or zoning modifications; and

1750 (iv) contains a place for the signature required under Subsection (2)(d).

1751 (d) A form submitted by an employee under Subsection (2)(c) shall be signed by the
1752 highest ranking elected or appointed official in the employee's chain of command certifying
1753 that the employee submitting the form is an at-risk government employee.

1754 (3) A county recorder, county treasurer, county auditor, or a county tax assessor may
1755 fully satisfy the requirements of this section by:

1756 (a) providing a method for the assessment roll and index and the tax roll and index that
1757 will block public access to the home address, home telephone number, situs address, and Social
1758 Security number; and

1759 (b) providing the at-risk government employee requesting the classification with a
1760 disclaimer informing the employee that the employee may not receive official announcements
1761 affecting the employee's property, including notices about proposed annexations,
1762 incorporations, or zoning modifications.

1763 (4) A government agency holding records of an at-risk government employee classified
1764 as private under this section may release the record or part of the record if:

1765 (a) the employee or former employee gives written consent;

1766 (b) a court orders release of the records; ~~or~~

1767 (c) the government agency receives a certified death certificate for the employee or
1768 former employee~~[-]; or~~

1769 (d) as it relates to the employee's voter registration record:

1770 (i) the person to whom the record or part of the record is released is a qualified person
1771 under Subsection 20A-2-104(4)(n); and

1772 (ii) the government agency's release of the record or part of the record complies with
1773 the requirements of Subsection 20A-2-104(4)(o).

1774 (5) (a) If the government agency holding the private record receives a subpoena for the
1775 records, the government agency shall attempt to notify the at-risk government employee or
1776 former employee by mailing a copy of the subpoena to the employee's last-known mailing
1777 address together with a request that the employee either:

1778 (i) authorize release of the record; or

1779 (ii) within 10 days of the date that the copy and request are mailed, deliver to the
1780 government agency holding the private record a copy of a motion to quash filed with the court
1781 who issued the subpoena.

1782 (b) The government agency shall comply with the subpoena if the government agency
1783 has:

1784 (i) received permission from the at-risk government employee or former employee to
1785 comply with the subpoena;

1786 (ii) not received a copy of a motion to quash within 10 days of the date that the copy of
1787 the subpoena was mailed; or

1788 (iii) received a court order requiring release of the records.

1789 (6) (a) Except as provided in Subsection (6)(b), a form submitted under this section

1790 remains in effect until the earlier of:

1791 (i) four years after the date the employee signs the form, whether or not the employee's
1792 employment terminates before the end of the four-year period; and

1793 (ii) one year after the government agency receives official notice of the death of the
1794 employee.

1795 (b) A form submitted under this section may be rescinded at any time by:

1796 (i) the at-risk government employee who submitted the form; or

1797 (ii) if the at-risk government employee is deceased, a member of the employee's
1798 immediate family.

1799 Section 19. **Effective date.**

1800 This bill takes effect on May 1, 2024.