{deleted text} shows text that was in SB0037 but was deleted in SB0037S01. inserted text shows text that was not in SB0037 but was inserted into SB0037S01.

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{MUNICIPAL AND SPECIAL DISTRICT ELECTION

AMENDMENSErator Lincoln Fillmore proposes the following substitute bill:

ELECTION LAW REVISIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: <u>{_____}Walt Brooks</u>

LONG TITLE

{Committee Note:

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 15 voting for 1 voting against 0 absent

General Description:

This bill {amends} modifies provisions {of} in the Election Code {to provide that,

subject to certain exceptions, a county clerk shall be responsible to conduct all elections

in the state and process, count, and tabulate ballots. } and related provisions.

Highlighted Provisions:

This bill:

{defines terms;

- except as provided in the following paragraph, makes a county clerk responsible to

conduct all elections in the state and process, count, and tabulate all ballots in the state;

- permits a municipal clerk or a special district clerk to opt in to the responsibility to count and tabulate an election in the clerk's jurisdiction if the ballot will only include races or ballot propositions relating solely to the clerk's jurisdiction;
- provides for the transfer of ballots between a county election officer and a clerk described in the preceding paragraph and the preservation of the chain of custody;
 - leaves the canvassing of municipal and special district elections with the canvassing boards for those jurisdictions;
 - repeals provisions relating to contracting with a provider election officer and, instead, provides for a municipality or}permits the board of a special district to {pay a county for the actual cost of the county running the municipality's or special district's election;
- grants}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;
 - <u>to compensate for a change in the election year, permits</u> the lieutenant governor {authority in relation to determining the actual cost of the county running an election for a municipality or}to shorten the term of office of a special district;
 - modifies and clarifies provisions relating to the date on which a special election is held;
 - permits a candidate for municipal or special district office to file a declaration of candidacy with the county clerk, the municipal clerk, or the <u>board member by one</u> year if:
 - <u>shortening the board member's term of office is necessary to have approximately</u> <u>half of the board members' terms expire every two years; and</u>
 - the board members unanimously support the application to change the election for the board:
 - <u>directs the lieutenant governor to make an electronic compilation of the Election</u> <u>Code and transmit the compilation to each county clerk;</u>
 - 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:

- <u>clarifies that the board of trustees or the administrative control board of a special district {clerk} is the board of canvassers for a special district election;</u>
- specifies that a ballot for a municipal primary election must instruct a voter to mark the space adjacent to the name of the candidate for whom the voter votes;
- modifies provisions relating to {which}a ballot title for, and analysis of, a proposed constitutional amendment or another question submitted to the voters by the Legislature:
- requires the sponsors of a statewide initiative to submit certain information to the lieutenant governor on the day on which the sponsors submit the last initiative packet to the county clerk;
- requires a filing officer to inform an individual who files a declaration of candidacy that the individual must provide an actively-monitored email address for certain election-related communications;
- provides that the email address described above is not a record for purposes of the Government Records Access and Management Act;
- requires an election {officers and governing bodies are responsible for certain duties in relation to an election, including ballots, election procedures, notice requirements, election records, election statistics, and other matters;
- modifies certain requirements relating to ballots} officer to, based on when a candidate withdraws, email notice of the withdrawal to voters;
- permits a government agency to release an at-risk government employee's voter registration record, subject to the same requirements imposed on a county clerk for releasing the voter registration record of a protected individual; and
- makes technical and conforming changes (.)

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.} <u>None</u>

Utah Code Sections Affected:

AMENDS:

- $\frac{10-3-301}{17B-1-303}$, as last amended by Laws of Utah 2023, Chapter $\frac{435}{15}$
- $\frac{20A-1-102}{17B-1-306}$, as last amended by Laws of Utah 2023, Chapters 15, $\frac{234}{297}$ and $\frac{297}{435}$
- {20A-1-204}20A-1-305, as {last amended}enacted by Laws of Utah {2022}1993, Chapter {170}1
- {20A-1-206}<u>20A-4-109</u>, as {last amended}<u>enacted</u> by Laws of Utah 2023, {Chapters 15, 435
- **20A-1-304**, as repealed and reenacted by Laws of Utah 2018, Chapter 187
- 20A-1-402, as enacted by Laws of Utah 1993, Chapter 1
- 20A-1-403, as last amended by Laws of Utah 2022, Chapter 170
- **20A-2-201**, as last amended by Laws of Utah 2020, Chapters 31, 95 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 95
- 20A-2-204, as last amended by Laws of Utah 2023, Chapter 237
- **20A-2-205**, as last amended by Laws of Utah 2020, Chapter 31 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 95
- **20A-2-206**, as last amended by Laws of Utah 2023, Chapter 297
- **20A-2-207**, as last amended by Laws of Utah 2022, Chapter 18
- 20A-3a-106, as enacted by Laws of Utah 2023, Chapter 297
- **20A-3a-201**, as last amended by Laws of Utah 2022, Chapter 18
- 20A-3a-202, as last amended by Laws of Utah 2023, Chapters 56, 106 and 297
- **20A-3a-203**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 20A-3a-204, as last amended by Laws of Utah 2022, Chapter 156
- 20A-3a-205, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 20A-3a-301, as renumbered and amended by Laws of Utah 2020, Chapter 31
 - **20A-3a-401**, as last amended by Laws of Utah 2023, Chapters 56, 106, 297, and 406 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 106
- 20A-3a-401.1, as enacted by Laws of Utah 2023, Chapter 297
- 20A-3a-402, as last amended by Laws of Utah 2022, Chapter 380
- 20A-3a-402.5, as enacted by Laws of Utah 2023, Chapter 297
 - 20A-3a-405, as last amended by Laws of Utah 2023, Chapter 297

20A-3a-601, as last amended by Laws of Utah 2020, Chapter 95 and renumbered and
amended by Laws of Utah 2020, Chapter 31
20A-3a-602 , as renumbered and amended by Laws of Utah 2020, Chapter 31
20A-3a-603 , as renumbered and amended by Laws of Utah 2020, Chapter 31
20A-3a-604, as last amended by Laws of Utah 2023, Chapters 45, 435
20A-3a-605, as last amended by Laws of Utah 2023, Chapter 15
20A-3a-701 , as renumbered and amended by Laws of Utah 2020, Chapter 31
20A-3a-702 , as renumbered and amended by Laws of Utah 2020, Chapter 31
20A-3a-703 , as renumbered and amended by Laws of Utah 2020, Chapter 31
20A-3a-801, as last amended by Laws of Utah 2022, Chapters 18, 380
20A-3a-804 , as renumbered and amended by Laws of Utah 2020, Chapter 31
20A-4-101, as last amended by Laws of Utah 2022, Chapter 342
20A-4-102, as last amended by Laws of Utah 2023, Chapters 156, 297
20A-4-104 , as last amended by Laws of Utah 2023, Chapters 45, 297 and 435
20A-4-105, as last amended by Laws of Utah 2022, Chapter 380
20A-4-106, as last amended by Laws of Utah 2023, Chapters 156, 297
20A-4-201, as last amended by Laws of Utah 2020, Chapter 31
20A-4-202, as last amended by Laws of Utah 2023, Chapters 156,}Chapter 297
{20A-4-302, as enacted by Laws of Utah 1993, Chapter 1
20A-4-304, as last amended by Laws of Utah 2023, Chapters 15, 297 and 435
20A-4-603, as last amended by Laws of Utah 2022, Chapter 342
20A-5-101, as last amended by Laws of Utah 2023, Chapters 45, 56, 106, 297, and
435

20A-5-301, as last amended by Laws of Utah 2016, Chapter 176

20A-5-400.5, as last amended by Laws of Utah 2023, Chapter 15
20A-5-404, as last amended by Laws of Utah 2020, Chapter 31
20A-5-406, as last amended by Laws of Utah 2022, Chapter 18
20A-5-408, as last amended by Laws of Utah 2020, Chapter 31
20A-5-410, as last amended by Laws of Utah 2022, Chapter 248
20A-5-603, as last amended by Laws of Utah 2020, Chapter 31
20A-5-605, as last amended by Laws of Utah 2022, Chapter 170
20A-5-802, as last amended by Laws of Utah 2019, Chapter 305
20A-5-902, as enacted by Laws of Utah 2022, Chapter 156
20A-5-904, as enacted by Laws of Utah 2022, Chapter 156
20A-6-101, as last amended by Laws of Utah 2020, Chapter 31
20A-6-105, as last amended by Laws of Utah 2023, Chapter 406
20A-6-105.5, as enacted by Laws of Utah 2003, Chapter 34
20A-6-108, as enacted by Laws of Utah 2022, Chapter 156
20A-6-401, as last amended by Laws of Utah 2023, Chapter 45

{20A-6-401.1}20A-7-101, as last amended by Laws of Utah {2020}2023, {Chapter 31}Chapters 107, 116

{20A-6-402}20A-7-103, as last amended by Laws of Utah {2020}2023, Chapter {31

- **20A-7-209**, as last amended by Laws of Utah 2023, Chapters 45, 107 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 45
- **20A-7-308**, as last amended by Laws of Utah 2023, Chapters 45, 107
- **20A-7-401.5**, as last amended by Laws of Utah 2023, Chapter 116
- 20A-7-402, as last amended by Laws of Utah 2023, Chapter 435
- **20A-7-508**, as last amended by Laws of Utah 2023, Chapters 45, 107 and last amended

by Coordination Clause, Laws of Utah 2023, Chapter 45

- **20A-7-509**, as last amended by Laws of Utah 2019, Chapter 203
- **20A-7-607**, as last amended by Laws of Utah 2023, Chapters 107, 116

20A-7-608, as last amended by Laws of Utah 2023, Chapters 45, 107

20A-7-609, as last amended by Laws of Utah 2023, Chapter 107

20A-7-609.5, as last amended by Laws of Utah 2020, Chapter 31

- **20A-7-613**, as last amended}<u>435</u>
 - 20A-7-105, as enacted by Laws of Utah 2023, Chapter 116
 - 20A-7-702, as last amended by Laws of Utah 2023, Chapter 107
 - $\frac{20A-7-801}{20A-7-703}$, as last amended by Laws of Utah $\frac{2021}{2020}$, Chapter $\frac{100}{277}$
 - $\frac{20A-9-101}{20A-9-201}$, as last amended by Laws of Utah $\frac{2023}{2022}$, Chapters $\frac{15}{13}$, $\frac{45}{18}$

20A-9-203, as last amended by Laws of Utah 2023, Chapters 116, 435

- **20A-9-203.5**, as enacted by Laws of Utah 2016, Chapter 48
- **20A-9-207**, as enacted by Laws of Utah 2023, Chapter 45

{20A-9-404}20A-9-601, as last amended by Laws of Utah {2023}2019, {Chapter 116

- **20A-9-406**, as last amended by Laws of Utah 2022, Chapter 13
- 20A-9-408, as last amended by Laws of Utah 2023, Chapter 116
- 20A-9-411, as enacted by Laws of Utah 2015, Chapter 296
- **20A-11-206**, as last amended by Laws of Utah 2023, Chapter 45
- 20A-11-305, as last amended by Laws of Utah 2023, Chapter 45

20A-12-201 (Effective 07/01/24), as last amended by Laws of Utah 2023, Chapter 394

20A-16-404, as last amended by Laws of Utah 2013, Chapter 219

20A-16-501}Chapters 142, 255 and 279

63G-2-103, as last amended by Laws of Utah 2023, {Chapter 215

20A-16-502, as last amended by Laws of Utah 2023, Chapter 215

20A-21-201} Chapters 16, 173, 231, and 516

63G-2-303, as last amended by Laws of Utah $\frac{2023}{2019}$, Chapter $\frac{116}{402}$

ENACTS:

{20A-1-301.5}20A-7-703.1, Utah Code Annotated 1953

{REPEALS:

20A-5-400.1, as last amended by Laws of Utah 2021, Chapter 101

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

Section 1. Section $\frac{10-3-301}{17B-1-303}$ is amended to read:

10-3-301. Notice -- Eligibility and residency requirements for elected municipal office -- Mayor and recorder limitations.

(1) As used in this section:

(a) "Absent" means that an elected municipal officer fails to perform official duties, including the officer's failure to attend each regularly scheduled meeting that the officer is required to attend.

(b) "Principal place of residence" means the same as that term is defined in Section 20A-2-105.

(c) "Secondary residence" means a place where an individual resides other than the individual's principal place of residence.

(2) (a) On or before May 1 in a year in which there is a municipal general election, the municipal clerk shall publish a notice that identifies:

(i) the municipal offices to be voted on in the municipal general election; and

(ii) the dates for filing a declaration of candidacy for the offices identified under Subsection (2)(a)(i).

(b) The municipal clerk shall publish the notice described in Subsection (2)(a) for the municipality, as a class A notice under Section 63G-30-102, for at least seven days.

(3) (a) An individual who files a declaration of candidacy for a municipal office shall comply with the requirements described in Section 20A-9-203.

(b) (i) Except as provided in Subsection (3)(b)(ii), <u>the county election officer</u>, the city recorder, or <u>the</u> town clerk of each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in Subsections 20A-9-203(3)(a)(i) and (c)(i) unless the date occurs on a:

(A) Saturday or Sunday; or

(B) state holiday as listed in Section 63G-1-301.

(ii) If on a regular basis a city recorder or town clerk maintains an office schedule that
 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection
 (3)(b)(i) without maintaining office hours by:

(A) posting the recorder's or clerk's contact information, including a phone number and email address, on the recorder's or clerk's office door, the main door to the municipal offices, and, if available, on the municipal website; and

(B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i), via the contact information described in Subsection (3)(b)(ii)(A).

(4) An individual elected to municipal office shall be a registered voter in the municipality in which the individual is elected.

(5) (a) Each elected officer of a municipality shall maintain a principal place of residence within the municipality, and within the district that the elected officer represents, during the officer's term of office.

(b) Except as provided in Subsection (6), an elected municipal office is automatically vacant if the officer elected to the municipal office, during the officer's term of office:

(i) establishes a principal place of residence outside the district that the elected officer represents;

(ii) resides at a secondary residence outside the district that the elected officer represents for a continuous period of more than 60 days while still maintaining a principal place of residence within the district;

(iii) is absent from the district that the elected officer represents for a continuous period of more than 60 days; or

(iv) fails to respond to a request, within 30 days after the day on which the elected officer receives the request, from the county clerk or the lieutenant governor seeking

information to determine the officer's residency.

(6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the consent of the municipal legislative body in accordance with Subsection (6)(b) before the expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

(i) reside at a secondary residence outside the district that the elected officer represents while still maintaining a principal place of residence within the district for a continuous period of up to one year during the officer's term of office; or

(ii) be absent from the district that the elected officer represents for a continuous period of up to one year during the officer's term of office.

(b) At a public meeting, the municipal legislative body may give the consent described in Subsection (6)(a) by majority vote after taking public comment regarding:

(i) whether the legislative body should give the consent; and

(ii) the length of time to which the legislative body should consent.

(7) (a) The mayor of a municipality may not also serve as the municipal recorder or treasurer.

(b) The recorder of a municipality may not also serve as the municipal treasurer.

(c) An individual who holds a county elected office may not, at the same time, hold a municipal elected office.

(d) The restriction described in Subsection (7)(c) applies regardless of whether the individual is elected to the office or appointed to fill a vacancy in the office.

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

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

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

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

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

(c) The term of each water conservancy district board member whom the governor

appoints in accordance with Subsection 17B-2a-1005(2)(c):

(i) begins on the later of the following:

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

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

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

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

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

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

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

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

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

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

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

(b) Each board of trustees member shall serve until a successor is duly elected or

appointed and qualified, unless the member earlier is removed from office or resigns or otherwise leaves office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The board of trustees shall declare a midterm vacancy for the board position held

by an appointed official if:

(i) during the appointed official's term on the board of trustees, the appointed official ceases to hold the elected position with the appointing entity; and

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

(c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the

appointing entity shall appoint another person to fill the remaining unexpired term on the board of trustees.

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

(b) The special district:

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

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

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

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

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

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

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

(ii) the initial term of a new board member position may be less than two or four years.

(9) (a) A special district shall:

(i) post on the Utah Public Notice Website created in Section 63A-16-601 the name, phone number, and email address of each member of the special district's board of trustees;

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

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

(B) a member of the board of trustees' phone number or email address changes; and

(iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date on which the change requiring the update occurs.

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

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

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

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

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

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

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

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

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

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

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

(a) each elective position of the special district to be filled at the next municipal

general election or regular general election, as applicable;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"I, (print name) ______, being first duly sworn, say that I reside at (Street)

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

(Signed)

Subscribed and sworn to (or affirmed) before me by on this day of_____,___.

(Signed)

(Clerk or Notary Public)".

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

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

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

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

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

(ii) cancel the election.

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

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

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

(b) The primary election shall be conducted:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) a special district board; or

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

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

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

membership on the board in a manner described in this Subsection (14)(b);

 (ii) indicates that [holding elections at the time of the regular general election] a change in the election year is beneficial, based on potential cost savings, a potential increase in voter turnout, or another material reason[-]; and

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

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

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

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

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

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

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

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

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

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

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

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

(ii) notwithstanding Subsection 20A-1-512(1)(a)(i), to fill a vacancy in an unexpired

term of a board member.

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

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

(A) notice of the election; and

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

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

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

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

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

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

Section $\frac{2}{2}$. Section $\frac{20A-1-102}{20A-1-305}$ is amended to read:

{ 20A-1-102. Definitions.

As used in this title:

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

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

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

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

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

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

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[(17)] (16) "Date of the election" or "election day" or "day of the election":

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

(b) does not include:

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

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

[(18)] (17) "Elected official" means:

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

(b) a person who is considered to be elected to a municipal office in accordance with Subsection [20A-1-206(1)(c)(ii)] 20A-1-206(2)(b)(ii) or (3)(c)(ii); or

(c) a person who is considered to be elected to a special district office in accordance with Subsection [20A-1-206(3)(b)(ii)] 20A-1-206(5)(b)(ii) or (6)(b).

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

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

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

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

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

(b) act as the presiding election judge; or

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

[(23)] (22) "Election officer" means:

(a) the lieutenant governor, for [all]:

(i) statewide ballots and elections;

(ii) congressional ballots and elections;

(iii) ballots and elections for state legislative districts that are not entirely within a

single county;

(iv) ballots and elections for State School Board districts; and

(v) judicial retention ballots and elections for a judicial officer whose jurisdiction is not entirely within a single county;

(b) the county clerk for[: (i)] a county ballot and election[; and];

[(ii) a ballot and election as a provider election officer as provided in Section

20A-5-400.1 or 20A-5-400.5;]

(c) the municipal clerk for[: (i)] a municipal ballot and election[; and];

[(ii) a ballot and election as a provider election officer as provided in Section

20A-5-400.1 or 20A-5-400.5;]

(d) the special district clerk or chief executive officer for[: (i)] a special district ballot and election[; and];

[(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or]

(e) the business administrator or superintendent of a school district for[: (i)] a school district ballot and election[; and].

[(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.]

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

[(25)] (24) "Election results" means:

(a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or

(b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

[(26)] (25) "Election returns" includes:

(a) the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form; and

(b) the record, described in Subsection [20A-3a-401(8)(c)] 20A-3a-401(8)(b)(ii), of

voters contacted to cure a ballot.

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

[(28)] (27) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-505(4)(c)(i) or (ii).

[(29)] (28) "Judicial office" means the office filled by any judicial officer.

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

[(31)] (30) "Local election" means a regular county election, a regular municipal election, a municipal primary election, a local special election, a special district election, and a bond election.

[(32)] (31) "Local political subdivision" means a county, a municipality, a special district, or a local school district.

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

[(34)] (33) "Manual ballot" means a paper document produced by [an] <u>a county</u> election officer on which an individual records an individual's vote by directly placing a mark on the paper document using a pen or other marking instrument.

[(35)] (34) "Mechanical ballot" means a record, including a paper record, electronic record, or mechanical record, that:

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

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

(35) "Multi-county special election" means a special election, other than a statewide special election, in which registered voters in more than one county may vote.

(36) "Municipal executive" means:

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

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

(c) the mayor of a metro township form of government defined in Section 10-3b-102.
 (37) "Municipal general election" means the election held in municipalities and, as applicable, special districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

(38) "Municipal legislative body" means:

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

(b) the council of a metro township.

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

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

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

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

(43) "Official ballot" means the ballots distributed by [the] <u>a county</u> election officer for voters to record their votes.

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

(a) the ballot as an official ballot;

(b) the date of the election; and

(c) (i) for a ballot prepared by [an] <u>a county</u> election officer [other than a county clerk, the facsimile signature required by] for a municipal election, the certification described in Subsection 20A-6-401(1)(a)(iii) or 20A-6-401.1(1)(d)(iii); or

(ii) for a ballot prepared by a county [clerk, the words required by] <u>election officer for</u> <u>an election other than a municipal election, the certification described in</u> Subsection 20A-6-301(1)(b)(iii).

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

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

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

(b) "Poll worker" includes election judges.

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

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

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

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

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

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

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

(a) is built into a voting machine; and

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

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

[(55)] (54) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

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

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

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

(i) elected to public office; or

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

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

[(59)] (58) "Receiving judge" means the poll worker that checks the voter's name in the official register at a polling place and provides the voter with a ballot.

[(60)] (59) "Registration form" means a form by which an individual may register to vote under this title.

[(61)] (60) "Regular ballot" means a ballot that is not a provisional ballot.

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

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

[(64)] (63) "Resident" means a person who resides within a specific voting precinct in Utah.

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

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

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

[(66)] (65) "Sample ballot" means a mock ballot similar in form to the official ballot, published as provided in Section 20A-5-405.

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

[(68)] (67) "Special district officers" means those special district board members who are required by law to be elected.

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

[(70)] (69) "Spoiled ballot" means each ballot that:

(a) is spoiled by the voter;

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

(c) lacks the official endorsement.

<u>((71)] (70)</u> "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

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

[(73)] (72) "Ticket" means a list of:

(a) political parties;

(b) candidates for an office; or

(c) ballot propositions.

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

[(75)] (74) "Vacancy" means:

(a) except as provided in Subsection [(75)(b)] (74)(b), the absence of an individual to serve in a position created by state constitution or state statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause; or

(b) in relation to a candidate for a position created by state constitution or state statute, the removal of a candidate due to the candidate's death, resignation, or disqualification.

[(76)] (75) "Valid voter identification" means:

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

(i) a currently valid Utah driver license;

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

(A) the state; or

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

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

(iv) a currently valid United States passport; or

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

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

(i) a valid tribal identification card;

(ii) a Bureau of Indian Affairs card; or

(iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection [(76)(a) or (b)] (75)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

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

(ii) a bank or other financial account statement, or a legible copy thereof;

(iii) a certified birth certificate;

(iv) a valid social security card;

(v) a check issued by the state or the federal government or a legible copy thereof;

(vi) a paycheck from the voter's employer, or a legible copy thereof;

(vii) a currently valid Utah hunting or fishing license;

(viii) certified naturalization documentation;

(ix) a currently valid license issued by an authorized agency of the United States;

(x) a certified copy of court records showing the voter's adoption or name change;

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

(xii) a currently valid identification card issued by:

(A) a local government within the state;

(B) an employer for an employee; or

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

(xiii) a current Utah vehicle registration.

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

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

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

(b) depositing the ballot in a ballot drop box designated by the <u>county</u> election officer.

[(79)] (78) "Voter" means an individual who:

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

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register book.

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

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

[(82)] (81) "Voting booth" means:

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

(b) a voting device that is free standing.

[(83)] <u>(82)</u> "Voting device" means any device provided by [an] <u>a county</u> election officer for a voter to vote a mechanical ballot.

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

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

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

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

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

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

(1) [(a)] Except as provided [by Subsection (1)(d), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 shall schedule the special election to] in Subsection (2), a statewide special election or multi-county special election called by the governor or the Legislature, or a local special election called by a local political subdivision, shall be held on:

[(i)] (a) in an even-numbered year:

[(A)] (i) the fourth Tuesday in June; or

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

[(ii)] (b) in an odd-numbered year:

[(A)] (i) the second Tuesday after the first Monday in August; or

[(B)] (ii) the first Tuesday after the first Monday in November.

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

[(c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the]

<u>(2) (a) The legislative body of a local political subdivision may call a local special</u> election on a date other than [those specified in this section] <u>a date described in Subsection (1)</u> <u>or, as applicable, Subsection (2)(c), if the legislative body:</u>

[(A)] (i) determines and declares that there is a disaster, as defined in Section 53-2a-102, requiring that a special election be held on a date other than [the ones authorized in statute] <u>a date described in Subsection (1) or, as applicable, Subsection (2)(c)</u>;

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

[(C)] (iii) votes unanimously to hold the special election on that other date.

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

[(d) The] (c) Except as provided in Subsection (2)(a), the legislative body of a local political subdivision may only call a special election for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after the first Monday in November.

[(e)] (d) Nothing in this section prohibits:

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

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

(e) This section does not prohibit holding a special congressional election on a date other than a date described in Subsection (1), if the election is scheduled in accordance with Section 20A-1-502 or 20A-1-502.5.

[(2) (a) Two or more entities shall comply with Subsection (2)(b) if those entities hold

a special election within a county on the same day as:]

[(i) another special election;]

[(ii) a regular general election; or]

[(iii) a municipal general election.]

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

[(i) polling places;]

[(ii) ballots;]

[(iii) election officials; and]

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

Section 4. Section 20A-1-206 is amended to read:

20A-1-206. Cancellation of local election or local race -- Municipalities -- Special districts -- Notice.

(1) As used in this section:

(a) "Contested race" means a race in a general election where the number of candidates, including any eligible write-in candidates, exceeds the number of offices to be filled in the race.

(b) "Election" means an event, run by an election officer, that includes one or more races for public office or one or more ballot propositions.

(c) (i) "Race" means a contest between candidates to obtain the number of votes necessary to take a particular public office.

(ii) "Race," as the term relates to a contest for an at-large position, includes all open positions for the same at-large office.

(iii) "Race," as the term relates to a contest for a municipal council position that is not an at-large position, includes only the contest to represent a particular district on the council.

(2) A municipal legislative body may cancel a local election if:

(a) the ballot for the local election will not include any contested races or ballot propositions; and

(b) the municipal legislative body passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the election and certifies that:

(i) the ballot for the election would not include any contested races or ballot propositions; and

(ii) the candidates who qualified for the ballot are considered elected.

(3) A municipal legislative body may cancel a race in a local election if:

(a) the ballot for the race will not include any contested races or ballot propositions; and

(b) the municipal legislative body passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the race and certifies that:

(i) the ballot for the race would not include any contested races or ballot propositions; and

(ii) the candidate for the race is considered elected.

(4) A municipal legislative body that cancels a local election in accordance with Subsection (2) shall give notice that the election is cancelled by:

(a) subject to Subsection (8), providing notice to the lieutenant governor's office to be posted on the Statewide Electronic Voter Information Website described in Section 20A-7-801, for 15 consecutive days before the day of the scheduled election; [and]

(b) providing notice for the municipality, as a class A notice under Section 63G-30-102, for at least 15 days before the day of the scheduled election[.]; and

(c) providing notice to the county election officer for the municipality.

(5) A special district board may cancel a local election if:

(a) the ballot for the local election will not include any contested races or ballot propositions; and

(b) the special district board passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the election and certifies that:

(i) the ballot for the election would not include any contested races or ballot propositions; and

(ii) the candidates who qualified for the ballot are considered elected.

(6) A special district board may cancel a special district race if:

(a) the race is uncontested; and

(b) the special district board passes, no later than 20 days before the day of the scheduled election, a resolution that cancels the race and certifies that the candidate who qualified for the ballot for that race is considered elected.

(7) A special district that cancels a local election in accordance with Subsection (5)

shall provide notice that the election is cancelled:

(a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter Information Website described in Section 20A-7-801, for 15 consecutive days before the day of the scheduled election; [and]

(b) as a class A notice under Section 63G-30-102, for at least 15 days before the day of the scheduled election[.]; and

(c) by providing notice to the county election officer for the special district.

(8) A municipal legislative body that posts a notice in accordance with Subsection (4)(a) or a special district that posts a notice in accordance with Subsection (7)(a) is not liable for a notice that fails to post due to technical or other error by the publisher of the Statewide Electronic Voter Information Website.

Section 5. Section 20A-1-301.5 is enacted to read:

<u>20A-1-301.5.</u> County election officer to conduct elections -- Exceptions -- Payment of costs.

(1) Except as provided in Subsection (2), the county election officer is, subject to the provisions of Subsection 20A-1-105(1), responsible for conducting all elections in the state, including:

(a) the preparation, printing, mailing, and processing of ballots; and

(b) the counting and tabulating of ballots.

(2) (a) A municipal election officer may count and tabulate ballots for a municipal primary election or a municipal general election if:

(i) before May 1 of an even-numbered year the municipal election officer provides written notice to the lieutenant governor and the county election officer that, for the following year the municipal election officer intends, to the extent permitted by law, to count and tabulate ballots for:

(A) the municipal primary election only;

(B) the municipal general election only; or

(C) the municipal primary election and the municipal general election; and

(ii) the ballot for the election will only include races or ballot propositions for the municipality.

(b) A special district election officer may count and tabulate ballots for a special

district election if:

(i) before May 1 of the year before the year in which the special district election is held, the special district election officer provides written notice to the lieutenant governor and the county election officer that, for the following year the special district election officer intends, to the extent permitted by law, to count and tabulate ballots for all elections of the special election district held during that year; and

(ii) the ballot will only include races or ballot propositions for the special district.

(3) A municipal election officer may not:

(a) count or tabulate ballots for an election where the ballot will include a race or ballot proposition for a jurisdiction other than the municipality; or

(b) comply with Subsection (2)(a)(ii) by providing more than one ballot to a voter for the same election.

(4) A special district election officer may not:

(a) count or tabulate ballots for an election where the ballot will include a race or ballot proposition for a jurisdiction other than the special district; or

(b) comply with Subsection (2)(b)(ii) by providing more than one ballot to a voter for the same election.

<u>(5) (a) A municipality or special district shall pay to the county election officer the</u> actual cost incurred by the county election officer to conduct an election for the municipality or special district.

(b) The lieutenant governor shall resolve any disagreement regarding the actual cost incurred by a county election officer.

Section 6. Section 20A-1-304 is amended to read:

20A-1-304. Tie votes.

Except for a race conducted by instant runoff voting under [Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project], if two or more candidates for a position have an equal and the highest number of votes for any office, the election officer responsible to count and tabulate the ballots shall, in a public meeting held within 30 days after the day on which the canvass is completed, determine the candidate selected, by lot, in the presence of each candidate subject to the tie.

20A-1-305. <u>Public</u><u>Compil</u>ation and distribution of election laws.</u>

(1) The lieutenant governor shall:

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

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

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

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

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

Section $\frac{7}{4}$. Section $\frac{20A-1-402}{20A-4-109}$ is amended to read:

20A-1-402. Election officer to render interpretations and make decisions.

The election officer responsible for the matter that is the subject of a controversy or other matter arising under this chapter shall render all interpretations and make all initial decisions about [controversies or other matters arising under this chapter] the controversy or other matter.

Section 8. Section 20A-1-403 is amended to read:

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

(1) [The] <u>A county election officer shall, without delay, correct any errors in ballots</u> that the <u>county election officer discovers</u>, or that are brought to the <u>county election officer's</u> attention, if those errors can be corrected without interfering with the timely distribution of the ballots.

(2) (a) (i) If an error or omission has occurred in the publication of the names or description of the candidates nominated for office, in the publication of sample ballots, or in the printing of official ballots, a candidate or the candidate's agent may file, without paying any fee, a petition for ballot correction with the district court.

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

(b) The petition shall contain:

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

(ii) a request that the court issue an order to the <u>county</u> election officer responsible for

the ballot error or omission to correct the ballot error or omission.

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

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

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

(iii) enter appropriate orders.

(b) The court may assess costs, including reasonable attorney fees, against either party. Section 9. Section **20A-2-201** is amended to read:

-20A-2-201. Registering to vote at office of county clerk.

(1) Except as provided in Subsection (3), the county clerk shall register to vote each individual who registers in person at the county clerk's office during designated office hours if the individual will, on the date of the election, be legally eligible to vote in a voting precinct in the county in accordance with Section 20A-2-101.

(2) If an individual who is registering to vote submits a registration form in person at the office of the county clerk no later than 5 p.m. 11 calendar days before the date of the election, the county clerk shall:

(a) accept and process the voter registration form;

(b) unless the individual named in the form is preregistering to vote:

(i) enter the individual's name on the list of registered voters for the voting precinct in which the individual resides; and

(ii) notify the individual that the individual is registered to vote in the upcoming election; and

(c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.

(3) If an individual who is registering to vote and who will be legally qualified and entitled to vote in a voting precinct in the county on the date of an election appears in person, during designated office hours, and submits a registration form after the deadline described in Subsection (2), the county clerk shall accept the registration form and[, except as provided in Subsection 20A-2-207(6),] inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during

the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

Section 10. Section 20A-2-204 is amended to read:

20A-2-204. Registering to vote when applying for or renewing a driver license.

(1) As used in this section, "voter registration form" means, when an individual named on a qualifying form, as defined in Section 20A-2-108, answers "yes" to the question described in Subsection 20A-2-108(2)(a), the information on the qualifying form that can be used for voter registration purposes.

(2) (a) Except as provided in Subsection (2)(b), a citizen who is qualified to vote may register to vote, and a citizen who is qualified to preregister to vote may preregister to vote, by answering "yes" to the question described in Subsection 20A-2-108(2)(a) and completing the voter registration form.

(b) A citizen who is a program participant in the Safe at Home Program created in Section 77-38-602 is not eligible to register to vote as described in Subsection (2)(a), but is eligible to register to vote by any other means described in this part.

(3) The Driver License Division shall:

(a) assist an individual in completing the voter registration form unless the individual refuses assistance;

(b) electronically transmit each address change to the lieutenant governor within five days after the day on which the division receives the address change; and

(c) within five days after the day on which the division receives a voter registration form, electronically transmit the form to the Office of the Lieutenant Governor, including the following for the individual named on the form:

(i) the name, date of birth, driver license or state identification card number, last four digits of the social security number, Utah residential address, place of birth, and signature;

(ii) a mailing address, if different from the individual's Utah residential address;

(iii) an email address and phone number, if available;

(iv) the desired political affiliation, if indicated;

(v) an indication of whether the individual requested that the individual's voter registration record be classified as a private record under Subsection 20A-2-108(2)(b); and

(vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and any

verification submitted with the form.

(4) Upon receipt of an individual's voter registration form from the Driver License Division under Subsection (3), the lieutenant governor shall:

(a) enter the information into the statewide voter registration database; and

(b) if the individual requests on the individual's voter registration form that the individual's voter registration record be classified as a private record or the individual submits a withholding request form described in Subsections 20A-2-104(7) and (8) and any required verification, classify the individual's voter registration record as a private record.

(5) The county clerk of an individual whose information is entered into the statewide voter registration database under Subsection (4) shall:

(a) ensure that the individual meets the qualifications to be registered or preregistered to vote; and

(b) (i) if the individual meets the qualifications to be registered to vote:

(A) ensure that the individual is assigned to the proper voting precinct; and

(B) send the individual the notice described in Section 20A-2-304; or

(ii) if the individual meets the qualifications to be preregistered to vote, process the form in accordance with the requirements of Section 20A-2-101.1.

(6) (a) When the county clerk receives a correctly completed voter registration form under this section, the clerk shall:

(i) comply with the applicable provisions of this Subsection (6); or

(ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.

(b) If the county clerk receives a correctly completed voter registration form under this section no later than 5 p.m. or, if submitting the form electronically, midnight, 11 calendar days before the date of an election, the county clerk shall:

(i) accept the voter registration form; [and]

(ii) unless the individual is preregistering to vote:

(A) enter the individual's name on the list of registered voters for the voting precinct in which the individual resides; and

(B) notify the individual that the individual is registered to vote in the upcoming election; and

(iii) if the individual named in the form is preregistering to vote, comply with Section

20A-2-101.1.

(c) If the county clerk receives a correctly completed voter registration form under this section after the deadline described in Subsection (6)(b), the county clerk shall, unless the individual named in the form is preregistering to vote:

(i) accept the application for registration of the individual;

(ii) process the voter registration form; and

(iii) [unless the individual is preregistering to vote, and except as provided in Subsection 20A-2-207(6),] inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

(7) (a) If the county clerk determines that an individual's voter registration form received from the Driver License Division is incorrect because of an error, because the form is incomplete, or because the individual does not meet the qualifications to be registered to vote, the county clerk shall mail notice to the individual stating that the individual has not been registered or preregistered because of an error, because the registration form is incomplete, or because the individual does not meet the qualifications to be registered to vote.

(b) If a county clerk believes, based upon a review of a voter registration form, that an individual, who knows that the individual is not legally entitled to register or preregister to vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer the form to the county attorney for investigation and possible prosecution.

Section 11. Section 20A-2-205 is amended to read:

20A-2-205. Registration at voter registration agencies.

(1) As used in this section:

(a) "Discretionary voter registration agency" means the same as that term is defined in Section 20A-2-300.5.

(b) "Public assistance agency" means the same as that term is defined in Section 20A-2-300.5.

(2) An individual may obtain and complete a registration form at a public assistance agency or discretionary voter registration agency.

(3) Each public assistance agency and discretionary voter registration agency shall

provide, either as part of existing forms or on a separate form, the following information in substantially the following form:

If you are not registered to vote where you live now, would you like to apply to register or preregister to vote here today? (The decision of whether to register or preregister to vote will not affect the amount of assistance that you will be provided by this agency.) Yes_____ No_____ IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you would like help in filling out the voter registration form, we will help you. The decision about whether to seek or accept help is yours. You may fill out the application form in private. If you believe that someone has interfered with your right to register or preregister or to decline to register or preregister to vote, your right to privacy in deciding whether to register or preregister, or in applying to register or preregister to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number of the Office of the Lieutenant Governor)."

(4) Unless an individual applying for service or assistance from a public assistance agency or discretionary voter registration agency declines, in writing, to register or preregister to vote, each public assistance agency and discretionary voter registration agency shall:

(a) distribute a voter registration form with each application for service or assistance provided by the agency or office;

(b) assist applicants in completing the voter registration form unless the applicant refuses assistance;

(c) accept completed forms for transmittal to the appropriate election official; and
 (d) transmit a copy of each voter registration form to the appropriate election official within five days after the division receives the voter registration form.

(5) An individual in a public assistance agency or a discretionary voter registration agency that helps an applicant complete the voter registration form may not:

(a) seek to influence an applicant's political preference or party registration;

(b) display any political preference or party allegiance;

(c) make any statement to an applicant or take any action that has the purpose or effect

of discouraging the applicant from registering to vote; or

(d) make any statement to an applicant or take any action that has the purpose or effect of leading the applicant to believe that a decision of whether to register or preregister has any bearing upon the availability of services or benefits.

(6) If the county clerk receives a correctly completed voter registration form under this section no later than 5 p.m. 11 calendar days before the date of an election, the county clerk shall:

(a) accept and process the voter registration form;

(b) unless the individual named in the form is preregistering to vote:

(i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(ii) notify the applicant that the applicant is registered to vote in the upcoming election; and

(c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1

(7) If the county clerk receives a correctly completed voter registration form after the deadline described in Subsection (6), the county clerk shall:

(a) accept the application for registration of the individual; and

(b) [except as provided in Subsection 20A-2-207(6),] if possible, promptly inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

(8) If the county clerk determines that a voter registration form received from a public assistance agency or discretionary voter registration agency is incorrect because of an error or because the voter registration form is incomplete, the county clerk shall mail notice to the individual attempting to register or preregister to vote, stating that the individual has not been registered or preregistered to vote because of an error or because the voter registration form is incomplete.

Section 12. Section 20A-2-206 is amended to read:

20A-2-206. Electronic registration.

(1) The lieutenant governor shall create and maintain an electronic system that is

publicly available on the Internet for an individual to apply for voter registration or preregistration.

(2) An electronic system for voter registration or preregistration shall require:

(a) that an applicant have a valid driver license or identification card, issued under Title 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place of residence;

(b) that the applicant provide the information required by Section 20A-2-104, except that the applicant's signature may be obtained in the manner described in Subsections (2)(d) and (5);

(c) that the applicant attest to the truth of the information provided; and

(d) that the applicant authorize the lieutenant governor's and county clerk's use of the applicant's:

(i) driver license or identification card signature, obtained under Title 53, Chapter 3, Uniform Driver License Act, for voter registration purposes; or

(ii) signature on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-502.

(3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for voter registration or preregistration created under this section is not required to complete a printed registration form.

(4) A system created and maintained under this section shall provide the notices concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).

(5) The lieutenant governor shall:

(a) obtain a digital copy of the applicant's driver license or identification card signature from the Driver License Division; or

(b) ensure that the applicant's signature is already on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-502.

(6) The lieutenant governor shall send the information to the county clerk for the county in which the applicant's principal place of residence is found for further action as required by Section 20A-2-304 after:

(a) receiving all information from an applicant; and

(b) (i) receiving all information from the Driver License Division; or

(ii) ensuring that the applicant's signature is already on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-502.

(7) The lieutenant governor may use additional security measures to ensure the accuracy and integrity of an electronically submitted voter registration.

(8) If an individual applies to register under this section no later than 11 calendar days before the date of an election, the county clerk shall:

(a) accept and process the voter registration form;

(b) unless the individual named in the form is preregistering to vote:

(i) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(ii) notify the individual that the individual is registered to vote in the upcoming election; and

(c) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1.

(9) If an individual applies to register under this section after the deadline described in Subsection (8), the county clerk shall, unless the individual is preregistering to vote:

(a) accept the application for registration; and

(b) [except as provided in Subsection 20A-2-207(6),] if possible, promptly inform the individual that the individual will not be registered to vote in the pending election, unless the individual registers to vote by provisional ballot during the early voting period, if applicable, or on election day, in accordance with Section 20A-2-207.

(10) The lieutenant governor shall provide a means by which a registered voter shall sign the application form.

Section 13. Section 20A-2-207 is amended to read:

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

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

(a) the individual is otherwise legally entitled to vote the ballot;

(b) the ballot is identical to the ballot for the precinct in which the individual resides;

(c) the information on the provisional ballot form is complete; and

(d) the individual provides valid voter identification and proof of residence to the poll worker.

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

(a) consider the provisional ballot a voter registration form;

(b) place the ballot with the other ballots, to be counted with those ballots at the canvass; and

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

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

(a) is not registered to vote and is not eligible for registration under this section; or

(b) is not legally entitled to vote the ballot that the individual voted.

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

[(5) The lieutenant governor shall report to the Government Operations Interim Committee on or before October 31, 2020, regarding:]

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

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

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

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

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

[(ii) on election day; and]

[(c) suggested changes in the law relating to registration by provisional ballot.]

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

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

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

- Section 14. Section 20A-3a-106 is amended to read:

20A-3a-106. Rulemaking authority relating to conducting an election.

The director of elections, within the Office of the Lieutenant Governor, may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for:

(1) a return envelope described in Subsection 20A-3a-202(4), to ensure uniformity and security of the envelopes;

(2) complying with the signature comparison audit requirements described in Section 20A-3a-402.5; or

(3) conducting and documenting the identity verification process described in Subsection [20A-3a-401(7)(b)] 20A-3a-401(8)(b).

Section 15. Section 20A-3a-201 is amended to read:

20A-3a-201. Voting methods.

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

(a) by mail;

(b) at a polling place during early voting hours;

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

(d) if the voter is an individual with a disability, by voting:

(i) remotely, via a mechanical ballot; or

(ii) via electronic means if approved by the election officer;

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

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

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

Section 16. Section 20A-3a-202 is amended to read:

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

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

(b) An individual who did not provide valid voter identification at the time the voter

registered to vote shall provide valid voter identification before voting.

(2) [An election officer who administers an election] <u>A county election officer</u>:

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

(i) a manual ballot;

(ii) a return envelope;

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

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

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

[(vi)] (v) instructions on how a voter may sign up to receive electronic ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5;

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

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

(ii) a voter whom the <u>county</u> election officer is prohibited from sending a ballot under Subsection (9)(c)(ii);

(c) shall, on the outside of the envelope in which the <u>county</u> election officer mails the ballot, include instructions for returning the ballot if the individual to whom the <u>county</u> election officer mails the ballot does not live at the address to which the ballot is sent;

(d) shall provide a method of accessible voting to a voter with a disability who is not able to vote by mail; and

(e) shall include, on the <u>county</u> election officer's website and with each ballot mailed, instructions regarding how a voter described in Subsection (2)(d) may vote.

(3) (a) [An] <u>A county election officer who mails a manual ballot under Subsection (2)</u>

shall mail the manual ballot to the address:

(i) provided at the time of registration; or

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

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

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

(4) The return envelope shall include:

(a) the name, official title, and post office address of the <u>county</u> election officer on the front of the envelope;

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

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

"County of ____State of ____

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

Signature of Voter"; and

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

(5) If the <u>county</u> election officer determines that the voter is required to show valid voter identification, the <u>county</u> election officer may:

(a) mail a ballot to the voter;

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

(c) provide instructions to the voter on how the voter may sign up to receive electronic

ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.

(6) [An election officer who administers an election] A county election officer shall:

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

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

(b) maintain the signatures on file in the <u>county</u> election officer's office.

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

(8) [A county that administers an election:] In relation to an election other than a municipal election, a county election officer:

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

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

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

(i) the county [clerk] election officer conducts early voting on at least four days;

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

(iii) the county [clerk] <u>election officer</u> provides notice of the reduced early voting period in accordance with Section 20A-3a-604; and

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

(9) (a) An individual may request that the <u>county</u> election officer not send the individual a ballot by mail in the next and subsequent elections by submitting a written request to the <u>county</u> election officer.

(b) An individual shall submit the request described in Subsection (9)(a) to the <u>county</u> election officer before 5 p.m. no later than 60 days before an election if the individual does not wish to receive a ballot by mail in that election.

(c) [An] <u>A county election officer who receives a request from an individual under</u>

Subsection (9)(a):

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

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

(A) the next election, if the individual submits the request described in Subsection
 (9)(a) before the deadline described in Subsection (9)(b); or

(B) an election after the election described in Subsection (9)(c)(ii)(A).

(d) An individual who submits a request under Subsection (9)(a) may resume the individual's receipt of a ballot by mail by submitting a written request to the <u>county</u> election officer.

Section 17. Section 20A-3a-203 is amended to read:

20A-3a-203. Voting at a polling place.

(1) Except as provided in Section 20A-7-609.5, a registered voter may vote at a polling place in an election in accordance with this section.

(2) (a) The voter shall give the voter's name, and, if requested, the voter's residence, to one of the poll workers.

(b) The voter shall present valid voter identification to one of the poll workers.

(c) If the poll worker is not satisfied that the voter has presented valid voter identification, the poll worker shall:

(i) indicate on the official register that the voter was not properly identified;

(ii) issue the voter a provisional ballot;

(iii) notify the voter that the voter will have until the close of normal office hours on Monday after the day of the election to present valid voter identification[:] to the county election officer; and

[(A) to the county clerk at the county clerk's office; or]

[(B) to an election officer who is administering the election; and]

(iv) follow the procedures and requirements of Section 20A-3a-205.

(d) If the person's right to vote is challenged as provided in Section 20A-3a-803, the poll worker shall follow the procedures and requirements of Section 20A-3a-205.

(3) A poll worker shall check the official register to determine whether:

(a) a voter is registered to vote; and

(b) if the election is a regular primary election or a presidential primary election, whether a voter's party affiliation designation in the official register allows the voter to vote the ballot that the voter requests.

(4) (a) Except as provided in Subsection (5), if the voter's name is not found on the official register, the poll worker shall follow the procedures and requirements of Section 20A-3a-205.

(b) If, in a regular primary election or a presidential primary election, the official register does not affirmatively identify the voter as being affiliated with a registered political party or if the official register identifies the voter as being "unaffiliated," the voter shall be considered to be "unaffiliated."

(5) In a regular primary election or a presidential primary election:

(a) if a voter's name is not found on the official register, and if it is not unduly disruptive to the election process, the poll worker may attempt to contact the county [clerk's] <u>election officer's</u> office to request oral verification of the voter's registration; <u>and</u>

(b) if oral verification is received from the county [clerk's] <u>election officer's</u> office, the poll worker shall:

(i) record the verification on the official register;

(ii) determine the voter's party affiliation and the ballot that the voter is qualified to vote; and

(iii) except as provided in Subsection (6), comply with Subsection (3).

(6) (a) Except as provided in Subsection (6)(b), if, in a regular primary election or a presidential primary election, the voter's political party affiliation listed in the official register does not allow the voter to vote the ballot that the voter requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.

(b) If, in a regular primary election or a presidential primary election, the voter is listed in the official register as unaffiliated, or if the official register does not affirmatively identify the voter as either unaffiliated or affiliated with a registered political party, and the voter, as an unaffiliated voter, is not authorized to vote the ballot that the voter requests, the poll worker shall:

(i) ask the voter if the voter wishes to vote another registered political party ballot that

the voter, as unaffiliated, is authorized to vote, or remain unaffiliated; and

(ii) (A) if the voter wishes to vote another registered political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection (3); or

(B) if the voter wishes to remain unaffiliated and does not wish to vote another ballot that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the voter may not vote.

(7) Except as provided in Subsection (6)(b)(ii)(B), and subject to the other provisions of Subsection (6), if the poll worker determines that the voter is registered, a poll worker shall:

(a) direct the voter to sign the voter's name in the official register;

(b) provide to the voter the ballot that the voter is qualified to vote; and

(c) allow the voter to enter the voting booth.

Section 18. Section 20A-3a-204 is amended to read:

20A-3a-204. Marking and depositing ballots.

(1) To vote by mail:

(a) except as provided in Subsection (6), the voter shall prepare the voter's manual ballot by marking the appropriate space with a mark opposite the name of each candidate of the voter's choice for each office to be filled;

(b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the appropriate space with a mark opposite the answer the voter intends to make;

(c) except as provided in Subsection (6), the voter shall record a write-in vote in accordance with Subsection 20A-3a-206(1);

(d) except as provided in Subsection (6), a mark is not required opposite the name of a write-in candidate; and

(e) the voter shall:

(i) complete and sign the affidavit on the return envelope;

(ii) place the voted ballot in the return envelope;

(iii) if required, place a copy of the voter's valid voter identification in the return envelope;

(iv) securely seal the return envelope; and

(v) (A) attach postage, if necessary, and deposit the return envelope in the mail; or

(B) place the return envelope in a ballot drop box, designated by the <u>county</u> election officer, for the precinct where the voter resides.

(2) (a) Except as otherwise provided in Section 20A-16-404, to be valid, a ballot that is mailed must be:

(i) clearly postmarked before election day, or otherwise clearly marked by the post office as received by the post office before election day; and

(ii) received in the office of the <u>county</u> election officer before noon on the day of the official canvass following the election.

(b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls close on election day, be deposited in:

(i) a ballot box at a polling place; or

(ii) a ballot drop box designated by [an] <u>the county</u> election officer for the jurisdiction to which the ballot relates.

(c) [An] <u>A county election officer may, but is not required to, forward a ballot</u> deposited in a ballot drop box in the wrong jurisdiction to the correct jurisdiction.

(d) [An] <u>A county</u> election officer shall ensure that a voter who is, at or before 8 p.m., in line at a ballot drop box, with a sealed return envelope containing a ballot in the voter's possession, to deposit the ballot in the ballot drop box.

(3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after complying with Subsections (1)(a) through (d):

(a) sign the official register or pollbook; and

(b) (i) place the ballot in the ballot box; or

(ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot envelope, complete the information printed on the provisional ballot envelope, and deposit the provisional ballot envelope in the provisional ballot box.

(4) (a) An individual with a disability may vote a mechanical ballot at a polling place.

(b) An individual other than an individual with a disability may vote a mechanical ballot at a polling place if permitted by the <u>county</u> election officer.

(5) To vote a mechanical ballot, the voter shall:

(a) make the selections according to the instructions provided for the voting device; and

(b) subject to Subsection (6), record a write-in vote by:

(i) selecting the appropriate position for entering a write-in candidate; and

(ii) using the voting device to enter the name of the valid write-in candidate for whom the voter wishes to vote.

(6) To vote in an instant runoff voting race under [Title 20A, Chapter 4, Part 6,
 Municipal Alternate Voting Methods Pilot Project] <u>Chapter 4, Part 6, Municipal Alternate</u>
 <u>Voting Methods Pilot Project</u>, a voter:

(a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's first preference for the office; and

(b) may indicate, as directed on the ballot, the names of the remaining candidates in order of the voter's preference.

(7) A voter who votes at a polling place:

(a) shall mark and cast or deposit the ballot without delay and shall leave the voting area after voting; and

(b) may not:

(i) occupy a voting booth occupied by another, except as provided in Section 20A-3a-208;

(ii) remain within the voting area more than 10 minutes; or

(iii) occupy a voting booth for more than five minutes if all booths are in use and other voters are waiting to occupy a voting booth.

(8) If the official register shows any voter as having voted, that voter may not reenter the voting area during that election unless that voter is an election official or watcher.

(9) A poll worker may not, at a polling place, allow more than four voters more than the number of voting booths into the voting area at one time unless those excess voters are:

(a) election officials;

(b) watchers; or

(c) assisting voters with a disability.

Section 19. Section 20A-3a-205 is amended to read:

(1) The poll workers shall follow the procedures and requirements of this section when:

(a) the individual's right to vote is challenged as provided in Section 20A-3a-803 or 20A-3a-805;

(b) the individual's name is not found on the official register; or

(c) the poll worker is not satisfied that the voter has provided valid voter identification.

(2) When faced with one of the circumstances described in Subsection (1)(a) or (b), the poll worker shall:

(a) request that the individual provide valid voter identification; and

(b) review the identification provided by the individual.

(3) If the poll worker is satisfied that the individual has provided valid voter

identification that establishes the individual's identity and residence in the voting precinct:

(a) the poll worker in charge of the official register shall:

(i) record in the official register the type of identification that established the individual's identity and place of residence;

(ii) record the provisional ballot envelope number in association with the name of the individual; and

(iii) direct the individual to sign the individual's name in the official register or pollbook; and

(b) the poll worker having charge of the ballots shall:

(i) give the individual a provisional ballot; and

(ii) allow the individual to enter the voting booth.

(4) If the poll worker is not satisfied that the individual has provided valid voter identification that establishes the individual's identity and residence in the voting precinct:

(a) the poll worker in charge of the official register shall:

(i) record in the official register that the voter did not provide valid voter identification;

(ii) record in the official register the type of identification that was provided by the individual, if any;

(iii) record the provisional ballot envelope number in association with the name of the individual; and

(iv) direct the individual to sign the individual's name in the official register or pollbook; and

(b) the poll worker having charge of the ballots shall:

(i) give the individual a provisional ballot; and

(ii) allow the individual to enter the voting booth.

(5) When, at a polling place, the <u>county</u> election officer is required to furnish more than one version of a ballot, the poll workers at that polling place shall give the registered voter the version of the ballot that the voter is qualified to vote.

Section 20. Section 20A-3a-301 is amended to read:

20A-3a-301. Emergency ballots.

(1) As used in this section, "hospitalized voter" means a registered voter who:

(a) is hospitalized or otherwise confined to a medical or long-term care institution;

(b) does not have a manual ballot in the voter's immediate possession;

(c) is able to vote a manual ballot; and

(d) is not able to acquire a manual ballot without the assistance of another individual.

(2) A hospitalized voter may, in accordance with this section, obtain a manual ballot to use as an emergency ballot and vote at any time after the <u>county</u> election officer mails manual ballots to the majority of voters and before the close of polls on election day.

(3) (a) Any individual may obtain an emergency ballot application, a manual ballot, and a manual ballot envelope from the <u>county</u> election officer on behalf of a hospitalized voter by requesting a ballot and application in person at the <u>county</u> election officer's office during business hours.

(b) The <u>county</u> election officer shall require the individual to sign a statement identifying the individual and the hospitalized voter.

(4) To vote, the hospitalized voter shall complete the emergency ballot application, complete and sign the affidavit on the manual ballot envelope, mark the voter's votes on the manual ballot, place the manual ballot into the envelope, and seal the envelope unless a different method is authorized under Section 20A-1-308.

(5) To be counted, the emergency voter application and the sealed manual ballot envelope must be returned to the election officer's office in accordance with the requirements of this chapter.

Section 21. Section 20A-3a-401 is amended to read:

20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --Disposition -- Notice.

(1) This section governs ballots returned by mail or via a ballot drop box.

(2) (a) Poll workers shall open return envelopes containing manual ballots that are in the custody of the poll workers in accordance with this section.

(b) [The poll workers] <u>Poll workers for the county election officer</u> shall, first, compare the signature of the voter on the affidavit of the return envelope to the signature of the voter in the voter registration records.

(3) After complying with Subsection (2), the poll workers for the county election <u>officer</u> shall determine whether:

(a) the signatures correspond;

(b) the affidavit is sufficient;

(c) the voter is registered to vote in the correct precinct;

(d) the voter's right to vote the ballot has been challenged;

(e) the voter has already voted in the election;

(f) the voter is required to provide valid voter identification; and

(g) if the voter is required to provide valid voter identification, whether the voter has provided valid voter identification.

(4) (a) The poll workers for the county election officer shall take the action described in Subsection (4)(b) if the poll workers determine:

(i) in accordance with the rules made under Subsection (11):

(A) that the signature on the affidavit of the return envelope is reasonably consistent with the individual's signature in the voter registration records; or

(B) for an individual who checks the box described in Subsection (5)(c)(v), that the signature is verified by alternative means;

(ii) that the affidavit is sufficient;

(iii) that the voter is registered to vote in the correct precinct;

(iv) that the voter's right to vote the ballot has not been challenged;

(v) that the voter has not already voted in the election; and

(vi) for a voter required to provide valid voter identification, that the voter has provided valid voter identification.

(b) If the poll workers for the county election officer make all of the findings described in Subsection (4)(a)[,]:

(i) the <u>county election officer shall:</u>

(A) except as provided in Subsection (4)(b)(i)(B), take the action described in Subsection (4)(b)(ii); or

(B) if the ballot is a locally tabulated ballot, in accordance with the chain of custody requirements described in Section 20A-3a-401.1 and Subsection 20A-5-403.5(7), deliver the unopened ballots to the applicable municipal election officer or special district election officer to take the action described in Subsection (4)(b)(ii); and

(ii) the applicable poll workers described in Subsection (4)(b)(i)(A) or (B) shall:

[(i)] (<u>A</u>) remove the manual ballot from the return envelope in a manner that does not destroy the affidavit on the return envelope;

[(ii)] (<u>B</u>) ensure that the ballot does not unfold and is not otherwise examined in connection with the return envelope; and

[(iii)] (C) place the ballot with the other ballots to be counted.

(c) If the poll workers for the county election officer do not make all of the findings described in Subsection (4)(a), the poll workers for the county election officer shall:

(i) disallow the vote;

(ii) without opening the return envelope, record the ballot as "rejected" and state the reason for the rejection; and

(iii) place the return envelope, unopened, with the other rejected return envelopes.
 (5) (a) If the poll workers for the county election officer reject an individual's ballot because the poll workers for the county election officer determine, in accordance with rules

made under Subsection (11), that the signature on the return envelope is not reasonably consistent with the individual's signature in the voter registration records, the <u>county</u> election officer shall:

(i) contact the individual in accordance with Subsection (6); and

(ii) inform the individual:

(A) that the individual's signature is in question;

(B) how the individual may resolve the issue; and

(C) that, in order for the ballot to be counted, the individual is required to deliver to the <u>county</u> election officer a correctly completed affidavit, provided by the county [clerk] <u>election</u> <u>officer</u>, that meets the requirements described in Subsection (5)(c).

(b) The <u>county</u> election officer shall ensure that the notice described in Subsection (5)(a) includes:

(i) when communicating the notice by mail, a printed copy of the affidavit described in Subsection (5)(c) and a courtesy reply envelope;

(ii) when communicating the notice electronically, a link to a copy of the affidavit described in Subsection (5)(c) or information on how to obtain a copy of the affidavit; or

(iii) when communicating the notice by phone, either during a direct conversation with the voter or in a voicemail, arrangements for the voter to receive a copy of the affidavit described in Subsection (5)(c), either in person from the [clerk's] county election officer's office, by mail, or electronically.

(c) An affidavit described in Subsection (5)(a)(ii)(C) shall include:

(i) an attestation that the individual voted the ballot;

(ii) a space for the individual to enter the individual's name, date of birth, and driver license number or the last four digits of the individual's social security number;

(iii) a space for the individual to sign the affidavit;

(iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant governor's and county clerk's use of the individual's signature on the affidavit for voter identification purposes; and

(v) a check box accompanied by language in substantially the following form: "I am a voter with a qualifying disability under the Americans with Disabilities Act that impacts my ability to sign my name consistently. I can provide appropriate documentation upon request. To discuss accommodations, I can be contacted at ______".

(d) In order for an individual described in Subsection (5)(a) to have the individual's ballot counted, the individual shall deliver the affidavit described in Subsection (5)(c) to the <u>county</u> election officer.

(e) [An] <u>A county</u> election officer who receives a signed affidavit under Subsection (5)(d) shall immediately:

(i) scan the signature on the affidavit electronically and keep the signature on file in the statewide voter registration database developed under Section 20A-2-502;

(ii) if the <u>county</u> election officer receives the affidavit no later than 5 p.m. three days before the day on which the canvass begins, [count the individual's ballot] <u>take the action</u>

described in Subsection (4)(b)(i); and

(iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the rules described in Subsection (11)(c).

(6) (a) The <u>county</u> election officer shall, within two business days after the day on which an individual's ballot is rejected, notify the individual of the rejection and the reason for the rejection, by phone, mail, email, or SMS text message, unless:

(i) the ballot is cured within one business day after the day on which the ballot is rejected; or

(ii) the ballot is rejected because the ballot is received late or for another reason that cannot be cured.

(b) If an individual's ballot is rejected for a reason described in Subsection (6)(a)(ii), the <u>county</u> election officer shall notify the individual of the rejection and the reason for the rejection by phone, mail, email, or SMS text message, within the later of:

(i) 30 days after the day of the rejection; or

(ii) 30 days after the day of the election.

(c) The <u>county</u> election officer may, when notifying an individual by phone under this Subsection (6), use auto-dial technology.

(7) [An] <u>A county election officer may not [count the] take the action described in</u> <u>Subsection (4)(b)(i) in relation to a ballot, or permit the counting of a ballot of an individual</u> whom the election officer contacts under Subsection (5) or (6) unless, no later than 5 p.m. three days before the day on which the canvass begins, the <u>county</u> election officer:

(a) receives a signed affidavit from the individual under Subsection (5); or

(b) (i) contacts the individual;

(ii) if the <u>county</u> election officer has reason to believe that an individual, other than the voter to whom the ballot was sent, signed the ballot affidavit, informs the individual that it is unlawful to sign a ballot affidavit for another person, even if the person gives permission;

(iii) verifies the identity of the individual by:

(A) requiring the individual to provide at least two types of personal identifying information for the individual; and

(B) comparing the information provided under Subsection (7)(b)(iii)(A) to records relating to the individual that are in the possession or control of [an] <u>a county</u> election officer;

and

(iv) documenting the verification described in Subsection (7)(b)(iii), by recording:

(A) the name and voter identification number of the individual contacted;

(B) the name of the individual who conducts the verification;

(C) the date and manner of the communication;

(D) the type of personal identifying information provided by the individual;

(E) a description of the records against which the personal identifying information provided by the individual is compared and verified; and

(F) other information required by the lieutenant governor.

(8) (a) The election officer who counts the ballots shall[: (a)] retain and preserve the return envelopes in the manner provided by law for the retention and preservation of ballots voted at that election[;].

(b) <u>The county election officer shall:</u>

(i) retain and preserve the documentation described in Subsection (7)(b)(iv); and

[(c)] (ii) if the <u>county</u> election officer complies with Subsection [(8)(b)] (8)(b)(i) by including the documentation in the voter's voter registration record, make, retain, and preserve a record of the name and voter identification number of each voter contacted under Subsection (7)(b).

(9) (a) The <u>county</u> election officer shall record the following in the database used to verify signatures:

(i) any initial rejection of a ballot under Subsection (4)(c), within one business day after the day on which the <u>county</u> election officer rejects the ballot; and

(ii) any resolution of a rejection of a ballot under Subsection (7), within one business day after the day on which the ballot rejection is resolved.

(b) [An] <u>A county election officer shall include, in the county election officer's canvass</u> report, a final report of the disposition of all rejected and resolved ballots, including, for ballots rejected, the following:

(i) the number of ballots rejected because the voter did not sign the voter's ballot; and
 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in records on file, do not correspond.

(10) Willful failure to comply with this section constitutes willful neglect of duty under

Section 20A-5-701.

(11) The director of elections within the Office of the Lieutenant Governor shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:

(a) criteria and processes for use by poll workers in determining if a signature corresponds with the signature on file for the voter under Subsections (3)(a) and (4)(a)(i)(A);

(b) training and certification requirements for election officers and employees of election officers regarding the criteria and processes described in Subsection (11)(a); and

(c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42
 U.S.C. Secs. 12131 through 12165, an alternative means of verifying the identity of an individual who checks the box described in Subsection (5)(c)(v).

(12) If, in response to a request, and in accordance with the requirements of law, [an] <u>a</u> <u>county</u> election officer discloses the name or address of voters whose ballots have been rejected and not yet resolved, the election <u>county</u> officer shall:

(a) make the disclosure within two business days after the day on which the request is made;

(b) respond to each request in the order the requests were made; and

(c) make each disclosure in a manner, and within a period of time, that does not reflect favoritism to one requestor over another.

Section 22. Section 20A-3a-401.1 is amended to read:

20A-3a-401.1. Ballot chain of custody.

(1) As used in this section:

(a) "Batch" means a grouping of a specified number of ballots:

(i) that is assembled by poll workers, and given a number to distinguish the grouping from other groupings, when the ballots are first received for processing;

(ii) that is kept together in the same grouping, and kept separate from other groupings, throughout ballot processing; and

(iii) for which a log is kept to document the chain of custody of the grouping.

(b) "Processed" means an action taken in relation to a batch, a ballot in a batch, or a return envelope that a poll worker has not separated from a ballot, as follows:

(i) starting with receiving the ballot;

(ii) each step taken in relation to a ballot as part of conducting an election; and

(iii) ending after the ballots are counted and stored.

(2) An election officer shall preserve the chain of custody of all ballots in accordance with this section.

(3) An election officer shall maintain an accurate, updated count of the number of ballots that the election officer:

(a) mails or otherwise provides to a voter;

(b) receives from a voter;

(c) counts;

(d) rejects;

(e) resolves after rejecting; or

(f) does not resolve after rejecting.

(4) In addition to complying with Subsection (3):

(a) a county election officer shall maintain an accurate, updated record of each ballot and batch delivered to a municipal election officer or special district election officer for counting and tabulating; and

(b) a municipal election officer or a special district election officer shall maintain an <u>accurate, updated:</u>

(i) count of the number of ballots that the election officer receives from a county election officer under Subsection (4)(a); and

(ii) record of each ballot and batch received under Subsection (4)(a).

[(4)] (5) Upon receiving ballots cast by voters, the <u>county</u> election officer shall ensure that poll workers immediately count the number of ballots received and divide the ballots into batches.

[(5)] (6) The election officer who has custody of the ballots shall ensure that:

(a) ballots in each batch are kept separate from the ballots in other batches;

(b) a ballot is not separated from a batch, except as necessary to the election process;

- (c) if a ballot is separated from a batch, the batch log indicates:
- (i) the ballot number;

(ii) the date and time of removal;

(iii) the identity of the individual who removes the ballot; and

- (iv) the reason the ballot is removed;
- (d) poll workers shall keep for each batch a log that includes:
- (i) a unique identifying code or number for the batch;
- (ii) the number of ballots in the batch;
- (iii) the date that the ballots were received; and
- (iv) for each occasion that the batches, or any of the ballots in the batches, are handled:
- (A) the date and time that the ballots are handled;
- (B) a description of what is done with the ballots;
- (C) the identity of the poll workers who handle the ballots; and
 - (D) any other information required by rule under Subsection [(7)] (9);
- (e) an election official who performs a ballot processing function performs the function in the presence of at least one other election official;
- (f) to the extent reasonably possible, the poll workers who perform a ballot processing function for a batch complete performing that function for the entire batch; and
- (g) each part of the processing of all ballots, including separating ballots from envelopes and counting and tabulating ballots, is monitored by recorded video, without audio.
 - [(6)] (7) An election officer shall:
 - (a) keep the recordings described in Subsection [(5)(g)] (6)(g) until the later of:
 - (i) the end of the calendar year in which the election was held; or
 - (ii) if the election is contested, when the contest is resolved; and
- (b) ensure that a camera, a video, or a recording of a video described in Subsection [(5)(g)] (6)(g) may only be accessed:
 - (i) by the election officer;
 - (ii) by the county election officer;
 - [(ii)] (iii) by a custodian of the camera, video, or recording;
- [(iii)] (iv) by the lieutenant governor;
- [(iv)] (v) by the legislative auditor general, when performing an audit; or
- [(v)] (vi) by, or pursuant to an order of, a court of competent jurisdiction.
- [(7)] (8) An individual may not view a video, or a recording of a video, described in Subsection [(5)(g)] (6)(g):
 - (a) unless the individual is an individual described in Subsection [(6)(b)] (7)(b); and

(b) the individual views the video to the extent necessary to:

(i) ensure compliance with Subsection [(5)(g) or (6)] (6)(g) or (7); or

(ii) investigate a concern relating to the processing of ballots.

[(8)] (9) The director of elections within the Office of the Lieutenant Governor may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing specific requirements and procedures for an election officer or poll worker to:

(a) fulfill the chain of custody requirements described in this section;

(b) perform the signature verification audits described in Section 20A-3a-402.5; and

(c) comply with the reconciliation requirements described in Subsection

20A-4-304(2)(h).

Section 23. Section 20A-3a-402 is amended to read:

20A-3a-402. Custody of ballots voted at a polling place -- Disposition -- Counting ballots -- Release of tally.

(1) [(a)] For ballots voted at a polling place:

[(b)] (a) the <u>county</u> election officer shall deliver all return envelopes containing valid ballots and valid provisional ballots that are in the <u>county</u> election officer's custody to the counting center before noon on the day of the official canvass following the election;

[(c)] (b) valid ballots, including valid provisional ballots, may be processed and counted:

(i) by the election officer <u>responsible for counting the ballots</u>, or poll workers acting under the supervision of [the] <u>that</u> election officer, before the date of the canvass; and

(ii) at the canvass, by the election officer responsible for counting the ballots or poll workers for that election officer, acting under the supervision of the official canvassers of the election;

[(d)] (c) when processing ballots, the <u>responsible</u> election officer and <u>the</u> poll workers for that election officer shall comply with the procedures and requirements of Section 20A-3a-401 in opening envelopes, verifying signatures, confirming eligibility of the ballots, and depositing ballots in preparation for counting; and

[(e)] (d) all valid ballots, including valid provisional ballots have been deposited, [the ballots] shall be counted in the usual manner.

(2) (a) After the polls close on the date of the election, the election officer responsible

<u>for counting the ballots</u> shall publicly release the results of all ballots, including provisional ballots, that have been counted on or before the date of the election.

(b) Except as provided in Subsection (2)(c), on each day, beginning on the day after the date of the election and ending on the day before the date of the canvass, the election officer responsible for counting the ballots shall publicly release the results of all ballots, including provisional ballots, counted on that day.

(c) (i) If complying with Subsection (2)(b) on a particular day will likely result in disclosing a vote cast by an individual voter, the election officer responsible for counting the <u>ballots</u> shall request permission from the lieutenant governor to delay compliance for the minimum number of days necessary to protect against disclosure of the voter's vote.

(ii) The lieutenant governor shall grant a request made under Subsection (2)(c)(i) if the lieutenant governor finds that the delay is necessary to protect against disclosure of a voter's vote.

(d) On the date of the canvass, the election officer <u>responsible for counting the ballots</u> shall provide a tally of all ballots, including provisional ballots, counted, and the resulting tally shall be added to the official canvass of the election.

Section 24. Section 20A-3a-402.5 is amended to read:

20A-3a-402.5. Signature verification audits.

(1) [An] <u>A county election officer shall, in accordance with this section and rules made</u> under Section 20A-3a-106, conduct regular audits of signature comparisons made between signatures on envelopes and voter signatures maintained by the <u>county election officer</u>.

(2) An individual who conducts an audit of signature comparisons may not audit the individual's own work.

(3) Before separating ballots from return envelopes, the <u>county</u> election officer shall:
 (a) audit 1% of all signature comparisons of the envelopes to be separated to determine the accuracy of the comparisons made; and

(b) provide additional training or staff reassignments, as needed, based on the results of the audit.

(4) An election officer shall submit to the lieutenant governor and the board of canvassers a record of:

(a) the audits performed under this section;

(b) the results of the audits; and

(c) any remedial action taken.

Section 25. Section 20A-3a-405 is amended to read:

- 20A-3a-405. Ballot statistics.

(1) Except as provided in Subsection (5)(a), an election officer shall post and update the data described in Subsection (2) on the election officer's website, on the following days, after the election officer finishes processing ballots on that day:

(a) the day on which the election officer begins mailing ballots;

(b) each Monday, Wednesday, and Friday after the day described in Subsection (1)(a), until the final posting described in Subsection (1)(c); and

(c) the Wednesday after the day of the election.

(2) The data that an election officer is required to post under Subsection (1) includes:

(a) the number of ballots in the [county clerk's] election officer's possession; and

(b) of the number of ballots described in Subsection (2)(a):

(i) the number of ballots that [have] the election officer has not yet begun processing;

(ii) the number of ballots in process by the election officer; and

(iii) the number of ballots processed by the election officer.

(3) Except as provided in Subsection (5)(b), an election officer shall post and update the data described in Subsection (4) on the election officer's website on the following days:

(a) the Friday after the day of the election;

(b) each Monday, Wednesday, and Friday after the day described in Subsection (3)(a), until the final posting described in Subsection (3)(c); and

(c) on the last day of the canvass.

(4) The data that an election officer is required to post under Subsection (3) includes the following, in relation to the ballots in the election officer's possession:

(a) a best estimate of the number of ballots received, to date, by the election officer;
 (b) if the election officer is a county election officer:

(i) the number of ballots in possession of the <u>county</u> election officer that have been rejected and are not yet cured;

(ii) the number of ballots delivered to a municipal election officer or special district election officer for counting and tabulation; and

[(c)] (iii) the number of provisional ballots in the possession of the <u>county</u> election officer that have not been processed;

(c) if the election officer receives ballots under Subsection (4)(b)(ii), the number of ballots received;

(d) the number of ballots in the election officer's possession that need to be adjudicated, but have not yet been adjudicated;

(e) the number of ballots awaiting replication; and

(f) the number of ballots that have been replicated.

(5) (a) An election officer is not required to update the data described in Subsection (2) on a Monday if the election officer does not process any ballots the preceding Saturday or Sunday.

(b) An election officer is not required to update the data described in Subsection (4) on a Monday if the election officer does not process any ballots the preceding Saturday or Sunday.

Section 26. Section 20A-3a-601 is amended to read:

20A-3a-601. Early voting.

(1) Except as provided in Section 20A-7-609.5:

(a) an individual who is registered to vote may vote at a polling place before the election date in accordance with this section; and

(b) [except as provided in Subsection 20A-2-207(6),] an individual who is not registered to vote may register to vote and vote at a polling place before the election date in accordance with this section if the individual:

(i) is otherwise legally entitled to vote the ballot; and

(ii) casts a provisional ballot in accordance with Section 20A-2-207.

(2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period:

(a) begins on the date that is 14 days before the date of the election; and

(b) continues through the Friday before the election if the election date is a Tuesday.

(3) (a) [An] <u>A county election officer may extend the end of the early voting period to</u> the day before the election date if the <u>county</u> election officer provides notice of the extension in accordance with Section 20A-3a-604.

(b) For a municipal election, the [municipal clerk] <u>county election officer</u> may reduce the early voting period described in this section if:

(i) the [municipal clerk] <u>county election officer</u> conducts early voting on at least four days;

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

(iii) the [municipal clerk] <u>county election officer provides notice of the reduced early</u> voting period in accordance with Section 20A-3a-604.

(c) For a county election, the county [clerk] <u>election officer</u> may reduce the early voting period described in this section if:

(i) the county [clerk] election officer conducts early voting on at least four days;

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

(iii) the county [clerk] <u>election officer</u> provides notice of the reduced early voting period in accordance with Section 20A-3a-604.

(4) Except as provided in Section 20A-1-308, during the early voting period, the <u>county</u> election officer:

(a) for a local special election, a municipal primary election, and a municipal general election:

(i) shall conduct early voting on a minimum of four days during each week of the early voting period; and

(ii) shall conduct early voting on the last day of the early voting period; and

(b) for all other elections:

(i) shall conduct early voting on each weekday; and

(ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

(5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308, early voting shall be administered in accordance with the requirements of this title.

Section 27. Section 20A-3a-602 is amended to read:

20A-3a-602. Hours for early voting.

(1) Except as provided in Section 20A-1-308, the <u>county</u> election officer shall determine the times for opening and closing the polls for each day of early voting provided that voting is open for a minimum of four hours during each day that polls are open during the early voting period.

(2) Except as provided in Section 20A-1-308, each registered voter who arrives at the polls before the time scheduled for closing of the polls shall be allowed to vote.

Section 28. Section 20A-3a-603 is amended to read:

20A-3a-603. Early voting polling places.

(1) Except as provided in Section 20A-1-308 or 20A-7-609.5, the <u>county</u> election officer shall designate one or more polling places for early voting, as follows:

(a) at least one polling place shall be open on each day that polls are open during the early voting period;

(b) each polling place shall comply with the requirements for polling places under Chapter 5, Election Administration;

(c) for all elections other than local special elections, municipal primary elections, and municipal general elections, at least 10% of the voting devices at a polling place shall be accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002; and

(d) each polling place shall be located in a government building or office, unless the <u>county</u> election officer determines that, in the area designated by the <u>county</u> election officer, there is no government building or office available that:

(i) can be scheduled for use during early voting hours;

(ii) has the physical facilities necessary to accommodate early voting requirements;

(iii) has adequate space for voting equipment, poll workers, and voters; and

(iv) has adequate security, public accessibility, and parking.

(2) (a) Except as provided in Section 20A-1-308, the <u>county</u> election officer may, after the deadline described in Section 20A-3a-604:

(i) if necessary, change the location of an early voting place; or

(ii) if the <u>county</u> election officer determines that the number of early voting polling places is insufficient due to the number of registered voters who are voting, designate additional polling places during the early voting period.

(b) Except as provided in Section 20A-1-308, if [an] <u>a county</u> election officer changes the location of an early voting polling place or designates an additional early voting polling place, the <u>county</u> election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the changed early voting polling place or the additional early

voting polling place:

(i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

(ii) by posting the information on the website of the election officer, if available; and (iii) by posting notice:

(A) for a change in the location of an early voting polling place, at the new location and, if possible, the old location; and

(B) for an additional early voting polling place, at the additional early voting polling place.

(3) Except as provided in Section 20A-1-308, for each regular general election and regular primary election, counties of the first class shall ensure that the early voting polling places are approximately proportionately distributed based on population within the county.

Section 29. Section 20A-3a-604 is amended to read:

20A-3a-604. Notice of time and place of early voting.

(1) Except as provided in Section 20A-1-308 or Subsection 20A-3a-603(2), the <u>county</u> election officer shall, for at least 28 days before the date of the election, provide notice of the dates, times, and locations of early voting by publishing notice for the county, as a class A notice under Section 63G-30-102.

(2) Instead of specifying all dates, times, and locations of early voting, a notice required under Subsection (1) may specify the following sources where a voter may view or obtain a copy of all dates, times, and locations of early voting:

(a) the county's website;

(b) the physical address of the county's offices; and

(c) a mailing address and telephone number.

(3) The <u>county election officer shall include in the notice described in Subsection (1):</u>

(a) the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the <u>county</u> election officer will post on the website the location of each early voting polling place, including any changes to the location of an early voting polling place and the location of additional early voting polling places; and

(b) a phone number that a voter may call to obtain information regarding the location of an early voting polling place.

Section 30. Section 20A-3a-605 is amended to read:

20A-3a-605. Exemptions from early voting.

(1) (a) This part does not apply to an election of a board member of a special district.
 (b) Notwithstanding Subsection (1)(a), [a special district may, in the special district's discretion] <u>a county election officer may, in the county election officer's discretion, provide early voting in accordance with this part for election of a board member.</u>

(2) Notwithstanding the requirements of Section 20A-3a-601, <u>a county election officer</u> <u>may, for a municipality of the fifth class or a town as described in Section 10-2-301 [may]</u>, provide early voting as provided under this part for:

(a) a municipal primary election; or

(b) a municipal general election.

[(3) A municipality is not required to conduct early voting for the election.]

Section 31. Section 20A-3a-701 is amended to read:

20A-3a-701. Definitions.

As used in this part:

(1) "Election day voting center" means a polling place designated by [an] <u>a county</u> election officer to provide for voting on election day for an individual who:

(a) is eligible to vote; and

(b) resides within the political subdivision holding the election.

(2) "Voting center ballot" means a regular ballot that:

(a) is provided at an election day voting center; and

(b) may be retrieved by the <u>county</u> election official during the canvass if the voter cast a ballot at another location or before election day.

Section 32. Section 20A-3a-702 is amended to read:

20A-3a-702. Election day voting center -- Hours of operation -- Compliance with Election Code.

(1) Except as provided in Section 20A-7-609.5, [an] <u>a county</u> election officer may operate an election day voting center in one or more locations designated under Section 20A-3a-703.

(2) [An] <u>A county election officer shall provide for voting at an election day voting</u> center by:

(a) regular ballot if:

(i) (A) the election day voting center is designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides; and

(B) the voter is eligible to vote a regular ballot at the election day voting center in accordance with this title; or

(ii) (A) the voter resides within the political subdivision holding the election;

(B) the voter is otherwise eligible to vote a regular ballot in accordance with this title; and

(C) the jurisdiction holding the election uses a method that confirms that the voter has not voted previously in the election;

(b) voting center ballot if:

(i) the election day voting center is not designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides;

(ii) the voter resides within the political subdivision holding the election; and

(iii) the voter is otherwise eligible to vote a regular ballot in accordance with this title; or

(c) provisional ballot if the voter is only eligible to vote using a provisional ballot in accordance with this title.

(3) [An] <u>A county election officer shall ensure that an election day voting center:</u>

(a) is open on election day during the time period specified under Section 20A-1-302;

(b) allows an eligible voter to vote if the voter:

(i) resides within the political subdivision holding an election; and

(ii) arrives at the election day voting center by the designated closing time in accordance with Section 20A-1-302; and

(c) is administered according to the requirements of this title.

(4) An individual may submit a completed manual ballot at an election day voting center for the political subdivision in which the individual resides.

Section 33. Section 20A-3a-703 is amended to read:

<u>20A-3a-703. Election day voting centers as polling places -- Location --</u> Notification.

(1) The <u>county election officer may designate one or more polling places as an election</u>

day voting center if:

(a) except as provided in Subsection (2), the <u>county</u> election officer notifies the lieutenant governor of the designation and location of the election day voting center at least 15 days before the election;

(b) the polling place meets the requirements for a polling place under Chapter 5, Election Administration; and

(c) the polling place is located in a government building or office, unless the <u>county</u> election officer determines that there is no government building or office available, in the area designated by the <u>county</u> election officer, that:

(i) can be scheduled for use during election day voting hours;

(ii) has the physical facilities necessary to accommodate election day voting requirements;

(iii) has adequate space for voting equipment, poll workers, and voters; and

(iv) has adequate security, public accessibility, and parking.

(2) (a) The <u>county</u> election officer may, after the deadline described in Subsection (1)(a):

(i) if necessary, change the location of an election day voting center; or

(ii) if the <u>county</u> election officer determines that the number of election day voting centers is insufficient due to the number of registered voters who are voting, designate additional election day voting centers.

(b) Except as provided in Section 20A-1-308, if [an] <u>a county</u> election officer changes the location of an election day voting center or designates an additional election day voting center, the <u>county</u> election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the changed election day voting center or the additional election day voting center:

(i) to the lieutenant governor, for posting on the Statewide Electronic Voter Information Website;

(ii) by posting the information on the website of the <u>county</u> election officer[, if available]; and

(iii) by posting notice:

(A) of a change in the location of an election day voting center, at the new location

and, if possible, the old location; and

(B) of an additional election day voting center, at the additional election day voting center.

Section 34. Section 20A-3a-801 is amended to read:

- 20A-3a-801. Watchers.

(1) As used in this section, "administering election officer" means[: (a)] the election officer[; or] responsible for the ballot process observed by the watcher.

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

(2) (a) Any individual who is registered or preregistered to vote in Utah may become a watcher in an election at any time by registering as a watcher with the administering election officer.

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

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

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

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

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

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

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

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

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

(4) A watcher may:

(a) observe the setup or takedown of a polling place;

(b) observe a voter checking in at a polling place;

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

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

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

(f) observe ballot replication;

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

(h) observe ballot tabulation;

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

(j) observe a post-election audit;

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

(1) observe the certification of the results of an election;

(m) observe a recount; or

(n) observe signature verification.

(5) An administering election officer shall:

(a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an election process;

(b) establish locations for a watcher to observe an event described in Subsection (4), other than an event described in Subsection (4)(d) or (k), from no further than six feet away; and

(c) except for a county of the fourth, fifth, or sixth class, for any ballot adjudication, or upload of votes from a voting machine or scanner, that is conducted on a computer screen, project the activity onto a screen that is large enough to be viewed by each watcher.

(6) (a) A watcher may not:

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

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

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

(b) A person who violates Subsection (6)(a)(iii) is guilty of a third degree felony.

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

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

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

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

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

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

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

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

Section 35. Section 20A-3a-804 is amended to read:

20A-3a-804. Pre-election challenges to a voter's eligibility in writing -- Procedure -- Form of challenge.

(1) (a) An individual may challenge an individual's eligibility to vote by filing a written statement with the <u>county</u> election officer in accordance with Subsection (1)(b) that:

(i) lists the name and address of the individual filing the challenge;

(ii) for each individual who is challenged:

(A) identifies the name of the challenged individual;

(B) lists the last known address or telephone number of the challenged individual;

(C) provides the basis for the challenge, as provided under Section 20A-3a-803;

(D) provides facts and circumstances supporting the basis provided; and

(E) may include supporting documents, affidavits, or other evidence; and

(iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:

(A) the filer exercised due diligence to personally verify the facts and circumstances establishing the basis for the challenge; and

(B) according to the filer's personal knowledge and belief, the basis for the challenge under Section 20A-3a-803 for each challenged individual is valid.

(b) An individual who files a written statement under Subsection (1)(a) shall file the written statement during the election officer's regular business hours:

(i) at least 45 days before the day of the election; or

(ii) if the challenge is to an individual who registered to vote between the day that is 45 days before the election and the day of the election:

(A) on or before the day of the election; and

(B) before the individual's ballot is removed from a ballot envelope or otherwise separated from any information that could be used to identify the ballot as the individual's ballot.

(c) The challenge may not be based on unsupported allegations or allegations by an anonymous individual.

(d) [An] <u>A county election officer may require an individual who files a challenge</u> under this section to file the challenge on a form provided by the <u>county</u> election officer that meets the requirements of this section.

(2) If the challenge is not in the proper form, is incomplete, or if the basis for the challenge does not meet the requirements of this part, the <u>county</u> election officer shall dismiss the challenge and notify the filer in writing of the reasons for the dismissal.

(3) (a) Upon receipt of a challenge that meets the requirements for filing under this section, the <u>county</u> election officer shall attempt to notify each challenged individual in accordance with Subsection (3)(b):

(i) at least 28 days before the date of the election, if the <u>county</u> election officer receives the challenge under Subsection (1)(b)(i); or

(ii) within one business day, if the county election officer receives the challenge under

Subsection (1)(b)(ii).

(b) The <u>county</u> election officer shall attempt to notify each challenged individual:

(i) that a challenge has been filed against the challenged individual;

(ii) that the challenged individual may be required to cast a provisional ballot at the time the individual votes if the individual votes in person;

(iii) that if the individual votes by mail, the individual's ballot will be treated as a provisional ballot unless the challenge is resolved;

(iv) of the basis for the challenge, which may include providing a copy of the challenge the filer filed with the <u>county</u> election officer; and

(v) that the challenged individual may submit information, a sworn statement, supporting documents, affidavits, or other evidence supporting the challenged individual's eligibility to vote in the election to the <u>county</u> election officer no later than:

(A) 21 days before the date of the election, if the <u>county</u> election officer receives the challenge under Subsection (1)(b)(i); or

(B) five days before the day on which the canvass is held, if the <u>county</u> election officer receives the challenge under Subsection (1)(b)(ii).

(4) (a) The <u>county</u> election officer shall determine whether each challenged individual is eligible to vote before the day on which:

(i) early voting commences, if the <u>county</u> election officer receives the challenge under Subsection (1)(b)(i); or

(ii) the canvass is held, if the <u>county</u> election officer receives the challenge under Subsection (1)(b)(ii).

(b) (i) The filer has the burden to prove, by clear and convincing evidence, that the basis for challenging the individual's eligibility to vote is valid.

(ii) The <u>county</u> election officer shall resolve the challenge based on the available facts and information submitted, which may include voter registration records and other documents or information available to the <u>county</u> election officer.

(5) An individual who files a challenge in accordance with the requirements of this section is subject to criminal penalties for false statements as provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

(6) (a) A challenged individual may appeal [an] a county election officer's decision

regarding the individual's eligibility to vote to the district court having jurisdiction over the location where the challenge was filed.

(b) The district court shall uphold the decision of the <u>county</u> election officer unless the district court determines that the decision was arbitrary, capricious, or unlawful.

(c) In making the district court's determination, the district court's review is limited to:
 (i) the information filed under Subsection (1)(a) by the filer;

(ii) the information submitted under Subsection (3)(b)(v) by the challenged individual; and

(iii) any additional facts and information used by the <u>county</u> election [official] <u>officer</u> to determine whether the challenged individual is eligible to vote, as indicated by the <u>county</u> election [official] <u>officer</u>.

(7) A challenged individual may register to vote or change the location of the individual's voter registration if otherwise permitted by law.

(8) A document pertaining to a challenge filed under this section is a public record.

Section 36. Section 20A-4-101 is amended to read:

20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at polling place on day of election before polls close.

(1) Each county legislative body, municipal legislative body, and each poll worker shall comply with the requirements of this section when counting manual ballots on the day of an election, if:

(a) the ballots are cast at a polling place; and

(b) the ballots are counted at the polling place before the polls close.

(2) (a) Each county legislative body or municipal legislative body shall provide[: (i)] two sets of ballot boxes for all voting precincts where both receiving and counting judges have been appointed[; and].

[(ii)] (b) The county legislative body or the municipal legislative body of the election officer responsible for counting and tabulating ballots shall provide a counting room for the use of the poll workers counting the ballots during the day.

[(b)] (c) At any election in any voting precinct in which both receiving and counting judges have been appointed, when at least 20 votes have been cast, the receiving judges shall:

(i) close the first ballot box and deliver it to the counting judges; and

(ii) prepare and use another ballot box to receive voted ballots.

[(c)] (d) Except as provided in Subsection [(2)(f)] (2)(g), upon receipt of the ballot box, the counting judges shall:

(i) take the ballot box to the counting room;

(ii) count the votes on the regular ballots in the ballot box;

(iii) place the provisional ballot envelopes in the envelope or container provided for them for return to the election officer; and

(iv) when they have finished counting the votes in the ballot box, return the emptied box to the receiving judges.

[(d)] (e) (i) During the course of election day, whenever there are at least 20 ballots contained in a ballot box, the receiving judges shall deliver that ballot box to the counting judges for counting; and

(ii) the counting judges shall immediately count the regular ballots and segregate the provisional ballots contained in that box.

[(e)] (f) The counting judges shall continue to exchange the ballot boxes and count ballots until the polls close.

[(f)] (g) (i) The director of elections within the Office of the Lieutenant Governor shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, describing the procedures that a counting judge is required to follow for counting ballots in an instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project.

(ii) When counting ballots in an instant runoff voting race described in Part 6, Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply with the procedures established under Subsection [(2)(f)(i)] (2)(g)(i) and Part 6, Municipal Alternate Voting Methods Pilot Project.

(3) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of:

(a) to the extent applicable, Section 20A-4-105; and

(b) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).

Section 37. Section 20A-4-102 is amended to read:

20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at

polling place on day of election after polls close.

(1) (a) This section governs counting manual ballots on the day of an election, if:

(i) the ballots are cast at a polling place; and

(ii) the ballots are counted at the polling place after the polls close.

(b) Except as provided in Subsection (2) or a rule made under Subsection [20A-4-101(2)(f)(i)] 20A-4-101(2)(g)(i), as soon as the polls have been closed and the last qualified voter has voted, the election judges shall count the ballots by performing the tasks specified in this section in the order that they are specified.

(c) To resolve questions that arise during the counting of ballots, a counting judge shall apply the standards and requirements of:

(i) to the extent applicable, Section 20A-4-105; and

(ii) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).

(2) (a) First, the election judges shall count the number of ballots in the ballot box.

(b) (i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges shall examine the official endorsements on the ballots.

(ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper official endorsement, the judges shall put those ballots in an excess ballot file and not count them.

(c) (i) If, after examining the official endorsements, there are still more ballots in the ballot box than there are names entered in the pollbook, the judges shall place the remaining ballots back in the ballot box.

(ii) One of the judges, without looking, shall draw a number of ballots equal to the excess from the ballot box.

(iii) The judges shall put those excess ballots into the excess ballot envelope and not count them.

(d) When the ballots in the ballot box equal the number of names entered in the pollbook, the judges shall count the votes.

(3) The judges shall:

(a) place all unused ballots in the envelope or container provided for return to the county clerk or city recorder; and

(b) seal that envelope or container.

(4) The judges shall:

(a) place all of the provisional ballot envelopes in the envelope provided for them for return to the <u>county</u> election officer; and

(b) seal that envelope or container.

(5) (a) In counting the votes, the election judges shall read and count each ballot separately.

(b) In regular primary elections the judges shall:

(i) count the number of ballots cast for each party;

(ii) place the ballots cast for each party in separate piles; and

(iii) count all the ballots for one party before beginning to count the ballots cast for other parties.

(6) (a) In all elections, the counting judges shall, except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection [20A-4-101(2)(f)(i)] 20A-4-101(2)(g)(i):

(i) count one vote for each candidate designated by the marks in the squares next to the candidate's name;

(ii) count each vote for each write-in candidate who has qualified by filing a declaration of candidacy under Section 20A-9-601;

(iii) read every name marked on the ballot and mark every name upon the tally sheets before another ballot is counted;

(iv) evaluate each ballot and each vote based on the standards and requirements of Section 20A-4-105;

(v) write the word "spoiled" on the back of each ballot that lacks the official endorsement and deposit it in the spoiled ballot envelope; and

(vi) read, count, and record upon the tally sheets the votes that each candidate and ballot proposition received from all ballots, except excess or spoiled ballots.

(b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or persons clearly not eligible to qualify for office.

(c) The judges shall certify to the accuracy and completeness of the tally list in the space provided on the tally list.

(d) When the judges have counted all of the voted ballots, they shall record the results on the total votes cast form.

(7) (a) Except as provided in Subsection (7)(b), only an election judge and a watcher may be present at the place where counting is conducted until the count is completed.

(b) (i) An auditor conducting an audit described in Section 36-12-15.2 may be present at the place where counting is conducted, regardless of whether the count is completed.

(ii) The lieutenant governor may be present at the place where counting is conducted, regardless of whether the count is completed.

Section 38. Section 20A-4-103 is amended to read:

20A-4-103. Preparing ballots cast at a polling place for the county election officer.

(1) This section governs the preparation of ballots for the counting center when the ballots are cast at a polling place.

(2) (a) As soon as the polls have been closed and the last qualified voter has voted, the poll workers shall prepare the ballots for delivery to the [counting center] county election officer as provided in this section.

(b) The poll workers, election officers, and other persons may not manually count any votes before delivering the ballots to the [counting center] <u>county election officer</u>.

(3) The poll workers shall:

(a) complete the statement of disposition of ballots and all other forms required by the <u>county</u> election officer;

(b) place a copy of the forms described in Subsection (3)(a) and the voted ballots in a sealed container;

(c) place all provisional ballots in the container provided for returning provisional ballots to the [counting center] county election officer and seal the container; and

(d) deliver to the [counting center] county election officer:

(i) the items described in Subsections (3)(a) through (c); and

(ii) any other items required by the election officer.

Section 39. Section 20A-4-104 is amended to read:

20A-4-104. Counting ballots electronically -- Notice of testing tabulating equipment.

(1) [(a)] Before beginning to count ballots using automatic tabulating equipment, the election officer responsible for counting and tabulating the ballots shall:

(a) test the automatic tabulating equipment to ensure that it will accurately count the votes cast for all offices and all measures[.];

(b) [The election officer shall] provide public notice of the time and place of the test by publishing the notice, as a class A notice under Section 63G-30-102, for the county, municipality, or jurisdiction where the equipment is used, for at least 10 days before the day of the test[.];

(c) [The election officer shall] conduct the test by processing a preaudited group of ballots[.];

(d) [The election officer shall] ensure that:

(i) a predetermined number of valid votes for each candidate and measure are recorded on the ballots;

(ii) for each office, one or more ballots have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject those votes; and
 (iii) a different number of valid votes are assigned to each candidate for an office, and for and against each measure[.]; and

(e) [If] <u>if</u> any error is detected, [the election officer shall] determine the cause of the error and correct it.

[(f)] (2) The election officer responsible for counting and tabulating the ballots shall ensure that:

[(i)] (a) the automatic tabulating equipment produces an errorless count before beginning the actual counting; and

[(ii)] (b) before the election returns are approved as official, the automatic [tabuating] tabulating equipment passes a post election audit conducted in accordance with the rules described in Subsection 20A-1-108(1).

[(2)] (3) (a) The election officer responsible for counting and tabulating the ballots, or the election officer's designee, shall supervise and direct all proceedings at the counting center.
 (b) (i) Proceedings at the counting center are public and may be observed by interested persons.

(ii) Only those persons authorized to participate in the count may touch any ballot or

return.

(c) The election officer responsible for counting and tabulating the ballots shall deputize and administer an oath or affirmation to all persons who are engaged in processing and counting the ballots that they will faithfully perform their assigned duties.

[(3)] (4) (a) If any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the election officer responsible for counting and tabulating the ballots shall ensure that two counting judges jointly:

(i) make a true replication of the ballot with an identifying serial number;

(ii) substitute the replicated ballot for the damaged or defective ballot;

(iii) label the replicated ballot "replicated"; and

(iv) record the replicated ballot's serial number on the damaged or defective ballot.

(b) The lieutenant governor shall provide to each election officer responsible for counting and tabulating ballots a standard form on which the election officer shall maintain a log of all replicated ballots, that includes, for each ballot:

(i) the serial number described in Subsection [(3)(a)] (4)(a);

(ii) the identification of the individuals who replicated the ballot;

(iii) the reason for the replication; and

(iv) any other information required by the lieutenant governor.

(c) An election officer responsible for counting and tabulating ballots shall:

(i) maintain the log described in Subsection [(3)(b)] (4)(b) in a complete and legible manner, as ballots are replicated;

(ii) at the end of each day during which one or more ballots are replicated, make an electronic copy of the log; and

(iii) keep each electronic copy made under Subsection [(3)(c)(ii)] (4)(b)(ii) for at least 22 months.

(4)] (5) The election officer responsible for counting and tabulating the ballots may:
 (a) conduct an unofficial count before conducting the official count in order to provide early unofficial returns to the public;

(b) release unofficial returns from time to time after the polls close; and

(c) report the progress of the count for each candidate during the actual counting of ballots.

[(5)] (6) Beginning on the day after the date of the election, if an election officer responsible for counting and tabulating the ballots releases early unofficial returns or reports the progress of the count for each candidate under Subsection [(4)] (5), the election officer shall, with each release or report, disclose an estimate of the total number of voted ballots in the election officer's custody that have not yet been counted.

[(6)] (7) The <u>county</u> election officer shall review and evaluate the provisional ballot envelopes and prepare any valid provisional ballots for counting as provided in Section 20A-4-107.

[(7)] (8) (a) The election officer responsible for counting and tabulating the ballots, or the election officer's designee, shall:

(i) separate, count, and tabulate any ballots containing valid write-in votes; and

(ii) complete the standard form provided by the clerk for recording valid write-in votes.
 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the poll workers shall count the valid write-in vote as being the obvious intent of the voter.

[(8)] (9) (a) The election officer responsible for counting and tabulating the ballots shall certify the return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, as the official return of each voting precinct.

(b) Upon completion of the count, the election officer responsible for counting and tabulating the ballots shall make official returns open to the public.

[(9)] (10) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the election officer responsible for counting and tabulating the ballots may, upon approval of the lieutenant governor, direct that they be counted manually according to the procedures and requirements of this part.

[(10)] (11) After the count is completed, the election officer responsible for counting and tabulating the ballots shall seal and retain the programs, test materials, and ballots as provided in Section 20A-4-202.

Section 40. Section 20A-4-105 is amended to read:

 20A-4-105. Standards and requirements for evaluating voter's ballot choice.

 (1) (a) [An] The election officer responsible for counting and tabulating the ballots

 shall ensure that when a question arises regarding a vote recorded on a manual ballot, two

counting judges jointly adjudicate the ballot, except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project, in accordance with the requirements of this section.

(b) If the counting judges disagree on the disposition of a vote recorded on a ballot that is adjudicated under this section, the counting judges may not count the vote.

(c) [An] <u>The election officer responsible for counting and tabulating the ballots shall</u> store adjudicated ballots separately from other ballots to enable a court to review the ballots if the election is challenged in court.

(2) Except as provided in Subsection (10), Subsection 20A-3a-204(6), or Part 6, Municipal Alternate Voting Methods Pilot Project, if a voter marks more names than there are individuals to be elected to an office, or if the counting judges cannot determine a voter's choice for an office, the counting judges may not count the voter's vote for that office.

(3) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project, the counting judges shall count a defective or incomplete mark on a manual ballot if:

(a) the defective or incomplete mark is in the proper place; and

(b) there is no other mark or cross on the ballot indicating the voter's intent to vote other than as indicated by the incomplete or defective mark.

(4) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project, the counting judges may not reject a ballot marked by the voter because of marks on the ballot other than those marks allowed by this section unless the extraneous marks on a ballot show an intent by an individual to mark the individual's ballot so that the individual's ballot can be identified.

(5) (a) In counting the ballots, the counting judges shall give full consideration to the intent of the voter.

(b) The counting judges may not invalidate a ballot because of mechanical or technical defects in voting or failure on the part of the voter to follow strictly the rules for balloting required by Chapter 3a, Voting.

(6) The counting judges may not reject a ballot because of an error in:

(a) stamping or writing an official endorsement; or

(b) delivering the wrong ballots to a polling place.

(7) The counting judges may not count a manual ballot that does not have the official endorsement by an election officer.

(8) The counting judges may not count a ballot proposition vote or candidate vote for which the voter is not legally entitled to vote, as defined in Section 20A-4-107.

(9) If the counting judges discover that the name of a candidate is misspelled on a ballot, or that the initial letters of a candidate's given name are transposed or omitted in whole or in part on a ballot, the counting judges shall count a voter's vote for the candidate if it is apparent that the voter intended to vote for the candidate.

(10) The counting judges shall count a vote for the president and the vice president of any political party as a vote for the presidential electors selected by the political party.

(11) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot Project, in counting the valid write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the counting judges shall count the valid write-in vote as being the obvious intent of the voter.

Section 41. Section 20A-4-106 is amended to read:

20A-4-106. Manual ballots -- Sealing.

(1) After the official canvas of an election, the election officer responsible for counting and tabulating the ballots shall store all election returns in containers that identify the containers' contents.

(2) After the ballots are stored under Subsection (1), the ballots may not be examined by anyone, except as follows:

(a) when examined during a recount conducted under the authority of Section
 20A-4-401 or [Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project]
 <u>Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;</u>

(b) an auditor conducting an audit described in Section 36-12-15.2 may examine the ballots:

(i) if the audit uncovers evidence that raises a substantial doubt regarding the accuracy of the results of an election, the auditor may examine the ballots until the later of:

(A) the end of the calendar year in which the election was held; or

(B) if the election is contested, when the contest is resolved; or

(ii) at any time via a subpoena or other legal process; or

(c) the lieutenant governor may examine the ballots:

(i) until the later of:

- (A) the end of the calendar year in which the election was held; or
- (B) if the election is contested, when the contest is resolved; or
- (ii) at any time via a subpoena or other legal process.

Section 42. Section 20A-4-107 is amended to read:

20A-4-107. Review and disposition of provisional ballot envelopes.

(1) As used in this section, an individual is "legally entitled to vote" if:

(a) the individual:

(i) is registered to vote in the state;

(ii) votes the ballot for the voting precinct in which the individual resides; and

(iii) provides valid voter identification to the poll worker;

(b) the individual:

(i) is registered to vote in the state;

(ii) (A) provided valid voter identification to the poll worker; or

(B) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register but the county clerk verifies the individual's identity and residence through some other means; and

(iii) did not vote in the individual's precinct of residence, but the ballot that the individual voted was from the individual's county of residence and includes one or more candidates or ballot propositions on the ballot voted in the individual's precinct of residence; or

(c) the individual:

(i) is registered to vote in the state;

(ii) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register; and

(iii) (A) the county clerk verifies the individual's identity and residence through some other means as reliable as photo identification; or

(B) the individual provides valid voter identification to the county [clerk or an] election officer [who is administering the election by] <u>before</u> the close of normal office hours on Monday after the date of the election.

(2) (a) Upon receipt of a provisional ballot form, the <u>county</u> election officer shall

review the affirmation on the provisional ballot form and determine if the individual signing the affirmation is:

(i) registered to vote in this state; and

(ii) legally entitled to vote:

(A) the ballot that the individual voted; or

(B) if the ballot is from the individual's county of residence, for at least one ballot proposition or candidate on the ballot that the individual voted.

(b) Except as provided in Section 20A-2-207, if the <u>county</u> election officer determines that the individual is not registered to vote in this state or is not legally entitled to vote in the county or for any of the ballot propositions or candidates on the ballot that the individual voted, the <u>county</u> election officer shall retain the ballot form, uncounted, for the period specified in Section 20A-4-202 unless ordered by a court to produce or count it.

(c) If the <u>county</u> election officer determines that the individual is registered to vote in this state and is legally entitled to vote in the county and for at least one of the ballot propositions or candidates on the ballot that the individual voted, the <u>county</u> election officer shall place the provisional ballot with the regular ballots to be counted with those ballots at the canvass.

(d) [The] <u>An</u> election officer may not count, or allow to be counted, a provisional ballot unless the <u>county election officer determines that the</u> individual's identity and residence is established by a preponderance of the evidence.

(3) If the <u>county</u> election officer determines that the individual is registered to vote in this state, or if the voter registers to vote in accordance with Section 20A-2-207, the <u>county</u> election officer shall ensure that the voter registration records are updated to reflect the information provided on the provisional ballot form.

(4) Except as provided in Section 20A-2-207, if the <u>county</u> election officer determines that the individual is not registered to vote in this state and the information on the provisional ballot form is complete, the <u>county</u> election officer shall:

(a) consider the provisional ballot form a voter registration form for the individual's county of residence; and

(b) (i) register the individual if the individual's county of residence is within the county; or

(ii) forward the voter registration form to the election officer of the individual's county of residence, which election officer shall register the individual.

(5) Notwithstanding any provision of this section, the <u>county</u> election officer shall place a provisional ballot with the regular ballots to be counted with those ballots at the canvass, if:

(a) (i) the <u>county</u> election officer determines, in accordance with the provisions of this section, that the sole reason a provisional ballot may not otherwise be counted is because the voter registration was filed less than 11 days before the election;

(ii) 11 or more days before the election, the individual who cast the provisional ballot:

(A) completed and signed the voter registration; and

(B) provided the voter registration to another person to file;

(iii) the late filing was made due to the individual described in Subsection (5)(a)(ii)(B) filing the voter registration late; and

(iv) the <u>county</u> election officer receives the voter registration before 5 p.m. no later than one day before the day of the election; or

(b) the provisional ballot is cast on or before election day and is not otherwise prohibited from being counted under the provisions of this chapter.

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

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

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

(b) conduct a final ballot reconciliation when an election officer concludes processing all ballots;

(c) document each ballot reconciliation;

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

(e) in conducting ballot reconciliations:

(i) ensure that the <u>[number of ballots received for processing, the number of ballots</u> processed, and] sum of the number of uncounted verified ballots and the number of ballots <u>tabulated is equal to</u> the number of voters given credit for voting[, are equal]; or

(ii) if the <u>[numbers] sum</u> described in Subsection (1)(e)(i) <u>[are] is</u> not equal <u>to the</u> <u>number of voters given credit for voting</u>, account for and explain the differences in the

numbers.

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

Section $\frac{43}{5}$. Section $\frac{20A-4-201}{20A-4-301}$ is amended to read:

EXAMPLE 20A-4-201. Delivery of election returns.

(1) At least two poll workers shall deliver the ballots and other items described in Subsection 20A-4-103(3)(d) to:

(a) the election officer responsible for counting and tabulating the ballots; or

(b) the location directed by the election officer responsible for counting and tabulating the ballots.

(2) (a) Before they adjourn, the poll workers shall choose two or more of their number to deliver the election returns to the <u>appropriate</u> election officer.

(b) The poll workers shall:

(i) deliver the unopened envelopes to the <u>appropriate</u> election officer [or counting center] immediately but no later than 24 hours after the polls close; or

(ii) if the polling place is 15 miles or more from the county seat, mail the election returns to the election officer responsible for counting and tabulating the ballots by registered mail from the post office most convenient to the polling place within 24 hours after the polls close.

(3) The election officer shall pay each poll worker reasonable compensation for travel that is necessary to deliver the election returns and to return to the polling place.

(4) The requirements of this section do not prohibit transmission of the unofficial vote count to the counting center via electronic means, provided that reasonable security measures are taken to preserve the integrity and privacy of the transmission.

Section 44. Section 20A-4-202 is amended to read:

20A-4-202. Election officers -- Disposition of ballots -- Release of number of provisional ballots cast.

(1) Upon receipt of the election returns from the poll workers, the election officer shall:
 (a) ensure that the poll workers have provided all of the ballots and election returns;

(b) inspect the ballots and election returns to ensure that they are sealed;

(c) for manual ballots, deposit and lock the ballots and election returns in a safe and secure place;

(d) for mechanical ballots:

(i) count the ballots; and

(ii) deposit and lock the ballots and election returns in a safe and secure place; and

(e) for bond elections, provide a copy of the election results to the board of canvassers of the local political subdivision that called the bond election.

(2) Each election officer responsible for counting and tabulating the ballots shall:

(a) before 5 p.m. on the day after the date of the election, determine the number of provisional ballots cast within the election officer's jurisdiction and make that number available to the public;

(b) preserve ballots for 22 months after the election or until the time has expired during which the ballots could be used in an election contest;

(c) preserve all <u>ballots and</u> other official election returns <u>in the election officer's</u> <u>possession</u> for at least 22 months after an election; and

(d) after that time, destroy them without opening or examining them.

(3) (a) The election officer responsible for counting and tabulating the ballots shall package and retain all tabulating cards and other materials used in the programming of the automatic tabulating equipment.

(b) The election officer responsible for counting and tabulating the ballots:

(i) may access these tabulating cards and other materials;

(ii) may make copies of these materials and make changes to the copies;

(iii) may not alter or make changes to the materials themselves; and

(iv) within 22 months after the election in which they were used, may dispose of those materials or retain them.

(4) (a) If an election contest is begun within 12 months, the election officer responsible for counting and tabulating the ballots shall, except as provided in Subsection (4)(c):

(i) keep the ballots and election returns unopened and unaltered until the contest is complete; or

(ii) surrender the ballots and election returns to the custody of the court having

jurisdiction of the contest when ordered or subpoenaed to do so by that court.

(b) Except as provided in Subsection (4)(c), when all election contests arising from an election are complete, the election officer responsible for counting and tabulating the ballots shall either:

(i) retain the ballots and election returns until the time for preserving them under this section has run; or

(ii) destroy the ballots and election returns remaining in the election officer's custody without opening or examining them if the time for preserving them under this section has run.

(c) (i) An auditor conducting an audit described in Section 36-12-15.2 may examine the ballots and election returns described in this Subsection (4).

(ii) The lieutenant governor may examine the ballots and election returns described in this Subsection (4).

(5) (a) Notwithstanding the provisions of this section, the legislative auditor general:

(i) may make and keep copies of ballots or election returns as part of a legislative audit; and

(ii) may not examine, make copies, or keep copies, of a ballot in a manner that identifies a ballot with the voter who casts the ballot.

(b) A copy described in Subsection (5)(a) is not a record, and not subject to disclosure, under Title 63G, Chapter 2, Government Records Access and Management Act.

20A-4-301. Board of canvassers.

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

- (i) the county; and
- (ii) each special district whose election is conducted by the county if:
- (A) the election relates to the creation of the special district;
- (B) the county legislative body serves as the governing body of the special district; or
- (C) there is no duly constituted governing body of the special district.

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

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

the order named:

(i) the county treasurer;

(ii) the county assessor; or

(iii) the county sheriff.

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

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

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

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

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

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

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

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

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

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

{Section 45. Section 20A-4-302 is amended to read:

20A-4-302. Duties of the board of canvassers -- Receiving returns.

(1) If the election returns from each voting precinct in which polls were opened have been received at the time the board of canvassers convenes, the board of <u>(4) (a)</u> If a board of trustees or an administrative control board is the governing body of a special district, the board of trustees or the administrative control board is the board of special district canvassers for the <u>special district.</u>

(b) The board of special district canvassers shall meet to canvass the {election returns as provided in this part.

(2) If all of the election returns have not been received, the board shall postpone the canvass from day to day, Sundays and legal holidays excepted, until:

(a) all of the election returns are received; or

(b) the board has postponed the canvass seven times.

(3) (a) If the election officer responsible for counting and tabulating the ballots has not received the election returns from any voting precinct within}returns at the usual place of meeting for the board of trustees or the administrative control board, as applicable, at a date and time determined by the special district clerk that is no sooner than seven days after the {election,}day of the election {officer shall send a messenger to the judges to obtain the missing election returns.

(b) The messenger shall obtain the election returns from the judges and return the election returns to the election officer described in Subsection (3)(a).

(c) The election officer described in Subsection (3)(a) shall pay the messenger 10 cents per mile for the distance necessarily traveled.

(4) If the board determines that election returns were not received from a voting precinct because the polls did not open in that precinct, the board shall:

(a) sign a certificate attesting to that fact; and

(b) file the certificate with the election officer responsible for counting and tabulating the ballots.

Section 46. Section 20A-4-303 is amended to read:

20A-4-303. Duties} and no later than 14 days after the day of the election.

(c) Attendance of a simple majority of the board of {canvassers -- Canvassing the

returns.

(1) (a) Before the board of canvassers convenes, the election officer responsible for counting and tabulating the ballots shall:

(i) count the ballots;

<u>(ii) with the assistance of the county election officer, as needed, prepare a certified</u> summary of:

(A) all ballots counted; and

(B) all ballots not counted, with an explanation regarding the reason the ballots were not counted; and

(iii) with the assistance of the county election officer, as needed, make available to the board of canvassers for inspection, all ballots, registers, books, and forms related to the election.

(b) The board of canvassers shall canvass the election returns by publicly:

(i) reviewing the summary reports prepared by the election officer responsible for counting and tabulating the ballots and any ballots, registers, books, or forms requested by the board of canvassers; and

(ii) certifying the votes cast:

(A) each person voted for; and

(B) for and against each ballot proposition voted upon at the election.

(c) The board of canvassers shall, once having begun the canvass, continue until it is completed.

(2) In canvassing returns, the board of canvassers may not:

(a) reject any election returns if the board can determine the number of votes cast for each person from it;

(b) reject any election returns if the election returns:

(i) do not show who administered the oath to the judges of election;

(ii) show that the election judges failed to fill out all the certificates in the pollbooks; or

(iii) show that the election judges failed to do or perform any other act in preparing the returns that is not essential to determine for whom the votes were cast; or

(c) reject any returns from any voting precinct that do not conform with the requirements for making, certifying, and returning the returns if those returns are sufficiently explicit to enable the board of canvassers to determine the number of votes cast for each person and for and against each ballot proposition.

(3) (a) If it clearly appears to the election officer responsible for counting and tabulating the ballots and board of canvassers that certain matters are omitted or that clerical mistakes exist in election returns received, the election officer shall correct the omissions and mistakes.

(b) The clerk and the board of canvassers may adjourn from day to day to await receipt

of corrected election material.

(4) If a recount is conducted as authorized by Section 20A-4-401, the board of

canvassers shall canvass the results of that recount as provided in this section and Section 20A-4-401.

<u>Section 47. Section 20A-4-304 is amended to read:</u>

<u>20A-4-304. Declaration of results -- Canvassers' report.</u>

(1) Each board of canvassers shall:

(a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,

declare "elected" or "nominated" those persons who:

(i) had the highest number of votes; and

(ii) sought election or nomination to an office completely within the board's

jurisdiction;

(b) declare:

(i) "approved" those ballot propositions that:

(A) had more "yes" votes than "no" votes; and

(B) were submitted only to the voters within the board's jurisdiction; or

(ii) "rejected" those ballot propositions that:

(A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"

votes; and

(B) were submitted only to the voters within the board's jurisdiction;

(c) certify the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the lieutenant governor; and

(d) if applicable, certify the results of each special district election to the special district el

(2) The election officer responsible for counting and tabulating the ballots shall, with the assistance of the county election officer, as needed, submit a report to the board of canvassers that includes the following information:

(a) the total number of votes cast in the board's jurisdiction;

(b) the names of each candidate whose name appeared on the ballot;

(c) the title of each ballot proposition that appeared on the ballot;

(d) each office that appeared on the ballot;

(e) from each voting precinct:

(i) the number of votes for each candidate;

(ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate

Voting Methods Pilot Project, the number of valid votes cast for each candidate for each

potential ballot-counting phase and the name of the candidate excluded in each ballot-counting phase; and

(iii) the number of votes for and against each ballot proposition;

(f) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;

(g) standardized statistics, on a form provided by the lieutenant governor, disclosing:

(i) the number of ballots counted;

(ii) provisional ballots; and

(iii) the number of ballots rejected;

(h) a final ballot reconciliation report;

(i) other information required by law to be provided to the board of canvassers; and

(i) a statement certifying that the information contained in the report is accurate.

(3) The election officer responsible for counting and tabulating the ballots and the board of canvassers shall:

(a) review the report to ensure that the report is correct; and

(b) sign the report.

(4) The election officer responsible for counting and tabulating the ballots shall:

(a) record or file the certified report in a book kept for that purpose;

(b) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;

(c) publish a copy of the certified report in accordance with Subsection (5); and (d) file a copy of the certified report with the lieutenant governor.

(5) Except as provided in Subsection (6), the election officer responsible for counting and tabulating the ballots shall, no later than seven days after the day on which the board of canvassers declares the election results, publicize the certified report described in Subsection (2) for the jurisdiction, as a class A notice under Section 63G-30-102, for at least seven days.

(6) Instead of including a copy of the entire certified report, a notice required under Subsection (5) may contain a statement that:

(a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction] has prepared a report of the election results for the [indicate type and date of election]."; and

(b) specifies the following sources where an individual may view or obtain a copy of the entire certified report:

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

(ii) the physical address for the jurisdiction; and

(iii) a mailing address and telephone number.

(7) When there has been a regular general or a statewide special election for statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:

(a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and

(b) transmit the separate report by registered mail to the lieutenant governor.

(8) In each county election, municipal election, school election, special district election, and local special election, the election officer responsible for counting and tabulating the ballots shall transmit the reports to the lieutenant governor within 14 days after the date of the election.

(9) In a regular primary election and in a presidential primary election, the board shall transmit to the lieutenant governor:

(a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor not later than the second Tuesday after the election; and

(b) a complete tabulation showing voting totals for all primary races, precinct by precinct, to be mailed to the lieutenant governor on or before the third Friday following the primary election.

Section 48. Section 20A-4-401 is amended to read:

<u>20A-4-401. Recounts -- Procedure.</u>

(1) (a) This section does not apply to a race conducted by instant runoff voting under Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

(b) Except as provided in Subsection (1)(c), for a race between candidates, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is equal to or less than .25% of the total number of votes cast for all candidates in the race, that losing candidate may file a request for a recount in accordance with Subsection (1)(d).

(c) For a race between candidates where the total of all votes cast in the race is 400 or less, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is one vote, that losing candidate may file a request for a recount in accordance with Subsection (1)(d).

(d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall file the request:

(i) for a municipal primary election, with the [municipal clerk] election officer who counted the ballots, before 5 p.m. within three days after the canvass; or

(ii) for all other elections, before 5 p.m. within seven days after the canvass with:

[(A) the municipal clerk, if the election is a municipal general election;]

[(B) the special district clerk, if the election is a special district election;]

[(C) the county clerk, for races voted on entirely within a single county; or]

[(D)] (A) for a statewide race or a multi-county race, the lieutenant governor[, for statewide races and multicounty races.]; or

(B) for a race other than a statewide race or a multi-county race, the election officer who counted the ballots.

(e) The election officer described in Subsection (1)(d) shall:

(i) supervise the recount;

(ii) recount all ballots cast for that race;

(iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4, Disposition of Ballots;

(iv) for a race where only one candidate may win, declare elected the candidate who receives the highest number of votes on the recount; and

(v) for a race where multiple candidates may win, declare elected the applicable number of candidates who receive the highest number of votes on the recount.

(2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond

proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of the total votes cast for or against the proposition, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass with the person described in Subsection (2)(c).

(b) For a ballot proposition or a bond proposition where the total of all votes cast for or against the proposition is 400 or less, if the difference between the number of votes cast for the proposition and the number of votes cast against the proposition is one vote, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven days after the day of the canvass with the person described in Subsection (2)(c).

<u>(c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall</u> <u>file the request with:</u>

[(i) the municipal clerk, if the election is a municipal election;]

[(ii) the special district clerk, if the election is a special district election;]

[(iii) the county clerk, for propositions voted on entirely within a single county; or]

[(iv)] (i) for a statewide proposition or a multicounty proposition, the lieutenant

governor[, for statewide propositions and multicounty propositions.]; or

(ii) for a proposition other than a statewide proposition or a multicounty proposition, the election officer who counted the ballots.

(d) The election officer described in Subsection (2)(c) shall:

(i) supervise the recount;

(ii) recount all ballots cast for that ballot proposition or bond proposition;

<u>(iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,</u> <u>Disposition of Ballots; and</u>

(iv) declare the ballot proposition or bond proposition to have "passed" or "failed" based upon the results of the recount.

(e) Proponents and opponents of the ballot proposition or bond proposition may designate representatives to witness the recount.

(f) The voters requesting the recount shall pay the costs of the recount.

(3) Costs incurred by recount under Subsection (1) may not be assessed against the person requesting the recount.

(4) (a) Upon completion of the recount, the election officer shall immediately convene the board of canvassers.

(b) The board of canvassers shall:

(i) canvass the election returns for the race or proposition that was the subject of the recount; and

(ii) with the assistance of the election officer, prepare and sign the report required by Section 20A-4-304 or 20A-4-306.

(c) If the recount is for a statewide or multicounty race or for a statewide proposition, the board of county canvassers shall prepare and transmit a separate report to the lieutenant governor as required by Subsection 20A-4-304(7).

(d) The canvassers' report prepared as provided in this Subsection (4) is the official result of the race or proposition that is the subject of the recount.

Section 49. Section 20A-4-602 is amended to read:

<u>20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation --</u> Participation.

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

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

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

(i) votes to participate; and

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

(b) The legislative body of a municipality that provides the notice of intent described in Subsection (3)(a) may withdraw the notice of intent, and not participate in the pilot project, if the legislative body of the municipality provides written notice of withdrawal to the lieutenant governor and the county clerk before May 1.

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

(5) (a) [An] A county election officer of a participating municipality and the election

officer responsible for counting and tabulating the ballots for the applicable election shall, in accordance with the provisions of this part, conduct a multi-candidate race during the municipal general election using instant runoff voting.

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

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

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

Section 50. Section 20A-4-603 is amended to read:

<u>20A-4-603. Instant runoff voting.</u>

(1) In a multi-candidate race, the election officer responsible for counting and tabulating the ballots for a participating municipality shall:

(a) (i) conduct the first ballot-counting phase by counting the valid first preference rankings for each candidate; and

(ii) if one of the candidates receives more than 50% of the valid first preference rankings counted, declare that candidate elected;

(b) if, after counting the valid first preference rankings for each candidate, no candidate receives more than 50% of the valid first preference rankings counted, conduct the second ballot-counting phase by:

(i) excluding from the multi-candidate race:

(A) the candidate who received the fewest valid first preference rankings counted; or
 (B) in the event of a tie for the fewest valid first preference rankings counted, one of
 the tied candidates, determined by the election officer responsible for counting and tabulating
 the ballots, by lot, in accordance with Subsection (6);

(ii) adding, to the valid first preference rankings counted for the remaining candidates,

the next valid preference rankings cast for the remaining candidates by the voters who cast a valid first preference ranking for the excluded candidate; and

(iii) if, after adding the rankings in accordance with Subsection (1)(b)(ii), one candidate receives more than 50% of the valid rankings counted, declaring that candidate elected; and

(c) if, after adding the next valid preference rankings in accordance with Subsection (1)(b)(ii), no candidate receives more than 50% of the valid rankings counted, conduct subsequent ballot-counting phases by continuing the process described in Subsection (1)(b) until a candidate receives more than 50% of the valid rankings counted, as follows:

(i) excluding from consideration the candidate who has the fewest valid rankings counted or, in the event of a tie for the fewest valid rankings counted, excluding one of the tied candidates, by lot, in accordance with Subsection (6); and

(ii) adding the next valid preference ranking cast by each voter whose ranking was counted for the last excluded candidate to one of the remaining candidates, in the order of the next preference indicated by the voter.

(2) The election officer responsible for counting and tabulating the ballots shall declare elected the first candidate who receives more than 50% of the valid rankings counted under the process described in Subsection (1).

(3) A ranking is valid for a particular ballot-counting phase of a multi-candidate race if:
 (a) the voter indicates the voter's preference for that ballot-counting phase and all previous ballot-counting phases; or

(b) in the event that the voter skips a number in filling out the rankings on a ballot: (i) the voter clearly indicates an order of preference for the candidates;

(ii) the voter does not skip two or more consecutive numbers at any point before the preference ranking that would otherwise be counted for the current ballot-counting phase;

(iii) the candidate next preferred by the voter is clearly indicated by a subsequent number that most closely follows the number assigned by the voter for the previously-ranked candidate; and

(iv) the voter did not give the same rank to more than one candidate for the applicable ballot-counting phase or a previous ballot-counting phase.

(4) A ranking is not valid for a particular ballot-counting phase of a multi-candidate

race, and for all subsequent ballot-counting phases, if:

(a) the voter indicates the same rank for more than one candidate for that ballot-counting phase; or

(b) the voter skips two or more consecutive numbers before ranking another candidate.

(5) If, for a ballot-counting phase, a voter ranks a candidate who has withdrawn from the race, the next-ranked candidate who has not withdrawn from the race will be counted for that ballot-counting phase.

(6) For each ballot-counting phase after the first phase, if two or more candidates tie as having received the fewest valid rankings counted at that point in the ballot count, the election officer responsible for counting and tabulating the ballots shall eliminate one of those candidates from consideration, by lot, in the following manner:

(a) determine the names of the candidates who tie as having received the fewest valid rankings for that ballot-counting phase;

(b) cast the lot in the presence of at least two election officials and any counting poll watchers who are present and desire to witness the casting of the lot; and

(c) sign a public document that:

(i) certifies the method used for casting the lot and the result of the lot; and

(ii) includes the name of each individual who witnessed the casting of the lot.

(7) In a multi-candidate race for an at-large office, where the number of candidates who qualify for the race exceeds the total number of at-large seats to be filled for the office, the election officer shall count the rankings by:

(a) except as provided in Subsection (8), counting rankings in the same manner as described in Subsections (1) through (6), until a candidate is declared elected;

(b) repeating the process described in Subsection (7)(a) for all candidates that are not declared elected until another candidate is declared elected; and

(c) continuing the process described in Subsection (7)(b) until all at-large seats in the race are filled.

(8) After a candidate is declared elected under Subsection (7), the election officer responsible for counting and tabulating the ballots shall, in repeating the process described in Subsections (1) through (6) to declare the next candidate elected, add to the ranking totals the next valid preference vote of each voter whose ranking was counted for a candidate already

declared elected.

(9) An election officer for a participating municipality may choose to conduct a primary election by using instant runoff voting in the manner described in Subsections (1) through (6), except that:

(a) instead of determining whether a candidate receives more than 50% of the valid preference rankings for a particular ballot-counting phase, the election officer responsible for counting and tabulating the ballots shall proceed to a subsequent ballot-counting stage, and exclude the candidate who receives the fewest valid preference rankings in that phase, until twice the number of seats to be filled in the race remain; and

(b) after complying with Subsection (9)(a), the election officer responsible for counting and tabulating the ballots shall declare the remaining candidates nominated to participate in the municipal general election.

(10) After completing all ballot-counting phases in a multi-candidate race, the election officer responsible for counting and tabulating the ballots shall order a full recount of the ballots cast for that race if, in one or more of the ballot-counting phases:

(a) the difference between the number of rankings counted for a candidate who is declared elected and the number of rankings counted for any other candidate in the same ballot-counting phase is equal to or less than the product of the following, rounded up to the nearest whole number:

(i) the total number of voters who cast a valid ranking counted in that ballot-counting phase; and

(ii) the recount threshold; or

(b) the difference between the number of rankings counted for the candidate who received the fewest valid rankings in a ballot-counting phase and the number of rankings counted for any other candidate in the same ballot-counting phase is equal to or less than the product of the following, rounded up to the nearest whole number:

(i) the total number of voters who cast a valid ranking counted in that ballot-counting phase; and

(ii) the recount threshold.

(11) A recount described in Subsection (10):

(a) requires rescanning and tabulating all valid ballots; and

(b) provides for only one recount.

(12) Notwithstanding Section 20A-4-301, a board of municipal canvassers may extend the canvass deadline by up to seven additional days, if necessary, to conduct a recount required under Subsection (10).

Section 51. Section 20A-4-604 is amended to read:

<u>20A-4-604. Batch elimination.</u>

<u>In any ballot count conducted under Section 20A-4-603, the election officer responsible</u> <u>for counting and tabulating the ballots may exclude candidates through batch elimination by,</u> <u>instead of excluding only one candidate in a ballot-counting phase, excluding each candidate:</u>

(1) for which the number of remaining candidates with more valid rankings than that candidate is greater than or equal to the number of offices to be filled; and

(2) (a) for which the number of valid rankings counted for the candidate in the ballot-counting phase plus the number of rankings counted for all candidates with fewer valid rankings in the ballot-counting phase is less than the number of valid rankings for the candidate with the next highest amount of valid rankings in the ballot-counting phase; or

(b) who has fewer valid rankings in the ballot-counting phase than a candidate who is excluded under Subsection (2)(a).

Section 52. Section 20A-5-101 is amended to read:

<u>20A-5-101. Notice of election.</u>

(1) On or before November 15 in the year before each regular general election year, the lieutenant governor shall prepare and transmit a written notice to each county clerk that:

(a) designates the offices to be filled at the next year's regular general election;

(b) identifies the dates for filing a declaration of candidacy, and for submitting and certifying nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407, and 20A-9-408 for those offices; and

(c) contains a description of any ballot propositions to be decided by the voters that have qualified for the ballot as of that date.

(2) (a) No later than seven business days after the day on which the lieutenant governor transmits the written notice described in Subsection (1), each county clerk shall provide notice for the county, as a class A notice under Section 63G-30-102, for seven days before the day of the election and in accordance with Subsection (3).

(b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a), showing a copy of the notice and the places where the notice was posted.

(3) The notice described in Subsection (2) shall:

(a) designate the offices to be voted on in that election; and

(b) identify the dates for filing a declaration of candidacy for those offices.

(4) Except as provided in Subsection (6), before each election, the county election officer shall give printed notice of the following information:

(a) the date of election;

(b) the hours during which the polls will be open;

(c) the polling places for each voting precinct, early voting polling place, and election day voting center;

(d) the address of the Statewide Electronic Voter Information Website and, if available, the address of the county election officer's website, with a statement indicating that the election officer will post on the website any changes to the location of a polling place and the location of any additional polling place;

(e) a phone number that a voter may call to obtain information regarding the location of <u>a polling place;</u>

(f) the qualifications for persons to vote in the election: and

(g) instructions regarding how an individual with a disability, who is not able to vote a manual ballot by mail, may obtain information on voting in an accessible manner.

(5) The county election officer shall provide the notice described in Subsection (4) for the jurisdiction, as a class A notice under Section 63G-30-102, for at least seven days before the day of the election.

(6) Instead of including the information described in Subsection (4) in the notice, the county election officer may give printed notice that:

(a) is entitled "Notice of Election";

(b) includes the following: "A [indicate election type] will be held in [indicate the jurisdiction] on [indicate date of election]. Information relating to the election, including polling places, polling place hours, and qualifications of voters may be obtained from the following sources:"; and

(c) specifies the following sources where an individual may view or obtain the

information described in Subsection (4):

- (i) if the jurisdiction has a website, the jurisdiction's website;
- (ii) the physical address of the jurisdiction offices; and
- (iii) a mailing address and telephone number.
- Section 53. Section 20A-5-102 is amended to read:

20A-5-102. Voting instructions.

- (1) [Each] A county election officer shall:
- (a) print instructions for voters;
- (b) ensure that the instructions are printed in English, and any other language required
- under the Voting Rights Act of 1965, as amended, in large clear type; and
 - (c) ensure that the instructions inform voters:
- (i) about how to obtain ballots for voting;
- (ii) about special political party affiliation requirements for voting in a regular primary
- election or presidential primary election;
 - (iii) about how to prepare ballots for deposit in the ballot box;
- (iv) about how to record write-in votes;
- (v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;
- (vi) about how to obtain assistance in marking ballots;
- (vii) about obtaining a new ballot if the voter's ballot is defaced;
- (viii) that identification marks or the spoiling or defacing of a ballot will make it

invalid;

- (ix) about how to obtain and vote a provisional ballot;
- (x) about whom to contact to report election fraud;
- (xi) about applicable federal and state laws regarding:
- (A) voting rights and the appropriate official to contact if the voter alleges that the voter's rights have been violated; and
 - (B) prohibitions on acts of fraud and misrepresentation;
 - (xii) about procedures governing mail-in registrants and first-time voters; and
 - (xiii) about the date of the election and the hours that the polls are open on election

day.

(2) [Each] A county election officer shall:

	(a)		do th	a a1a	tion	indea	a of	an ala		precinct	····	and final		aturat		aanda
	(a)	provi	ae m			Judge	5.01	Caci	voung	precinct	with	Sumer	ли ш	Struct	ЮП	carus
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(b) direct the election judges to post:

(i) general voting instructions in each voting booth;

(ii) at least three instruction cards at other locations in the polling place; and

(iii) at least one sample ballot at the polling place.

Section 54. Section 20A-5-301 is amended to read:

<u>20A-5-301. Combined voting precincts -- Municipalities.</u>

(1) (a) The [municipal legislative body of] county election officer for a city of the first or second class may combine up to four regular county voting precincts into one municipal voting precinct for purposes of a municipal election if [they designate] the county election officer designates the location and address of each of [those] the combined voting precincts.

(b) The polling place shall be within the combined voting precinct or within 1/2 mile of the boundaries of the voting precinct.

(2) (a) The [municipal legislative body of] county election officer for a city of the third, fourth, or fifth class, a town, or a metro township may combine two or more regular county voting precincts into one municipal voting precinct for purposes of an election if [it] the county election officer designates the location and address of [that] the combined voting precinct.

(b) If only two precincts are combined, the polling place shall be within the combined precinct or within 1/2 mile of the boundaries of the combined voting precinct.

(c) If more than two precincts are combined, the polling place should be as near as practical to the middle of the combined precinct.

Section 55. Section 20A-5-302 is amended to read:

<u>20A-5-302. Automated voting system.</u>

(1) [(a) Any county or municipal] A county legislative body [or special district board] may:

[(i)] (a) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any automated voting system that meets the requirements of this section; and

[(ii)] (b) use that system in any election, in all or a part of the voting precincts within its boundaries, or in combination with manual ballots.

[(b) Nothing in this title shall be construed to] (2) Except to the extent expressly

provided otherwise, this title does not require the use of electronic voting devices in local special elections, municipal primary elections, or municipal general elections. [(2)] (3) Each automated voting system shall: (a) provide for voting in secrecy, except in the case of voters who have received assistance as authorized by Section 20A-3a-208; (b) permit each voter at any election to: (i) vote for all persons and offices for whom and for which that voter is lawfully entitled to vote; (ii) vote for as many persons for an office as that voter is entitled to vote; and (iii) vote for or against any ballot proposition upon which that voter is entitled to vote; (c) permit each voter, at presidential elections, by one mark, to vote for the candidates of that party for president, vice president, and for their presidential electors; (d) at elections other than primary elections, permit each voter to vote for the nominees of one or more parties and for independent candidates; (e) at primary elections: (i) permit each voter to vote for candidates of the political party of the voter's choice; <u>and</u> (ii) reject any votes cast for candidates of another party;

(f) prevent the voter from voting for the same person more than once for the same office;

(g) provide the opportunity for each voter to change the ballot and to correct any error before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub. <u>L. No. 107-252;</u>

(h) include automatic tabulating equipment that rejects choices recorded on a voter's ballot if the number of the voter's recorded choices is greater than the number which the voter is entitled to vote for the office or on the measure;

(i) be of durable construction, suitably designed so that it may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;

(j) when properly operated, record correctly and count accurately each vote cast;

(k) for voting equipment certified after January 1, 2005, produce a permanent paper record that:

(i) shall be available as an official record for any recount or election contest conducted with respect to an election where the voting equipment is used;

(ii) (A) shall be available for the voter's inspection prior to the voter leaving the polling place; and

(B) shall permit the voter to inspect the record of the voter's selections independently only if reasonably practicable commercial methods permitting independent inspection are available at the time of certification of the voting equipment by the lieutenant governor;

(iii) shall include, at a minimum, human readable printing that shows a record of the voter's selections;

(iv) may also include machine readable printing which may be the same as the human readable printing; and

(v) allows a watcher to observe the election process to ensure the integrity of the election process; and

(1) meet the requirements of Section 20A-5-802.

[(3)] (4) For the purposes of a recount or an election contest, if the permanent paper record contains a conflict or inconsistency between the human readable printing and the machine readable printing, the human readable printing shall supercede the machine readable printing when determining the intent of the voter.

[(4)] (5) Notwithstanding any other provisions of this section, the election officers shall ensure that the ballots to be counted by means of electronic or electromechanical devices are of a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Section 56. Section 20A-5-400.5 is amended to read:

20A-5-400.5. Election officer for bond and leeway elections.

[(1) When] Except to the extent otherwise permitted under Section 20A-1-301.5, a county election officer shall conduct an election for a voted leeway or bond election [is held on the regular general election date, the county clerk shall serve as the provider election officer to conduct that election].

[(2) (a) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of the

<u>unincorporated county, the county clerk shall serve as the provider election officer to conduct</u> <u>that election subject to Subsection (3).]</u>

[(b) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of a municipality, the municipal clerk for that municipality shall, except as provided in Subsection (3), serve as the provider election officer to conduct that election.]

[(c) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election extends beyond the boundaries of a single <u>municipality:</u>]

[(i) except as provided in Subsection (3), the municipal clerk shall serve as the provider election officer to conduct the election for those portions of the local political subdivision where the municipal general election or other election is being held; and]

[(ii) except as provided in Subsection (3), the county clerk shall serve as the provider election officer to conduct the election for the unincorporated county and for those portions of any municipality where no municipal general election or other election is being held.]

[(3) When a voted leeway or bond election is held on a date when no other election, other than another voted leeway or bond election, is being held in the entire area comprising the local political subdivision calling the voted leeway or bond election:]

[(a) the clerk or chief executive officer of a special district or the business administrator or superintendent of the school district, as applicable, shall serve as the election officer to conduct the bond election for those portions of the local political subdivision in which no other election, other than another voted leeway or bond election, is being held, unless the special district or school district has contracted with a provider election officer; and]

[(b) the county clerk, municipal clerk, or both, as determined by the local political subdivision holding the bond election, shall serve as the provider election officer to conduct the bond election for those portions of the local political subdivision in which another election, other than another voted leeway or bond election, is being held.]

[(4) A provider election officer required by this section to conduct an election for a local political subdivision shall comply with Section 20A-5-400.1.]

Section 57. Section 20A-5-401 is amended to read:

<u>20A-5-401. Official register -- Preparation -- Contents.</u>

(1) (a) Before the registration days for each regular general, municipal general, regular primary, municipal primary, or presidential primary election, each county [clerk shall prepare an] election officer shall maintain the official register of all voters that will participate in the election.

(b) The county [clerk] election officer shall ensure that the official register [is prepared and] contains the following for each registered voter:

<u>(i) name;</u>

(ii) party affiliation;

(iii) an entry field for a voter challenge, including the name of the individual making the challenge and the grounds for the challenge;

(iv) election name and date;

(v) date of birth;

(vi) place of current residence;

(vii) street address of current residence;

(viii) zip code;

(ix) identification and provisional ballot information as required under Subsection

<u>(1)(d); and</u>

(x) space for the voter to sign the voter's name for the election.

(c) [When preparing] For the official register for the presidential primary election, the county [clerk] election officer shall include:

(i) an entry field to record the name of the political party whose ballot the voter voted; and

(ii) an entry field for the poll worker to record changes in the voter's party affiliation.

(d) [When preparing] For the official register for any regular general election, municipal general election, statewide special election, local special election, regular primary election, municipal primary election, special district election, or election for federal office, the county [clerk] election officer shall include:

(i) an entry field for the poll worker to record the type of identification provided by the voter;

(ii) a space for the poll worker to record the provisional envelope ballot number for voters who receive a provisional ballot; and

(iii) a space for the poll worker to record the type of identification that was provided by voters who receive a provisional ballot.

(2) (a) (i) For regular and municipal elections, primary elections, regular municipal elections, special district elections, and bond elections, the county [clerk] election officer shall make an official register only for voting precincts affected by the primary, municipal, special district, or bond election.

(ii) If a polling place to be used in a bond election serves both voters residing in the local political subdivision calling the bond election and voters residing outside of that local political subdivision, the official register shall designate whether each voter resides in or outside of the local political subdivision.

(iii) Each county [clerk] election officer, with the assistance of the clerk of each affected special district, shall provide a detailed map or an indication on the registration list or other means to enable a poll worker to determine the voters entitled to vote at an election of special district officers.

(b) Municipalities shall pay the costs of making the official register for municipal elections.

Section 58. Section 20A-5-403 is amended to read:

<u>20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --</u>

Arrangements.

(1) Except as provided in Section 20A-7-609.5, [each] a county election officer shall:

(a) designate polling places for each voting precinct in the jurisdiction; and

(b) obtain the approval of the county or municipal legislative body or special district governing board for those polling places.

(2) (a) For each polling place, the county election officer shall provide:

(i) an American flag;

(ii) a sufficient number of voting booths or compartments;

(iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and supplies necessary to enable a voter to vote;

(iv) the constitutional amendment cards required by Part 1, Election Notices and

Instructions;

(v) the instructions required by Section 20A-5-102; and

(vi) a sign, to be prominently displayed in the polling place, indicating that valid voter identification is required for every voter before the voter may vote and listing the forms of identification that constitute valid voter identification.

(b) [Each] A county election officer shall ensure that:

(i) each voting booth is at a convenient height for writing, and is arranged so that the voter can prepare the voter's ballot screened from observation;

(ii) there are a sufficient number of voting booths or voting devices to accommodate the voters at that polling place; and

<u>(iii)</u> there is at least one voting booth or voting device that is configured to accommodate persons with disabilities.

(c) [Each] A county [clerk] election officer shall provide a ballot box for each polling place that is large enough to properly receive and hold the ballots to be cast.

(3) (a) All polling places shall be physically inspected by [each] the county [clerk] election officer to ensure access by a person with a disability.

(b) Any issues concerning inaccessibility to polling places by a person with a disability discovered during the inspections referred to in Subsection (3)(a) or reported to the county [clerk] election officer shall be:

(i) forwarded to the Office of the Lieutenant Governor; and

(ii) within six months of the time of the complaint, the issue of inaccessibility shall be either:

(A) remedied at the particular location by the county [clerk] election officer;

(B) the county [clerk] election officer shall designate an alternative accessible location for the particular precinct; or

(C) if no practical solution can be identified, file with the Office of the Lieutenant Governor a written explanation identifying the reasons compliance cannot reasonably be met.

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

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

(ii) The actual costs shall include:

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

(B) reasonable and necessary} trustees or the administrative {costs.

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

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

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

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

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

Section 59. Section 20A-5-403.5 is amended to read:

20A-5-403.5. Ballot drop boxes -- Notice.

(1) (a) An election officer:

(i) shall designate at least one ballot drop box in each municipality and reservation located in the jurisdiction to which the election relates;

(ii) may designate additional ballot drop boxes for the [election officer's] jurisdiction to which the election relates;

<u>(iii) shall clearly mark each ballot drop box as an official ballot drop box for the</u> [election officer's] jurisdiction to which the election relates;

(iv) shall provide 24-hour recorded video surveillance, without audio, of each unattended ballot drop box;

(v) shall post a sign on or near each unattended ballot drop box indicating that the

ballot drop box is under 24-hour video surveillance; and

(vi) shall ensure that a camera, a video, or a recording of a video described in

Subsection (1)(a)(iv) may only be accessed:

(A) by the county election officer;

(B) by a custodian of the camera, video, or recording;

(C) by the lieutenant governor;

(D) by the legislative auditor general, when performing an audit; or

(E) by, or pursuant to an order of, a court of competent jurisdiction.

(b) An individual may not view a video, or a recording of a video, described in

Subsection (1)(a)(iv), unless the individual:

(i) is an individual described in Subsection (1)(a)(vi); and

(ii) views the video to the extent necessary to:

(A) ensure compliance with Subsection (1)(a)(iv), (1)(a)(vi), or (1)(c); or

(B) investigate a concern relating to ballots or the ballot box.

(c) The county election officer, or the custodian of the recording, shall keep a recording described in Subsection (1)(a)(iv) until the later of:

(i) the end of the calendar year in which the election was held; or

(ii) if the election is contested, when the contest is resolved.

(2) Except as provided in Section 20A-1-308 or Subsection (5), the county election of officer shall, at least 28 days before the date of the election, provide notice of the location of each ballot drop box designated under Subsection (1), by publishing notice for the jurisdiction holding the election, as a class A notice under Section 63G-30-102, for at least 28 days before the day of the election.

(3) Instead of including the location of ballot drop boxes, a notice required under Subsection (2) may specify the following sources where a voter may view or obtain a copy of all ballot drop box locations:

(a) the jurisdiction's website;

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

(c) a mailing address and telephone number.

(4) The county election officer shall include in the notice described in Subsection (2): (a) the address of the Statewide Electronic Voter Information Website and, if available,

the address of the county election officer's website, with a statement indicating that the county election officer will post on the website the location of each ballot drop box, including any changes to the location of a ballot drop box and the location of additional ballot drop boxes; and

(b) a phone number that a voter may call to obtain information regarding the location of a ballot drop box.

(5) (a) Except as provided in Section 20A-1-308, the county election officer may, after the deadline described in Subsection (2):

(i) if necessary, change the location of a ballot drop box; or

(ii) if the county election officer determines that the number of ballot drop boxes is insufficient due to the number of registered voters who are voting, designate additional ballot drop boxes.

(b) Except as provided in Section 20A-1-308, if [an] a county election officer changes the location of a ballot box or designates an additional ballot drop box location, the county election officer shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or the additional ballot drop box location:

(i) to the lieutenant governor, for posting on the Statewide Voter Information Website; (ii) by posting the information on the website of the county election officer, if available; and

(iii) by posting notice:

(A) for a change in the location of a ballot drop box, at the new location and, if possible, the old location; and

(B) for an additional ballot drop box location, at the additional ballot drop box location.

(6) [An] A county election officer may, at any time, authorize two or more poll workers to remove a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

(7) (a) At least two poll workers must be present when a poll worker:

(i) collects ballots from a ballot drop box and delivers the ballots to the location where

the [ballots will be opened and counted.] county election officer will process the ballots; or

(ii) delivers ballots for local tabulation under Subsection 20A-3a-401(4)(b)(i)(B).

(b) [An] A county election officer shall ensure that the chain of custody of ballots placed in a ballot box are recorded and tracked from the time the ballots are removed from the ballot box until the ballots are delivered to the location where the [ballots will be opened and counted.] county election officer will process the ballots.

(c) A county election officer who delivers ballots for local tabulation under Subsection 20A-3a-401(4)(b)(i)(B) shall ensure that the chain of custody of the ballots are recorded and tracked from the time the ballots leave the place where the county election officer processes the ballots until the ballots are recorded as received by the municipal election officer or special district election officer.

Section 60. Section 20A-5-404 is amended to read:

<u>20A-5-404. Election forms -- Preparation and contents.</u>

(1) (a) For each election, the county election officer shall prepare, for each polling place:

(i) forms for poll workers to record and verify security seals, ballots cast, and the number of voters who voted; and

(ii) an official register or pollbook.

(b) For each election, the county election officer shall:

(i) provide a copy of each form to each of those precincts using paper ballots; and

(ii) provide a copy of the ballot disposition form and a pollbook to each of those voting precincts using an automated voting system.

(2) The county election officer shall ensure that the forms described in Subsection (1)(a)(i) include:

(a) a space for the judges to identify:

(i) the number of ballots voted;

(ii) the number of registered voters listed in the official register or pollbook; and

(iii) the total number of voters voting according to the official register or pollbook; and (b) a certification, in substantially the following form:

<u>"We, the undersigned, judges of an election held at</u><u>voting precinct, in</u> <u>County, state of Utah, on</u><u>(month\day\year), having first been sworn according to</u> <u>law, certify that the information in this form is a true statement of the number and names of the</u> <u>individuals voting in the voting precinct at the election, and that the total number of individuals</u>

voting at the election was _____.

Judges of Election".

(3) The county election officer shall ensure that the official register or pollbook:

(a) identifies the voting precinct number on the face of the official register or pollbook;

and

(b) contains:

(i) a section to record individuals voting on election day; and

(ii) a section in which to record voters who are challenged.

Section 61. Section 20A-5-405 is amended to read:

<u>20A-5-405. Election officer to provide ballots -- Notice of sample ballot.</u>

(1) [An] A county election officer shall:

(a) provide ballots for every election of public officers in which the voters, or any of the voters[,] within the [election officer's] jurisdiction to which the election relates, participate;

(b) cause the name of every candidate whose nomination has been certified to or filed with the county election officer in the manner provided by law to be included on each ballot;

(c) cause any ballot proposition that has qualified for the ballot as provided by law to be included on each ballot;

(d) ensure that the ballots are prepared and in the possession of the county election officer at least seven days before the commencement of early voting as described in Section 20A-3a-601;

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

(f) no later than 45 days before the day of the election, make sample ballots available for inspection, in the same form as official ballots and that contain the same information as official ballots, by:

(i) posting a copy of the sample ballot in the county election officer's office;

(ii) sending a copy of the sample ballot to:

(A) each candidate listed on the ballot; and

(B) the lieutenant governor; and

(iii) providing a copy of the sample ballot for the jurisdiction [holding] to which the election relates, as a class A notice under Section 63G-30-102, for at least seven days;

(g) deliver a copy of the sample ballot to poll workers for each polling place and direct the poll workers to post the sample ballot as required by Section 20A-5-102; and

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

(2) Instead of posting the entire sample ballot under Subsection (1)(f)(iii), the county election officer may post a statement that:

(a) is entitled, "sample ballot";

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

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

(i) [if the jurisdiction has a website, the jurisdiction's] the county election officer's website;

(ii) the physical address of the [jurisdiction's] county election officer's offices; and (iii) a mailing address and telephone number.

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

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

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

polling booth.

(4) (a) If the county election officer refuses or fails to correct an error or omission in a ballot, a candidate or a candidate's agent may file a verified petition with the district court asserting that:

(i) an error or omission has occurred in:

(A) the publication of the name or description of a candidate;

(B) the preparation or display of an electronic ballot; or

(C) the posting of sample ballots or the printing of official manual ballots; and

(ii) the county election officer has failed to correct or provide for the correction of the error or omission.

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

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

Section 62. Section 20A-5-406 is amended to read:

<u>20A-5-406. Delivery of ballots.</u>

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

(2) For mechanical ballots, [an] a county election officer shall:

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

(b) ensure that the voting devices, equipment, and mechanical ballots are properly secured before commencement of voting;

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

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

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

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

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

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

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

Section 63. Section 20A-5-407 is amended to read:

<u>20A-5-407. County election officer to provide ballot boxes.</u>

[(1) Except as provided in Subsection (3), an] A county election officer shall:

[(a)] (1) provide one ballot box with a lock and key for each polling place; and

<u>[(b)] (2) deliver the ballot boxes, locks, and keys to the polling place before the polls</u>

open.

[(2) An election officer for a municipality or special district may obtain ballot boxes from the county clerk's office.]

[(3) If locks and keys are unavailable, the election officer shall ensure that the ballot box lid is secured by tape.]

Section 64. Section 20A-5-408 is amended to read:

<u>20A-5-408. Disposition of election returns.</u>

(1) Each election officer responsible for counting and tabulating the ballots shall produce the packages containing the election returns before the board of canvassers.

(2) As soon as the returns are canvassed, the election officer responsible for counting and tabulating the ballots shall file the election returns and papers produced before the board as required by Section 20A-4-202.

<u>Section 65. Section 20A-5-410 is amended to read:</u>

<u>20A-5-410. County election officer to provide voting history information and</u> <u>status.</u>

(1) As used in this section, "voting history record" means the information about the existence and status of absentee ballot requests required by this section.

(2) (a) [Each] A county election officer shall maintain, in the county election officer's

office, a voting history record of those voters registered to vote in the county election officer's jurisdiction.

(b) Except as it relates to a voter whose voter registration record is classified as private under Subsection 63G-2-302(1)(k), the voting history record is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.

(3) (a) When [an] a county election officer reports voting history for an election, the county election officer shall, for each voter whose voter registration is classified as private under Subsection 20A-2-104(4)(h), report the following, for that election only, without disclosing the identity of the voter:

(i) for voting by mail, the information described in Subsection (4)(a);

(ii) for early voting, the date the individual voted; and

(iii) for voting on election day, the date the individual voted.

(b) In relation to the information of a voter whose voter registration is classified as private under Subsection 20A-2-104(4)(h), a report described in Subsection (3)(a) may not disclose, by itself or in conjunction with any other public information, the identity or any other personal identifying information of the voter.

<u>(4) [The] A county election officer shall ensure that the voting history record for each</u> <u>voting precinct contains:</u>

(a) for voting by mail:

(i) the date that the manual ballot was mailed to the voter; and

(ii) the date that the voted manual ballot was received by the county election officer;
 (b) for early voting:

(i) the name and address of each individual who participated in early voting; and (ii) the date the individual voted; and

(c) for voting on election day, the name and address of each individual who voted on election day.

(5) (a) Notwithstanding the time limits for response to a request for records under Section 63G-2-204 or the time limits for a request for records established in any ordinance, the county election officer shall ensure that the information required by this section is recorded and made available to the public no later than one business day after its receipt in the county election officer's office.

(b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements established in any ordinance, the county election officer shall make copies of the voting history record available to the public for the actual cost of production or copying.

Section 66. Section 20A-5-601 is amended to read:

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

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

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

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

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

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

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

 (b) [An] A county election officer may appoint additional poll workers, as needed.

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

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

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

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

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

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

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

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

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

(10) The [clerk] county election officer shall establish compensation for poll workers.
(11) The county election officer may appoint additional poll workers to serve in the polling place as needed.

Section 67. Section 20A-5-602 is amended to read:

<u>20A-5-602. Appointment of poll workers in elections where candidates are not</u> distinguished by registered political parties.

(1) (a) This section governs appointment of poll workers in elections where candidates are not distinguished by registered political parties.

(b) The election officer who processes ballots shall appoint the poll workers who will assist the election officer with each portion of the processing for which the election officer is responsible.

[(b)] (c) An election officer shall appoint the poll worker at least 15 days before the date of the local election.

(2) (a) The election officer shall appoint, or provide for the appointment of, at least three poll workers as follows:

(i) three registered voters; or

(ii) two registered voters, one of whom is at least 21 years old, and one individual who is 16 or 17 years old.

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

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

(4) (a) The clerk of the jurisdiction to which the election relates shall compensate poll workers for their services.

(b) The clerk of a municipality or special district may not compensate poll workers at a rate higher than that paid by the county to [the county's] poll workers for regular primary elections or regular general elections.

Section 68. Section 20A-5-603 is amended to read:

<u>20A-5-603. Vacancies -- Removal of poll workers.</u>

(1) (a) If a poll worker or alternate is unable to serve, that poll worker or alternate shall immediately notify the county election officer, who shall fill the vacancy as provided in this section.

(b) The county election officer may fill a vacancy occurring under this section by appointing the alternate to serve or, if that is impossible, by appointing some other qualified person to fill the vacancy.

(2) The county election officer shall summarily remove any poll worker who:

(a) neglects the poll worker's duty;

(b) commits or encourages fraud in connection with any election;

(c) violates any election law;

(d) knowingly permits any person to violate any election law;

(e) has been convicted of a felony;

(f) commits any act that interferes or tends to interfere with a fair and honest election;

<u>or</u>

(g) is incapable of performing the duties of a poll worker.

Section 69. Section 20A-5-605 is amended to read:

<u>20A-5-605. Duties of poll workers.</u>

(1) Poll workers shall:

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

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

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

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

(a) display the United States flag;

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

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

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

(e) if directed by the county election officer:

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

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

(iii) post a sample ballot, instructions to voters, and constitutional amendments, if any;

<u>(f) open the ballot box in the presence of those assembled, turn the ballot box upside</u> <u>down to empty the ballot box of anything; and</u>

<u>(g) immediately before the polls open, lock the ballot box or, if locks and keys are not</u> available, tape the ballot box securely.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 70. Section 20A-5-802 is amended to read:

<u>20A-5-802. Certification of voting equipment.</u>

(1) For the voting equipment used in the jurisdiction [over which] by an election officer [has authority] who uses the voting equipment to fulfill a responsibility of the election officer, the election officer shall:

(a) before each election, use logic and accuracy tests to ensure that the voting equipment performs the voting equipment's functions accurately;

(b) develop and implement a procedure to protect the physical security of the voting equipment; and

(c) ensure that the voting equipment is certified by the lieutenant governor under Subsection (2) as having met the requirements of this section.

(2) (a) Except as provided in Subsection (2)(b)(ii):

(i) the lieutenant governor shall ensure that all voting equipment used in the state is independently tested using security testing protocols and standards that:

(A) are generally accepted in the industry at the time the lieutenant governor reviews the voting equipment for certification; and

(B) meet the requirements of Subsection (2)(a)(ii);

(ii) the testing protocols and standards described in Subsection (2)(a)(i) shall require

that a voting system:

(A) is accurate and reliable;

(B) possesses established and maintained access controls;

(C) has not been fraudulently manipulated or tampered with;

(D) is able to identify fraudulent or erroneous changes to the voting equipment; and

(E) protects the secrecy of a voter's ballot; and

<u>(iii) The lieutenant governor may comply with the requirements of Subsection (2)(a) by</u> <u>certifying voting equipment that has been certified by:</u>

(A) the United States Election Assistance Commission; or

(B) a laboratory that has been accredited by the United States Election Assistance Commission to test voting equipment.

(b) (i) Voting equipment used in the state may include technology that allows for <u>ranked-choice voting.</u>

(ii) The lieutenant governor may, for voting equipment used for ranked-choice voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, certify

voting equipment that has been successfully used within the United States or a territory of the
United States for ranked-choice voting for a race for federal office.
Section 71. Section 20A-5-902 is amended to read:
(1) Except when divesting election equipment as surplus property or providing for
maintenance, an election officer responsible for the election equipment may not permit an
individual, other than an election official, access to election equipment.
(2) An election officer responsible for the election equipment shall keep a record of
service work done on voting equipment, including:
(a) a designation of the specific equipment serviced;
(b) the date of service;
(c) the names of all individuals who perform or supervise the service;
(d) the name of each vendor that performs the service; and
(e) a description of the service performed.
Section 72. Section 20A-5-903 is amended to read:
<u> </u>
(1) An election officer who is responsible for election equipment shall ensure that the
following election equipment is never connected to the Internet:
<u>(a) tabulation servers;</u>
(b) tabulation equipment;
(c) ballot scanners, including central, precinct, and mobile scanners; and
(d) ballot marking devices.
(2) This section does not prohibit Internet connection of equipment used for voting if
the equipment's use of voting is solely for the purpose of:
(a) complying with [Title 20A, Chapter 16, Uniform Military and Overseas Voters Act]
Chapter 16, Uniform Military and Overseas Voters Act; or
(b) administering the Internet Voting Pilot Project, described in Section 20A-6-103.
Section 73. Section 20A-5-904 is amended to read:
<u> </u>

[An] A county election officer shall:

(1) check available resources to determine whether an individual registers to vote, or

votes, in more than one state or precinct; and

(2) report the information to law enforcement or a prosecutor if the county election officer has reason to believe that an individual [has] intentionally committed election fraud.

Section 74. Section 20A-6-101 is amended to read:

<u>20A-6-101. General requirements for manual ballots.</u>

(1) [An] A county election officer shall ensure that manual ballots:

(a) are printed using precisely the same quality and tint of plain white paper through which the printing or writing cannot be seen;

(b) are printed using precisely the same quality and kind of type;

(c) are printed using precisely the same quality and tint of plain black ink;

(d) are uniform in size for all the voting precincts within the election officer's

jurisdiction; and

(e) include, on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601, a space for a write-in candidate immediately following the last candidate listed on that ticket.

(2) Whenever the vote for candidates is to be limited to the voters of a particular political division, the county election officer shall ensure that the names of those candidates are printed only upon those ballots provided to that political division.

Section 75. Section 20A-6-102 is amended to read:

<u>20A-6-102. General requirements for machine counted ballots.</u>

(1) [An] A county election officer shall ensure that ballots are printed:

(a) to a size and arrangement that fits the construction of the ballot counting device;

and

(b) in plain, clear type in black ink on clear white stock; or

(c) in plain, clear type in black ink on stock of different colors if it is necessary to:

(i) identify different ballots or parts of the ballot; or

(ii) differentiate between political parties.

(2) For a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601, the county election officer shall include a space on the ticket for a write-in candidate immediately following the last candidate listed on that ticket.

(3) Notwithstanding any other provisions of this section, the county election officer
may authorize any ballots that are to be counted by means of electronic or electromechanical
devices to be printed to a size, layout, texture, and in any type of ink or combination of inks
that will be suitable for use in the counting devices in which they are intended to be placed.
Section 76. Section 20A-6-105 is amended to read:
<u>20A-6-105. Provisional ballot envelopes.</u>
(1) [Each] A county election officer shall ensure that provisional ballot envelopes are
printed in substantially the following form:
<u>"AFFIRMATION</u>
Are you a citizen of the United States of America? Yes No
Will you be 18 years old on or before election day? Yes No
If you checked "no" in response to either of the two above questions, do not complete
this form.
Name of Voter
<u>FirstMiddleLast</u>
Driver License or Identification Card Number
State of Issuance of Driver License or Identification Card Number
Date of Birth
Street Address of Principal Place of Residence
<u>City</u> <u>County</u> <u>State</u> <u>Zip Code</u>
Telephone Number (optional)
Email Address (optional)
Last four digits of Social Security Number
<u>Last former address at which I was registered to vote (if known)</u>
<u>City</u> <u>County</u> <u>State</u> <u>Zip Code</u>
<u>Voting Precinct (if known)</u>
<u>I, (please print your full name)</u> do solemnly swear or
<u>affirm:</u>

That I am eligible to vote in this election; that I have not voted in this election in any other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to vote in this precinct; and

<u>Subject to penalty of law for false statements, that the information contained in this</u> form is true, and that I am a citizen of the United States and a resident of Utah, residing at the above address; and that I am at least 18 years old and have resided in Utah for the 30 days immediately before this election.</u>

<u>Signed</u>

<u>Dated</u>

In accordance with Section 20A-3a-506, wilfully providing false information above is a class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

PRIVACY INFORMATION

<u>Voter registration records contain some information that is available to the public, such</u> as your name and address, some information that is available only to government entities, and <u>some information that is available only to certain third parties in accordance with the</u> <u>requirements of law.</u>

Your driver license number, identification card number, social security number, email address, full date of birth, and phone number are available only to government entities. Your year of birth is available to political parties, candidates for public office, certain third parties, and their contractors, employees, and volunteers, in accordance with the requirements of law.

You may request that all information on your voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers, by indicating here:

<u>Yes, I request that all information on my voter registration records be withheld</u> from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers.

REQUEST FOR ADDITIONAL PRIVACY PROTECTION

<u>In addition to the protections provided above, you may request that identifying</u> <u>information on your voter registration records be withheld from all political parties, candidates</u>

for public office, and their contractors, employees, and volunteers, by submitting a withholding request form, and any required verification, as described in the following paragraphs.

<u>A person may request that identifying information on the person's voter registration</u> records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form with this registration record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

<u>A person may request that identifying information on the person's voter registration</u> <u>records be withheld from all political parties, candidates for public office, and their contractors,</u> <u>employees, and volunteers, by submitting a withholding request form and any required</u> <u>verification with this registration form, or to the lieutenant governor or a county clerk, if the</u> <u>person is, or resides with a person who is, a law enforcement officer, a member of the armed</u> <u>forces, a public figure, or protected by a protective order or a protection order.</u>

CITIZENSHIP AFFIDAVIT

Name:

<u>Name at birth, if different:</u>

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

<u>I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a</u> <u>citizen and that to the best of my knowledge and belief the information above is true and</u> <u>correct.</u>

Signature of Applicant

In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or allowing yourself to be registered to vote if you know you are not entitled to register to vote is up to one year in jail and a fine of up to \$2,500."

(2) The provisional ballot envelope shall include:

<u>(a) a unique number;</u>

(b) a detachable part that includes the unique number;

(c) a telephone number, internet address, or other indicator of a means, in accordance

with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted; and

(d) an insert containing written instructions on how a voter may sign up to receive ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.

Section 77. Section 20A-6-105.5 is amended to read:

<u>20A-6-105.5. Voter access to provisional ballot information.</u>

[Each county clerk] A county election officer shall implement, through an internet website, toll-free telephone number, or other means, a system where an individual who voted a provisional ballot may, free of charge, determine if the voter's vote was counted, and, if the vote was not counted, the reason the vote was not counted.

Section 78. Section 20A-6-106 is amended to read:

<u>20A-6-106. Deadline for submission of ballot titles.</u>

<u>Unless otherwise specifically provided for by statute, the certified ballot title of each</u> <u>ballot proposition, ballot question, or ballot issue shall be submitted to the county election</u> <u>officer before 5 p.m. no later than 65 days before the date of the election at which the matter</u> <u>will be submitted to the voters.</u>

Section 79. Section 20A-6-107 is amended to read:

<u>20A-6-107. Numbering of ballot propositions and bond propositions -- Duties of</u> <u>county election officer and lieutenant governor.</u>

(1) (a) Except as provided in Subsections (1)(b) and (1)(c), each ballot proposition shall be listed on the ballot under the heading "Proposition #____", with the number of the ballot proposition placed in the blank.

(b) Each proposed amendment to the Utah Constitution shall be listed on the ballot under the heading "Constitutional Amendment", with a letter placed in the blank.

(c) Each bond proposition that has qualified for the ballot shall be listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.

(2) (a) When [an] a county election officer or other person given authority to prepare or number ballot propositions receives a ballot proposition that is eligible for inclusion on the ballot, they shall ask the lieutenant governor to assign a number to the ballot proposition.

(b) (i) Upon request from [an] a county election officer or other person given authority to prepare or number ballot propositions, the lieutenant governor shall assign each ballot

proposition a unique number, except as provided under Subsection (2)(b)(iii).

(ii) Ballot proposition numbers shall be assigned sequentially, in the order requests for ballot proposition numbers are received.

<u>(iii) The same ballot proposition number may be assigned to multiple ballot</u> propositions if:

(A) the sponsors of each ballot proposition agree, in writing, to share the number; and
 (B) the ballot propositions sharing the same number are identical in their terms,
 purpose, and effect, with jurisdiction being the only significant difference between the ballot
 propositions.

Section 80. Section 20A-6-108 is amended to read:

<u>20A-6-108. Requirements for printing and mailing ballots.</u>

(1) [Before January 2023, the] The director of elections within the Office of the Lieutenant Governor shall, in consultation with county clerks, make rules, in accordance with <u>Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing minimum</u> <u>requirements that a vendor must meet to be eligible to print ballots to be used in an election.</u>

(2) [Beginning on the effective date of the rules described in Subsection (1), an] A county election officer shall ensure that, when the bulk of ballots are initially mailed to voters, the ballots are mailed from a location in Utah.

Section 81. Section 20A-6-301 is amended to read:

<u>20A-6-301. Manual ballots -- Regular general election.</u>

(1) [Each] A county election officer shall ensure that:

(a) all manual ballots furnished for use at the regular general election contain:

(i) no captions or other endorsements except as provided in this section;

(ii) no symbols, markings, or other descriptions of a political party or group, except for a registered political party that has chosen to nominate its candidates in accordance with Section 20A-9-403; and

(iii) no indication that a candidate for elective office has been nominated by, or has been endorsed by, or is in any way affiliated with a political party or group, unless the candidate has been nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

(b) at the top of the ballot, the following endorsements are printed in 18 point bold

type:

(i) "Official Ballot for <u>County, Utah";</u>

(ii) the date of the election; and

(iii) the words "certified by the Clerk of <u>County" or, as applicable, the</u> name of a combined office that includes the duties of a county clerk;

(c) unaffiliated candidates, candidates not affiliated with a registered political party, and all other candidates for elective office who were not nominated by a registered political party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with the other candidates for the same office in accordance with Section 20A-6-305, without a party name or title;

(d) each ticket containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;

(e) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;

(f) the names of candidates are printed in capital letters, not less than one-eighth nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between lines or rules three-eighths of an inch apart; and

(g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in which a write-in candidate is qualified under Section 20A-9-601:

(i) the ballot includes a space for a write-in candidate immediately following the last candidate listed on that ticket; or

(ii) for the offices of president and vice president and governor and lieutenant governor, the ballot includes two spaces for write-in candidates immediately following the last candidates on that ticket, one placed above the other, to enable the entry of two valid write-in candidates.

(2) [An] A county election officer shall ensure that:

(a) each individual nominated by any registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5), and no other individual, is placed on the ballot:

(i) under the registered political party's name, if any; or

(ii) under the title of the registered political party as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;

(b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

(c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and

(d) the ballots contain no other names.

(3) When the ballot contains a nonpartisan section, the county election officer shall ensure that:

(a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight point;

(b) the words designating the office are printed flush with the left-hand margin;

(c) the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)" extend to the extreme right of the column;

(d) the nonpartisan candidates are grouped according to the office for which they are candidates;

(e) the names in each group are placed in the order specified under Section 20A-6-305 with the surnames last; and

(f) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)," according to the number to be elected.

(4) [Each] A county election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are listed on the ballot in accordance with Section 20A-6-107;

(b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section 20A-6-107;

(c) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206; and

(d) the judicial retention section of the ballot includes a statement at the beginning directing voters to the Judicial Performance Evaluation Commission's website in accordance with Subsection 20A-12-201(4).

Section 82. Section 20A-6-302 is amended to read:

<u>20A-6-302. Manual ballots -- Placement of candidates' names.</u>

(1) [An] A county election officer shall ensure, for manual ballots in regular general elections, that:

(a) each candidate is listed by party, if nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

(b) candidates' surnames are listed in alphabetical order on the ballots when two or more candidates' names are required to be listed on a ticket under the title of an office; and

(c) the names of candidates are placed on the ballot in the order specified under Section 20A-6-305.

(b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of county attorney.

(c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

(d) When the name of only one candidate for county attorney is printed on the ballot under authority of this Subsection (2), the county clerk may not count any write-in votes received for the office of county attorney.

(e) If no qualified individual files for the office of county attorney or if the candidate is not elected by the voters, the county legislative body shall appoint the county attorney as provided in Section 20A-1-509.2.

(f) If the candidate whose name would, except for this Subsection (2)(f), be placed on the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (2)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than one day before that year's

primary election that:

(i) requests the procedure set forth in Subsection (2)(a) to be followed; and

(ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

(3) (a) When there is only one candidate for district attorney at the regular general election in a prosecution district that has three or fewer registered voters of the district who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes _____No ____."

(b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of district attorney.

(c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

(d) When the name of only one candidate for district attorney is printed on the ballot under authority of this Subsection (3), the county clerk may not count any write-in votes received for the office of district attorney.

(e) If no qualified individual files for the office of district attorney, or if the only candidate is not elected by the voters under this subsection, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section 20A-1-509.2.

(f) If the candidate whose name would, except for this Subsection (3)(f), be placed on the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (3)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before 5 p.m. no later than one day before that year's primary election that:

(i) requests the procedure set forth in Subsection (3)(a) to be followed; and (ii) contains the signatures of registered voters in the county representing in number at

<u>least 25% of all votes cast in the county for all candidates for governor at the last election at</u> <u>which a governor was elected.</u>

Section 83. Section 20A-6-304 is amended to read:

<u>20A-6-304. Regular general election -- Mechanical ballots.</u>

(1) [Each] A county election officer shall ensure that:

(a) the format and content of a mechanical ballot is arranged in approximately the same order as manual ballots;

(b) the titles of offices and the names of candidates are displayed in vertical columns or in a series of separate displays;

(c) the mechanical ballot is of sufficient length to include, after the list of candidates:

(i) the names of candidates for judicial offices and any other nonpartisan offices; and

(ii) any ballot propositions submitted to the voters for their approval or rejection;

(d) the office titles are displayed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;

(e) the party designation of each candidate who has been nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5) is displayed adjacent to the candidate's name; and

(f) if possible, all candidates for one office are grouped in one column or upon one display screen.

(2) [Each] A county election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are displayed in accordance with Section 20A-6-107;

(b) ballot propositions submitted to the voters are displayed in accordance with Section 20A-6-107;

(c) bond propositions that have qualified for the ballot are displayed under the title assigned to each bond proposition under Section 11-14-206; and

(d) the judicial retention section of the ballot includes a statement at the beginning directing voters to the Judicial Performance Evaluation Commission's website in accordance with Subsection 20A-12-201(4).

Section 84. Section 20A-6-305 is amended to read:

<u>20A-6-305. Master ballot position list -- Random selection -- Procedures --</u>

Publication -- Surname -- Exemptions -- Ballot order.

(1) As used in this section, "master ballot position list" means an official list of the 26 characters in the alphabet listed in random order and numbered from one to 26 as provided under Subsection (2).

(2) The lieutenant governor shall:

(a) within 30 days after the candidate filing deadline in each even-numbered year; conduct a random selection to create a master ballot position list for all elections in accordance with procedures established under Subsection (2)(c);

(b) publish the master ballot position list on the lieutenant governor's election website no later than 15 days after creating the list; and

(c) establish written procedures for:

(i) the election official to use the master ballot position list; and

(ii) the lieutenant governor in:

(A) <u>control board is a quorum for conducting the {random selection in a fair manner;</u>

and

(B) providing a record of the random selection process used.

(3) In accordance with the written procedures established under Subsection (2)(c)(i), [an] a county election officer shall use the master ballot position list for the current year to determine the order in which to list candidates on the ballot for an election held during the year.

(4) To determine the order in which to list candidates on the ballot required under Subsection (3), the county election officer shall apply the randomized alphabet using:

(a) the candidate's surname;

(b) for candidates with a surname that has the same spelling, the candidate's given name; and

(c) the surname of the president and the surname of the governor for an election for the offices of president and vice president and governor and lieutenant governor.

(5) Subsections (1) through (4) do not apply to:

(a) an election for an office for which only one candidate is listed on the ballot; or

(b) a judicial retention election under Section 20A-12-201.

(6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall

appear separately, in the following order:

- (a) for federal office:
 - (i) president and vice president of the United States;
- (ii) United States Senate office; and
- (iii) United States House of Representatives office;
- (b) for state office:
- (i) governor and lieutenant governor;
- (ii) attorney general;
- (iii) state auditor;
 - (iv) state treasurer;
- (v) state Senate office;
- (vi) state House of Representatives office; and
- (vii) State Board of Education member;
- (c) for county office:
- (i) county executive office;
- (ii) county legislative body member;
 - (iii) county assessor;
- (iv) county or district attorney;
- (v) county auditor;
- (vi) county clerk;
- (vii) county recorder;
- (viii) county sheriff;
- <u>(ix) county surveyor;</u>
 - (x) county treasurer; and
- (xi) local school board member;
- (d) for municipal office:
- (i) mayor; and
- (ii) city or town council member;
- (e) elected planning and service district council member;
- (f) judicial retention questions; and
 - (g) ballot propositions not described in Subsection (6)(f).

(7) (a) A ticket for a race for a combined office shall appear on the ballot in the place of the earliest ballot ticket position that is reserved for an office that is subsumed in the combined office.

(b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:

(i) each candidate in accordance with Subsections (1) through (4); and

(ii) except as otherwise provided in this title, the party name, initials, or title following each candidate's name.

<u>Section 85}canvass.</u>

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

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

(1) <u>{</u>Each<u>}</u> election officer shall ensure that:

(a) the following endorsements are printed in $\{18 \text{ point}\}$ bold type:

- (i) "Official Primary Ballot for _____ (City, Town, or Metro Township), Utah";
- (ii) the date of the election; and

(iii) {[] a facsimile of the signature of the election officer and the election officer's title in eight point type {] the words "certified by the Clerk of [insert the name of the municipality]"};

(b) immediately below the <u>{municipal</u>}election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;

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

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

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

(f) a square with sides not less than one-fourth inch long is printed immediately

adjacent to the names of the candidates; and

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

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

Section $\frac{86}{7}$. Section $\frac{20A-6-401.1}{20A-7-101}$ is amended to read:

20A-6-401.1. Ballots for partisan municipal primary elections.

(1) [An] <u>A county election officer shall ensure that:</u>

(a) all manual ballots furnished for use at the regular primary election:

(i) separate the candidates of one political party from those of the other political parties; and

(ii) contain no captions or other endorsements except as provided in this section;

(b) the names of all candidates from each party are listed on the same ballot in one or more columns under their party name and emblem;

(c) the political parties are printed on the ballot in the order specified under Section 20A-6-305;

(d) the following endorsements are printed in 18-point bold type:

(i) "Official Primary Ballot for (name of municipality), Utah";

(ii) the date of the election; and

(iii) [a facsimile of the signature of the election officer and the election officer's title in eight point type] the words "certified by the Clerk of [insert the name of the municipality]";

(e) after the facsimile signature, the political party emblem and the name of the political party are printed;

(f) after the party name and emblem, the ballot contains the following printed in not smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a candidate, mark the space following the name of the person for whom you wish to vote and in no other place. Do not vote for any candidate listed under more than one party or group designation.", followed by two one-point parallel horizontal rules;

(g) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)" are printed to extend to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

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

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

(j) the candidate groups are separated from each other by one light and one heavy line or rule; and

(k) the nonpartisan candidates are listed as follows:

(i) immediately below the listing of the party candidates, the word "NONPARTISAN" is printed in reverse type in an [18 point] <u>18-point</u> solid rule that extends the full width of the type copy of the party listing above; and

(ii) below "NONPARTISAN," the office, the number of candidates to vote for, the candidate's name, the voting square, and any other necessary information is printed in the same style and manner as for party candidates.

(2) For mechanical ballots, the <u>county</u> election officer may require that:

(a) the ballot for a regular primary election consist of several groups of pages or display screens, so that a separate group can be used to list the names of candidates seeking nomination of each qualified political party, with additional groups used to list candidates for other nonpartisan offices;

(b) the separate groups of pages or display screens are identified by color or other suitable means; and

(c) the ballot contains instructions that direct the voter how to vote the ballot.

Section 87. Section 20A-6-402 is amended to read:

20A-6-402. Ballots for municipal general elections.

(1) Except as otherwise required for a race conducted by instant runoff voting under [Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project] Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, for a manual ballot at a municipal general election, [an] <u>a county</u> election officer shall ensure that:

(a) the names of the two candidates who received the highest number of votes for mayor in the municipal primary are placed upon the ballot;

(b) if no municipal primary election was held, the names of the candidates who filed

declarations of candidacy for municipal offices are placed upon the ballot;

(c) for other offices:

(i) twice the number of candidates as there are positions to be filled are certified as eligible for election in the municipal general election from those candidates who received the greater number of votes in the primary election; and

(ii) the names of those candidates are placed upon the municipal general election ballot;

(d) the names of the candidates are placed on the ballot in the order specified under Section 20A-6-305;

(e) in an election in which a voter is authorized to cast a write-in vote and where a write-in candidate is qualified under Section 20A-9-601, a write-in area is placed upon the ballot that contains, for each office in which there is a qualified write-in candidate:

(i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and
 (ii) a square or other conforming area that is adjacent to or opposite the blank
 horizontal line to enable the voter to indicate the voter's vote;

(f) ballot propositions that have qualified for the ballot, including propositions submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are listed on the ballot in accordance with Section 20A-6-107; and

(g) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.

(2) Except as otherwise required for a race conducted by instant runoff voting under [Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project] <u>Chapter 4,</u> <u>Part 6, Municipal Alternate Voting Methods Pilot Project</u>, when using a mechanical ballot at municipal general elections, [each] <u>a county</u> election officer shall ensure that:

(a) the following endorsements are displayed on the first portion of the ballot:

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

(ii) the date of the election; and

(iii) a facsimile of the signature of the election officer and the election officer's title;

(b) immediately below the election officer's title, a distinct border or line separates the endorsements from the rest of the ballot;

(c) immediately below the border or line, an "Instructions to Voters" section is

displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by another border or line;

(d) after the border or line, the designation of the office for which the candidates seek election is displayed, and the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)" are displayed, followed by a line or border;

(c) after the line or border, the names of the candidates are displayed in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;

(f) a voting square or position is located adjacent to the name of each candidate;

(g) following the name of the last candidate for each office in which a write-in candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the voter may enter the name of and vote for a valid write-in candidate for the office; and

(h) the candidate groups are separated from each other by a line or border.

(3) When a municipality has chosen to nominate candidates by convention or committee, the <u>county</u> election officer shall ensure that the party name is included with the candidate's name on the ballot.

20A-7-101. Definitions.

As used in this chapter:

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

(2) "Budget officer" means:

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

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

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

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

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

(5) "Electronic initiative process" means:

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

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

(6) "Electronic referendum process" means:

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

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

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

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

(9) "Initial fiscal impact statement" means

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

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

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

(12) "Initiative application" means:

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

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

(13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed

law, and the signature sheets, all of which have been bound together as a unit.

(14) "Initiative petition":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) "Legally referable to voters" means:

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

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

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

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

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

(i) an ordinance;

(ii) a resolution;

(iii) a land use law;

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

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

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

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

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

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

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

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

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

(28) "Presiding officers" means the president or the Senate and the speaker of the

House of Representatives.

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

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

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

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

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

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

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

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

(c) as it relates to a local referendum, using the manual referendum process, the form described in Subsection 20A-7-603(2)(a), petitioning for submission of a local law to legal voters for their approval or rejection; or

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

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

(a) for a statewide initiative:

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

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

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

(B) does not include an electronic signature;

(b) for a statewide referendum:

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

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

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

(B) does not include an electronic signature;

(c) for a local initiative:

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

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

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

(B) does not include an electronic signature; or

(d) for a local referendum:

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

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

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

(B) does not include an electronic signature.

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

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

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

 $\left[\frac{(36)}{(37)}\right]$ (a) "Standard local ballot proposition" means a local ballot proposition for an initiative or a referendum.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The county clerk of each county shall:

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

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

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

20A-7-105. Manual petition processes -- Obtaining signatures -- Verification --

Submitting the petition -- Certification of signatures -- Transfer to lieutenant governor --Removal of signature.

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

(2) As used in this section:

(a) "Local petition" means:

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

or

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

Procedures.

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

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

(d) "Statewide petition" means:

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

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

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

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

(i) is a legal voter; and

(ii) resides in the local jurisdiction.

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

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

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

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

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

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

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

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

(i) for a statewide initiative:

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

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

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

(ii) for a statewide referendum:

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

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

(iii) for a local initiative:

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

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

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

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

(iv) for a local referendum:

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

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

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

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

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

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

"You signed a petition for the following initiative:

[insert title of initiative]

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

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

(i) a list containing:

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

(B) the date the email was sent;

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

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

"Verification of initiative sponsor State of Utah, County of I, ,

of ______, hereby state, under penalty of perjury, that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) for a local referendum, during the period of time described in Subsection

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) 90 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-507(2);

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

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

(B) for a municipal initiative, April 15 immediately before the next municipal general

election immediately after the application is filed under Section 20A-7-502.

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

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

(ii) 45 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-607(2)(a).

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

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

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

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

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

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

- (b) The county clerk shall comply with Subsection (9)(a) before the later of:
- (i) the deadline described in Subsection (6)(a); or

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

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

Section {88}10. Section {20A-7-209}20A-7-702 is amended to read:

EXAMPLE 20A-7-209. Short title and summary of initiative -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

(1) On or before June 5 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of

Legislative Research and General Counsel.

(2) (a) The Office of Legislative Research and General Counsel shall:

(i) entitle each statewide initiative that has qualified for the ballot "Proposition Number _____ and give it a number as assigned under Section 20A-6-107;

(ii) prepare for each initiative:

(A) an impartial short title, not exceeding 25 words, that generally describes the subject of the initiative; and

(B) an impartial summary of the contents of the initiative, not exceeding 125 words; and

(iii) provide each short title, and summary to the lieutenant governor on or before June 26.

(b) The short title and summary may be distinct from the title of the proposed law.

(c) If the initiative proposes a tax increase, the Office of Legislative Research and General Counsel shall include the following statement, in bold, in the summary:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate.".

(d) Subject to Subsection (4), for each statewide initiative, the official ballot shall show, in the following order:

(i) the number of the initiative, determined in accordance with Section 20A-6-107;

(ii) the short title;

(iii) except as provided in Subsection (2)(e):

(A) the summary;

(B) the text of the proposed law; and

(C) a link to a location on the lieutenant governor's website where a voter may review additional information relating to each initiative, including the information described in Subsection 20A-7-202(2), the initial fiscal impact statement described in Section 20A-7-202.5, as updated under Section 20A-7-204.1, and the arguments relating to the initiative that are included in the voter information pamphlet; and

(iv) the initial fiscal impact statement prepared under Section 20A-7-202.5, as updated under Section 20A-7-204.1.

(e) Unless the information described in Subsection (2)(d)(iii) is shown on the official ballot, the <u>county</u> election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each initiative on the ballot and a link to a location on the lieutenant governor's website where a voter may review the additional information described in Subsection (2)(d)(iii)(C).

(f) Unless the information described in Subsection (2)(d)(iii) for all initiatives on the ballot, and the information described in Subsection 20A-7-308(2)(c)(iii) for all referenda on the ballot, is printed on the ballot, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot, unless the summary is printed directly on the ballot."

(3) On or before June 27, the lieutenant governor shall mail a copy of the short title and summary to any sponsor of the petition.

(4) (a) (i) At least three of the sponsors of the petition may, on or before July 6, challenge the wording of the short title and summary prepared by the Office of Legislative Research and General Counsel to the appropriate court.

(ii) After receipt of the challenge, the court shall direct the lieutenant governor to send notice of the challenge to:

(A) any person or group that has filed an argument for or against the initiative that is the subject of the challenge; or

(B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the individual designated to receive notice about any issues relating to the initiative.

(b) (i) There is a presumption that the short title prepared by the Office of Legislative Research and General Counsel is an impartial description of the contents of the initiative.

(ii) The court may not revise the wording of the short title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the short title is false or biased.

(iii) There is a presumption that the summary prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the initiative.

(iv) The court may not revise the wording of the summary unless the plaintiffs rebut

the presumption by clearly and convincingly establishing that the summary is false or biased.

(c) The court shall:

(i) examine the short title and summary;

(ii) hear arguments; and

(iii) enter an order consistent with the requirements of this section.

(d) The lieutenant governor shall, in accordance with the court's order, certify the short title and summary to the county clerks for inclusion in the ballot or ballot proposition insert, as required by this section.

Section 89. Section 20A-7-308 is amended to read:

20A-7-308. Short title and summary of referendum -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

(1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the lieutenant governor shall deliver a copy of the referendum petition and the law to which the referendum relates to the Office of Legislative Research and General Counsel.

(2) (a) The Office of Legislative Research and General Counsel shall:

(i) entitle each statewide referendum that qualifies for the ballot "Proposition Number
 <u>—</u>" and assign a number to the referendum in accordance with Section 20A-6-107;

(ii) prepare for each referendum:

(A) an impartial short title, not exceeding 25 words, that generally describes the law to which the referendum relates; and

(B) an impartial summary of the contents of the law to which the referendum relates, not exceeding 125 words; and

(iii) submit the short title and summary to the lieutenant governor within 15 days after the day on which the Office of Legislative Research and General Counsel receives the petition under Subsection (1).

(b) The short title and summary may be distinct from the title of the law that is the subject of the referendum.

(c) Subject to Subjection (4), for each statewide referendum, the official ballot shall show, in the following order:

(i) the number of the referendum, determined in accordance with Section 20A-6-107;
 (ii) the short title; and

(iii) except as provided in Subsection (2)(d):

(A) the summary;

(B) a copy of the law; and

(C) a link to a location on the lieutenant governor's website where a voter may review additional information relating to each referendum, including the information described in Subsection 20A-7-302(2) and the arguments relating to the referendum that are included in the voter information pamphlet.

(d) Unless the information described in Subsection (2)(c)(iii) is shown on the official ballot, the <u>county</u> election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each referendum on the ballot and a link to a location on the lieutenant governor's website where a voter may review the additional information described in Subsection (2)(c)(iii)(C).

(e) Unless the information described in Subsection 20A-7-209(2)(d)(iii) for all initiatives on the ballot, and the information described in Subsection (2)(c)(iii) for all referenda on the ballot, is printed on the ballot, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot, unless the summary is printed directly on the ballot."

(3) Immediately after the Office of Legislative Research and General Counsel submits the short title and summary to the lieutenant governor, the lieutenant governor shall mail or email a copy of the short title and summary to any of the sponsors of the referendum petition.

(4) (a) (i) At least three of the sponsors of the referendum petition may, within 15 days after the day on which the lieutenant governor mails the short title and summary, challenge the wording of the short title and summary prepared by the Office of Legislative Research and General Counsel to the appropriate court.

(ii) After receipt of the appeal, the court shall direct the lieutenant governor to send notice of the appeal to:

(A) any person or group that has filed an argument for or against the law to which the referendum relates; and

(B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or

email address, and telephone number of the person designated to receive notice about any issues relating to the referendum.

(b) (i) There is a presumption that the short title prepared by the Office of Legislative Research and General Counsel is an impartial description of the contents of the referendum.

(ii) The court may not revise the wording of the short title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the short title is false or biased.

(iii) There is a presumption that the summary prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the law to which the referendum relates.

(iv) The court may not revise the wording of the summary unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the summary is false or biased.

(c) The court shall:

(i) examine the short title and summary;

(ii) hear arguments; and

(iii) enter an order consistent with the requirements of this section.

(d) The lieutenant governor shall, in accordance with the court's order, certify the short title and summary to the county clerks for inclusion in the ballot or ballot proposition insert, as required by this section.

Section 90. Section 20A-7-401.5 is amended to read:

20A-7-401.5. Proposition information pamphlet.

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

(A) the sponsors of the proposed initiative or referendum may submit a written argument in favor of the proposed initiative or referendum to the [election officer] <u>clerk</u> of the county or municipality to which the petition relates; and

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

(ii) If a county or municipality submits more than one written argument under Subsection (1)(a)(i)(B), the [election officer] <u>clerk</u> shall select one of the written arguments,

giving preference to a written argument submitted by a member of a local legislative body if a majority of the local legislative body supports the written argument.

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

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

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

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

(2) (a) A written argument described in Subsection (1) may not exceed 500 words.
 (b) Except as provided in Subsection (2)(c), a person may not modify a written argument described in Subsection (1)(d) or (e) after the written argument is submitted to the [election officer] clerk.

(c) The [election officer] <u>clerk</u> and the person that submits the written argument described in Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

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

(ii) reduce the number of words to come into compliance with Subsection (2)(a).
 (d) [An election officer] <u>A clerk shall refuse to include a written argument in the</u> proposition information pamphlet described in this section if the person who submits the argument:

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

(ii) does not timely submit the written argument to the [election officer] <u>clerk</u>.

(e) [An election officer] <u>A clerk</u> shall make a good faith effort to negotiate a modification described in Subsection (2)(c) in an expedited manner.

(3) [An election officer] <u>A clerk</u> who receives a written argument described in Subsection (1) shall prepare a proposition information pamphlet for publication that includes:

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

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

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

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

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

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

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

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

(5) [An election officer] <u>A clerk</u> for a municipality shall publish the proposition information pamphlet as follows:

(a) within the later of 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the [election officer] <u>clerk</u> modifies an argument under Subsection (2)(c), three days after the day on which the [election officer] <u>clerk</u> and the person that submitted the argument agree on the

modification:

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

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

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

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

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

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

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

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

(6) [An election officer for a] <u>A</u> county <u>clerk</u> shall, within the later of 10 days after the day on which the county or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the [election officer] <u>clerk</u> modifies an argument under Subsection (2)(c), three days after the day on which the [election officer] <u>clerk</u> and the person

that submitted the argument agree on the modification, publish the proposition information pamphlet as follows:

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

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

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

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

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

Section 91. Section 20A-7-402 is amended to read:

20A-7-402. Local voter information pamphlet -- Notice -- Contents -- Limitations -- Preparation -- Statement on front cover.

(1) The county or municipality that is subject to a ballot proposition shall prepare a local voter information pamphlet that complies with the requirements of this part.

(2) (a) Within the time requirements described in Subsection (2)(c)(i), a municipality that is subject to a special local ballot proposition shall provide a notice that complies with the requirements of Subsection (2)(c)(ii) to the municipality's residents by publishing the notice for the municipality, as a class A notice under Section 63G-30-102, for the time period set under Subsection (2)(c)(i).

(b) A county that is subject to a special local ballot proposition shall publish a notice that complies with the requirements of Subsection (2)(c)(ii) for the county, as a class A notice under Section 63G-30-102.

(c) A municipality or county that publishes a notice under Subsection (2)(a) or (b) shall:

(i) publish the notice:

(A) not less than 90 days before the date of the election at which a special local ballot proposition will be voted upon; or

(B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable after the special local ballot proposition is approved to be voted upon in an election; and

(ii) ensure that the notice contains:

(A) the ballot title for the special local ballot proposition;

(B) instructions on how to file a request under Subsection (2)(d); and

(C) the deadline described in Subsection (2)(d).

(d) To prepare a written argument for or against a special local ballot proposition, an eligible voter shall file a request with the [election officer] <u>clerk</u> before 5 p.m. no later than 64 days before the day of the election at which the special local ballot proposition is to be voted on.

(c) If more than one eligible voter requests the opportunity to prepare a written argument for or against a special local ballot proposition, the [election officer] <u>clerk</u> shall make the final designation in accordance with the following order of priority:

(i) sponsors have priority in preparing an argument regarding a special local ballot proposition; and

(ii) members of the local legislative body have priority over others if a majority of the local legislative body supports the written argument.

(f) The [election officer] <u>clerk</u> shall grant a request described in Subsection (2)(d) or (e) no later than 60 days before the day of the election at which the ballot proposition is to be voted on.

(g) (i) A sponsor of a special local ballot proposition may prepare a written argument in favor of the special local ballot proposition.

(ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot proposition who submits a request under Subsection (2)(d) may prepare a written argument against the special local ballot proposition.

(h) An eligible voter who submits a written argument under this section in relation to a special local ballot proposition shall:

(i) ensure that the written argument does not exceed 500 words in length, not counting

the information described in Subsection (2)(h)(ii) or (iv);

(ii) list, at the end of the argument, at least one, but no more than five, names as sponsors;

(iii) submit the written argument to the election officer before 5 p.m. no later than 55 days before the election day on which the ballot proposition will be submitted to the voters;

(iv) list in the argument, immediately after the eligible voter's name, the eligible voter's residential address; and

(v) submit with the written argument the eligible voter's name, residential address, postal address, email address if available, and phone number.

(i) [An election officer] <u>A clerk</u> shall refuse to accept and publish an argument submitted after the deadline described in Subsection (2)(h)(iii).

(3) (a) [An election officer] <u>A clerk</u> who timely receives the written arguments in favor of and against a special local ballot proposition shall, within one business day after the day on which the election office receives both written arguments, send, via mail or email:

(i) a copy of the written argument in favor of the special local ballot proposition to the eligible voter who submitted the written argument against the special local ballot proposition; and

(ii) a copy of the written argument against the special local ballot proposition to the eligible voter who submitted the written argument in favor of the special local ballot proposition.

(b) The eligible voter who submitted a timely written argument in favor of the special local ballot proposition:

(i) may submit to the [election officer] <u>clerk</u> a written rebuttal argument of the written argument against the special local ballot proposition;

(ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv); and

(iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days before the election day on which the special local ballot proposition will be submitted to the voters.

(c) The eligible voter who submitted a timely written argument against the special local ballot proposition:

(i) may submit to the [election officer] <u>clerk</u> a written rebuttal argument of the written argument in favor of the special local ballot proposition;

(ii) shall ensure that the written rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection (2)(h)(ii) or (iv); and

(iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days before the election day on which the special local ballot proposition will be submitted to the voters.

(d) [An election officer] <u>A clerk</u> shall refuse to accept and publish a written rebuttal argument in relation to a special local ballot proposition that is submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).

(4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot proposition:

(i) an eligible voter may not modify a written argument or a written rebuttal argument after the eligible voter submits the written argument or written rebuttal argument to the [election officer] <u>clerk</u>; and

(ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not modify a written argument or a written rebuttal argument.

(b) The [election officer] <u>clerk</u>, and the eligible voter who submits a written argument or written rebuttal argument in relation to a special local ballot proposition, may jointly agree to modify a written argument or written rebuttal argument in order to:

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

(ii) reduce the number of words to come into compliance with the requirements of this section.

(c) [An election officer] <u>A clerk</u> shall refuse to accept and publish a written argument or written rebuttal argument in relation to a special local ballot proposition if the eligible voter who submits the written argument or written rebuttal argument fails to negotiate, in good faith, to modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).

(5) In relation to a special local ballot proposition, [an election officer] <u>a clerk may</u> designate another eligible voter to take the place of an eligible voter described in this section if the original eligible voter is, due to injury, illness, death, or another circumstance, unable to

continue to fulfill the duties of an eligible voter described in this section.

(6) Sponsors whose written argument in favor of a standard local ballot proposition is included in a proposition information pamphlet under Section 20A-7-401.5:

(a) may, if a written argument against the standard local ballot proposition is included in the proposition information pamphlet, submit a written rebuttal argument to the [election officer] <u>clerk;</u>

(b) shall ensure that the written rebuttal argument does not exceed 250 words in length; and

(c) shall submit the written rebuttal argument no later than 45 days before the election day on which the standard local ballot proposition will be submitted to the voters.

(7) (a) A county or municipality that submitted a written argument against a standard local ballot proposition that is included in a proposition information pamphlet under Section 20A-7-401.5:

(i) may, if a written argument in favor of the standard local ballot proposition is included in the proposition information pamphlet, submit a written rebuttal argument to the [election officer] <u>clerk;</u>

(ii) shall ensure that the written rebuttal argument does not exceed 250 words in length; and

(iii) shall submit the written rebuttal argument no later than 45 days before the election day on which the ballot proposition will be submitted to the voters.

(b) If a county or municipality submits more than one written rebuttal argument under Subsection (7)(a)(i), the [election officer] <u>elerk</u> shall select one of the written rebuttal arguments, giving preference to a written rebuttal argument submitted by a member of a local legislative body.

(8) (a) [An election officer] <u>A clerk shall refuse to accept and publish a written rebuttal</u> argument that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

(b) Before [an election officer] <u>a clerk</u> publishes a local voter information pamphlet under this section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

(c) [An election officer] <u>A clerk</u> who receives a written rebuttal argument described in this section may not, before publishing the local voter information pamphlet described in this

section, disclose the written rebuttal argument, or any information contained in the written rebuttal argument, to any person who may in any way be involved in preparing an opposing rebuttal argument.

(9) (a) Except as provided in Subsection (9)(b), a person may not modify a written rebuttal argument after the written rebuttal argument is submitted to the [election officer] <u>clerk</u>.

(b) The [election officer] <u>clerk</u>, and the person who submits a written rebuttal argument, may jointly agree to modify a written rebuttal argument in order to:

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

(ii) reduce the number of words to come into compliance with the requirements of this section.

(c) [An election officer] <u>A clerk</u> shall refuse to accept and publish a written rebuttal argument if the person who submits the written rebuttal argument:

(i) fails to negotiate, in good faith, to modify the written rebuttal argument in accordance with Subsection (9)(b); or

(ii) does not timely submit the written rebuttal argument to the [election officer] <u>clerk</u>.
 (d) [An election officer] <u>A clerk</u> shall make a good faith effort to negotiate a modification described in Subsection (9)(b) in an expedited manner.

(10) [An election officer] <u>A clerk may designate another person to take the place of a</u> person who submits a written rebuttal argument in relation to a standard local ballot proposition if the person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the person's duties.

(11) (a) The local voter information pamphlet shall include a copy of the initial fiscal impact estimate and the legal impact statement prepared for each initiative under Section 20A-7-502.5.

(b) If the initiative proposes a tax increase, the local voter information pamphlet shall include the following statement in bold type:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."

(12) (a) In preparing the local voter information pamphlet, the [election officer] <u>clerk</u> shall:

(i) ensure that the written arguments are printed on the same sheet of paper upon which the ballot proposition is also printed;

(ii) ensure that the following statement is printed on the front cover or the heading of the first page of the printed written arguments:

"The arguments for or against a ballot proposition are the opinions of the authors.";

(iii) pay for the printing and binding of the local voter information pamphlet; and

(iv) not less than 15 days before, but not more than 45 days before, the election at which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered voter entitled to vote on the ballot proposition:

(A) a voter information pamphlet; or

(B) the notice described in Subsection (12)(c).

(b) (i) If the language of the ballot proposition exceeds 500 words in length, the election officer may summarize the ballot proposition in 500 words or less.

(ii) The summary shall state where a complete copy of the ballot proposition is available for public review.

(c) (i) The [election officer] <u>clerk</u> may distribute a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail.

(ii) The notice described in Subsection (12)(c)(i) shall include:

(A) the address of the Statewide Electronic Voter Information Website authorized by Section 20A-7-801; and

(B) the phone number a voter may call to request delivery of a voter information pamphlet by mail or carrier.

Section 92. Section 20A-7-508 is amended to read:

20A-7-508. Short title and summary of initiative -- Duties of local clerk and local attorney.

(1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the initiative petition and the proposed law to the local attorney.

(2) The local attorney shall:

(a) entitle each county or municipal initiative that has qualified for the ballot "Proposition Number ___ and give it a number as assigned under Section 20A-6-107;

(b) prepare for each initiative:

(i) an impartial short title, not exceeding 25 words, that generally describes the subject of the initiative; and

(ii) an impartial summary of the contents of the initiative, not exceeding 125 words;

(c) file the proposed short title, summary, and the numbered initiative titles with the local clerk within 20 days after the day on which an eligible voter submits the initiative petition to the local clerk; and

(d) promptly provide notice of the filing of the proposed short title and summary to:
 (i) the sponsors of the initiative; and

(ii) the local legislative body for the jurisdiction where the initiative petition was circulated.

(3) (a) The short title and summary may be distinct from the title of the proposed law.
 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial description of the subject of the initiative.

(c) In preparing a summary, the local attorney shall, to the best of the local attorney's ability, give a true and impartial summary of the contents of the initiative.

(d) The short title and summary may not intentionally be an argument, or likely to create prejudice, for or against the initiative.

(e) If the initiative proposes a tax increase, the local attorney shall include the following statement, in bold, in the summary:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate.".

(4) (a) Within five calendar days after the date the local attorney files a proposed short title and summary under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative petition was circulated and the sponsors of the initiative may file written comments in response to the proposed short title and summary with the local clerk.

(b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:

(i) review any written comments filed in accordance with Subsection (4)(a);

(ii) prepare a final short title and summary that meets the requirements of Subsection

(3); and

(iii) return the initiative petition and file the short title and summary with the local clerk.

(c) Subject to Subsection (6), for each county or municipal initiative, the following shall be printed on the official ballot:

(i) the short title; and

(ii) except as provided in Subsection (4)(d):

(A) the summary;

(B) a copy of the proposed law; and

(C) a link to a location on the election officer's website where a voter may review additional information relating to each initiative, including the information described in Subsection 20A-7-502(2), the initial fiscal impact and legal statement described in Section 20A-7-502.5, as updated, and the arguments relating to the initiative that are included in the local voter information pamphlet.

(d) Unless the information described in Subsection (4)(c)(ii) is printed on the official ballot, the <u>county</u> election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each initiative on the ballot and a link to a location on the election officer's website where a voter may review the additional information described in Subsection (4)(c)(ii)(C).

(e) Unless the information described in Subsection (4)(c)(ii) for all initiatives on the ballot, and the information described in Subsection 20A-7-608(4)(c)(ii) for all referenda on the ballot, is printed on the ballot, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot, unless the summary is printed directly on the ballot."

(5) Immediately after the local attorney files a copy of the short title and summary with the local clerk, the local clerk shall serve a copy of the short title and summary by mail upon the sponsors of the initiative and the local legislative body for the jurisdiction where the initiative petition was circulated.

(6) (a) If the short title or summary furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be

appealed to the appropriate court by:

(i) at least three sponsors of the initiative; or

(ii) a majority of the local legislative body for the jurisdiction where the initiative petition was circulated.

(b) The court:

(i) shall examine the short title and summary and consider arguments; and

(ii) enter an order consistent with the requirements of this section.

(c) The local clerk shall include the short title and summary in the ballot or ballot proposition insert, as required by this section.

Section 93. Section 20A-7-509 is amended to read:

- 20A-7-509. Form of ballot -- Manner of voting.

(1) The [local clerk] <u>county election officer</u> shall ensure that the number and ballot title are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the voter may indicate the voter's vote.

(2) Voters desiring to vote in favor of enacting the law proposed by the initiative petition shall mark the square adjacent to the word "For," and voters desiring to vote against enacting the law proposed by the initiative petition shall mark the square adjacent to the word "Against."

Section 94. Section 20A-7-607 is amended to read:

20A-7-607. Evaluation by the local clerk -- Determination of election for vote on referendum.

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

(2) The county clerk shall:

(a) in relation to the manual referendum process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and

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

of the update; or

(b) in relation to the electronic referendum process:

(i) post the names, voter identification numbers, and dates of signatures described in Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous location designated by the lieutenant governor, for at least 45 days; and

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

(3) The local clerk:

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

(i) in relation to the manual referendum process, no later than 111 days after the day of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a referendum packet to the county clerk; or

(ii) in relation to the electronic referendum process, no later than 111 days after the day of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or

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

(i) in relation to the manual referendum process, the total of all valid signatures on timely and lawfully submitted referendum packets that have been certified by the county clerk, plus the number of signatures on timely and lawfully submitted referendum packets that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601;

(ii) in relation to the electronic referendum process, the total of all timely and lawfully submitted valid signatures that have been certified by the county clerks, plus the number of timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is less than the number of names required under Section 20A-7-601; or

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

(4) (a) If the total number of names certified under Subsection (3) equals or exceeds the number of names required under Section 20A-7-601, and the requirements of this part are met, the local clerk shall mark upon the front of the referendum petition the word "sufficient."

(b) If the total number of names certified under Subsection (3) does not equal or exceed the number of names required under Section 20A-7-601 or a requirement of this part is not met, the local clerk shall mark upon the front of the referendum petition the word "insufficient."

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

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

(5) (a) If the local clerk refuses to declare a referendum petition sufficient, any voter may, no later than 10 days after the day on which the local clerk declares the referendum petition insufficient, apply to the appropriate court for an order finding the referendum petition legally sufficient.

(b) If the court determines that the referendum petition is legally sufficient, the local clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency effective as of the date on which the referendum petition should have been declared sufficient by the local clerk's office.

(c) If the court determines that a referendum petition filed is not legally sufficient, the court may enjoin the local clerk and all other officers from:

(i) certifying or printing the ballot title and numbers of that referendum on the official ballot for the next election; or

(ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing, or mailing the ballot title and numbers of that referendum under Section 20A-7-609.5.

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

(7) (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to legislative action taken after April 15, the <u>county</u> election officer may not place the referendum on an election ballot until a primary election, a general election, or a special election the following year.

(b) The <u>county</u> election officer may place a referendum described in Subsection (7)(a) on the ballot for a special, primary, or general election held during the year that the legislative action was taken if the following agree, in writing, on a timeline to place the referendum on

that ballot:

(i) the local clerk;

(ii) the county clerk; and

(iii) the attorney for the county or municipality that took the legislative action.

(c) For a referendum on a land use law, if, before August 30, the local clerk or a court determines that the total number of certified names equals or exceeds the number of signatures required in Section 20A-7-601, the <u>county</u> election officer shall place the referendum on the election ballot for:

(i) the next general election; or

(ii) another election, if the following agree, in writing, on a timeline to place the referendum on that ballot:

(A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;
 (B) the local clerk;

(C) the county clerk; and

(D) the attorney for the county or municipality that took the legislative action.

Section 95. Section 20A-7-608 is amended to read:

20A-7-608. Short title and summary of referendum -- Duties of local clerk and local attorney.

(1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the referendum petition and the law to which the referendum relates to the local attorney.

(2) The local attorney shall:

(a) entitle each county or municipal referendum that qualifies for the ballot
 "Proposition Number ___ " and give the referendum a number assigned in accordance with
 Section 20A-6-107;

(b) prepare for the referendum:

(i) an impartial short title, not exceeding 25 words, that generally describes the subject of the law to which the referendum relates; and

(ii) an impartial summary of the contents of the law to which the referendum relates, not exceeding 125 words;

(c) file the proposed short title, summary, and the numbered referendum title with the local clerk within 20 days after the day on which an eligible voter submits the referendum

petition to the local clerk; and

(d) promptly provide notice of the filing of the proposed short title and summary to:

(i) the sponsors of the petition; and

(ii) the local legislative body for the jurisdiction where the referendum petition was circulated.

(3) (a) The short title and summary may be distinct from the title of the law that is the subject of the referendum petition.

(b) In preparing a short title, the local attorney shall, to the best of the local attorney's ability, give a true and impartial description of the subject of the referendum.

(c) In preparing a summary, the local attorney shall, to the best of the local attorney's ability, give a true and impartial summary of the contents of the referendum.

(d) The short title and summary may not intentionally be an argument, or likely to create prejudice, for or against the referendum.

(4) (a) Within five calendar days after the day on which the local attorney files a proposed short title and summary under Subsection (2)(c), the local legislative body for the jurisdiction where the referendum petition was circulated and the sponsors of the referendum petition may file written comments in response to the proposed short title and summary with the local clerk.

(b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:

(i) review any written comments filed in accordance with Subsection (4)(a);

(ii) prepare a final short title and summary that meets the requirements of Subsection (3); and

(iii) return the referendum petition and file the short title and summary with the local clerk.

(c) Subject to Subsection (6), for each county or municipal referendum, the [following shall be] county election officer shall ensure that the following are printed on the official ballot:

(i) the short title; and

(ii) except as provided in Subsection (4)(d):

(A) the summary;

(B) a copy of the ordinance, resolution, or written description of the local law; and

(C) a link to a location on the [election officer's] <u>local clerk's</u> website where a voter may review additional information relating to each referendum, including the information described in Subsection 20A-7-602(2) and the arguments relating to the referendum that are included in the local voter information pamphlet.

(d) Unless the information described in Subsection (4)(c)(ii) is printed on the official ballot, the election officer shall include with the ballot a separate ballot proposition insert that includes the short title and summary for each referendum on the ballot and a link to a location on the [election officer's] local clerk's website where a voter may review the additional information described in Subsection (4)(c)(ii)(C).

(e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all initiatives on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda on the ballot, is printed on the ballot, the ballot shall include the following statement at the beginning of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included with this ballot contains an impartial summary of each initiative and referendum on this ballot, unless the summary is printed directly on the ballot."

(5) Immediately after the local attorney files a copy of the short title and summary with the local clerk, the local clerk shall serve a copy of the short title and summary by mail upon the sponsors of the referendum petition and the local legislative body for the jurisdiction where the referendum petition was circulated.

(6) (a) If the short title or summary provided by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed to the appropriate court by:

(i) at least three sponsors of the referendum petition; or

(ii) a majority of the local legislative body for the jurisdiction where the referendum petition was circulated.

(b) The court:

(i) shall examine the short title and summary and consider the arguments; and

(ii) enter an order consistent with the requirements of this section.

(c) The [local clerk] <u>county election officer</u> shall include the short title and summary in the ballot or ballot proposition insert, as required by this section.

Section 96. Section 20A-7-609 is amended to read:

-20A-7-609. Form of ballot -- Manner of voting.

(1) The [local clerk] <u>county election officer</u> shall ensure that the number and ballot title are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the elector may indicate the elector's vote.

(2) (a) Except as provided in Subsection (2)(c)(i) or Section 20A-7-609.5, and unless the county legislative body calls a special election, the county clerk shall ensure that county referenda that have qualified for the ballot appear on the next regular general election ballot.

(b) Except as provided in Subsection (2)(c)(ii) or Section 20A-7-609.5, and unless the municipal legislative body calls a special election, the [municipal recorder or clerk] <u>county</u> <u>election officer</u> shall ensure that municipal referenda that have qualified for the ballot appear on the next regular municipal election ballot.

(c) (i) Except as provided in Section 20A-7-609.5, if a local law passes after January 30 of the year in which there is a regular general election, the county clerk shall ensure that a county referendum that has qualified for the ballot appears on the ballot at the second regular general election immediately following the passage of the local law unless the county legislative body calls a special election.

(ii) Except as provided in Section 20A-7-609.5, if a local law passes after January 30 of the year in which there is a municipal general election, the [municipal recorder or clerk] <u>county election officer</u> shall ensure that a municipal referendum that has qualified for the ballot appears on the ballot at the second municipal general election immediately following the passage of the local law unless the municipal legislative body calls a special election.

(3) (a) (i) A voter desiring to vote in favor of the law that is the subject of the referendum shall mark the square adjacent to the word "For."

(ii) The law that is the subject of the referendum is effective if a majority of voters mark "For."

(b) (i) A voter desiring to vote against the law that is the subject of the referendum shall mark the square following the word "Against."

(ii) The law that is the subject of the referendum is not effective if a majority of voters mark "Against."

Section 97. Section 20A-7-609.5 is amended to read:

20A-7-609.5. Election on referendum challenging local tax law conducted entirely by mail.

(1) [An] <u>A county election officer may administer an election on a referendum</u> challenging a local tax law entirely by mail.

(2) For purposes of an election conducted under this section, the <u>county</u> election officer shall:

(a) designate as the election day the day that is 30 days after the day on which the <u>county</u> election officer complies with Subsection (2)(b); and

(b) within 30 days after the day on which the referendum described in Subsection (1) qualifies for the ballot, mail to each registered voter within the voting precincts to which the local tax law applies:

(i) a manual ballot;

(ii) a statement that there will be no polling place for the election;

(iii) a statement specifying the election day described in Subsection (2)(a);

(iv) a business reply mail envelope;

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

(vi) a warning, on a separate page of colored paper in boldface print, indicating that if the voter fails to follow the instructions included with the manual ballot, the voter will be unable to vote in that election because there will be no polling place for the election; and

(vii) (A) a copy of the proposition information pamphlet relating to the referendum if a proposition information pamphlet relating to the referendum was published under Section 20A-7-401.5; or

(B) a website address where an individual may view a copy of the proposition information pamphlet described in Subsection (2)(b)(vii)(A).

(3) [An] <u>A county election officer who administers an election under this section shall:</u>
 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before the election; or

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

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

(4) (a) Upon receiving a returned manual ballot under this section, the <u>county</u> election officer shall compare the signature on each return envelope with the voter's signature that is maintained on file and verify that the signatures are the same.

(b) If the <u>county</u> election officer questions the authenticity of the signature on the return envelope, the <u>county</u> election officer shall immediately contact the voter to verify the signature.

(c) If there is not a signature on the return envelope or if the <u>county</u> election officer determines that the signature on the return envelope does not match the voter's signature that is maintained on file, the <u>county</u> election officer shall:

(i) disqualify the ballot; and

(ii) notify the voter of the disqualification and the reason for the disqualification.

Section 98. Section 20A-7-613 is amended to read:

20A-7-613. Property tax referendum petition.

(1) As used in this section, "certified tax rate" means the same as that term is defined in Section 59-2-924.

(2) Except as provided in this section, the requirements of this part apply to a referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that exceeds the certified tax rate.

(3) Notwithstanding Subsection 20A-7-105(5)(a)(iv), the sponsors or an agent of the sponsors shall deliver a signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

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

(b) 40 days after the day on which the local clerk complies with Subsection 20A-7-604(3).

(4) Notwithstanding Subsections 20A-7-105(6)(a) and (9), the county clerk shall take the actions required in Subsections 20A-7-105(6)(a) and (9) within 10 working days after the day on which the county clerk receives the signed and verified referendum packet as described in Subsection (3).

(5) The local clerk shall take the actions required by Section 20A-7-607 within two working days after:

(a) in relation to the manual referendum process, the day on which the local clerk

receives the referendum packets from the county clerk; or

(b) in relation to the electronic referendum process, the deadline described in Subsection 20A-7-616(2).

(6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot title within two working days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.

(7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot under this section shall appear on the ballot for the earlier of the next regular general election or the next municipal general election unless a special election is called.

(8) The <u>county</u> election officer shall mail manual ballots on a referendum under this section the later of:

(a) the time provided in Section 20A-3a-202 or 20A-16-403; or

(b) the time that ballots are prepared for mailing under this section.

(9) Section 20A-7-402 does not apply to a referendum described in this section.

(10) (a) If a majority of voters does not vote against imposing the tax at a rate calculated to generate the increased revenue budgeted, adopted, and approved by the taxing entity's legislative body:

(i) the certified tax rate for the fiscal year during which the referendum petition is filed is its most recent certified tax rate; and

(ii) the proposed increased revenues for purposes of establishing the certified tax rate for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed increased revenues budgeted, adopted, and approved by the taxing entity's legislative body before the filing of the referendum petition.

(b) If a majority of voters votes against imposing a tax at the rate established by the vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the taxing entity's most recent certified tax rate.

(c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not required to comply with the notice and public hearing requirements of Section 59-2-919 if the taxing entity complies with those notice and public hearing requirements before the referendum petition is filed.

(11) The ballot title shall, at a minimum, include in substantially this form the

following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as budgeted, adopted, and approved by the [name of the taxing entity].".

(12) A taxing entity shall pay the county the costs incurred by the county that are directly related to meeting the requirements of this section and that the county would not have incurred but for compliance with this section.

(13) (a) [An] <u>A county election officer shall include on a ballot a referendum that has</u> not yet qualified for placement on the ballot, if:

(i) sponsors file an application for a referendum described in this section;

(ii) the ballot will be used for the election for which the sponsors are attempting to qualify the referendum; and

(iii) the deadline for qualifying the referendum for placement on the ballot occurs after the day on which the ballot will be printed.

(b) If [an] <u>a county</u> election officer includes on a ballot a referendum described in Subsection (13)(a), the ballot title shall comply with Subsection (11).

(c) If [an] <u>a county</u> election officer includes on a ballot a referendum described in Subsection (13)(a) that does not qualify for placement on the ballot, the <u>county</u> election officer shall inform the voters by any practicable method that the referendum has not qualified for the ballot and that votes cast in relation to the referendum will not be counted.

Section 99. Section 20A-7-702 is amended to read:

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

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

- (1) a cover title page;
- (2) an introduction to the pamphlet by the lieutenant governor;
- (3) a table of contents;
- (4) a list of all candidates for constitutional offices;
- (5) a list of candidates for each legislative district;

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

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

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

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

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

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

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

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

(f) for each initiative qualified for the ballot:

(i) a copy of the initiative as certified by the lieutenant governor and a copy of the initial fiscal impact statement prepared according to Section 20A-7-202.5; and

(ii) if the initiative proposes a tax increase, the following statement in bold type:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."; and

(g) for each referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets, as applicable;

(8) a description provided by the Judicial Performance Evaluation Commission of the selection and retention process for judges, including, in the following order:

(a) a description of the judicial selection process;

(b) a description of the judicial performance evaluation process;

(c) a description of the judicial retention election process;

(d) a list of the criteria of the judicial performance evaluation and the certification

standards;

(e) the names of the judges standing for retention election; and

(f) for each judge:

(i) a list of the counties in which the judge is subject to retention election;

(ii) a short biography of professional qualifications and a recent photograph;

(iii) a narrative concerning the judge's performance;

(iv) for each certification standard under Section 78A-12-205, a statement identifying whether, under Section 78A-12-205, the judge met the standard and, if not, the manner in which the judge failed to meet the standard;

(v) a statement that the Judicial Performance Evaluation Commission:

(A) has determined that the judge meets or exceeds minimum performance standards;

(B) has determined that the judge does not meet or exceed minimum performance standards; or

(C) has not made a determination regarding whether the judge meets or exceeds minimum performance standards;

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

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

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

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

(10) an explanation of ballot marking procedures prepared by the lieutenant governor,

indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

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

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

(13) the address of the Statewide Electronic Voter Information Website, with a statement indicating that the <u>{county</u>} election officer will post on the website any changes to the location of a polling place and the location of any additional polling place;

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

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

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

SEAL

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

(signed)

Lieutenant Governor".

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

20A-7-703. {Impartial analysis}<u>Analysis</u> of {measure}<u>initiative or referendum</u> --Determination of fiscal effects.

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

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

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

- (2) The director shall ensure that the impartial analysis:
- (a) is not more than 1,000 words long;

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

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

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

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

(f) fairly describes the operation of the measure;

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

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

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

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

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

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

Section $\frac{100}{12}$. Section $\frac{20A-7-801}{20A-7-703.1}$ is $\frac{100}{20A-7-703.1}$ is $\frac{100}{2$

<u>{20A-7-801}20A-7-703.1.</u> <u>Statewide Electronic Voter Information Website</u> <u>Program -- Duties of the lieutenant governor -- Content -- Duties of election officers --</u> <u>Deadlines -- Frequently asked voter questions -- Other elections.</u>

(1) There is established the Statewide Electronic Voter Information Website Program administered by} Analysis of measure submitted to voters by Legislature --Determination of fiscal effects.

(1) The presiding officers shall:

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

(b) submit the analysis to the lieutenant governor {in cooperation with the county clerks [for general elections] and municipal authorities [for municipal elections].

(2) In accordance with this section, and as resources become available, the lieutenant governor, in cooperation with county clerks, shall develop, establish, and maintain a state-provided Internet website designed to help inform the voters of the state of:

(a) the offices and candidates up for election;

(b) the content, effect, operation, fiscal impact, and supporting and opposing arguments of ballot propositions submitted to the voters; and

(c) the status of a voter's trackable ballot, in accordance with Section 20A-3a-401.5, accessible only by the voter.

(3) Except as provided under Subsection (6), the website shall include:

(a) all information currently provided in the Utah voter information pamphlet under Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and submitted by the Judicial Performance Evaluation Commission describing the judicial selection and retention process;

(b) on the homepage of the website, a link to the Judicial Performance Evaluation Commission's website, judges.utah.gov;

(c) a link to the retention recommendation made by the Judicial Performance Evaluation Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial Performance Evaluation, for each judicial appointee to a court that is subject to a retention election, in accordance with Section 20A-12-201, for the upcoming general election;

(d) all information submitted by election officers under Subsection (4) on local office races, local office candidates, and local ballot propositions;

(e) a list that contains the name of a political subdivision that operates an election day voting center under Section 20A-3a-703 and the location}no later than the day that falls 90 days before the date of the election {day voting center;

(f) other information determined appropriate by the lieutenant governor that is currently being provided by law, rule, or ordinance in relation to candidates and ballot questions;

<u>(g) any differences in voting method, time, or location designated by the lieutenant</u> governor under Subsection 20A-1-308(2); and

(h) an online ballot tracking system by which a voter can view the status of the voter's trackable ballot, in accordance with Section 20A-3a-401.5, including:

(i) when a ballot has been mailed to the voter;

(ii) when an election [official has received] officer receives the voter's ballot; and

(iii) when the voter's ballot [has been] is counted.

(4) (a) An election [official] officer shall submit the following information for each [ballot under the election official's direct responsibility under this title] race or proposition that}in which the measure will appear on the ballot{ for the election officer's jurisdiction:

(i) a list of all candidates for each office;

(ii) if submitted by the candidate to the election official's office before 5 p.m. no later than 45 days before the primary election or before 5 p.m. no later than 60 days before the general election:

(A) a statement of qualifications, not exceeding 200 words in length, for each candidate;

(B) the following current biographical information if desired by the candidate, current: (I) age;

(II) occupation;

<u>(III) city of residence;</u>

(IV) years of residence in current city; and

(V) email address; and

(C) a single web address where voters may access more information about the candidate and the candidate's views; and

<u>(iii) factual information pertaining to all ballot propositions submitted to the voters,</u> including:

(A) a copy of the number and ballot title of each ballot proposition;

(B) the final vote cast for each ballot proposition, if any, by a legislative body if the vote was required to place the ballot proposition on the ballot;

(C) a complete copy of the text of each ballot proposition, with all new language underlined and all deleted language placed within brackets; and

(D) other factual information determined helpful by the [election official] local clerk. (b) [The information under Subsection (4)(a) shall be submitted] The election officer shall submit the information described in Subsection (4)(a) to the lieutenant governor no later than one business day after the deadline under Subsection (4)(a) for each general election year and each municipal election year.

(c) The lieutenant governor shall:

(i) review the information submitted under this section, to determine compliance under this section, [prior to placing it] before placing the information on the website;

(ii) refuse to post information submitted under this section on the website if [it] the information is not in compliance with the provisions of this section; and

(iii) organize, format, and arrange the information submitted under this section for the website.

(d) The lieutenant governor may refuse to include information the lieutenant governor determines is not in keeping with:

(i) Utah voter needs;

(ii) public decency; or

(iii) the purposes, organization, or uniformity of the website.

(e) A refusal under Subsection (4)(d) is subject to appeal in accordance with

Subsection (5).

(5) (a) A person whose information is refused under Subsection (4), and who is aggrieved by the determination, may appeal by submitting a written notice of appeal to the lieutenant governor before 5 p.m. within 10 business days after the date of the determination.

(b) A notice of appeal submitted under [this] Subsection (5)(a) shall contain:

(i) a listing of each objection to the lieutenant governor's determination; and

(ii) the basis for each objection.

[(b)] (c) The lieutenant governor shall review the notice of appeal and shall issue a written response within 10 business days after the day on which the notice of appeal is submitted.

[(c)] (d) An appeal of the response of the lieutenant governor shall be made to the district court, which shall review the matter de novo.

(6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently

enter the voter's address information on the website to retrieve information on which offices, candidates, and ballot propositions will be on the voter's ballot at the next general election or municipal election.

(b) The information on the website will anticipate and answer frequent voter questions including the following:

(i) what offices are up in the current year for which the voter may cast a vote;

(ii) who is running for what office and who is the incumbent, if any;

(iii) what address each candidate may be reached at and how the candidate may be contacted;

(iv) for partisan races only, what, if any, is each candidate's party affiliation;

(v) what qualifications have been submitted by each candidate;

(vi) where additional information on each candidate may be obtained;

(vii) what ballot propositions will be on the ballot; and

(viii) what judges are up for retention election.

(7) The lieutenant governor shall ensure that each voter may conveniently enter the voter's name, date of birth, and address information on the website to retrieve information on the status of the voter's ballot if the voter's ballot is trackable under Section 20A-3a-401.5.

(8) As resources are made available and in cooperation with the county clerks, the lieutenant governor may expand the electronic voter information website program to include the same information as provided under this section for special elections and primary elections.

<u>Section 101}.</u>

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

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

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

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

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

(e) describes the measure;

(f) identifies the measure's fiscal effects over the time period or time periods determined by the presiding officers to be most useful in understanding the estimated fiscal impact of the measure; and

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

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

(4) (a) In determining the fiscal effects of a measure, the presiding officers shall confer with the legislative fiscal analyst.

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

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

Section 13. Section $\frac{20A-9-101}{20A-9-201}$ is amended to read:

EXA-9-101. Definitions.

As used in this chapter:

(1) (a) "Candidates for elective office" means persons who file a declaration of candidacy under Section 20A-9-202 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office.

(b) "Candidates for elective office" does not mean candidates for:

(i) justice or judge of court of record or not of record;

(ii) presidential elector;

(iii) any political party offices; and

(iv) municipal or special district offices.

(2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(3) "Continuing political party" means the same as that term is defined in Section 20A-8-101.

(4) (a) "County office" means an elective office where the officeholder is selected by voters entirely within one county.

(b) "County office" does not mean:

(i) the office of justice or judge of any court of record or not of record;

(ii) the office of presidential elector;

(iii) any political party offices;

(iv) any municipal or special district offices; and

(v) the office of United States Senator and United States Representative.

(5) "Electronic candidate qualification process" means:

(a) as it relates to a registered political party that is not a qualified political party, the process for gathering signatures electronically to seek the nomination of a registered political party, described in:

(i) Section 20A-9-403;

(ii) Section 20A-9-405, except Subsections 20A-9-405(3) and (5); and

(iii) Section 20A-21-201; and

(b) as it relates to a qualified political party, the process, for gathering signatures electronically to seek the nomination of a registered political party, described in:

(i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);

(ii) Section 20A-9-408; and

(iii) Section 20A-21-201.

(6) "Federal office" means an elective office for United States Senator and United States Representative.

(7) "Filing officer" means:

(a) the lieutenant governor, for:

(i) the office of United States Senator and United States Representative; and

(ii) all constitutional offices;

(b) for the office of a state senator, state representative, or the state school board, the lieutenant governor or the applicable clerk described in Subsection (7)(c) or (d);

(c) the county clerk, for county offices and local school district offices;

- (d) the county clerk in the filer's county of residence, for multicounty offices;
- (e) the county election officer, the city clerk, or the town clerk, for municipal offices;

or

(f) the county election officer or the special district clerk, for special district offices.

(8) "Local government office" includes county offices, municipal offices, and special

district offices and other elective offices selected by the voters from a political division entirely within one county.

(9) "Manual candidate qualification process" means the process for gathering signatures to seek the nomination of a registered political party, using paper signature packets that a signer physically signs.

(10) (a) "Multicounty office" means an elective office where the officeholder is selected by the voters from more than one county.

(b) "Multicounty office" does not mean:

(i) a county office;

(ii) a federal office;

(iii) the office of justice or judge of any court of record or not of record;

(iv) the office of presidential elector;

(v) any political party offices; or

(vi) any municipal or special district offices.

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

(12) (a) "Political division" means a geographic unit from which an officeholder is elected and that an officeholder represents.

(b) "Political division" includes a county, a city, a town, a special district, a school district, a legislative district, and a county prosecution district.

(13) "Qualified political party" means a registered political party that:

(a) (i) permits a delegate for the registered political party to vote on a candidate nomination in the registered political party's convention remotely; or

(ii) provides a procedure for designating an alternate delegate if a delegate is not present at the registered political party's convention;

(b) does not hold the registered political party's convention before the fourth Saturday in March of an even-numbered year;

(c) permits a member of the registered political party to seek the registered political party's nomination for any elective office by the member choosing to seek the nomination by either or both of the following methods:

(i) seeking the nomination through the registered political party's convention process, in accordance with the provisions of Section 20A-9-407; or

(ii) seeking the nomination by collecting signatures, in accordance with the provisions of Section 20A-9-408; and

(d) (i) if the registered political party is a continuing political party, no later than 5 p.m. on the first Monday of October of an odd-numbered year, certifies to the lieutenant governor that, for the election in the following year, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406; or

(ii) if the registered political party is not a continuing political party, certifies at the time that the registered political party files the petition described in Section 20A-8-103 that, for the next election, the registered political party intends to nominate the registered political party's candidates in accordance with the provisions of Section 20A-9-406.

(14) "Signature," as it relates to a petition for a candidate to seek the nomination of a registered political party, means:

(a) when using the manual candidate qualification process, a holographic signature collected physically on a nomination petition described in Subsection 20A-9-405(3); or

(b) when using the electronic candidate qualification process:

(i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or

(ii) a holographic signature collected electronically under Subsection 20A-21-201(6)(c)(ii)(B).

(15) "Special district office" means an elected office in a special district.

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

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

(a) be a United States citizen;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) a United States citizen;

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

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

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

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

(i) a United States citizen;

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

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

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

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

(i) is a United States citizen;

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

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

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

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

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

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

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

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

(a) inform the individual that:

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

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

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

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

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

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

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

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

(ii) inform the individual that the individual must provide the filing officer with an email address that the individual actively monitors:

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

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

(iii) inform the individual that the email address described in Subsection (5)(c)(ii) is not a record under Title 63G, Chapter 2, Government Records Access and Management Act; and

(iv) obtain from the individual the email address described in Subsection (5)(c)(ii);

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

(i) signing the pledge is voluntary; and

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

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

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

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

(a) accept the candidate's pledge; and

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

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

(i) be substantially as follows:

"State of Utah, County of _____

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

; I will not knowingly violate any law governing campaigns and elections; if filing via a designated agent, I will be out of the state of Utah during the entire candidate

filing period; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is _____.

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

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

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

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

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

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

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

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

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

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

(i) who is disqualified; or

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

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

(ii) The lieutenant governor shall:

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

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

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

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

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

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

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

"Affidavit of Impecuniosity

Individual Name

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

Affiant

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

(signature)

Name and Title of Officer Authorized to Administer Oath

(v) The filing officer shall provide to a person who requests an affidavit of

impecuniosity a statement printed in substantially the following form, which may be included on the affidavit of impecuniosity:

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

penalties, will be removed from the ballot."

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

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

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

Section $\frac{102}{14}$. Section 20A-9-203 is amended to read:

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

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

(a) the individual is a registered voter; and

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

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

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

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

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

(3) (a) An individual seeking to become a candidate for a municipal office shall,

regardless of the nomination method by which the individual is seeking to become a candidate:

(i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a declaration of candidacy, in person with {the county election officer, }the city recorder {}_{1}{}_{2}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{3}{}_{4}{}_{3}{}_{3}{}_{4}{}_{3}{}_{4}{}_{4}{}_{3}{}_{4}{}_{4}{}_{3}{}_{4}{}_{4}{}_{3}{}_{4}{}_{4}{}_{4}{}_{3}{}_{4}{}_{4}{}_{3}{}_{4}{}_{4}{}_{4}{}_{3}{}_{4}{}_{4}{}_{4}{}_{3}{}_{4}{}_{4}{}_{4}{}_{3}{}_{4}{}_{4}{}_{4}{}_{4}{}_{3}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{}_{4}{

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

(b) Subject to Subsection (5)(b), an individual may designate an agent to file a declaration of candidacy with $\{ \underline{\text{the county election officer}, \}$ the city recorder $\{ \underline{1} \}$ or $\{ \underline{\text{the}} \}$ town clerk if:

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

(ii) the designated agent appears in person before $\frac{\text{the county election officer,}}{\text{the city}}$ the city recorder $\frac{1}{3}$ or $\frac{1}{2}$ town clerk;

(iii) the individual communicates with $\frac{\text{the county election officer,}}{\text{the city}}$ the city recorder $\frac{1}{2}$ or $\frac{\text{the}}{\text{town clerk using an electronic device that allows the individual and <math>\frac{\text{the}}{\text{county election officer,}}$ city recorder $\frac{1}{2}$ or town clerk to see and hear each other; and

(iv) the individual provides the $\frac{\text{county election officer, }}{\text{city recorder}}$ or town clerk with an email address to which the $\frac{\text{county election officer, }}{\text{city recorder}}$ or town clerk may send the individual the copies described in Subsection (4).

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

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

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

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

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

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

(i) read to the prospective candidate or individual filing the petition the constitutional

and statutory qualification requirements for the office that the candidate is seeking;

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) signing the pledge is voluntary; and

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

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

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

(i) accept the candidate's pledge; and

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

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

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

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

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

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

(c) (i) A nomination petition shall be in substantially the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality), being registered voters, nominate (name of nominee) for the office of (name of office) for the (length of term of office)."

(ii) The remainder of the petition shall contain lines and columns for the signatures of individuals signing the petition and each individual's address and phone number.

(6) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two-year or four-year term, the clerk shall consider the nomination to be

for the four-year term.

(7) (a) (i) The clerk shall verify with the county clerk that all candidates are registered voters.

(b) With the assistance of the county clerk, and using the procedures described in Section 20A-1-1002, the municipal clerk shall determine whether the required number of signatures of registered voters appears on a nomination petition.

(8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:

(a) publicize a list of the names of the candidates as they will appear on the ballot by publishing the list for the municipality, as a class A notice under Section 63G-30-102, for seven days; and

(b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.

(9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of candidacy or nomination petition filed under this section after the candidate filing period ends.

(10) (a) A declaration of candidacy or nomination petition that an individual files under this section is valid unless a person files a written objection with the clerk {with whom the declaration of candidacy or nomination petition was filed } before 5 p.m. within 10 days after the last day for filing.

(b) If a person files an objection, the clerk shall:

(i) mail or personally deliver notice of the objection to the affected candidate immediately; and

(ii) decide any objection within 48 hours after the objection is filed.

(c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days after the day on which the {election officer or } clerk sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, or by filing a new declaration of candidacy.

(d) (i) The clerk's decision upon objections to form is final.

(ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.

(iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.

(11) A candidate who qualifies for the ballot under this section may withdraw as a candidate by filing a written affidavit with the {} municipal {} election officer or} clerk.

(12) (a) A voter who signs a nomination petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition is filed with the city recorder or municipal clerk, submitting to the {{} municipal {}} clerk { with whom the nomination petition was filed} a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (12)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

(c) {{} With{} <u>The clerk, with</u>} the assistance of the county {{} clerk{} <u>election officer,</u>} and using the procedures described in Subsection 20A-1-1003(3), {{} the municipal clerk{}} shall determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

Section $\frac{103}{15}$. Section $\frac{20A-9-203.5}{20A-9-207}$ is amended to read:

{ 20A-9-203.5. Requirement to post candidate information on website.

(1) The clerk of a county or a municipality shall, within three business days after the day on which the clerk accepts a declaration of candidacy <u>or receives information from a</u> <u>county election officer under Subsection (2)</u>, post the following information on the website of the county or municipality:

[(1)] (a) the name and campaign contact information of the candidate; and

[(2)] (b) the office that the candidate is seeking.

(2) If a county election officer accepts a declaration of candidacy for a municipal election, the county election officer shall, within one business day after the day on which the election officer accepts the declaration of candidacy, provide the information described in Subsections (1)(a) and (b) to the applicable municipal clerk.

Section 104. Section 20A-9-207 is amended to read:

20A-9-207. Withdrawal of candidacy -- Notice.

As used in this section:

(1) "Public office" means the offices of governor, lieutenant governor, attorney general,

state auditor, state treasurer, state senator, state representative, state school board, or an elective office of a local political subdivision.

(2) "Public office candidate" means a person who files a declaration of candidacy for a public office.

(3) If a public office candidate withdraws as a candidate, [the] <u>{county}an</u> election officer shall:

(a) <u>no later than two business days after the day on which the election officer receives</u> <u>notice of the withdrawal,</u> notify every opposing candidate for the public office that the public office candidate has withdrawn;

(b) <u>subject to Subsection (4)</u>, upon notice of a withdrawal that occurs 65 or fewer days <u>before the date of the election</u>, send an email notification to each voter who is eligible to vote in the public office race for whom the {county} election officer has an email address informing the voter:

(i) that the public office candidate has withdrawn; and

(ii) that [votes] a vote cast for the public office candidate will not be counted[;], regardless of whether the public office candidate's name appears on the ballot;

(c) post notice of the withdrawal on a public website; and

[(d) if practicable, remove the public office candidate's name from the ballot.]

[(4) {[}An {] <u>A county</u>} election officer may fulfill the requirement described in Subsection (3) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice:]

[(a) informing the voter that the candidate has withdraw; or]

[(b) directing the voter to a public website to inform the voter whether a candidate on the ballot has withdrawn.{

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(d) if practicable, include with the ballot, including a military or overseas ballot, a written notice that:

(i) contains the information described in Subsections (3)(b)(i) and (ii); or

(ii) directs the voter to a public website to inform the voter whether a candidate on the ballot has withdrawn.

(4) An election officer shall send the email notification described in Subsection (3)(b)

on or before the earlier of:

(a) the next day on which the election officer mails ballots in accordance with Section 20A-3a-202; or

(b) two business days before the date of the election.

<u>Section 16</u>. Section <u>{20A-9-404}</u> is amended to read:

{ 20A-9-404. Municipal primary elections.

(1) (a) Except as otherwise provided in this section or Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all municipalities shall be nominated at a municipal primary election.

(b) Municipal primary elections shall be held:

(i) consistent with Section 20A-1-201.5, on the second Tuesday following the first Monday in the August before the regular municipal election; and

(ii) whenever possible, at the same polling places as the regular municipal election.
 (2) Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting
 Methods Pilot Project, if the number of candidates for a particular municipal office does not
 exceed twice the number of individuals needed to fill that office, a primary election for that
 office may not be held and the candidates are considered nominated.

(3) (a) For purposes of this Subsection (3), "convention" means an organized assembly of voters or delegates.

(b) (i) By ordinance adopted before the May 1 that falls before a regular municipal election, any third, fourth, or fifth class city or town may exempt itself from a primary election by providing that the nomination of candidates for municipal office to be voted upon at a municipal election be nominated by a municipal party convention or committee.

(ii) The municipal party convention or committee described in Subsection (3)(b)(i) shall be held on or before May 30 of an odd-numbered year.

(iii) Any primary election exemption ordinance adopted under this Subsection (3) remains in effect until repealed by ordinance.

(c) (i) A convention or committee may not nominate more than one candidate for each of the municipal offices to be voted upon at the municipal election.

(ii) A convention or committee may not nominate an individual who has accepted the nomination of a different convention or committee.

(iii) A municipal party may not have more than one group of candidates placed upon the ballot and may not group the same candidates on different tickets by the same party under a different name or emblem.

(d) (i) On or before May 31 of an odd-numbered year, a convention or committee shall prepare and submit to the filing officer a certificate of nomination for each individual nominated.

(ii) The certificate of nomination shall:

(A) contain the name of the office for which each individual is nominated, the name, post office address, and, if in a city, the street number of residence and place of business, if any, of each individual nominated;

(B) designate in not more than five words the party that the convention or committee represents;

(C) contain a copy of the resolution passed at the convention that authorized the committee to make the nomination;

(D) contain a statement certifying that the name of the candidate nominated by the political party will not appear on the ballot as a candidate for any other political party;

(E) be signed by the presiding officer and secretary of the convention or committee; and

(F) contain a statement identifying the residence and post office address of the presiding officer and secretary and certifying that the presiding officer and secretary were officers of the convention or committee and that the certificates are true to the best of their knowledge and belief.

(iii) A candidate nominated by a municipal party convention or committee shall file a declaration with the [filing] county election officer or the municipal clerk in accordance with Subsection 20A-9-203(3) that includes:

(A) the name of the municipal party or convention that nominated the candidate; and
 (B) the office for which the convention or committee nominated the candidate.

(e) A committee appointed at a convention, if authorized by an enabling resolution, may also make nominations or fill vacancies in nominations made at a convention if the committee makes the nomination before the deadline for a write-in candidate to file a declaration of candidacy under Section 20A-9-601.

(f) The election ballot shall substantially comply with the form prescribed in Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall be included with the candidate's name.

(4) (a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the May 1 that falls before the regular municipal election that:

(i) exempts the city or town from the other methods of nominating candidates to municipal office provided in this section; and

(ii) provides for a municipal partisan convention method of nominating candidates as provided in this Subsection (4).

(b) (i) Any party that was a registered political party at the last regular general election or regular municipal election is a municipal political party under this section.

(ii) Any political party may qualify as a municipal political party by presenting a petition to the city recorder that:

(A) is signed, with a holographic signature, by registered voters within the municipality equal to at least 20% of the number of votes cast for all candidates for mayor in the last municipal election at which a mayor was elected;

(B) is filed with the city recorder or town clerk before 5 p.m. no later than the day before the day on which the municipal party holds a convention to nominate a candidate under this Subsection (4);

(C) is substantially similar to the form of the signature sheets described in Section 20A-7-303; and

(D) contains the name of the municipal political party using not more than five words.
 (iii) With the assistance of the county clerk, the city recorder or town clerk shall use the procedures described in Section 20A-1-1002 to determine whether each signer is a registered voter who is qualified to sign the petition.

(c) (i) If the number of candidates for a particular office does not exceed twice the number of offices to be filled at the regular municipal election, no primary election for that office shall be held and the candidates are considered to be nominated.

(ii) If the number of candidates for a particular office exceeds twice the number of offices to be filled at the regular municipal election, those candidates for municipal office shall be nominated at a municipal primary election.

(d) The [clerk] <u>county election officer</u> shall ensure that the partisan municipal primary ballot is similar to the ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.

(c) After marking a municipal primary ballot, the voter shall deposit the ballot in the blank ballot box.

(f) Immediately after the canvass, the election judges shall, without examination, destroy the tickets deposited in the blank ballot box.

(5) (a) A voter who signs a petition under Subsection (4)(b)(ii) may have the voter's signature removed from the petition by, no later than three business days after the day on which the petition is filed with the city recorder or town clerk, submitting to the city recorder or town clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (5)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

(c) With the assistance of the county clerk and using the procedures described in Subsection 20A-1-1003(3), the city recorder or town clerk shall determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

Section 106. Section 20A-9-406 is amended to read:

20A-9-406. Qualified political party -- Requirements and exemptions.

The following provisions apply to a qualified political party:

(1) the qualified political party shall, no later than 5 p.m. on the first Monday of October of each odd-numbered year, certify to the lieutenant governor the identity of one or more registered political parties whose members may vote for the qualified political party's candidates and whether unaffiliated voters may vote for the qualified political party's candidates;

(2) the following provisions do not apply to a nomination for the qualified political party:

(a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a);

(b) Subsection 20A-9-403(5)(c); and

(c) Section 20A-9-405;

(3) an individual may only seek the nomination of the qualified political party by using

a method described in Section 20A-9-407, Section 20A-9-408, or both;

(4) the qualified political party shall comply with the provisions of Sections 20A-9-407, 20A-9-408, and 20A-9-409;

(5) notwithstanding Subsection 20A-6-301(1)(a), (1)(c), or (2)(a), [each] <u>a county</u> election officer shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated by a qualified political party:

(a) under the qualified political party's name, if any; or

(b) under the title of the qualified registered political party as designated by the qualified political party in the certification described in Subsection (1), or, if none is designated, then under some suitable title;

(6) notwithstanding Subsection 20A-6-302(1)(a), [each] <u>a county</u> election officer shall ensure, for ballots in regular general elections, that each candidate who is nominated by the qualified political party is listed by party;

(7) notwithstanding Subsection 20A-6-304(1)(e), [each] <u>a county</u> election officer shall ensure that the party designation of each candidate who is nominated by the qualified political party is displayed adjacent to the candidate's name on a mechanical ballot;

(8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also includes an individual who files a declaration of candidacy under Section 20A-9-407 or 20A-9-408 to run in a regular general election for a federal office, constitutional office, multicounty office, or county office;

(9) an individual who is nominated by, or seeking the nomination of, the qualified political party is not required to comply with Subsection 20A-9-201(1)(c);

(10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled to have each of the qualified political party's candidates for elective office appear on the primary ballot of the qualified political party with an indication that each candidate is a candidate for the qualified political party;

(11) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include on the list provided by the lieutenant governor to the county clerks:

(a) the names of all candidates of the qualified political party for federal, constitutional, multicounty, and county offices; and

(b) the names of unopposed candidates for elective office who have been nominated by

the qualified political party and instruct the county clerks to exclude such candidates from the primary-election ballot;

(12) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an elective office in the regular primary election of the qualified political party is nominated by the party for that office without appearing on the primary ballot; and

(13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section 20A-9-405, the qualified political party is entitled to have the names of its candidates for elective office featured with party affiliation on the ballot at a regular general election.

Section 107. Section 20A-9-408 is amended to read:

20A-9-408. Signature-gathering process to seek the nomination of a qualified political party -- Removal of signature.

(1) This section describes the requirements for a member of a qualified political party who is seeking the nomination of the qualified political party for an elective office through the signature-gathering process described in this section.

(2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy for a member of a qualified political party who is nominated by, or who is seeking the nomination of, the qualified political party under this section shall be substantially as described in Section 20A-9-408.5.

(3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for an elective office that is to be filled at the next general election shall:

(a) during the declaration of candidacy filing period described in Section 20A-9-201.5, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

(i) the name of the member who will attempt to become a candidate for a registered political party under this section;

(ii) the name of the registered political party for which the member is seeking nomination;

(iii) the office for which the member is seeking to become a candidate;

(iv) the address and telephone number of the member; and

(v) other information required by the lieutenant governor;

(b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer during the declaration of candidacy filing period described in Section 20A-9-201.5; and

(c) pay the filing fee.

(4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party who, under this section, is seeking the nomination of the qualified political party for the office of district attorney within a multicounty prosecution district that is to be filled at the next general election shall:

(a) during the declaration of candidacy filing period described in Section 20A-9-201.5, and before gathering signatures under this section, file with the filing officer on a form approved by the lieutenant governor a notice of intent to gather signatures for candidacy that includes:

(i) the name of the member who will attempt to become a candidate for a registered political party under this section;

(ii) the name of the registered political party for which the member is seeking nomination;

(iii) the office for which the member is seeking to become a candidate;

(iv) the address and telephone number of the member; and

(v) other information required by the lieutenant governor;

(b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in person, with the filing officer during the declaration of candidacy filing period described in Section 20A-9-201.5; and

(c) pay the filing fee.

(5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who files as the joint-ticket running mate of an individual who is nominated by a qualified political party, under this section, for the office of governor shall, during the declaration of candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and submit a letter from the candidate for governor that names the lieutenant governor candidate as a joint-ticket running mate.

(6) The lieutenant governor shall ensure that the certification described in Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party under this section.

(7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.

(8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:

(a) complying with the requirements described in this section; and

(b) collecting signatures, on a form approved by the lieutenant governor that complies with Subsection 20A-9-405(3), during the period beginning on the day on which the member files a notice of intent to gather signatures and ending at 5 p.m. 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:

(i) for a statewide race, 28,000 signatures of registered voters in the state who are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(ii) for a congressional district race, 7,000 signatures of registered voters who are residents of the congressional district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iv) for a state House district race, 1,000 signatures of registered voters who are residents of the state House district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(v) for a State Board of Education race, the lesser of:

(A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; or

(B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and

(vi) for a county office race, signatures of 3% of the registered voters who are residents of the area permitted to vote for the county office and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election.

(9) (a) This Subsection (9) applies only to the manual candidate qualification process.
 (b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, using the manual candidate qualification process, the member shall:

(i) collect the signatures on a form approved by the lieutenant governor, using the same circulation and verification requirements described in Sections 20A-7-105 and 20A-7-204; and

(ii) submit the signatures to the <u>county</u> election officer before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination.

(c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the <u>county</u> election officer shall, no later than the earlier of 14 days after the day on which the <u>county</u> election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

(i) check the name of each individual who completes the verification for a signature packet to determine whether each individual is a resident of Utah and is at least 18 years old;
 (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney;
 (iii) with the assistance of the county clerk as applicable, determine whether each signer is a registered voter who is qualified to sign the petition, using the same method, described in Section 20A-1-1002, used to verify a signature on a petition; and

(iv) certify whether each name is that of a registered voter who is qualified to sign the signature packet.

(d) (i) A registered voter who physically signs a form under Subsections (8) and (9)(b) may have the voter's signature removed from the form by, no later than three business days after the day on which the member submits the signature form to the <u>county</u> election officer, submitting to the <u>county</u> election officer a statement requesting that the voter's signature be removed.

(ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements described in Subsection 20A-1-1003(2).

(iii) [With the assistance of the county clerk as applicable, the] <u>The county</u> election officer shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature after receiving a timely, valid statement requesting removal of the signature.

(10) (a) This Subsection (10) applies only to the electronic candidate qualification process.

(b) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, the member shall, before 5 p.m. no later than 14 days before the day on which the qualified political party holds the party's convention to select candidates, for the elective office, for the qualified political party's nomination, collect signatures electronically:

(i) in accordance with Section 20A-21-201; and

(ii) using progressive screens, in a format approved by the lieutenant governor, that complies with Subsection 20A-9-405(4).

(c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the <u>county</u> election officer shall, no later than the earlier of 14 days after the day on which the <u>county</u> election officer receives the signatures, or one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

(i) check the name of each individual who completes the verification for a signature to determine whether each individual is a resident of Utah and is at least 18 years old; and

(ii) submit the name of each individual described in Subsection (10)(c)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney.

(11) (a) An individual may not gather signatures under this section until after the individual files a notice of intent to gather signatures for candidacy described in this section.

(b) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:

(i) required to comply with the reporting requirements that a candidate for office is

required to comply with; and

(ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection (11)(b)(i).

(c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or Subsections (8) and (10)(b), the <u>county</u> election officer shall, no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate, notify the qualified political party and the lieutenant governor of the name of each member of the qualified political party who qualifies as a nominee of the qualified political party, under this section, for the elective office to which the convention relates.

(d) Upon receipt of a notice of intent to gather signatures for candidacy described in this section, the lieutenant governor shall post the notice of intent to gather signatures for candidacy on the lieutenant governor's website in the same location that the lieutenant governor posts a declaration of candidacy.

Section 108. Section 20A-9-411 is amended to read:

20A-9-411. Signing multiple nomination petitions.

(1) An individual who signs a petition, described in Section 20A-9-403 or 20A-9-408, to nominate a candidate may not sign a petition to nominate another candidate for the same office.

(2) If an individual signs more than one petition in violation of Subsection (1), the <u>county</u> election officer may only count the signature on the first petition that the <u>county</u> election officer reviews for that office.

20A-9-601. Qualifying as a write-in candidate.

(1) (a) Except as provided in Subsection (1)(b), an individual who wishes to become a valid write-in candidate shall file a declaration of candidacy in person, or through a designated agent for a candidate for president or vice president of the United States, with the appropriate filing officer before 5 p.m. no later than 65 days before the <u>date of the</u> regular general election or $[\pi]$ the municipal general election in which the individual intends to be a write-in candidate.

(b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a declaration of candidacy for president of the United States.

(ii) Subject to Subsection (2)(d), an individual may designate an agent to file a declaration of candidacy with the appropriate filing officer if:

(A) the individual is located outside of the state during the entire filing period;

(B) the designated agent appears in person before the filing officer; and

(C) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other.

(2) (a) The form of the declaration of candidacy for a write-in candidate for all offices, except president or vice president of the United States, is substantially as follows:

"State of Utah, County of _____

I, _____, declare my intention of becoming a candidate for the office of ______ for the ______ district (if applicable). I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at

_______ in the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will not knowingly violate any law governing campaigns and elections; if filing via a designated agent, I will be out of the state of Utah during the entire candidate filing period; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and rejection of any votes cast for me. The mailing address that I designate for receiving official election notices is

Subscribed and sworn before me this _____(month\day\year).

Notary Public (or other officer qualified to administer oath)."

(b) The form of the declaration of candidacy for a write-in candidate for president of the United States is substantially as follows:

"State of Utah, County of _____

I, ______, declare my intention of becoming a candidate for the office of the president of the United States. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at ______ in the City or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate any law governing campaigns and elections. The mailing address that I designate for receiving official election notices is ______ as

my vice presidential candidate.

Subscribed and sworn before me this _____ (month\day\year).

Notary Public (or other officer qualified to administer oath.)"

(c) A declaration of candidacy for a write-in candidate for vice president of the United States shall be in substantially the same form as a declaration of candidacy described in Subsection 20A-9-202(7).

(d) An agent described in Subsection (1)(a) or (b) may not sign the form described in Subsection (2)(a) or (b).

(3) (a) The filing officer shall:

(i) read to the candidate the constitutional and statutory requirements for the office;

(ii) ask the candidate whether the candidate meets the requirements; and

(iii) if the declaration of candidacy is for a legislative office, inform the individual that Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit or trust, under authority of the United States or Utah, from being a member of the Legislature.

(b) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.

(4) (a) Except as provided in Subsection (4)(b), a write-in candidate is subject to Subsection 20A-9-201(8).

(b) A write-in candidate for president of the United States is subject to Subsection 20A-9-201(8)(d) or 20A-9-803(1)(d), as applicable.

(5) By November 1 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of all write-in candidates who filed their declaration of candidacy with the lieutenant governor.

Section $\frac{109}{17}$. Section $\frac{20A-11-206}{63G-2-103}$ is amended to read:

20A-11-206. State office candidate -- Failure to file reports -- Penalties.

(1) A state office candidate who fails to file a financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

(2) If a state office candidate fails to file an interim report described in Subsections 20A-11-204(2)(b) through (d), the lieutenant governor may send an electronic notice to the state office candidate and the political party of which the state office candidate is a member, if

any, that states:

(a) that the state office candidate failed to timely file the report; and

(b) that, if the state office candidate fails to file the report within 24 hours after the deadline for filing the report, the state office candidate will be disqualified and the political party will not be permitted to replace the candidate.

(3) (a) The lieutenant governor shall disqualify a state office candidate and inform the county clerk and other appropriate election officials that the state office candidate is disqualified if the state office candidate fails to file an interim report described in Subsections 20A-11-204(2)(b) through (d) within 24 hours after the deadline for filing the report.

(b) The political party of a state office candidate who is disqualified under Subsection (3)(a) may not replace the state office candidate.

(4) If a state office candidate is disqualified under Subsection (3)(a), the [election officer] lieutenant governor shall:

(a) notify every opposing candidate for the state office that the state office candidate is disqualified;

(b) send an email notification to each voter who is eligible to vote in the state office race for whom the lieutenant governor has an email address informing the voter that the state office candidate is disqualified and that votes cast for the state office candidate will not be counted;

(c) post notice of the disqualification on the lieutenant governor's website; and

(d) if practicable, <u>direct the county election officers to</u> remove the state office candidate's name from the ballot.

(5) An election officer may fulfill the requirement described in Subsection (4) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to the lieutenant governor's website to inform the voter whether a candidate on the ballot is disqualified.

(6) A state office candidate is not disqualified if:

(a) the state office candidate timely files the reports described in Subsections 20A-11-204(2)(b) through (d) no later than 24 hours after the applicable deadlines for filing the reports;

(b) the reports are completed, detailing accurately and completely the information

required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in an amended report or the next scheduled report.

(7) (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

(i) each state office candidate that is required to file a summary report has filed one; and

(ii) each summary report contains the information required by this part.

(b) If it appears that any state office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the state office candidate of the violation or written complaint and direct the state office candidate to file a summary report correcting the problem.

(c) (i) It is unlawful for a state office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor described in this Subsection (7).

(ii) Each state office candidate who violates Subsection (7)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the attorney general.

(iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a state office candidate who violates Subsection (7)(c)(i).

Section 110. Section 20A-11-305 is amended to read:

 20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.

 (1) A legislative office candidate who fails to file a financial statement before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

(2) If a legislative office candidate fails to file an interim report described in

Subsections 20A-11-303(2)(b) through (d), the lieutenant governor may send an electronic notice to the legislative office candidate and the political party of which the legislative office candidate is a member, if any, that states:

(a) that the legislative office candidate failed to timely file the report; and

(b) that, if the legislative office candidate fails to file the report within 24 hours after the deadline for filing the report, the legislative office candidate will be disqualified and the political party will not be permitted to replace the candidate.

(3) (a) The lieutenant governor shall disqualify a legislative office candidate and inform the county clerk and other appropriate election officials that the legislative office candidate is disqualified if the legislative office candidate fails to file an interim report described in Subsections 20A-11-303(2)(b) through (d) within 24 hours after the deadline for filing the report.

(b) The political party of a legislative office candidate who is disqualified under Subsection (3)(a) may not replace the legislative office candidate.

(4) If a legislative office candidate is disqualified under Subsection (3)(a), the <u>county</u> election officer shall:

(a) notify every opposing candidate for the legislative office that the legislative office candidate is disqualified;

(b) send an email notification to each voter who is eligible to vote in the legislative office race for whom the <u>county</u> election officer has an email address informing the voter that the legislative office candidate is disqualified and that votes cast for the legislative office candidate will not be counted;

(c) post notice of the disqualification on the <u>county</u> election officer's website; and

(d) if practicable, remove the legislative office candidate's name from the ballot.

(5) [An] <u>A county</u> election officer may fulfill the requirement described in Subsection (4) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to the election officer's website to inform the voter whether a candidate on the ballot is disqualified.

(6) A legislative office candidate is not disqualified if:

(a) the legislative office candidate files the reports described in Subsections
 20A-11-303(2)(b) through (d) no later than 24 hours after the applicable deadlines for filing the

reports;

(b) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

(c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in an amended report or the next scheduled report.

(7) (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

(i) each legislative office candidate that is required to file a summary report has filed one; and

(ii) each summary report contains the information required by this part.

(b) If it appears that any legislative office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the legislative office candidate of the violation or written complaint and direct the legislative office candidate to file a summary report correcting the problem.

(c) (i) It is unlawful for a legislative office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor described in this Subsection (7).

(ii) Each legislative office candidate who violates Subsection (7)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the attorney general.

(iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the lieutenant governor shall impose a civil fine of \$100 against a legislative office candidate who violates Subsection (7)(c)(i).

+ 63G-2-103. Definitions.

As used in this chapter:

(1) "Audit" means:

(a) a systematic examination of financial, management, program, and related records for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws and regulations; or

(b) a systematic examination of program procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.

(2) "Chronological logs" mean the regular and customary summary records of law enforcement agencies and other public safety agencies that show:

(a) the time and general nature of police, fire, and paramedic calls made to the agency; and

(b) any arrests or jail bookings made by the agency.

(3) "Classification," "classify," and their derivative forms mean determining whether a record series, record, or information within a record is public, private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

(4) (a) "Computer program" means:

(i) a series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system; and

(ii) any associated documentation and source material that explain how to operate the computer program.

(b) "Computer program" does not mean:

(i) the original data, including numbers, text, voice, graphics, and images;

(ii) analysis, compilation, and other manipulated forms of the original data produced by use of the program; or

(iii) the mathematical or statistical formulas, excluding the underlying mathematical algorithms contained in the program, that would be used if the manipulated forms of the original data were to be produced manually.

(5) (a) "Contractor" means:

(i) any person who contracts with a governmental entity to provide goods or services directly to a governmental entity; or

(ii) any private, nonprofit organization that receives funds from a governmental entity.

(b) "Contractor" does not mean a private provider.

(6) "Controlled record" means a record containing data on individuals that is controlled as provided by Section 63G-2-304.

(7) "Designation," "designate," and their derivative forms mean indicating, based on a governmental entity's familiarity with a record series or based on a governmental entity's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.

(8) "Elected official" means each person elected to a state office, county office, municipal office, school board or school district office, special district office, or special service district office, but does not include judges.

(9) "Explosive" means a chemical compound, device, or mixture:

(a) commonly used or intended for the purpose of producing an explosion; and

(b) that contains oxidizing or combustive units or other ingredients in proportions, quantities, or packing so that:

(i) an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases; and

(ii) the resultant gaseous pressures are capable of:

(A) producing destructive effects on contiguous objects; or

(B) causing death or serious bodily injury.

(10) "Government audit agency" means any governmental entity that conducts an audit.

(11) (a) "Governmental entity" means:

(i) executive department agencies of the state, the offices of the governor, lieutenant governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole, the Board of Examiners, the National Guard, the Career Service Review Office, the State Board of Education, the Utah Board of Higher Education, and the State Archives;

 (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative committees, except any political party, group, caucus, or rules or sifting committee of the Legislature;

(iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar

administrative units in the judicial branch;

(iv) any state-funded institution of higher education or public education; or

(v) any political subdivision of the state, but, if a political subdivision has adopted an ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or as specified in any other section of this chapter that specifically refers to political subdivisions.

(b) "Governmental entity" also means:

(i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed in Subsection (11)(a) that is funded or established by the government to carry out the public's business;

(ii) as defined in Section 11-13-103, an interlocal entity or joint or cooperative undertaking;

(iii) as defined in Section 11-13a-102, a governmental nonprofit corporation;

(iv) an association as defined in Section 53G-7-1101;

(v) the Utah Independent Redistricting Commission; and

(vi) a law enforcement agency, as defined in Section 53-1-102, that employs one or more law enforcement officers, as defined in Section 53-13-103.

(c) "Governmental entity" does not include the Utah Educational Savings Plan created in Section 53B-8a-103.

(12) "Gross compensation" means every form of remuneration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

(13) "Individual" means a human being.

(14) (a) "Initial contact report" means an initial written or recorded report, however titled, prepared by peace officers engaged in public patrol or response duties describing official actions initially taken in response to either a public complaint about or the discovery of an apparent violation of law, which report may describe:

(i) the date, time, location, and nature of the complaint, the incident, or offense;

(ii) names of victims;

(iii) the nature or general scope of the agency's initial actions taken in response to the

incident;

(iv) the general nature of any injuries or estimate of damages sustained in the incident;

(v) the name, address, and other identifying information about any person arrested or charged in connection with the incident; or

(vi) the identity of the public safety personnel, except undercover personnel, or prosecuting attorney involved in responding to the initial incident.

(b) Initial contact reports do not include follow-up or investigative reports prepared after the initial contact report. However, if the information specified in Subsection (14)(a) appears in follow-up or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under Subsection 63G-2-201(3)(b).

(c) Initial contact reports do not include accident reports, as that term is described in Title 41, Chapter 6a, Part 4, Accident Responsibilities.

(15) "Legislative body" means the Legislature.

(16) "Notice of compliance" means a statement confirming that a governmental entity has complied with an order of the State Records Committee.

(17) "Person" means:

(a) an individual;

(b) a nonprofit or profit corporation;

(c) a partnership;

(d) a sole proprietorship;

(e) other type of business organization; or

(f) any combination acting in concert with one another.

(18) "Personal identifying information" means the same as that term is defined in Section 63A-12-100.5.

(19) "Privacy annotation" means the same as that term is defined in Section63A-12-100.5.

(20) "Private provider" means any person who contracts with a governmental entity to provide services directly to the public.

(21) "Private record" means a record containing data on individuals that is private as provided by Section 63G-2-302.

(22) "Protected record" means a record that is classified protected as provided by

Section 63G-2-305.

(23) "Public record" means a record that is not private, controlled, or protected and that is not exempt from disclosure as provided in Subsection 63G-2-201(3)(b).

(24) "Reasonable search" means a search that is:

(a) reasonable in scope and intensity; and

(b) not unreasonably burdensome for the government entity.

(25) (a) "Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics:

(i) that is prepared, owned, received, or retained by a governmental entity or political subdivision; and

(ii) where all of the information in the original is reproducible by photocopy or other mechanical or electronic means.

(b) "Record" does not [mean] include:

(i) a personal note or personal communication prepared or received by an employee or officer of a governmental entity:

(A) in a capacity other than the employee's or officer's governmental capacity; or

(B) that is unrelated to the conduct of the public's business;

(ii) a temporary draft or similar material prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working;

(iii) material that is legally owned by an individual in the individual's private capacity;

(iv) material to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by a governmental entity or political subdivision;

(v) proprietary software;

(vi) junk mail or a commercial publication received by a governmental entity or an official or employee of a governmental entity;

(vii) a book that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public;

(viii) material that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public, regardless of physical form or characteristics of the material;

(ix) a daily calendar or other personal note prepared by the originator for the originator's personal use or for the personal use of an individual for whom the originator is working;

(x) a computer program that is developed or purchased by or for any governmental entity for its own use;

(xi) a note or internal memorandum prepared as part of the deliberative process by:

(A) a member of the judiciary;

(B) an administrative law judge;

(C) a member of the Board of Pardons and Parole; or

(D) a member of any other body, other than an association or appeals panel as defined in Section 53G-7-1101, charged by law with performing a quasi-judicial function;

(xii) a telephone number or similar code used to access a mobile communication device that is used by an employee or officer of a governmental entity, provided that the employee or officer of the governmental entity has designated at least one business telephone number that is a public record as provided in Section 63G-2-301;

(xiii) information provided by the Public Employees' Benefit and Insurance Program, created in Section 49-20-103, to a county to enable the county to calculate the amount to be paid to a health care provider under Subsection 17-50-319(2)(e)(ii);

(xiv) information that an owner of unimproved property provides to a local entity as provided in Section 11-42-205;

(xv) a video or audio recording of an interview, or a transcript of the video or audio recording, that is conducted at a Children's Justice Center established under Section 67-5b-102;

(xvi) child sexual abuse material, as defined by Section 76-5b-103;

(xvii) before final disposition of an ethics complaint occurs, a video or audio recording of the closed portion of a meeting or hearing of:

(A) a Senate or House Ethics Committee;

(B) the Independent Legislative Ethics Commission;

(C) the Independent Executive Branch Ethics Commission, created in Section 63A-14-202; or

(D) the Political Subdivisions Ethics Review Commission established in Section 63A-15-201; [or]

(xviii) confidential communication described in Section 58-60-102, 58-61-102, or 58-61-702[-]; or

(xix) the email address that a candidate for elective office provides to a filing officer under Subsection 20A-9-201(5)(c)(ii) or 20A-9-203(4)(c)(iv).

(26) "Record series" means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

(27) "Records officer" means the individual appointed by the chief administrative officer of each governmental entity, or the political subdivision to work with state archives in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.

(28) "Schedule," "scheduling," and their derivative forms mean the process of specifying the length of time each record series should be retained by a governmental entity for administrative, legal, fiscal, or historical purposes and when each record series should be transferred to the state archives or destroyed.

(29) "Sponsored research" means research, training, and other sponsored activities as defined by the federal Executive Office of the President, Office of Management and Budget:

(a) conducted:

(i) by an institution within the state system of higher education defined in Section53B-1-102; and

(ii) through an office responsible for sponsored projects or programs; and

(b) funded or otherwise supported by an external:

(i) person that is not created or controlled by the institution within the state system of higher education; or

(ii) federal, state, or local governmental entity.

(30) "State archives" means the Division of Archives and Records Service created in Section 63A-12-101.

(31) "State archivist" means the director of the state archives.

(32) "State Records Committee" means the State Records Committee created in Section 63G-2-501.

(33) "Summary data" means statistical records and compilations that contain data derived from private, controlled, or protected information but that do not disclose private,

controlled, or protected information.

Section 18. Section 63G-2-303 is amended to read:

63G-2-303. Private information concerning certain government employees.

(1) As used in this section:

(a) "At-risk government employee" means a current or former:

(i) peace officer as specified in Section 53-13-102;

(ii) state or federal judge of an appellate, district, justice, or juvenile court, or court commissioner;

(iii) judge authorized by Title 39A, Chapter 5, Utah Code of Military Justice;

(iv) judge authorized by Armed Forces, Title 10, United States Code;

(v) federal prosecutor;

(vi) prosecutor appointed pursuant to Armed Forces, Title 10, United States Code;

(vii) law enforcement official as defined in Section 53-5-711;

(viii) prosecutor authorized by Title 39A, Chapter 5, Utah Code of Military Justice; or

(ix) state or local government employee who, because of the unique nature of the employee's regular work assignments or because of one or more recent credible threats directed to or against the employee, would be at immediate and substantial risk of physical harm if the employee's personal information is disclosed.

(b) "Family member" means the spouse, child, sibling, parent, or grandparent of an at-risk government employee who is living with the employee.

(c) "Personal information" means the employee's or the employee's family member's home address, home telephone number, personal mobile telephone number, personal pager number, personal email address, social security number, insurance coverage, marital status, or payroll deductions.

(2) (a) Pursuant to Subsection 63G-2-302(1)(h), an at-risk government employee may file a written application that:

(i) gives notice of the employee's status as an at-risk government employee to each agency of a government entity holding a record or a part of a record that would disclose the employee's personal information; and

(ii) requests that the government agency classify those records or parts of records as private.

(b) An at-risk government employee desiring to file an application under this section may request assistance from the government agency to identify the individual records containing personal information.

(c) Each government agency shall develop a form that:

(i) requires the at-risk government employee to designate each specific record or part of a record containing the employee's personal information that the applicant desires to be classified as private;

(ii) affirmatively requests that the government entity holding those records classify them as private;

(iii) informs the employee that by submitting a completed form the employee may not receive official announcements affecting the employee's property, including notices about proposed municipal annexations, incorporations, or zoning modifications; and

(iv) contains a place for the signature required under Subsection (2)(d).

(d) A form submitted by an employee under Subsection (2)(c) shall be signed by the highest ranking elected or appointed official in the employee's chain of command certifying that the employee submitting the form is an at-risk government employee.

(3) A county recorder, county treasurer, county auditor, or a county tax assessor may fully satisfy the requirements of this section by:

(a) providing a method for the assessment roll and index and the tax roll and index that will block public access to the home address, home telephone number, situs address, and Social Security number; and

(b) providing the at-risk government employee requesting the classification with a disclaimer informing the employee that the employee may not receive official announcements affecting the employee's property, including notices about proposed annexations, incorporations, or zoning modifications.

(4) A government agency holding records of an at-risk government employee classified as private under this section may release the record or part of the record if:

(a) the employee or former employee gives written consent;

(b) a court orders release of the records; [or]

(c) the government agency receives a certified death certificate for the employee or former employee [--{

<u>}]; or</u>

(d) as it relates to the employee's voter registration record:

(i) the person to whom the record or part of the record is released is a qualified person under Subsection 20A-2-104(4)(n); and

(ii) the government agency's release of the record or part of the record complies with the requirements of Subsection 20A-2-104(4)(o).

(5) (a) If the government agency holding the private record receives a subpoena for the records, the government agency shall attempt to notify the at-risk government employee or former employee by mailing a copy of the subpoena to the employee's last-known mailing address together with a request that the employee either:

(i) authorize release of the record; or

(ii) within 10 days of the date that the copy and request are mailed, deliver to the government agency holding the private record a copy of a motion to quash filed with the court who issued the subpoena.

(b) The government agency shall comply with the subpoena if the government agency has:

(i) received permission from the at-risk government employee or former employee to comply with the subpoena;

(ii) not received a copy of a motion to quash within 10 days of the date that the copy of the subpoena was mailed; or

(iii) received a court order requiring release of the records.

(6) (a) Except as provided in Subsection (6)(b), a form submitted under this section remains in effect until the earlier of:

(i) four years after the date the employee signs the form, whether or not the employee's employment terminates before the end of the four-year period; and

(ii) one year after the government agency receives official notice of the death of the employee.

(b) A form submitted under this section may be rescinded at any time by:

(i) the at-risk government employee who submitted the form; or

(ii) if the at-risk government employee is deceased, a member of the employee's immediate family.

Section {111. Section 20A-12-201 (Effective 07/01/24) is amended to read:

- 20A-12-201 (Effective 07/01/24). Judicial appointees -- Retention elections.

(1) (a) Each judicial appointee to a court is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.
 (b) After the first retention election:

(i) each Supreme Court justice shall be on the regular general election ballot for an unopposed retention election every tenth year; and

(ii) each judge of other courts shall be on the regular general election ballot for an unopposed retention election every sixth year.

(2) (a) Each justice or judge of a court of record who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

(i) file a declaration of candidacy with the lieutenant governor, or with the county clerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and

(ii) pay a filing fee of \$50.

(b) (i) Each justice court judge who wishes to retain office shall, in the year the justice court judge is subject to a retention election:

(A) file a declaration of candidacy with the lieutenant governor, or with the county elerk in the candidate's county of residence, within the period beginning on July 1 and ending at 5 p.m. on July 15 in the year of a regular general election; and

(B) pay a filing fee of \$25 for each judicial office.

(ii) If a justice court judge is appointed or elected to more than one judicial office, the declaration of candidacy shall identify all of the courts included in the same general election.

(iii) If a justice court judge is appointed or elected to more than one judicial office, filing a declaration of candidacy in one county in which one of those courts is located is valid for the courts in any other county.

(3) (a) The lieutenant governor shall, no later than August 31 of each regular general election year:

(i) transmit a certified list containing the names of the justices of the Supreme Court, judges of the Court of Appeals, and judges of the Business and Chancery Court declaring their candidacy to the county clerk of each county; and

(ii) transmit a certified list containing the names of judges of other courts declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.

(b) Each county clerk shall place the names of justices and judges standing for retention election in the nonpartisan section of the ballot.

(4) (a) At the general election, the ballots shall contain:

(i) at the beginning of the judicial retention section of the ballot, the following statement:

"Visit judges.utah.gov to learn about the Judicial Performance Evaluation Commission's recommendations for each judge"; and

(ii) as to each justice or judge of any court to be voted on in the county, the following question:

"Shall ______(name of justice or judge) be retained in the office of ______? (name of office, such as "Justice of the Supreme Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the Business and Chancery Court of Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District"; "Justice Court Judge of (name of county) County or (name of municipality)")

<u>Yes ()</u>

<u>No ()."</u>

(b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102, the ballot question for the judge shall include the name of that court.

(5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge is retained for the term of office provided by law.

(b) If the justice or judge does not receive more yes votes than no votes, the justice or judge is not retained, and a vacancy exists in the office on the first Monday in January after the regular general election.

(6) A justice or judge not retained is ineligible for appointment to the office for which the justice or judge was defeated until after the expiration of that term of office.

(7) (a) If a justice court judge is standing for retention for one or more judicial offices in a county in which the judge is a county justice court judge or a municipal justice court judge

in a town or municipality of the fourth or fifth class, as described in Section 10-2-301, or any combination thereof, the <u>county</u> election officer shall place the judge's name on the county ballot only once for all judicial offices for which the judge seeks to be retained.

(b) If a justice court judge is standing for retention for one or more judicial offices in a municipality of the first, second, or third class, as described in Section 10-2-301, the <u>county</u> election officer shall place the judge's name only on the municipal ballot for the voters of the municipality that the judge serves.

Section 112. Section 20A-16-404 is amended to read:

20A-16-404. Timely casting of ballot.

Except as provided by Section 20A-1-308, to be valid, a military-overseas ballot shall be:

(1) received by the appropriate <u>county</u> election officer not later than the close of the polls; or

(2) submitted for mailing, electronic transmission, or other authorized means of delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the date of the election.

Section 113. Section 20A-16-501 is amended to read:

20A-16-501. Use of voter's email address.

(1) [An] <u>A county election officer shall request an email address from each covered</u> voter who registers to vote.

(2) An email address provided by a covered voter:

(a) is a private record under Section 63G-2-302; and

(b) may be used only for official communication with the covered voter about the voting process, including transmitting military-overseas ballots and election materials if the voter has requested electronic transmission, verifying the voter's mailing address and physical location, and informing the voter of the status of the voter's ballot in accordance with Section 20A-3a-401.5.

(3) The request for an email address shall:

(a) describe the purposes for which the email address may be used;

(b) include a statement that any other use or disclosure of the email address is prohibited; and

(c) describe how a voter may sign up to receive ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.

(4) (a) A covered voter who provides an email address may request that the covered voter's application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application or another shorter period the covered voter specifies.

(b) An election official shall provide a military-overseas ballot to a covered voter who makes a standing request for each election to which the request is applicable.

(c) A covered voter who is entitled to receive a military-overseas ballot for a primary election under this Subsection (4) is entitled to receive a military-overseas ballot for the general election.

Section 114. Section 20A-16-502 is amended to read:

20A-16-502. Publication of election notice.

(1) At least 100 days before the day of an election, other than a statewide special election or local special election, and as soon as practicable before a statewide special election or local special election, the <u>county</u> election officer shall prepare an election notice for the [election officer's] <u>applicable</u> jurisdiction, to be used in conjunction with a federal write-in absentee ballot.

(2) The election notice must contain:

(a) a list of all of the ballot propositions and federal, state, and local offices that as of that date the <u>county</u> election officer expects to be on the ballot on the date of the election; and
 (b) specific instructions for how a covered voter is to indicate on the federal write-in absentee ballot the covered voter's choice for each office to be filled and for each ballot proposition to be contested.

(3) (a) A covered voter may request a copy of an election notice.

(b) The <u>county</u> election officer shall send the notice to the covered voter by facsimile, email, or regular mail, as the covered voter requests.

(4) As soon as the ballot is certified, and not later than the date ballots are required to be transmitted to voters under Chapter 3a, Voting, the <u>county</u> election officer charged with preparing the election notice under Subsection (1) shall update the notice with the certified

candidates for each office and ballot propositions and make the updated notice publicly available.

(5) A political subdivision that maintains a website shall make the election notice prepared under this section and updated versions of the election notice regularly available on the website.

Section 115. Section 20A-21-201 is amended to read:

20A-21-201. Electronic signature gathering for an initiative, a referendum, or candidate qualification.

(1) (a) After filing a petition for a statewide initiative or a statewide referendum, and before gathering signatures, the sponsors shall, after consulting with the Office of the Lieutenant Governor, sign a form provided by the Office of the Lieutenant Governor indicating whether the sponsors will gather signatures manually or electronically.

(b) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures electronically:

(i) in relation to a statewide initiative, signatures for that initiative:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-204; and

(ii) in relation to a statewide referendum, signatures for that referendum:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-313, 20A-7-314, and 20A-7-315; and

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-304.

(c) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures manually:

(i) in relation to a statewide initiative, signatures for that initiative:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-204; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

(ii) in relation to a statewide referendum, signatures for that referendum:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-304; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-313, 20A-7-314, and 20A-7-315.

(2) (a) After filing a petition for a local initiative or a local referendum, and before gathering signatures, the sponsors shall, after consulting with the local clerk's office, sign a form provided by the local clerk's office indicating whether the sponsors will gather signatures manually or electronically.

(b) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather signatures electronically:

(i) in relation to a local initiative, signatures for that initiative:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-504; and

(ii) in relation to a local referendum, signatures for that referendum:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-614, 20A-7-615, and 20A-7-616; and

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-604.

(c) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather signatures manually:

(i) in relation to a local initiative, signatures for that initiative:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-504; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and

(ii) in relation to a local referendum, signatures for that referendum:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-604; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-614, 20A-7-615, and 20A-7-616.

(3) (a) After a candidate files a notice of intent to gather signatures to qualify for a ballot, and before gathering signatures, the candidate shall, after consulting with the <u>county</u> election officer, sign a form provided by the <u>county</u> election officer indicating whether the candidate will gather signatures manually or electronically.

(b) If a candidate indicates, under Subsection (3)(a), that the candidate will gather signatures electronically, signatures for the candidate:

(i) may only be gathered and submitted using the electronic candidate qualification process; and

(ii) may not be gathered or submitted using the manual candidate qualification process.

(c) If a candidate indicates, under Subsection (3)(a), that the candidate will gather signatures manually, signatures for the candidate:

(i) may only be gathered and submitted using the manual candidate qualification process; and

(ii) may not be gathered or submitted using the electronic candidate qualification process.

(4) To gather a signature electronically, a signature-gatherer shall:

(a) use a device provided by the signature-gatherer or a sponsor of the petition that:

(i) is approved by the lieutenant governor;

(ii) except as provided in Subsection (4)(a)(iii), does not store a signature or any other information relating to an individual signing the petition in any location other than the location used by the website to store the information;

(iii) does not, on the device, store a signature or any other information relating to an individual signing the petition except for the minimum time necessary to upload information to the website;

(iv) does not contain any applications, software, or data other than those approved by the lieutenant governor; and

(v) complies with cyber-security and other security protocols required by the lieutenant governor;

(b) use the approved device to securely access a website designated by the lieutenant

governor, directly, or via an application designated by the lieutenant governor; and

(c) while connected to the website, present the approved device to an individual considering signing the petition and, while the signature-gatherer is in the physical presence of the individual:

(i) wait for the individual to reach each screen presented to the individual on the approved device; and

(ii) wait for the individual to advance to each subsequent screen by clicking on the acknowledgement at the bottom of the screen.

(5) Each screen shown on an approved device as part of the signature-gathering process shall appear as a continuous electronic document that, if the entire document does not appear on the screen at once, requires the individual viewing the screen to, before advancing to the next screen, scroll through the document until the individual reaches the end of the document.

(6) After advancing through each screen required for the petition, the signature process shall proceed as follows:

(a) except as provided in Subsection (6)(b):

(i) the individual desiring to sign the petition shall present the individual's driver license or state identification card to the signature-gatherer;

(ii) the signature-gatherer shall verify that the individual pictured on the driver license or state identification card is the individual signing the petition;

(iii) the signature-gatherer shall scan or enter the driver license number or state identification card number through the approved device; and

(iv) immediately after the signature-gatherer complies with Subsection (6)(a)(iii), the website shall determine whether the individual desiring to sign the petition is eligible to sign the petition;

(b) if the individual desiring to sign the petition is unable to provide a driver license or state identification card to the signature gatherer:

(i) the individual may present other valid voter identification;

(ii) if the valid voter identification contains a picture of the individual, the signature-gatherer shall verify that the individual pictured is the individual signing the petition;

(iii) if the valid voter identification does not contain a picture of the individual, the signature-gatherer shall, to the extent reasonably practicable, use the individual's address or

other available means to determine whether the identification relates to the individual presenting the identification;

(iv) the signature-gatherer shall scan an image of the valid voter identification and immediately upload the image to the website; and

(v) the individual:

(A) shall enter the individual's address; and

(B) may, at the discretion of the individual, enter the individual's date of birth or age after the individual clicks on the screen acknowledging that they have read and understand the following statement, "Birth date or age information is not required, but may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before your signature is verified or if the information you provide does not match your voter registration records."; and

(c) after completing the process described in Subsection (6)(a) or (b), the screen shall:
 (i) except for a petition to qualify a candidate for the ballot, give the individual signing the petition the opportunity to enter the individual's email address after the individual reads the following statement, "If you provide your email address, you may receive an email with additional information relating to the petition you are signing."; and

(ii) (A) if the website determines, under Subsection (6)(a)(iv), that the individual is eligible to sign the petition, permit the individual to enter the individual's name as the individual's electronic signature and, immediately after the signature-gather timely complies with Subsection (10), certify the signature; or

(B) if the individual provides valid voter identification under Subsection (6)(b), permit the individual to enter the individual's name as the individual's electronic signature.

(7) If an individual provides valid voter identification under Subsection (6)(b), the county clerk shall, within seven days after the day on which the individual submits the valid voter identification, certify the signature if:

(a) the individual is eligible to sign the petition;

(b) the identification provided matches the information on file; and

(c) the signature-gatherer timely complies with Subsection (10).

(8) For each signature submitted under this section, the website shall record:

(a) the information identifying the individual who signs;

(b) the date the signature was collected; and

(c) the name of the signature-gatherer.

(9) An individual who is a signature-gatherer may not sign a petition unless another individual acts as the signature-gatherer when the individual signs the petition.

(10) Except for a petition for a candidate to seek the nomination of a registered political party, each individual who gathers a signature under this section shall, within one business day after the day on which the individual gathers a signature, electronically sign and submit the following statement to the website:

State of Utah, County of ____

I, _____, of _____, hereby state, under penalty of perjury, that: I am a resident of Utah and am at least 18 years old;

All the signatures that I collected on [Date signatures were gathered] were signed by individuals who professed to be the individuals whose signatures I gathered, and each of the individuals signed the petition in my presence;

I did not knowingly make a misrepresentation of fact concerning the law or proposed law to which the petition relates;

I believe that each individual has signed the individual's name and written the individual's residence correctly, that each signer has read and understands the law to which the petition relates, and that each signer is registered to vote in Utah;

Each signature correctly reflects the date on which the individual signed the petition; and

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it."

(11) Except for a petition for a candidate to seek the nomination of a registered political party:

(a) the county clerk may not certify a signature that is not timely verified in accordance with Subsection (10); and

(b) if a signature certified by a county clerk under Subsection (6)(c)(ii)(A) is not timely verified in accordance with Subsection (10), the county clerk shall:

(i) revoke the certification;

(ii) remove the signature from the posting described in Subsection 20A-7-217(4), 20A-7-315(3), 20A-7-516(4), or 20A-7-616(3); and

(iii) update the totals described in Subsections 20A-7-217(5)(a)(ii),

20A-7-315(5)(a)(ii), 20A-7-516(5)(a)(ii), and 20A-7-616(5)(a)(ii).

(12) For a petition for a candidate to seek the nomination of a registered political party, each individual who gathers a signature under this section shall, within one business day after the day on which the individual gathers a signature, electronically sign and submit the following statement to the lieutenant governor in the manner specified by the lieutenant governor:

"VERIFICATION OF SIGNATURE-GATHERER

State of Utah, County of _____

I, _____, of ____, hereby state that:

I am a resident of Utah and am at least 18 years old;

All the signatures that I collected on [Date signatures were gathered] were signed by individuals who professed to be the individuals whose signatures I gathered, and each of the individuals signed the petition in my presence;

I believe that each individual has signed the individual's name and written the individual's residence correctly and that each signer is registered to vote in Utah; and

Each signature correctly reflects the date on which the individual signed the petition." (13) For a petition for a candidate to seek the nomination of a registered political party, the <u>county</u> election officer may not certify a signature that is not timely verified in accordance with Subsection (12).

Section 116. Repealer.

This bill repeals:

<u>Section 117}19</u>. Effective date.

This bill takes effect on {January}May 1, {2025}2024.