

Paul A. Cutler proposes the following substitute bill:

Modifications to Election Law

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Paul A. Cutler

LONG TITLE

General Description:

This bill modifies provisions relating to elections.

Highlighted Provisions:

This bill:

- defines terms;
- requires a county clerk to coordinate with local post offices to ensure the optimal handling of ballots;
- provides that a poll watcher may observe the signature-verification process for a petition to qualify a candidate for a primary election ballot (candidate petition) or for a written request to remove a signature from a candidate petition;
- makes it unlawful for a poll watcher to reveal certain information observed during the process described in the preceding paragraph;
- requires an election officer to conduct an audit of signature comparisons made for a candidate petition;
- requires an election officer who engages in the signature-verification process for a candidate petition to certify a certain percentage of signatures submitted beyond the required signature-gathering threshold;
- addresses viewing by a candidate or a candidate's campaign representative of a complete, unredacted signature packet, or a request to remove a signature from a signature packet, relating to a candidate petition for the candidate's election race;
- provides the ability for a voter to track a candidate petition recently signed by the voter and certain information relating to verification of the signature;
- in relation to a signature packet for a candidate petition, establishes requirements for:
 - submitting the packet;
 - maintaining a chain of custody for a packet; and

- 29 • storing a packet;
- 30 ▸ grants rulemaking authority to the director of elections within the Office of the Lieutenant
- 31 Governor;
- 32 ▸ amends provisions relating to deadlines and the calculation of time in the Election Code;
- 33 ▸ clarifies and modifies deadlines in the Election Code;
- 34 ▸ includes coordination clauses:
- 35 • adding Election Day as a legal holiday, to the repeal and reenactment of Section
- 36 63G-1-301 in this bill, if this bill and H.B. 351, Election Day Amendments, both pass
- 37 and become law;
- 38 • adding Easter Sunday as a legal holiday, to the repeal and reenactment of Section
- 39 63G-1-301 in this bill, if this bill and S.B. 259, State Holy Days, both pass and
- 40 become law; and
- 41 • in the coordination clause described above, adding other changes made to Section
- 42 63G-1-301 in S.B. 259 to the repeal and reenactment of that section in this bill; and
- 43 ▸ makes technical and conforming changes.

44 **Money Appropriated in this Bill:**

45 None

46 **Other Special Clauses:**

47 This bill provides coordination clauses.

48 **Utah Code Sections Affected:**

49 AMENDS:

50 **10-3-301**, as last amended by Laws of Utah 2023, Chapter 435

51 **20A-1-102**, as last amended by Laws of Utah 2024, Chapter 438

52 **20A-1-206**, as last amended by Laws of Utah 2023, Chapters 15, 435

53 **20A-1-304**, as last amended by Laws of Utah 2024, Chapter 503

54 **20A-1-502**, as last amended by Laws of Utah 2020, Chapter 13

55 **20A-1-502.5**, as enacted by Laws of Utah 2020, Chapter 13

56 **20A-1-503**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

57 **20A-1-506**, as last amended by Laws of Utah 2018, Chapter 25

58 **20A-1-508**, as last amended by Laws of Utah 2022, Chapters 13, 166 and 177

59 **20A-1-509.1**, as last amended by Laws of Utah 2022, Chapter 13

60 **20A-1-509.2**, as last amended by Laws of Utah 2019, Chapter 255

61 **20A-1-510**, as last amended by Laws of Utah 2024, Chapters 438, 450

62 **20A-1-510.1**, as enacted by Laws of Utah 2018, Chapter 365

63 **20A-1-511**, as last amended by Laws of Utah 2020, Chapter 271
64 **20A-1-512**, as last amended by Laws of Utah 2024, Chapter 388
65 **20A-1-513**, as last amended by Laws of Utah 2024, Chapter 448
66 **20A-1-802**, as enacted by Laws of Utah 2014, Chapter 254
67 **20A-1-803**, as enacted by Laws of Utah 2014, Chapter 254
68 **20A-2-101**, as last amended by Laws of Utah 2023, Chapter 15
69 **20A-2-101.1**, as last amended by Laws of Utah 2018, Chapter 223
70 **20A-2-104**, as last amended by Laws of Utah 2023, Chapters 327, 406
71 **20A-2-105**, as last amended by Laws of Utah 2023, Chapter 215
72 **20A-2-107**, as last amended by Laws of Utah 2023, Chapters 45, 89 and last amended by
73 Coordination Clause, Laws of Utah 2023, Chapter 89
74 **20A-2-204**, as last amended by Laws of Utah 2023, Chapter 237
75 **20A-2-205**, as last amended by Laws of Utah 2020, Chapter 31 and last amended by
76 Coordination Clause, Laws of Utah 2020, Chapter 95
77 **20A-2-304**, as last amended by Laws of Utah 2022, Chapter 156
78 **20A-2-502**, as renumbered and amended by Laws of Utah 2023, Chapter 297
79 **20A-2-503**, as renumbered and amended by Laws of Utah 2023, Chapter 297
80 **20A-2-504**, as renumbered and amended by Laws of Utah 2023, Chapter 297
81 **20A-2-505**, as last amended by Laws of Utah 2023, Chapters 327, 406 and renumbered
82 and amended by Laws of Utah 2023, Chapter 297
83 **20A-3a-106**, as enacted by Laws of Utah 2023, Chapter 297
84 **20A-3a-202**, as last amended by Laws of Utah 2023, Chapters 56, 106 and 297
85 **20A-3a-203**, as renumbered and amended by Laws of Utah 2020, Chapter 31
86 **20A-3a-401**, as last amended by Laws of Utah 2024, Chapter 477
87 **20A-3a-502**, as enacted by Laws of Utah 2020, Chapter 31
88 **20A-3a-601**, as last amended by Laws of Utah 2020, Chapter 95 and renumbered and
89 amended by Laws of Utah 2020, Chapter 31
90 **20A-3a-604**, as last amended by Laws of Utah 2023, Chapters 45, 435
91 **20A-3a-703**, as renumbered and amended by Laws of Utah 2020, Chapter 31
92 **20A-3a-801**, as last amended by Laws of Utah 2022, Chapters 18, 380
93 **20A-3a-803**, as renumbered and amended by Laws of Utah 2020, Chapter 31
94 **20A-3a-804**, as renumbered and amended by Laws of Utah 2020, Chapter 31
95 **20A-3a-807**, as enacted by Laws of Utah 2022, Chapter 380
96 **20A-4-104**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435

- 97 **20A-4-301**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
98 **20A-4-302**, as enacted by Laws of Utah 1993, Chapter 1
99 **20A-4-304**, as last amended by Laws of Utah 2024, Chapter 503
100 **20A-4-305**, as last amended by Laws of Utah 2023, Chapter 15
101 **20A-4-306**, as last amended by Laws of Utah 2024, Chapter 503
102 **20A-4-401**, as last amended by Laws of Utah 2024, Chapter 503
103 **20A-4-603**, as last amended by Laws of Utah 2022, Chapter 342
104 **20A-5-101**, as last amended by Laws of Utah 2023, Chapters 45, 56, 106, 297, and 435
105 **20A-5-303**, as last amended by Laws of Utah 2021, Chapters 162, 345
106 **20A-5-400.1**, as last amended by Laws of Utah 2021, Chapter 101
107 **20A-5-403.5**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435
108 **20A-5-405**, as last amended by Laws of Utah 2023, Chapters 45, 435
109 **20A-5-410**, as last amended by Laws of Utah 2022, Chapter 248
110 **20A-5-602**, as last amended by Laws of Utah 2023, Chapter 15
111 **20A-6-105**, as last amended by Laws of Utah 2023, Chapter 406
112 **20A-6-106**, as last amended by Laws of Utah 2019, Chapter 255
113 **20A-6-302**, as last amended by Laws of Utah 2020, Chapter 31
114 **20A-6-305**, as last amended by Laws of Utah 2020, Chapter 49
115 **20A-7-103**, as last amended by Laws of Utah 2024, Chapter 465
116 **20A-7-105**, as last amended by Laws of Utah 2024, Chapters 442, 465
117 **20A-7-201**, as last amended by Laws of Utah 2023, Chapter 107
118 **20A-7-202.5**, as last amended by Laws of Utah 2024, Chapter 442
119 **20A-7-204**, as last amended by Laws of Utah 2024, Chapter 442
120 **20A-7-204.1**, as last amended by Laws of Utah 2023, Chapters 107, 435 and last
121 amended by Coordination Clause, Laws of Utah 2023, Chapter 107
122 **20A-7-207**, as last amended by Laws of Utah 2023, Chapters 107, 116
123 **20A-7-211**, as last amended by Laws of Utah 2023, Chapter 107
124 **20A-7-212**, as last amended by Laws of Utah 2019, Chapter 206
125 **20A-7-214**, as last amended by Laws of Utah 2023, Chapter 107
126 **20A-7-216**, as last amended by Laws of Utah 2024, Chapter 442
127 **20A-7-217**, as last amended by Laws of Utah 2023, Chapter 107
128 **20A-7-302**, as last amended by Laws of Utah 2023, Chapter 107
129 **20A-7-304**, as last amended by Laws of Utah 2023, Chapter 107
130 **20A-7-307**, as last amended by Laws of Utah 2023, Chapters 107, 116 and last amended

131 by Coordination Clause, Laws of Utah 2023, Chapter 116
132 **20A-7-308**, as last amended by Laws of Utah 2024, Chapter 442
133 **20A-7-310**, as last amended by Laws of Utah 2023, Chapter 107
134 **20A-7-311**, as last amended by Laws of Utah 2023, Chapter 107
135 **20A-7-314**, as last amended by Laws of Utah 2024, Chapter 442
136 **20A-7-315**, as last amended by Laws of Utah 2023, Chapter 107
137 **20A-7-401.5**, as last amended by Laws of Utah 2023, Chapter 116
138 **20A-7-402**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
139 **20A-7-501**, as last amended by Laws of Utah 2024, Chapter 438
140 **20A-7-502.7**, as last amended by Laws of Utah 2024, Chapter 438
141 **20A-7-504**, as last amended by Laws of Utah 2024, Chapters 438, 442
142 **20A-7-507**, as last amended by Laws of Utah 2023, Chapters 107, 116
143 **20A-7-508**, as last amended by Laws of Utah 2024, Chapter 442
144 **20A-7-510**, as last amended by Laws of Utah 2023, Chapter 107
145 **20A-7-511**, as enacted by Laws of Utah 1994, Chapter 272
146 **20A-7-513**, as last amended by Laws of Utah 2023, Chapter 107
147 **20A-7-515**, as last amended by Laws of Utah 2024, Chapter 442
148 **20A-7-516**, as last amended by Laws of Utah 2023, Chapter 107
149 **20A-7-601**, as last amended by Laws of Utah 2024, Chapters 427, 438
150 **20A-7-602.7**, as last amended by Laws of Utah 2024, Chapter 438
151 **20A-7-602.8**, as last amended by Laws of Utah 2024, Chapter 438
152 **20A-7-604**, as last amended by Laws of Utah 2024, Chapters 438, 442
153 **20A-7-607**, as last amended by Laws of Utah 2023, Chapters 107, 116
154 **20A-7-608**, as last amended by Laws of Utah 2024, Chapter 442
155 **20A-7-609.5**, as last amended by Laws of Utah 2020, Chapter 31
156 **20A-7-610**, as last amended by Laws of Utah 2023, Chapter 107
157 **20A-7-611**, as last amended by Laws of Utah 2023, Chapter 107
158 **20A-7-613**, as last amended by Laws of Utah 2023, Chapter 116
159 **20A-7-615**, as last amended by Laws of Utah 2024, Chapter 442
160 **20A-7-616**, as last amended by Laws of Utah 2023, Chapter 107
161 **20A-7-702.5**, as enacted by Laws of Utah 2022, Chapter 11
162 **20A-7-703**, as last amended by Laws of Utah 2024, Chapter 465
163 **20A-7-703.1**, as enacted by Laws of Utah 2024, Chapter 465
164 **20A-7-705**, as last amended by Laws of Utah 2019, Chapters 217, 255

- 165 **20A-7-706**, as last amended by Laws of Utah 2019, Chapter 255
- 166 **20A-7-801**, as last amended by Laws of Utah 2021, Chapter 100
- 167 **20A-8-103**, as last amended by Laws of Utah 2023, Chapter 116
- 168 **20A-8-401**, as last amended by Laws of Utah 2019, Chapter 255
- 169 **20A-8-402**, as last amended by Laws of Utah 2019, Chapter 255
- 170 **20A-8-404**, as last amended by Laws of Utah 2023, Chapter 68
- 171 **20A-9-201**, as last amended by Laws of Utah 2024, Chapter 465
- 172 **20A-9-201.5**, as last amended by Laws of Utah 2023, Chapter 45
- 173 **20A-9-202**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
- 174 **20A-9-203**, as last amended by Laws of Utah 2024, Chapter 465
- 175 **20A-9-207**, as last amended by Laws of Utah 2024, Chapter 465
- 176 **20A-9-403**, as last amended by Laws of Utah 2024, Chapter 503
- 177 **20A-9-404**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 178 **20A-9-408**, as last amended by Laws of Utah 2023, Chapter 116
- 179 **20A-9-502**, as last amended by Laws of Utah 2024, Chapter 17
- 180 **20A-9-601**, as last amended by Laws of Utah 2024, Chapter 465
- 181 **20A-11-101**, as last amended by Laws of Utah 2024, Chapter 438
- 182 **20A-11-103**, as last amended by Laws of Utah 2024, Chapter 443
- 183 **20A-11-105**, as last amended by Laws of Utah 2019, Chapter 255
- 184 **20A-11-201**, as last amended by Laws of Utah 2021, Chapter 20
- 185 **20A-11-204**, as last amended by Laws of Utah 2021, Chapter 20
- 186 **20A-11-206**, as last amended by Laws of Utah 2023, Chapter 45
- 187 **20A-11-301**, as last amended by Laws of Utah 2021, Chapter 20
- 188 **20A-11-303**, as last amended by Laws of Utah 2021, Chapter 20
- 189 **20A-11-305**, as last amended by Laws of Utah 2023, Chapter 45
- 190 **20A-11-401**, as last amended by Laws of Utah 2018, Chapter 83
- 191 **20A-11-402**, as last amended by Laws of Utah 2019, Chapter 74
- 192 **20A-11-403**, as last amended by Laws of Utah 2021, Chapter 20
- 193 **20A-11-507**, as last amended by Laws of Utah 2019, Chapter 74
- 194 **20A-11-508**, as last amended by Laws of Utah 2020, Chapter 22
- 195 **20A-11-511**, as last amended by Laws of Utah 2019, Chapter 74
- 196 **20A-11-512**, as last amended by Laws of Utah 2020, Chapter 22
- 197 **20A-11-601**, as last amended by Laws of Utah 2022, Chapter 340
- 198 **20A-11-602**, as last amended by Laws of Utah 2019, Chapters 74, 116

199 **20A-11-603**, as last amended by Laws of Utah 2022, Chapter 340
200 **20A-11-701.5**, as renumbered and amended by Laws of Utah 2019, Chapter 74
201 **20A-11-702**, as last amended by Laws of Utah 2017, Chapter 276
202 **20A-11-703**, as last amended by Laws of Utah 2020, Chapter 22
203 **20A-11-704**, as last amended by Laws of Utah 2018, Chapter 83
204 **20A-11-705**, as last amended by Laws of Utah 2021, Chapter 20
205 **20A-11-801**, as last amended by Laws of Utah 2021, Chapter 20
206 **20A-11-802**, as last amended by Laws of Utah 2023, Chapter 116
207 **20A-11-803**, as last amended by Laws of Utah 2020, Chapter 22
208 **20A-11-1203**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
209 **20A-11-1301**, as last amended by Laws of Utah 2021, Chapter 20
210 **20A-11-1303**, as last amended by Laws of Utah 2021, Chapter 20
211 **20A-11-1305**, as last amended by Laws of Utah 2023, Chapter 45
212 **20A-11-1406**, as enacted by Laws of Utah 2003, Chapter 284
213 **20A-11-1502**, as last amended by Laws of Utah 2018, Chapter 83
214 **20A-11-1503**, as last amended by Laws of Utah 2020, Chapter 22
215 **20A-11-1604**, as last amended by Laws of Utah 2022, Chapter 170
216 **20A-11-1605**, as last amended by Laws of Utah 2021, Chapter 20
217 **20A-11-1702**, as enacted by Laws of Utah 2014, Chapter 60
218 **20A-11-1704**, as last amended by Laws of Utah 2018, Chapter 83
219 **20A-12-303**, as last amended by Laws of Utah 2021, Chapter 20
220 **20A-12-305**, as last amended by Laws of Utah 2019, Chapter 255
221 **20A-12-306**, as last amended by Laws of Utah 2010, Chapter 389
222 **20A-13-102.2**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2
223 **20A-13-104**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2
224 **20A-13-301**, as last amended by Laws of Utah 2020, Chapter 22
225 **20A-14-102.2**, as last amended by Laws of Utah 2021, Second Special Session, Chapter
226 10
227 **20A-14-102.3**, as last amended by Laws of Utah 2021, Second Special Session, Chapter
228 10
229 **20A-14-201**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
230 **20A-15-103**, as last amended by Laws of Utah 2023, Chapter 116
231 **20A-15-201**, as enacted by Laws of Utah 1995, Chapter 1
232 **20A-16-202**, as last amended by Laws of Utah 2020, Chapter 31

233 **20A-16-403**, as last amended by Laws of Utah 2023, Chapter 215

234 **20A-16-502**, as last amended by Laws of Utah 2023, Chapter 215

235 **20A-21-201**, as last amended by Laws of Utah 2024, Chapter 17

236 ENACTS:

237 **20A-9-401.1**, Utah Code Annotated 1953

238 **20A-9-408.1**, Utah Code Annotated 1953

239 **20A-9-408.2**, Utah Code Annotated 1953

240 **20A-9-408.3**, Utah Code Annotated 1953

241 REPEALS AND REENACTS:

242 **20A-1-104**, as renumbered and amended by Laws of Utah 2019, Chapter 255

243 **63G-1-301**, as last amended by Laws of Utah 2022, Chapter 331

244 **Utah Code Sections affected by Coordination Clause:**

245

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

247 Section 1. Section **10-3-301** is amended to read:

248 **10-3-301 . Notice -- Eligibility and residency requirements for elected municipal**
 249 **office -- Mayor and recorder limitations.**

250 (1) As used in this section:

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

254 (b) "Principal place of residence" means the same as that term is defined in Section
 255 20A-2-105.

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

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

260 (i) the municipal offices to be voted on in the municipal general election; and
 261 (ii) the dates for filing a declaration of candidacy for the offices identified under
 262 Subsection (2)(a)(i).

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

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

- 267 (b)(i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of
268 each municipality shall maintain office hours from 8 a.m. to 5 p.m. [on the dates
269 described in Subsections 20A-9-203(3)(a)(i) and (e)(i)] during the filing period
270 described in Subsection 20A-9-203(3)(d), unless the date occurs on a:
- 271 (A) Saturday or Sunday; or
 - 272 (B) state holiday as listed in Section 63G-1-301.
- 273 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule
274 that is less than 40 hours per week, the city recorder or town clerk may comply
275 with Subsection (3)(b)(i) without maintaining office hours by:
- 276 (A) posting the recorder's or clerk's contact information, including a phone
277 number and email address, on the recorder's or clerk's office door, the main
278 door to the municipal offices, and, if available, on the municipal website; and
 - 279 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection
280 (3)(b)(i), via the contact information described in Subsection (3)(b)(ii)(A).
- 281 (4) An individual elected to municipal office shall be a registered voter in the municipality
282 in which the individual is elected.
- 283 (5)(a) Each elected officer of a municipality shall maintain a principal place of residence
284 within the municipality, and within the district that the elected officer represents,
285 during the officer's term of office.
- 286 (b) Except as provided in Subsection (6), an elected municipal office is automatically
287 vacant if the officer elected to the municipal office, during the officer's term of office:
- 288 (i) establishes a principal place of residence outside the district that the elected officer
289 represents;
 - 290 (ii) resides at a secondary residence outside the district that the elected officer
291 represents for a continuous period of more than 60 days while still maintaining a
292 principal place of residence within the district;
 - 293 (iii) is absent from the district that the elected officer represents for a continuous
294 period of more than 60 days; or
 - 295 (iv) fails to respond to a request, within 30 days after the day on which the elected
296 officer receives the request, from the county clerk or the lieutenant governor
297 seeking information to determine the officer's residency.
- 298 (6)(a) Notwithstanding Subsection (5), if an elected municipal officer obtains the
299 consent of the municipal legislative body in accordance with Subsection (6)(b) before
300 the expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the

- 301 officer may:
- 302 (i) reside at a secondary residence outside the district that the elected officer
303 represents while still maintaining a principal place of residence within the district
304 for a continuous period of up to one year during the officer's term of office; or
305 (ii) be absent from the district that the elected officer represents for a continuous
306 period of up to one year during the officer's term of office.
- 307 (b) At a public meeting, the municipal legislative body may give the consent described
308 in Subsection (6)(a) by majority vote after taking public comment regarding:
- 309 (i) whether the legislative body should give the consent; and
310 (ii) the length of time to which the legislative body should consent.
- 311 (7)(a) The mayor of a municipality may not also serve as the municipal recorder or
312 treasurer.
- 313 (b) The recorder of a municipality may not also serve as the municipal treasurer.
- 314 (c) An individual who holds a county elected office may not, at the same time, hold a
315 municipal elected office.
- 316 (d) The restriction described in Subsection (7)(c) applies regardless of whether the
317 individual is elected to the office or appointed to fill a vacancy in the office.
- 318 Section 2. Section **20A-1-102** is amended to read:
- 319 **20A-1-102 . Definitions.**
- 320 As used in this title:
- 321 (1) "Active voter" means a registered voter who has not been classified as an inactive voter
322 by the county clerk.
- 323 (2) "Automatic tabulating equipment" means apparatus that automatically examines and
324 counts votes recorded on ballots and tabulates the results.
- 325 (3)(a) "Ballot" means the storage medium, including a paper, mechanical, or electronic
326 storage medium, that records an individual voter's vote.
- 327 (b) "Ballot" does not include a record to tally multiple votes.
- 328 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on
329 the ballot for their approval or rejection including:
- 330 (a) an opinion question specifically authorized by the Legislature;
331 (b) a constitutional amendment;
332 (c) an initiative;
333 (d) a referendum;
334 (e) a bond proposition;

- 335 (f) a judicial retention question;
- 336 (g) an incorporation of a city or town; or
- 337 (h) any other ballot question specifically authorized by the Legislature.
- 338 (5) "Bind," "binding," or "bound" means securing more than one piece of paper together
- 339 using staples or another means in at least three places across the top of the paper in the
- 340 blank space reserved for securing the paper.
- 341 (6) "Board of canvassers" means the entities established by Sections 20A-4-301 and
- 342 20A-4-306 to canvass election returns.
- 343 (7) "Bond election" means an election held for the purpose of approving or rejecting the
- 344 proposed issuance of bonds by a government entity.
- 345 (8) "Business day" means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not
- 346 a holiday.
- 347 [~~8~~] (9) "Business reply mail envelope" means an envelope that may be mailed free of
- 348 charge by the sender.
- 349 (10) "Calendar day" means any day, regardless of whether the day is a weekend, a holiday,
- 350 a business day, or any other type of day.
- 351 [~~9~~] (11) "Canvass" means the review of election returns and the official declaration of
- 352 election results by the board of canvassers.
- 353 [~~10~~] (12) "Canvassing judge" means a poll worker designated to assist in counting ballots
- 354 at the canvass.
- 355 [~~11~~] (13) "Contracting election officer" means an election officer who enters into a
- 356 contract or interlocal agreement with a provider election officer.
- 357 [~~12~~] (14) "Convention" means the political party convention at which party officers and
- 358 delegates are selected.
- 359 [~~13~~] (15) "Counting center" means one or more locations selected by the election officer in
- 360 charge of the election for the automatic counting of ballots.
- 361 [~~14~~] (16) "Counting judge" means a poll worker designated to count the ballots during
- 362 election day.
- 363 [~~15~~] (17) "Counting room" means a suitable and convenient private place or room for use
- 364 by the poll workers and counting judges to count ballots.
- 365 [~~16~~] (18) "County officers" means those county officers that are required by law to be
- 366 elected.
- 367 [~~17~~] (19) "Date of the election" or "election day" or "day of the election":
- 368 (a) means the day that is specified in the calendar year as the day ~~[that]~~ on which the

- 369 election occurs; and
- 370 (b) does not include:
- 371 (i) deadlines established for voting by mail, military-overseas voting, or emergency
- 372 voting; or
- 373 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6,
- 374 Early Voting.
- 375 ~~[(18)]~~ (20) "Elected official" means:
- 376 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
- 377 Municipal Alternate Voting Methods Pilot Project;
- 378 (b) a person who is considered to be elected to a municipal office in accordance with
- 379 Subsection 20A-1-206(1)(c)(ii); or
- 380 (c) a person who is considered to be elected to a special district office in accordance
- 381 with Subsection 20A-1-206(3)(b)(ii).
- 382 ~~[(19)]~~ (21) "Election" means a regular general election, a municipal general election, a
- 383 statewide special election, a local special election, a regular primary election, a
- 384 municipal primary election, and a special district election.
- 385 ~~[(20)]~~ (22) "Election Assistance Commission" means the commission established by the
- 386 Help America Vote Act of 2002, Pub. L. No. 107-252.
- 387 ~~[(21)]~~ (23) "Election cycle" means the period beginning on the first day ~~[persons]~~ on which
- 388 individuals are eligible to file declarations of candidacy and ending when the canvass is
- 389 completed.
- 390 ~~[(22)]~~ (24) "Election judge" means a poll worker that is assigned to:
- 391 (a) preside over other poll workers at a polling place;
- 392 (b) act as the presiding election judge; or
- 393 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 394 ~~[(23)]~~ (25) "Election officer" means:
- 395 (a) the lieutenant governor, for all statewide ballots and elections;
- 396 (b) the county clerk for:
- 397 (i) a county ballot and election; and
- 398 (ii) a ballot and election as a provider election officer as provided in Section
- 399 20A-5-400.1 or 20A-5-400.5;
- 400 (c) the municipal clerk for:
- 401 (i) a municipal ballot and election; and
- 402 (ii) a ballot and election as a provider election officer as provided in Section

- 403 20A-5-400.1 or 20A-5-400.5;
- 404 (d) the special district clerk or chief executive officer for:
- 405 (i) a special district ballot and election; and
- 406 (ii) a ballot and election as a provider election officer as provided in Section
- 407 20A-5-400.1 or 20A-5-400.5; or
- 408 (e) the business administrator or superintendent of a school district for:
- 409 (i) a school district ballot and election; and
- 410 (ii) a ballot and election as a provider election officer as provided in Section
- 411 20A-5-400.1 or 20A-5-400.5.
- 412 ~~[(24)]~~ (26) "Election official" means any election officer, election judge, or poll worker.
- 413 ~~[(25)]~~ (27) "Election results" means:
- 414 (a) for an election other than a bond election, the count of votes cast in the election and
- 415 the election returns requested by the board of canvassers; or
- 416 (b) for bond elections, the count of those votes cast for and against the bond proposition
- 417 plus any or all of the election returns that the board of canvassers may request.
- 418 ~~[(26)]~~ (28) "Election returns" includes:
- 419 (a) the pollbook, the military and overseas absentee voter registration and voting
- 420 certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all
- 421 excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
- 422 the total votes cast form; and
- 423 (b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a
- 424 ballot.
- 425 ~~[(27)]~~ (29) "Electronic signature" means an electronic sound, symbol, or process attached to
- 426 or logically associated with a record and executed or adopted by a person with the intent
- 427 to sign the record.
- 428 (30) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).
- 429 ~~[(28)]~~ (31) "Inactive voter" means a registered voter who is listed as inactive by a county
- 430 clerk under Subsection 20A-2-505(4)(c)(i) or (ii).
- 431 ~~[(29)]~~ (32) "Judicial office" means the office filled by any judicial officer.
- 432 ~~[(30)]~~ (33) "Judicial officer" means any justice or judge of a court of record or any county
- 433 court judge.
- 434 ~~[(31)]~~ (34) "Local election" means a regular county election, a regular municipal election, a
- 435 municipal primary election, a local special election, a special district election, and a
- 436 bond election.

437 [(32)] (35) "Local political subdivision" means a county, a municipality, a special district, or
438 a local school district.

439 [(33)] (36) "Local special election" means a special election called by the governing body of
440 a local political subdivision in which all registered voters of the local political
441 subdivision may vote.

442 [(34)] (37) "Manual ballot" means a paper document produced by an election officer on
443 which an individual records an individual's vote by directly placing a mark on the paper
444 document using a pen or other marking instrument.

445 [(35)] (38) "Mechanical ballot" means a record, including a paper record, electronic record,
446 or mechanical record, that:

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

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

451 [(36)] (39) "Municipal executive" means:

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

453 (b) the mayor in the council-manager form of government defined in Subsection
454 10-3b-103(6).

455 [(37)] (40) "Municipal general election" means the election held in municipalities and, as
456 applicable, special districts on the first Tuesday after the first Monday in November of
457 each odd-numbered year for the purposes established in Section 20A-1-202.

458 [(38)] (41) "Municipal legislative body" [~~meansthe~~] means the council of the city or town in
459 any form of municipal government.

460 [(39)] (42) "Municipal office" means an elective office in a municipality.

461 [(40)] (43) "Municipal officers" means those municipal officers that are required by law to
462 be elected.

463 [(41)] (44) "Municipal primary election" means an election held to nominate candidates for
464 municipal office.

465 [(42)] (45) "Municipality" means a city or town.

466 [(43)] (46) "Official ballot" means the ballots distributed by the election officer for voters to
467 record their votes.

468 [(44)] (47) "Official endorsement" means the information on the ballot that identifies:

469 (a) the ballot as an official ballot;

470 (b) the date of the election; and

- 471 (c)(i) for a ballot prepared by an election officer other than a county clerk, the
472 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
473 (ii) for a ballot prepared by a county clerk, the words required by Subsection
474 20A-6-301(1)(b)(iii).
- 475 [~~(45)~~] (48) "Official register" means the official record furnished to election officials by the
476 election officer that contains the information required by Section 20A-5-401.
- 477 [~~(46)~~] (49) "Political party" means an organization of registered voters that has qualified to
478 participate in an election by meeting the requirements of Chapter 8, Political Party
479 Formation and Procedures.
- 480 [~~(47)~~] (50)(a) "Poll worker" means a person assigned by an election official to assist with
481 an election, voting, or counting votes.
482 (b) "Poll worker" includes election judges.
483 (c) "Poll worker" does not include a watcher.
- 484 [~~(48)~~] (51) "Pollbook" means a record of the names of voters in the order that they appear to
485 cast votes.
- 486 [~~(49)~~] (52) "Polling place" means a building where voting is conducted.
- 487 [~~(50)~~] (53) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
488 in which the voter marks the voter's choice.
- 489 [~~(51)~~] (54) "Presidential Primary Election" means the election established in Chapter 9, Part
490 8, Presidential Primary Election.
- 491 [~~(52)~~] (55) "Primary convention" means the political party conventions held during the year
492 of the regular general election.
- 493 [~~(53)~~] (56) "Protective counter" means a separate counter, which cannot be reset, that:
494 (a) is built into a voting machine; and
495 (b) records the total number of movements of the operating lever.
- 496 [~~(54)~~] (57) "Provider election officer" means an election officer who enters into a contract or
497 interlocal agreement with a contracting election officer to conduct an election for the
498 contracting election officer's local political subdivision in accordance with Section
499 20A-5-400.1.
- 500 [~~(55)~~] (58) "Provisional ballot" means a ballot voted provisionally by a person:
501 (a) whose name is not listed on the official register at the polling place;
502 (b) whose legal right to vote is challenged as provided in this title; or
503 (c) whose identity was not sufficiently established by a poll worker.
- 504 [~~(56)~~] (59) "Provisional ballot envelope" means an envelope printed in the form required by

505 Section 20A-6-105 that is used to identify provisional ballots and to provide information
506 to verify a person's legal right to vote.

507 [~~57~~] (60)(a) "Public figure" means an individual who, due to the individual being
508 considered for, holding, or having held a position of prominence in a public or
509 private capacity, or due to the individual's celebrity status, has an increased risk to the
510 individual's safety.

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

512 (i) elected to public office; or

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

514 [~~58~~] (61) "Qualify" or "qualified" means to take the oath of office and begin performing
515 the duties of the position for which the individual was elected.

516 [~~59~~] (62) "Receiving judge" means the poll worker that checks the voter's name in the
517 official register at a polling place and provides the voter with a ballot.

518 [~~60~~] (63) "Registration form" means a form by which an individual may register to vote
519 under this title.

520 [~~61~~] (64) "Regular ballot" means a ballot that is not a provisional ballot.

521 [~~62~~] (65) "Regular general election" means the election held throughout the state on the
522 first Tuesday after the first Monday in November of each even-numbered year for the
523 purposes established in Section 20A-1-201.

524 [~~63~~] (66) "Regular primary election" means the election, held on the date specified in
525 Section 20A-1-201.5, to nominate candidates of political parties and candidates for
526 nonpartisan local school board positions to advance to the regular general election.

527 [~~64~~] (67) "Resident" means a person who resides within a specific voting precinct in Utah.

528 [~~65~~] (68) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),
529 provided to a voter with a manual ballot:

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

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

533 [~~66~~] (69) "Sample ballot" means a mock ballot similar in form to the official ballot,
534 published as provided in Section 20A-5-405.

535 [~~67~~] (70) "Special district" means a local government entity under Title 17B, Limited
536 Purpose Local Government Entities - Special Districts, and includes a special service
537 district under Title 17D, Chapter 1, Special Service District Act.

538 [~~68~~] (71) "Special district officers" means those special district board members who are

- 539 required by law to be elected.
- 540 [~~(69)~~] (72) "Special election" means an election held as authorized by Section 20A-1-203.
- 541 [~~(70)~~] (73) "Spoiled ballot" means each ballot that:
- 542 (a) is spoiled by the voter;
- 543 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- 544 (c) lacks the official endorsement.
- 545 [~~(71)~~] (74) "Statewide special election" means a special election called by the governor or
- 546 the Legislature in which all registered voters in Utah may vote.
- 547 [~~(72)~~] (75) "Tabulation system" means a device or system designed for the sole purpose of
- 548 tabulating votes cast by voters at an election.
- 549 [~~(73)~~] (76) "Ticket" means a list of:
- 550 (a) political parties;
- 551 (b) candidates for an office; or
- 552 (c) ballot propositions.
- 553 [~~(74)~~] (77) "Transfer case" means the sealed box used to transport voted ballots to the
- 554 counting center.
- 555 [~~(75)~~] (78) "Vacancy" means:
- 556 (a) except as provided in Subsection [~~(75)(b)~~] (78)(b), the absence of an individual to
- 557 serve in a position created by state constitution or state statute, whether that absence
- 558 occurs because of death, disability, disqualification, resignation, or other cause[-]; or
- 559 (b) in relation to a candidate for a position created by state constitution or state statute,
- 560 the removal of a candidate due to the candidate's death, resignation, or
- 561 disqualification.
- 562 [~~(76)~~] (79) "Valid voter identification" means:
- 563 (a) a form of identification that bears the name and photograph of the voter which may
- 564 include:
- 565 (i) a currently valid Utah driver license;
- 566 (ii) a currently valid identification card that is issued by:
- 567 (A) the state; or
- 568 (B) a branch, department, or agency of the United States;
- 569 (iii) a currently valid Utah permit to carry a concealed weapon;
- 570 (iv) a currently valid United States passport; or
- 571 (v) a currently valid United States military identification card;
- 572 (b) one of the following identification cards, whether or not the card includes a

- 573 photograph of the voter:
- 574 (i) a valid tribal identification card;
- 575 (ii) a Bureau of Indian Affairs card; or
- 576 (iii) a tribal treaty card; or
- 577 (c) two forms of identification not listed under Subsection [~~(76)(a) or (b)~~] (79)(a) or (b)
- 578 but that bear the name of the voter and provide evidence that the voter resides in the
- 579 voting precinct, which may include:
- 580 (i) a current utility bill or a legible copy thereof, dated within the 90 calendar days
- 581 before the day of the election;
- 582 (ii) a bank or other financial account statement, or a legible copy thereof;
- 583 (iii) a certified birth certificate;
- 584 (iv) a valid social security card;
- 585 (v) a check issued by the state or the federal government or a legible copy thereof;
- 586 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 587 (vii) a currently valid Utah hunting or fishing license;
- 588 (viii) certified naturalization documentation;
- 589 (ix) a currently valid license issued by an authorized agency of the United States;
- 590 (x) a certified copy of court records showing the voter's adoption or name change;
- 591 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 592 (xii) a currently valid identification card issued by:
- 593 (A) a local government within the state;
- 594 (B) an employer for an employee; or
- 595 (C) a college, university, technical school, or professional school located within
- 596 the state; or
- 597 (xiii) a current Utah vehicle registration.
- 598 [~~(77)~~] (80) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 599 candidate by following the procedures and requirements of this title.
- 600 [~~(78)~~] (81) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter,
- 601 by:
- 602 (a) mailing the ballot to the location designated in the mailing; or
- 603 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 604 [~~(79)~~] (82) "Voter" means an individual who:
- 605 (a) meets the requirements for voting in an election;
- 606 (b) meets the requirements of election registration;

607 (c) is registered to vote; and

608 (d) is listed in the official register book.

609 ~~[(80)]~~ (83) "Voter registration deadline" means the registration deadline provided in Section
610 20A-2-102.5.

611 ~~[(81)]~~ (84) "Voting area" means the area within six feet of the voting booths, voting
612 machines, and ballot box.

613 ~~[(82)]~~ (85) "Voting booth" means:

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

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

617 ~~[(83)]~~ (86) "Voting device" means any device provided by an election officer for a voter to
618 vote a mechanical ballot.

619 ~~[(84)]~~ (87) "Voting precinct" means the smallest geographical voting unit, established under
620 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

621 ~~[(85)]~~ (88) "Watcher" means an individual who complies with the requirements described in
622 Section 20A-3a-801 to become a watcher for an election.

623 ~~[(86)]~~ (89) "Write-in ballot" means a ballot containing any write-in votes.

624 ~~[(87)]~~ (90) "Write-in vote" means a vote cast for an individual, whose name is not printed on
625 the ballot, in accordance with the procedures established in this title.

626 Section 3. Section **20A-1-104** is repealed and reenacted to read:

627 **20A-1-104 . Computation of time.**

628 (1) Time is computed in this title as provided in this section.

629 (2) Except as provided in Subsection (3), or as otherwise expressly provided in this title:

630 (a) if a provision describes a time period in terms of a certain number of calendar days:

631 (i) the time period is calculated by consecutive days; and

632 (ii) the beginning and ending day of the time period is the calendar day on which the
633 time period begins or ends;

634 (b) if a provision describes a time period in terms of a certain number of business days,
635 only the business days are included in the calculation; and

636 (c) if a provision describes a time period in terms of a certain number of days rather than
637 calendar days or business days, the days referred to mean calendar days.

638 (3) A time period that relates to filing an action or document in court is calculated as
639 provided in court rule.

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

641 **20A-1-206 . Cancellation of local election or local race -- Municipalities -- Special**
642 **districts -- Notice.**

643 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

671 (4) A municipal legislative body that cancels a local election in accordance with Subsection

672 (2) shall give notice that the election is cancelled by:

673 (a) subject to Subsection (8), providing notice to the lieutenant governor's office to be
674 posted on the Statewide Electronic Voter Information Website described in Section

675 20A-7-801, for at least 15 [consecutive] calendar days before the day of the scheduled
676 election; and

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

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

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

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

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

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

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

688 (a) the race is uncontested; and

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

692 (7) A special district that cancels a local election in accordance with Subsection (5) shall
693 provide notice that the election is cancelled:

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

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

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

703 Section 5. Section **20A-1-304** is amended to read:

704 **20A-1-304 . Tie votes.**

705 (1) This section does not apply to a race conducted by instant runoff voting under Chapter
707 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

708 (2) Except as provided in Subsection (3), if, after conducting a recount under Subsection
709 20A-4-401(5), a tie vote occurs, the election officer shall, in a public meeting held no

710 later than the first business day that is at least three calendar days after the day on which
711 the recount canvass is completed:

712 (a) determine the winning candidate, by lot, in whatever manner the election officer
713 determines; and

714 (b) provide notice and an opportunity for each candidate involved in the tie to observe
715 the casting or drawing of the lot or to send a representative to observe the casting or
716 drawing of the lot.

717 (3)(a) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in
718 a primary election race for a national, statewide, or other office that represents more
719 than one county, the governor, lieutenant governor, and attorney general shall, at a
720 public meeting called by the governor and held no later than the first business day
721 that is at least three calendar days after the day on which the recount canvass is
722 completed:

723 (i) determine the winning nominee, by lot, in whatever manner the governor
724 determines; and

725 (ii) provide notice and an opportunity for each candidate involved in the tie to
726 observe the casting or drawing of the lot or to send a representative to observe the
727 casting or drawing of the lot.

728 (b) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a
729 primary election race for a county office, the district court judges of the district in
730 which the county is located shall, at a public meeting called by the judges and held no
731 later than the first business day that is at least three calendar days after the day on
732 which the recount canvass is completed:

733 (i) determine the winning nominee, by lot, in whatever manner the judges determine;
734 and

735 (ii) provide notice and an opportunity for each candidate involved in the tie to
736 observe the casting or drawing of the lot or to send a representative to observe the
737 casting or drawing of the lot.

738 Section 6. Section **20A-1-502** is amended to read:

739 **20A-1-502 . Midterm vacancy in office of United States senator.**

740 (1) Except as provided in Subsections (2) and (3), when a vacancy occurs in the office of
741 United States senator, the governor shall, within seven calendar days after the day on
742 which the vacancy occurs, issue a proclamation calling a special congressional election
743 to fill the vacancy that:

- 744 (a) sets a date for a primary congressional special election, and a later date for a general
745 congressional special election, on the same day as one of the following elections:
746 (i) a municipal general election;
747 (ii) a presidential primary election;
748 (iii) a regular primary election; or
749 (iv) a regular general election;
- 750 (b) sets the date of the primary congressional special election on the same day as the
751 next election described in Subsections (1)(a)(i) through (iv) that is more than 90
752 calendar days after the day on which the governor issues the proclamation;
- 753 (c) sets the date of the general special congressional election on the same day as the next
754 election described in Subsection (1)(a) that is more than 90 calendar days after the
755 primary special congressional election described in Subsection (1)(b);
- 756 (d) provides each registered political party that is not a qualified political party at least
757 21 calendar days, but no more than 28 calendar days, to select one candidate, in a
758 manner determined by the registered political party, as a candidate for the registered
759 political party;
- 760 (e) for each qualified political party, provides at least 21 calendar days, but no more than
761 28 calendar days:
762 (i) for the qualified political party to select one candidate, using the convention
763 process described in Section 20A-9-407, as a candidate for the qualified political
764 party; and
765 (ii) for a member of the qualified political party to submit signatures to qualify as a
766 candidate for the qualified political party using the signature-gathering process
767 described in Section 20A-9-408;
- 768 (f) consistent with the requirements of this section, establishes the deadlines, time
769 frames, and procedures for filing a declaration of candidacy, giving notice of an
770 election, and other election requirements; and
- 771 (g) requires an election officer to comply with the requirements of Chapter 16, Uniform
772 Military and Overseas Voters Act.
- 773 (2)(a) The governor may set a date for a primary special congressional election or a
774 general special congressional election on a date other than a date described in
775 Subsection (1)(a) if:
776 (i) on the same day on which the governor issues the proclamation described in
777 Subsection (1) the governor calls a special session for the Legislature to

- 778 appropriate money to hold the election on a different day; or
- 779 (ii) if the governor issues the proclamation described in Subsection (1) on or after
- 780 January 1, but before the end of the general session of the Legislature, and
- 781 requests in the proclamation described in Subsection (1) that the Legislature
- 782 appropriate money to hold the election on a different day.
- 783 (b) If the Legislature does not, under Subsection (2)(a), appropriate money to hold the
- 784 election on a different day, the proclamation described in Subsection (1) is void and
- 785 the governor shall, within seven calendar days after the day on which the Legislature
- 786 declines to appropriate money to hold the election on a different day, issue a
- 787 proclamation, in accordance with Subsection (1), that sets the special congressional
- 788 primary and general elections on dates described in Subsections (1)(a)(i) through (iv).
- 789 (3) A special congressional election to fill a vacancy in the office of United States senator
- 790 will not be held if:
- 791 (a) the next regular general election that occurs after the day on which the vacancy
- 792 occurs is the regular general election that occurs immediately before the six-year term
- 793 for the senate office ends; and
- 794 (b) the vacancy occurs after August 1 of the year before the regular general election
- 795 described in Subsection (3)(a).
- 796 (4)(a) The governor shall appoint an individual to temporarily fill a vacancy in the office
- 797 of United States senator from one of three individuals nominated by the Legislature,
- 798 each of whom is a member of the political party of which the prior officeholder was a
- 799 member at the time the prior officeholder was elected.
- 800 (b) The individual appointed under Subsection (4)(a) shall serve as United States senator
- 801 until the earlier of the day on which:
- 802 (i) the vacancy is filled by election under Subsection (1) or (2); or
- 803 (ii) the six-year term for the senate office ends.
- 804 (5) An individual elected to fill a vacancy under this section shall serve until the end of the
- 805 current term in which the vacancy filled by the election occurs.
- 806 (6) A vacancy in the office of United States senator does not occur unless the senator:
- 807 (a) has left the office; or
- 808 (b) submits an irrevocable letter of resignation to the governor or to the president of the
- 809 United States Senate.
- 810 Section 7. Section **20A-1-502.5** is amended to read:
- 811 **20A-1-502.5 . Midterm vacancy in office of United States representative.**

- 812 (1) Except as provided in Subsections (2) and (4), when a vacancy occurs in the office of
813 United States representative, the governor shall, within seven calendar days after the day
814 on which the vacancy occurs, issue a proclamation calling a special congressional
815 election to fill the vacancy that:
- 816 (a) sets a date for a primary congressional special election, and a later date for a general
817 congressional special election, on the same day as one of the following elections:
 - 818 (i) a municipal general election;
 - 819 (ii) a presidential primary election;
 - 820 (iii) a regular primary election; or
 - 821 (iv) a regular general election;
 - 822 (b) sets the date of the primary congressional special election on the same day as the
823 next election described in Subsections (1)(a)(i) through (iv) that is more than 90
824 calendar days after the day on which the governor issues the proclamation;
 - 825 (c) sets the date of the general special congressional election on the same day as the next
826 election described in Subsection (1)(a) that is more than 90 calendar days after the
827 primary special congressional election described in Subsection (1)(b);
 - 828 (d) provides each registered political party that is not a qualified political party at least 21
829 calendar days, but no more than 28 calendar days, to select one candidate, in a
830 manner determined by the registered political party, as a candidate for the registered
831 political party;
 - 832 (e) for each qualified political party, provides at least 21 calendar days, but no more than
833 28 calendar days:
 - 834 (i) for the qualified political party to select one candidate, using the convention
835 process described in Section 20A-9-407, as a candidate for the qualified political
836 party; and
 - 837 (ii) for a member of the qualified political party to submit signatures to qualify as a
838 candidate for the qualified political party using the signature-gathering process
839 described in Section 20A-9-408;
 - 840 (f) consistent with the requirements of this section, establishes the deadlines, time
841 frames, and procedures for filing a declaration of candidacy, giving notice of an
842 election, and other election requirements; and
 - 843 (g) requires an election officer to comply with the requirements of Chapter 16, Uniform
844 Military and Overseas Voters Act.
- 845 (2) The governor may set a date for a primary special congressional election or a general

- 846 special congressional election on a date other than a date described in Subsection (1)(a)
847 if:
- 848 (a) on the same day on which the governor issues the proclamation described in
849 Subsection (1) the governor calls a special session for the Legislature to appropriate
850 money to hold the election on a different day; or
- 851 (b) if the governor issues the proclamation described in Subsection (1) on or after
852 January 1, but before the end of the general session of the Legislature, and requests in
853 the proclamation described in Subsection (1) that the Legislature appropriate money
854 to hold the election on a different day.
- 855 (3) If the Legislature does not, under Subsection (2), appropriate money to hold the election
856 on a different day, the proclamation described in Subsection (1) is void and the governor
857 shall, within seven calendar days after the day on which the Legislature declines to
858 appropriate money to hold the election on a different day, issue a proclamation, in
859 accordance with Subsection (1), that sets the special congressional primary and general
860 elections on dates described in Subsections (1)(a)(i) through (iv).
- 861 (4) A special congressional election to fill a vacancy in the office of United States
862 representative will not be held if the vacancy occurs fewer than 180 calendar days before
863 the next regular general election.
- 864 (5) An individual who fills a vacancy under this section shall serve until the end of the
865 current term in which the vacancy occurs.
- 866 (6) A vacancy in the office of United States representative does not occur unless the
867 representative:
- 868 (a) has left the office; or
- 869 (b) submits an irrevocable letter of resignation to the governor or to the speaker of the
870 United States House of Representatives.
- 871 Section 8. Section **20A-1-503** is amended to read:
- 872 **20A-1-503 . Midterm vacancies in the Legislature.**
- 873 (1) As used in this section:
- 874 (a) "Filing deadline" means the final date for filing:
- 875 (i) a declaration of candidacy as provided in Section 20A-9-202; and
- 876 (ii) a certificate of nomination as provided in Section 20A-9-503.
- 877 (b) "Party liaison" means the political party officer designated to serve as a liaison with
878 the lieutenant governor on all matters relating to the political party's relationship with
879 the state as required by Section 20A-8-401.

- 880 (2) When a vacancy occurs for any reason in the office of representative in the Legislature,
881 the governor shall fill the vacancy by immediately appointing the person whose name
882 was submitted by the party liaison of the same political party as the prior representative.
- 883 (3)(a) Except as provided by Subsection (5), when a vacancy occurs for any reason in
884 the office of senator in the Legislature, it shall be filled for the unexpired term at the
885 next regular general election.
- 886 (b) The governor shall fill the vacancy until the next regular general election by
887 immediately appointing the person whose name was submitted by the party liaison of
888 the same political party as the prior senator.
- 889 (4)(a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but
890 before August 31 of an even-numbered year in which the term of office does not
891 expire, the lieutenant governor shall:
- 892 (i) establish a date and time, which is before the date for a candidate to be certified
893 for the ballot under Section 20A-9-701 and no later than 21 calendar days after the
894 day on which the vacancy occurred, by which a person intending to obtain a
895 position on the ballot for the vacant office shall file:
- 896 (A) a declaration of candidacy; or
897 (B) a certificate of nomination; and
- 898 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
899 (A) on the lieutenant governor's website; and
900 (B) to each registered political party.
- 901 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 902 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of
903 candidacy or certificate of nomination according to the procedures and
904 requirements of Chapter 9, Candidate Qualifications and Nominating Procedures;
905 and
- 906 (ii) run in the regular general election if:
907 (A) nominated as a party candidate; or
908 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
909 Qualifications and Nominating Procedures.
- 910 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in
911 Subsection 20A-9-202(1)(b) and before August 31, of an even-numbered year in
912 which the term of office does not expire, a party liaison from each registered political
913 party may submit a name of a person described in Subsection (4)(b) to the lieutenant

914 governor before 5 p.m. no later than August 30 for placement on the regular general
915 election ballot.

916 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an
917 even-numbered year in which a term does not expire, the governor shall fill the vacancy
918 for the unexpired term by immediately appointing the person whose name was submitted
919 by the party liaison of the same political party as the prior senator.

920 Section 9. Section **20A-1-506** is amended to read:

921 **20A-1-506 . Vacancy in the office of justice court judge.**

922 (1) As used in this section:

923 (a) "Appointing authority" means:

924 (i) for a county:

925 (A) the chair of the county commission in a county having the county commission
926 or expanded county commission form of county government; and

927 (B) the county executive in a county having the county executive-council form of
928 government; and

929 (ii) for a city or town, the mayor of the city or town.

930 (b) "Local legislative body" means:

931 (i) for a county, the county commission or county council; and

932 (ii) for a city or town, the council of the city or town.

933 (2)(a) If a vacancy occurs in the office of a municipal justice court judge before the
934 completion of the judge's term of office, the appointing authority:

935 (i) shall fill the vacancy by following the procedures and requirements for
936 appointments in Section 78A-7-202; and

937 (ii) may contract with a justice court judge of the county, an adjacent county, or
938 another municipality within those counties for judicial services until the vacancy
939 is filled.

940 (b) The appointing authority shall notify the Administrative Office of the Courts in
941 writing of an appointment of a municipal justice court judge under this section within
942 30 calendar days after the day on which the appointment is made.

943 (3)(a) If a vacancy occurs in the office of a county justice court judge before the
944 completion of the judge's term of office, the appointing authority shall fill the
945 vacancy by following the procedures and requirements for appointments in Section
946 78A-7-202.

947 (b) The appointing authority shall notify the Administrative Office of the Courts in

948 writing of an appointment of a county justice court judge under this section within 30
 949 calendar days after the day on which the appointment is made.

950 (4)(a) When a vacancy occurs in the office of a justice court judge, the appointing
 951 authority shall:

- 952 (i) advertise the vacancy and solicit applications for the vacancy;
- 953 (ii) appoint the best qualified candidate to office based solely upon fitness for office;
- 954 (iii) comply with the procedures and requirements of Title 52, Chapter 3, Prohibiting
 955 Employment of Relatives, in making appointments to fill the vacancy; and
- 956 (iv) submit the name of the appointee to the local legislative body.

957 (b) If the local legislative body does not confirm the appointment within 30 calendar
 958 days [of submission] after the day on which the appointing authority submits the
 959 name of the appointee to the local legislative body, the appointing authority may
 960 either appoint another of the applicants or reopen the vacancy by advertisement and
 961 solicitations of applications.

962 Section 10. Section **20A-1-508** is amended to read:

963 **20A-1-508 . Midterm vacancies in county elected offices -- Temporary manager**
 964 **-- Interim replacement.**

965 (1) As used in this section:

- 966 (a)(i) "County offices" includes the county executive, members of the county
 967 legislative body, the county treasurer, the county sheriff, the county clerk, the
 968 county auditor, the county recorder, the county surveyor, and the county assessor.
- 969 (ii) "County offices" does not include the office of county attorney, district attorney,
 970 or judge.

971 (b) "Party liaison" means the political party officer designated to serve as a liaison with
 972 each county legislative body on all matters relating to the political party's relationship
 973 with a county as required by Section 20A-8-401.

974 (2)(a) Except as provided in Subsection (2)(d), until a county legislative body appoints
 975 an interim replacement to fill a vacant county office under Subsection (3), the
 976 following shall temporarily discharge the duties of the county office as a temporary
 977 manager:

- 978 (i) for a county office with one chief deputy, the chief deputy;
- 979 (ii) for a county office with more than one chief deputy:
 980 (A) the chief deputy with the most cumulative time served as a chief deputy for
 981 the county office; or

- 982 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer
983 vacates the office, the county officer files with the county clerk a written
984 statement designating one of the county officer's chief deputies to discharge the
985 duties of the county office in the event the county officer vacates the office, the
986 designated chief deputy; or
- 987 (iii) for a county office without a chief deputy:
- 988 (A) if one management-level employee serving under the county office has a
989 higher-seniority management level than any other employee serving under the
990 county office, that management-level employee;
- 991 (B) if two or more management-level employees serving under the county office
992 have the same and highest-seniority management level, the highest-seniority
993 management-level employee with the most cumulative time served in the
994 employee's current position; or
- 995 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
996 officer vacates the office, the county officer files with the county clerk a
997 written statement designating one of the county officer's employees to
998 discharge the county officer's duties in the event the county officer vacates the
999 office, the designated employee.
- 1000 (b) Except as provided in Subsection (2)(c), a temporary manager described in
1001 Subsection (2)(a) who temporarily discharges the duties of a county office holds the
1002 powers and duties of the county office until the county legislative body appoints an
1003 interim replacement under Subsection (3).
- 1004 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges
1005 the duties of a county office:
- 1006 (i) may not take an oath of office for the county office as a temporary manager;
- 1007 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for
1008 Counties, and the county's budget ordinances and policies;
- 1009 (iii) unless approved by the county legislative body, may not change the
1010 compensation of an employee;
- 1011 (iv) unless approved by the county legislative body, may not promote or demote an
1012 employee or change an employee's job title;
- 1013 (v) may terminate an employee only if the termination is conducted in accordance
1014 with:
- 1015 (A) personnel rules described in Subsection 17-33-5(4) that are approved by the

- 1016 county legislative body; and
- 1017 (B) applicable law;
- 1018 (vi) unless approved by the county legislative body, may not exceed by more than 5%
- 1019 an expenditure that was planned before the county office for which the temporary
- 1020 manager discharges duties was vacated;
- 1021 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
- 1022 compensation; and
- 1023 (viii) if approved by the county legislative body, may receive a performance award
- 1024 after:
- 1025 (A) the county legislative body appoints an interim replacement under Subsection
- 1026 (3); and
- 1027 (B) the interim replacement is sworn into office.
- 1028 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative
- 1029 body member.
- 1030 (3)(a) Until a replacement is selected as provided in this section and has qualified, the
- 1031 county legislative body shall appoint an interim replacement to fill the vacant office
- 1032 by following the procedures and requirements of this Subsection (3).
- 1033 (b)(i) To appoint an interim replacement, the county legislative body shall, within 10
- 1034 calendar days after the day on which the vacancy occurs, give notice of the
- 1035 vacancy to the party liaison of the same political party of the prior office holder
- 1036 and invite that party liaison to submit the name of an individual to fill the vacancy.
- 1037 (ii) That party liaison shall, [~~before 5 p.m. within~~] no later than 5 p.m. on the first
- 1038 business day that is at least 30 calendar days after the day on which the liaison
- 1039 receives the notice described in Subsection (3)(b)(i), or if the party liaison does
- 1040 not receive the notice, [~~before 5 p.m. within~~] no later than 5 p.m. on the first
- 1041 business day that is at least 40 calendar days after the day on which the vacancy
- 1042 occurs, submit to the county legislative body the name of an individual the party
- 1043 selects in accordance with the party's constitution or bylaws to serve as the interim
- 1044 replacement.
- 1045 (iii) The county legislative body shall, no later than [~~five~~] seven calendar days after
- 1046 the day on which a party liaison submits the name of the individual to serve as the
- 1047 interim replacement, appoint the individual to serve out the unexpired term.
- 1048 (c)(i) If the county legislative body fails to appoint an interim replacement to fill the
- 1049 vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall, no later

- 1050 than ~~[five]~~ seven calendar days after the day of the deadline described in
1051 Subsection (3)(b)(iii), send to the governor a letter that:
- 1052 (A) informs the governor that the county legislative body has failed to appoint a
1053 replacement within the statutory time period; and
- 1054 (B) contains the name of the individual submitted by the party liaison to fill the
1055 vacancy.
- 1056 (ii) The governor shall, within 10 calendar days after the day on which the governor
1057 receives the letter described in Subsection (3)(c)(i), appoint the individual named
1058 by the party liaison as an interim replacement to fill the vacancy.
- 1059 (d) An individual appointed as interim replacement under this Subsection (3) shall hold
1060 office until a successor is elected and has qualified.
- 1061 (4)(a) The requirements of this Subsection (4) apply to all county offices that become
1062 vacant if:
- 1063 (i) the vacant office has an unexpired term of two years or more; and
- 1064 (ii) the vacancy occurs after the election at which the officeholder was elected, but
1065 before the first day of the declaration of candidacy filing period described in
1066 Section 20A-9-201.5.
- 1067 (b)(i) When the conditions described in Subsection (4)(a) are met, the county clerk
1068 shall as soon as practicable, but no later than 180 calendar days before the next
1069 regular general election, notify the public and each registered political party that
1070 the vacancy exists.
- 1071 (ii) An individual intending to become a party candidate for the vacant office shall
1072 file a declaration of candidacy in accordance with:
- 1073 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
1074 and
- 1075 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6),
1076 if applicable.
- 1077 (iii) An individual who is nominated as a party candidate, who qualifies as an
1078 unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not
1079 Affiliated with a Party, or who qualifies as a write-in candidate for the vacant
1080 office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
1081 general election.
- 1082 (5)(a) The requirements of this Subsection (5) apply to all county offices that become
1083 vacant if:

- 1084 (i) the vacant office has an unexpired term of two years or more; and
1085 (ii) the vacancy occurs on or after the first day of the declaration of candidacy filing
1086 period described in Section 20A-9-201.5, but more than 75 calendar days before
1087 the regular primary election.
- 1088 (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall as
1089 soon as practicable, but no later than 70 calendar days before the next regular primary
1090 election, notify the public and each registered political party:
1091 (i) that the vacancy exists; and
1092 (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established
1093 under Subsection (5)(d)(ii).
- 1094 (c)(i) An individual intending to become a party candidate for a vacant office shall, [
1095 ~~within~~] no later than 5 p.m. on the first business day that is at least five calendar
1096 days after the day on which the notice is given, [~~ending at the close of normal~~
1097 office hours on the fifth day,] file a declaration of candidacy for the vacant office
1098 in accordance with:
1099 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
1100 and
1101 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6),
1102 if applicable.
- 1103 (ii) The county central committee of each party shall:
1104 (A) select a candidate or candidates from among those qualified candidates who
1105 have filed declarations of candidacy; and
1106 (B) certify the name of the candidate or candidates to the county clerk as soon as
1107 practicable, but [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last
1108 business day that is at least 60 calendar days before the day of the regular
1109 primary election.
- 1110 (d)(i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a
1111 candidate for a vacant office who does not wish to affiliate with a registered
1112 political party shall file a verified certificate of nomination described in Section
1113 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates
1114 not Affiliated with a Party.
- 1115 (ii)(A) The county clerk shall establish, in the clerk's reasonable discretion, a
1116 deadline that is [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last
1117 business day that is at least 65 calendar days before the day of the next regular

- 1118 general election by which an individual who is not affiliated with a registered
1119 political party is required to submit a certificate of nomination under
1120 Subsection (5)(d)(i).
- 1121 (B) The county clerk shall establish the deadline described in Subsection
1122 (5)(d)(ii)(A) in a manner that gives an unaffiliated candidate an equal
1123 opportunity to access the regular general election ballot.
- 1124 (e) An individual who is nominated as a party candidate for the vacant office, who
1125 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
1126 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
1127 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
1128 general election.
- 1129 (6)(a) The requirements of this Subsection (6) apply to all county offices that become
1130 vacant:
- 1131 (i) if the vacant office has an unexpired term of two years or more; and
1132 (ii) when 75 calendar days or less remain before the day of the regular primary
1133 election but more than 65 calendar days remain before the day of the regular
1134 general election.
- 1135 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall, as
1136 soon as practicable, notify the public and each registered political party:
- 1137 (i) that the vacancy exists; and
1138 (ii) of the deadlines established under Subsection (6)(d).
- 1139 (c)(i) Before the deadline that the county clerk establishes under Subsection
1140 (6)(d)(i)(A), the county central committee of each registered political party that
1141 wishes to submit a candidate for the office shall certify the name of one candidate
1142 to the county clerk for placement on the regular general election ballot.
- 1143 (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B),
1144 a candidate who does not wish to affiliate with a registered political party shall file
1145 a verified certificate of nomination described in Section 20A-9-502 with the
1146 county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with
1147 a Party.
- 1148 (iii) Before the deadline that the county clerk establishes under Subsection
1149 (6)(d)(i)(C), a write-in candidate shall submit to the county clerk a declaration of
1150 candidacy described in Section 20A-9-601.
- 1151 (d)(i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines

1152 that are ~~[before 5 p.m. no later than]~~ no later than 5 p.m. on the last business day
1153 that is at least 65 calendar days before the day of the next regular general election
1154 by which:

1155 (A) a registered political party is required to certify a name under Subsection
1156 (6)(c)(i);

1157 (B) an individual who does not wish to affiliate with a registered political party is
1158 required to submit a certificate of nomination under Subsection (6)(c)(ii); and

1159 (C) a write-in candidate is required to submit a declaration of candidacy under
1160 Subsection (6)(c)(iii).

1161 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner
1162 that gives an unaffiliated candidate or a write-in candidate an equal opportunity to
1163 access the regular general election ballot.

1164 (e) An individual who is certified as a party candidate for the vacant office, who
1165 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
1166 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
1167 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
1168 general election.

1169 (7)(a) The requirements of this Subsection (7) apply to all county offices that become
1170 vacant:

1171 (i) if the vacant office has an unexpired term of less than two years; or

1172 (ii) if the vacant office has an unexpired term of two years or more but 65 calendar
1173 days or less remain before the day of the next regular general election.

1174 (b)(i) When the conditions described in Subsection (7)(a) are met, the county
1175 legislative body shall as soon as practicable, but no later than 10 calendar days
1176 after the day on which the vacancy occurs, give notice of the vacancy to the party
1177 liaison of the same political party as the prior office holder and invite that party
1178 liaison to submit the name of an individual to fill the vacancy.

1179 (ii) That party liaison shall, ~~[before 5 p.m. within]~~ no later than 5 p.m. on the first
1180 business day that is at least 30 calendar days after the day on which the party
1181 liaison receives the notice described in Subsection (7)(b)(i), or if the party liaison
1182 does not receive the notice, ~~[before 5 p.m. no later than]~~ no later than 5 p.m. on the
1183 first business day that is at least 40 calendar days after the day on which the
1184 vacancy occurs, submit to the county legislative body the name of an individual to
1185 fill the vacancy.

1186 (iii) The county legislative body shall, no later than [~~five~~] seven calendar days after
1187 the day on which a party liaison submits the name of the individual to fill the
1188 vacancy, appoint the individual to serve out the unexpired term.

1189 (c)(i) If the county legislative body fails to appoint an individual to fill the vacancy in
1190 accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor
1191 a letter that:

1192 (A) informs the governor that the county legislative body has failed to appoint an
1193 individual to fill the vacancy within the statutory time period; and

1194 (B) contains the name of the individual submitted by the party liaison to fill the
1195 vacancy.

1196 (ii) The governor shall, within 10 calendar days after the day on which the governor
1197 receives the letter described in Subsection (7)(c)(i), appoint the individual named
1198 by the party liaison to fill the vacancy.

1199 (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold office
1200 until a successor is elected and has qualified.

1201 (8) Except as otherwise provided by law, the county legislative body may appoint
1202 replacements to fill all vacancies that occur in those offices filled by appointment of the
1203 county legislative body.

1204 (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a
1205 political party from filing a certificate of nomination for a vacant office within the same
1206 time limits as a candidate that is affiliated with a political party.

1207 (10)(a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a
1208 county office shall serve for the remainder of the unexpired term of the individual
1209 who created the vacancy and until a successor is elected and qualified.

1210 (b) Nothing in this section may be construed to contradict or alter the provisions of
1211 Section 17-16-6.

1212 Section 11. Section **20A-1-509.1** is amended to read:

1213 **20A-1-509.1 . Procedure for filling midterm vacancy in county or district with 15**
1214 **or more attorneys.**

1215 (1) When a vacancy occurs in the office of county or district attorney in a county or district
1216 having 15 or more attorneys who are licensed active members in good standing with the
1217 Utah State Bar and registered voters, the vacancy shall be filled as provided in this
1218 section.

1219 (2)(a) The requirements of this Subsection (2) apply when the office of county attorney

- 1220 or district attorney becomes vacant and:
- 1221 (i) the vacant office has an unexpired term of two years or more; and
- 1222 (ii) the vacancy occurs before the first day of the declaration of candidacy filing
- 1223 period described in Section 20A-9-201.5.
- 1224 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
- 1225 notify the public and each registered political party that the vacancy exists.
- 1226 (c) All persons intending to become candidates for the vacant office shall:
- 1227 (i) file a declaration of candidacy according to the procedures and requirements of
- 1228 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
- 1229 (ii) if nominated as a party candidate or qualified as an independent or write-in
- 1230 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures,
- 1231 run in the regular general election; and
- 1232 (iii) if elected, complete the unexpired term of the person who created the vacancy.
- 1233 (d) If the vacancy occurs during the declaration of candidacy filing period described in
- 1234 Section 20A-9-201.5:
- 1235 (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be
- 1236 extended until 5 p.m. on the first business day that is no later than seven calendar
- 1237 days after the last day of the filing period described in Section 20A-9-201.5; and
- 1238 (ii) the county clerk shall notify the public and each registered political party that the
- 1239 vacancy exists.
- 1240 (3)(a) The requirements of this Subsection (3) apply when the office of county attorney
- 1241 or district attorney becomes vacant and:
- 1242 (i) the vacant office has an unexpired term of two years or more; and
- 1243 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year
- 1244 but more than 75 calendar days before the regular primary election.
- 1245 (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:
- 1246 (i) notify the public and each registered political party that the vacancy exists; and
- 1247 (ii) identify the date and time by which a person interested in becoming a candidate
- 1248 shall file a declaration of candidacy.
- 1249 (c) All persons intending to become candidates for the vacant office shall:
- 1250 (i) [~~before 5 p.m. within~~] no later than 5 p.m. on the first business day that is at least
- 1251 five calendar days after the day on which the county clerk gives the notice
- 1252 described in Subsection (3)(b)(i), file a declaration of candidacy for the vacant
- 1253 office as required by Chapter 9, Part 2, Candidate Qualifications and Declarations

- 1254 of Candidacy; and
- 1255 (ii) if elected, complete the unexpired term of the person who created the vacancy.
- 1256 (d) The county central committee of each party shall:
- 1257 (i) select a candidate or candidates from among those qualified candidates who have
- 1258 filed declarations of candidacy; and
- 1259 (ii) certify the name of the candidate or candidates to the county clerk:
- 1260 (A) [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is
- 1261 at least 60 calendar days before the day of the regular primary election; or
- 1262 (B) electronically, before midnight no later than 60 calendar days before the day
- 1263 of the regular primary election.
- 1264 (4)(a) The requirements of this Subsection (4) apply when the office of county attorney
- 1265 or district attorney becomes vacant and:
- 1266 (i) the vacant office has an unexpired term of two years or more; and
- 1267 (ii) 75 calendar days or less remain before the regular primary election but more than
- 1268 65 calendar days remain before the regular general election.
- 1269 (b) When the conditions established in Subsection (4)(a) are met, the county central
- 1270 committees of each registered political party that wish to submit a candidate for the
- 1271 office shall, not later than five calendar days after the day on which the vacancy
- 1272 occurs, certify the name of one candidate to the county clerk for placement on the
- 1273 regular general election ballot.
- 1274 (c) The candidate elected shall complete the unexpired term of the person who created
- 1275 the vacancy.
- 1276 (5)(a) The requirements of this Subsection (5) apply when the office of county attorney
- 1277 or district attorney becomes vacant and:
- 1278 (i) the vacant office has an unexpired term of less than two years; or
- 1279 (ii) the vacant office has an unexpired term of two years or more but 65 calendar days
- 1280 or less remain before the next regular general election.
- 1281 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
- 1282 body shall give notice of the vacancy to the county central committee of the same
- 1283 political party of the prior officeholder and invite that committee to submit the names
- 1284 of three nominees to fill the vacancy.
- 1285 (c) That county central committee shall, within 30 calendar days after the day on which
- 1286 the county legislative body gives the notice described in Subsection (5)(b), submit to
- 1287 the county legislative body the names of three nominees to fill the vacancy.

- 1288 (d) The county legislative body shall, within 45 calendar days after the vacancy occurs,
1289 appoint one of those nominees to serve out the unexpired term.
- 1290 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45
1291 calendar days, the county clerk shall send to the governor a letter that:
1292 (i) informs the governor that the county legislative body has failed to appoint a
1293 person to fill the vacancy within the statutory time period; and
1294 (ii) contains the list of nominees submitted by the party central committee.
- 1295 (f) The governor shall appoint a person to fill the vacancy from that list of nominees
1296 within 30 calendar days after [~~receipt of the letter~~] the day on which the governor
1297 receives the letter described in Subsection (5)(e).
- 1298 (g) A person appointed to fill the vacancy under this Subsection (5) shall complete the
1299 unexpired term of the person who created the vacancy.
- 1300 (6) Nothing in this section prevents or prohibits independent candidates from filing a
1301 declaration of candidacy for the office within the required time limits.

1302 Section 12. Section **20A-1-509.2** is amended to read:

1303 **20A-1-509.2 . Procedure for filling vacancy in county or district with fewer than**
1304 **15 attorneys.**

- 1305 (1) When a vacancy occurs in the office of county or district attorney, including a vacancy
1306 created by the failure of a person to file as a candidate for the office of county or district
1307 attorney in an election, in a county or district having fewer than 15 attorneys who are
1308 licensed, active members in good standing with the Utah State Bar and registered voters,
1309 the vacancy shall be filled as provided in this section.
- 1310 (2) The county clerk shall send a letter to each attorney residing in the county or district
1311 who is a licensed, active member in good standing with the Utah State Bar and a
1312 registered voter that:
1313 (a) informs the attorney of the vacancy;
1314 (b) invites the attorney to apply for the vacancy; and
1315 (c) informs the attorney that if the attorney [~~has not responded~~] does not respond before 5
1316 p.m. [~~within~~] on the first business day that is at least 10 calendar days after the day on
1317 which the county clerk sends the letter, the attorney's candidacy to fill the vacancy
1318 will not be considered.
- 1319 (3)(a)(i) If, before the deadline described in Subsection (2)(c), more than three
1320 attorneys who are licensed, active members in good standing with the Utah State
1321 Bar and registered voters in the county or district have applied for the vacancy, the

- 1322 county clerk shall, except as provided in Subsection (3)(a)(ii), submit the
1323 applications to the county central committee of the same political party of the
1324 prior officeholder.
- 1325 (ii) In multicounty prosecution districts, the clerk shall submit the applications to the
1326 county central committee of each county within the prosecution district.
- 1327 (b) The central committee shall nominate three of the applicants and forward the
1328 applicants' names to the county legislative body [~~before 5 p.m. within~~] no later than 5
1329 p.m. on the first business day that is at least 20 calendar days after the day on which
1330 the county clerk submits the applicants' names under Subsection (3)(a).
- 1331 (c) The county legislative body shall appoint one of the nominees to fill the vacant
1332 position.
- 1333 (d) If the central committee of the political party fails to submit at least three names to
1334 the county legislative body before the deadline described in Subsection (3)(b), the
1335 county legislative body shall appoint one of the applicants to fill the vacant position.
- 1336 (e) If the county legislative body fails to appoint a person to fill the vacancy within 120
1337 calendar days after the day on which the vacancy occurs, the county clerk shall mail
1338 to the governor:
- 1339 (i) a letter informing the governor that the county legislative body has failed to
1340 appoint a person to fill the vacancy; and
- 1341 (ii)(A) the list of nominees, if any, submitted by the central committee of the
1342 political party; or
- 1343 (B) if the party central committee has not submitted a list of at least three
1344 nominees within the required time, the names of the persons who submitted
1345 applications for the vacant position to the county clerk.
- 1346 (f) The governor shall appoint, within 30 calendar days after the day on which the
1347 governor receives the letter described in Subsection (3)(e), a person from the list to
1348 fill the vacancy.
- 1349 (4)(a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys who
1350 are licensed, active members in good standing with the Utah State Bar and registered
1351 voters in the county or district have applied for the vacancy, the county legislative
1352 body may:
- 1353 (i) appoint one of them to be county or district attorney; or
- 1354 (ii) solicit additional applicants and appoint a county or district attorney as provided
1355 in Subsection (4)(b).

- 1356 (b)(i) If three or fewer attorneys who are licensed members in good standing of the
 1357 Utah State Bar and registered voters in the county or district submit applications,
 1358 the county legislative body may publicly solicit and accept additional applications
 1359 for the position from licensed, active members in good standing of the Utah State
 1360 Bar who are not residents of the county or prosecution district.
- 1361 (ii) The county legislative body shall consider the applications submitted by the
 1362 attorneys who are residents of and registered voters in the county or prosecution
 1363 district and the applications submitted by the attorneys who are not residents of
 1364 the county or prosecution district and shall appoint one of the applicants to be
 1365 county attorney or district attorney.
- 1366 (c) If the legislative body fails to appoint a person to fill the vacancy within 120 calendar
 1367 days after the day on which the vacancy occurs, the county clerk shall:
- 1368 (i) notify the governor that the legislative body has failed to fill the vacancy within
 1369 the required time period; and
- 1370 (ii) provide the governor with a list of all the applicants.
- 1371 (d) The governor shall appoint a person to fill the vacancy within 30 calendar days after
 1372 the day on which the governor receives the notification described in Subsection (4)(c).
- 1373 (5) The person appointed to fill the vacancy shall serve for the unexpired term of the person
 1374 who created the vacancy.
- 1375 Section 13. Section **20A-1-510** is amended to read:
- 1376 **20A-1-510 . Midterm vacancies in municipal offices.**
- 1377 (1)(a) As used in this section:
- 1378 (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined
 1379 in Section 20A-1-102.
- 1380 (ii) "Vacancy," if due to resignation, occurs on the effective date of the resignation.
- 1381 (b) Except as otherwise provided in this section, if any vacancy occurs in the office of
 1382 municipal executive or member of a municipal legislative body, the municipal
 1383 legislative body shall, within 30 calendar days after the day on which the vacancy
 1384 occurs, appoint a registered voter in the municipality who meets the qualifications for
 1385 office described in Section 10-3-301 to fill the unexpired term of the vacated office.
- 1386 (c) Before acting to fill the vacancy, the municipal legislative body shall:
- 1387 (i) give public notice of the vacancy at least 14 calendar days before the day on
 1388 which the municipal legislative body meets to fill the vacancy;
- 1389 (ii) identify, in the notice:

- 1390 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 1391 (B) the person to whom an individual interested in being appointed to fill the
- 1392 vacancy may submit the interested individual's name for consideration; and
- 1393 (C) the deadline for submitting an interested individual's name; and
- 1394 (iii) in an open meeting, interview each individual whose name is submitted for
- 1395 consideration, and who meets the qualifications for office, regarding the
- 1396 individual's qualifications.
- 1397 (d)(i) The municipal legislative body shall take an initial vote to fill the vacancy from
- 1398 among the names of the candidates interviewed under Subsection (1)(c)(iii).
- 1399 (ii)(A) If no candidate receives a majority vote of the municipal legislative body
- 1400 in the initial vote described in Subsection (1)(d)(i), the two candidates that
- 1401 received the most votes in the initial vote, as determined by the tie-breaking
- 1402 procedures described in Subsections (1)(d)(ii)(B) through (D) if necessary,
- 1403 shall be placed before the municipal legislative body for a second vote to fill
- 1404 the vacancy.
- 1405 (B) If the initial vote results in a tie for second place, the candidates tied for
- 1406 second place shall be reduced to one by a coin toss conducted in accordance
- 1407 with Subsection (1)(d)(ii)(D), and the second vote described in Subsection
- 1408 (1)(d)(ii)(A) shall be between the candidate that received the most votes in the
- 1409 initial vote and the candidate that wins the coin toss described in this
- 1410 Subsection (1)(d)(ii)(B).
- 1411 (C) If the initial vote results in a tie among three or more candidates for first place,
- 1412 the candidates tied for first place shall be reduced to two by a coin toss
- 1413 conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote
- 1414 described in Subsection (1)(d)(ii)(A) shall be between the two candidates that
- 1415 remain after the coin toss described in this Subsection (1)(d)(ii)(C).
- 1416 (D) A coin toss required under this Subsection (1)(d) shall be conducted by the
- 1417 municipal clerk or recorder in the presence of the municipal legislative body.
- 1418 (iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate
- 1419 receives a majority vote of the municipal legislative body, the vacancy shall be
- 1420 determined by a coin toss between the two candidates in accordance with
- 1421 Subsection (1)(d)(ii)(D).
- 1422 (e) If the municipal legislative body does not timely comply with Subsections (1)(b)
- 1423 through (d), the municipal clerk or recorder shall immediately notify the lieutenant

- 1424 governor.
- 1425 (f) After receiving notice that a municipal legislative body has failed to timely comply
1426 with Subsections (1)(b) through (d), the lieutenant governor shall:
- 1427 (i) notify the municipal legislative body of the violation; and
1428 (ii) direct the municipal legislative body to, within 30 calendar days after the day on
1429 which the lieutenant governor provides the notice described in this Subsection
1430 (1)(f), appoint an eligible individual to fill the vacancy in accordance with
1431 Subsections (1)(c) and (d).
- 1432 (g) If the municipality fails to timely comply with a directive described in Subsection
1433 (1)(f):
- 1434 (i) the lieutenant governor shall notify the governor of the municipality's failure to fill
1435 the vacancy; and
1436 (ii) the governor shall, within 45 calendar days after the day on which the governor
1437 receives the notice described in Subsection (1)(g)(i), provide public notice
1438 soliciting candidates to fill the vacancy in accordance with Subsection (1)(c) and
1439 appoint an individual to fill the vacancy.
- 1440 (2)(a) A vacancy in the office of municipal executive or member of a municipal
1441 legislative body shall be filled by an interim appointment, followed by an election to
1442 fill a two-year term, if:
- 1443 (i) the vacancy occurs, or a letter of resignation is received, by the municipal
1444 executive at least 14 calendar days before the deadline for filing for election in an
1445 odd-numbered year; and
1446 (ii) two years of the vacated term will remain after the first Monday of January
1447 following the next municipal election.
- 1448 (b) In appointing an interim replacement, the municipal legislative body shall:
- 1449 (i) comply with the notice requirements of this section; and
1450 (ii) in an open meeting, interview each individual whose name is submitted for
1451 consideration, and who meets the qualifications for office, regarding the
1452 individual's qualifications.
- 1453 (3)(a) In a municipality operating under the council-mayor form of government, as
1454 defined in Section 10-3b-102:
- 1455 (i) the council may appoint an individual to fill a vacancy in the office of mayor
1456 before the effective date of the mayor's resignation by making the effective date of
1457 the appointment the same as the effective date of the mayor's resignation; and

1458 (ii) if a vacancy in the office of mayor occurs before the effective date of an
1459 appointment under Subsection (1) or (2) to fill the vacancy, the remaining council
1460 members, by majority vote, shall appoint a council member to serve as acting
1461 mayor during the time between the creation of the vacancy and the effective date
1462 of the appointment to fill the vacancy.

1463 (b) A council member serving as acting mayor under Subsection (3)(a)(ii) continues to:

1464 (i) act as a council member; and

1465 (ii) vote at council meetings.

1466 (4)(a)(i) For a vacancy of a member of a municipal legislative body as described in
1467 this section, the municipal legislative body member whose resignation creates the
1468 vacancy on the municipal legislative body may:

1469 (A) interview an individual whose name is submitted for consideration under
1470 Subsection (1)(c)(iii) or (2)(b)(ii); and

1471 (B) vote on the appointment of an individual to fill the vacancy.

1472 (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is
1473 removed from office in accordance with state law may not cast a vote under
1474 Subsection (4)(a)(i).

1475 (b) A member of a municipal legislative body who submits his or her resignation to the
1476 municipal legislative body may not rescind the resignation.

1477 (c) A member of a municipal legislative body may not vote on an appointment under
1478 this section for himself or herself to fill a vacancy in the municipal legislative body.

1479 (5) In a municipality operating under the council-mayor form of government, the mayor
1480 may not:

1481 (a) participate in the vote to fill a vacancy;

1482 (b) veto a decision of the council to fill a vacancy; or

1483 (c) vote in the case of a tie.

1484 (6) A mayor whose resignation from the municipal legislative body is due to election or
1485 appointment as mayor may, in the case of a tie, participate in the vote under this section.

1486 (7) A municipal legislative body may, consistent with the provisions of state law, adopt
1487 procedures governing the appointment, interview, and voting process for filling
1488 vacancies in municipal offices.

1489 Section 14. Section **20A-1-510.1** is amended to read:

1490 **20A-1-510.1 . Candidate vacancies in local office.**

1491 (1) A vacancy that occurs in a candidacy for an elected office in a local political subdivision

- 1492 may be filled in accordance with the requirements of this section if:
- 1493 (a) a nonpartisan primary election is held for the office;
- 1494 (b) the vacancy occurs after the date of the primary election but before:
- 1495 (i) for a county office, August 31; or
- 1496 (ii) for all other offices, 65 calendar days before the day of the applicable general
- 1497 election; and
- 1498 (c) after the vacancy occurs, the number of remaining candidates for the office is less
- 1499 than or equal to the number of open positions to be filled for that office in the
- 1500 applicable general election.
- 1501 (2) An election officer shall:
- 1502 (a) fill a candidate vacancy described in Subsection (1) by certifying the next available
- 1503 candidate for the office for the general election ballot who received the highest
- 1504 number of votes in the primary election without receiving a sufficient number of
- 1505 votes to qualify for the general election ballot; and
- 1506 (b) immediately notify the candidate described in Subsection (2)(a) that the candidate is
- 1507 certified for the general election ballot.
- 1508 Section 15. Section **20A-1-511** is amended to read:
- 1509 **20A-1-511 . Midterm vacancy on a local school board.**
- 1510 (1)(a) A local school board shall fill a vacancy on the local school board by
- 1511 appointment, except as otherwise provided in Subsections (1)(b) and (2).
- 1512 (b) The county legislative body, or municipal legislative body in a city district, shall fill
- 1513 a vacancy on a local school board by appointment if the local school board fails to
- 1514 make an appointment to fill the vacancy:
- 1515 (i) except as provided in Subsection (1)(b)(ii), within 30 calendar days after a
- 1516 vacancy occurs on the local school board; or
- 1517 (ii) within 45 calendar days after a vacancy occurs on the local school board due to
- 1518 the death of a local school board member.
- 1519 (c) A member appointed and qualified under this Subsection (1) shall serve until a
- 1520 successor is elected or appointed and qualified.
- 1521 (2)(a) A vacancy on the board shall be filled by an interim appointment, followed by an
- 1522 election to fill a two-year term if:
- 1523 (i) the vacancy on the board occurs, or a letter of resignation is received by the board,
- 1524 at least 14 calendar days before the deadline for filing a declaration of candidacy;
- 1525 and

- 1526 (ii) two years of the vacated term will remain after the first Monday of January
1527 following the next school board election.
- 1528 (b) A member elected under this Subsection (2) shall serve for the remaining two years
1529 of the vacated term and until a successor is elected and qualified.
- 1530 (3) Before appointing an individual to fill a vacancy under this section, the local school
1531 board shall:
- 1532 (a) give public notice of the vacancy at least two weeks before the local school board
1533 meets to fill the vacancy;
- 1534 (b) identify, in the public notice:
- 1535 (i) the date, time, and place of the meeting where the vacancy will be filled; and
1536 (ii) the person to whom and the date and time before which an individual interested in
1537 being appointed to fill the vacancy may submit the individual's name for
1538 consideration; and
- 1539 (c) in an open meeting, interview each individual whose name is submitted for
1540 consideration and who meets the qualifications for office, regarding the individual's
1541 qualifications.
- 1542 (4)(a) Subject to Subsection (4)(b), a local school board may appoint an individual to fill
1543 a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member
1544 of the local school board submits a letter of resignation.
- 1545 (b) An individual appointed under Subsection (4)(a) may not take office until on or after
1546 the day on which the vacancy occurs for which the individual is appointed.
- 1547 (c) A member of a local school board who submits a letter of resignation under
1548 Subsection (4)(a) may not rescind the resignation after the local school board makes
1549 an appointment to fill the vacancy created by the resignation.
- 1550 Section 16. Section **20A-1-512** is amended to read:
- 1551 **20A-1-512 . Midterm vacancies on local district boards -- Notice.**
- 1552 (1)(a) When a vacancy occurs on any special district board for any reason, the following
1553 shall appoint a replacement to serve out the unexpired term in accordance with this
1554 section:
- 1555 (i) the special district board, if the person vacating the position was elected; or
1556 (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the
1557 appointing authority appointed the person vacating the position.
- 1558 (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the
1559 special district board or appointing authority shall:

- 1560 (i) give public notice of the vacancy for at least two weeks before the special district
1561 board or appointing authority meets to fill the vacancy by publishing the notice, as
1562 a class A notice under Section 63G-30-102, for the special district; and
- 1563 (ii) identify, in the notice:
- 1564 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 1565 (B) the individual to whom an individual who is interested in an appointment to
1566 fill the vacancy may submit the individual's name for consideration; and
- 1567 (C) any submission deadline.
- 1568 (c) An appointing authority is not subject to Subsection (1)(b) if:
- 1569 (i)(A) the appointing authority appoints one of the appointing authority's own
1570 members; and
- 1571 (B) that member meets all applicable statutory board member qualifications; or
- 1572 (ii) the vacancy is on the board of trustees of an infrastructure financing district with
1573 no residents within the district's boundary.
- 1574 (d) When a vacancy occurs on the board of a water conservancy district located in more
1575 than one county:
- 1576 (i) the board shall give notice of the vacancy to the county legislative bodies that
1577 nominated the vacating trustee as provided in Section 17B-2a-1005;
- 1578 (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively
1579 compile a list of three nominees to fill the vacancy; and
- 1580 (iii) the governor shall, with the advice and consent of the Senate, appoint an
1581 individual to fill the vacancy from nominees submitted as provided in Subsection
1582 17B-2a-1005(2)(c).
- 1583 (2) If ~~[-90 days after a vacancy occurs,]~~ the special district board ~~[has failed]~~ fails to appoint
1584 an individual to complete an elected board member's term within 90 calendar days after
1585 the day on which the vacancy occurs, the vacancy shall be filled:
- 1586 (a) in accordance with the procedure for a special district described in Subsection (1)(b);
1587 and
- 1588 (b) by, as applicable:
- 1589 (i) the legislative body of the county or municipality that created the special district;
1590 or
- 1591 (ii) for a vacancy on a board of trustees of an infrastructure financing district, the
1592 legislative body of the county whose unincorporated area contains or the
1593 municipality whose boundary contains more of the area within the infrastructure

1594 financing district than is contained within the unincorporated area of any other
1595 county or within the boundary of any other municipality.

1596 Section 17. Section **20A-1-513** is amended to read:

1597 **20A-1-513 . Temporary absence in elected office of a political subdivision for**
1598 **military service.**

1599 (1) As used in this section:

1600 (a)(i) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,
1601 Space Force, and Coast Guard.

1602 (ii) "Armed forces" includes the National Guard.

1603 (b)(i) "Elected official" means an individual who holds an office of a political
1604 subdivision that is required by law to be filled by an election.

1605 (ii) "Elected official" includes an individual who is appointed to fill a vacancy in an
1606 office described in Subsection (1)(b)(i).

1607 (c) "Elected official reservist" means an elected official who is:

1608 (i) a member of the armed forces reserves component;

1609 (ii) a member of the National Guard; or

1610 (iii) a retired member of the armed forces who may be called to active, full-time duty
1611 in the armed forces under Title 10, U.S.C., Armed Forces.

1612 (d)(i) "Military leave" means the temporary absence from an office:

1613 (A) by an elected official reservist called to active, full-time duty in the armed
1614 forces; and

1615 (B) for a period of time that exceeds 30 calendar days and does not exceed 400
1616 calendar days.

1617 (ii) "Military leave" includes the time an individual on leave, as described in
1618 Subsection (1)(d)(i), spends for:

1619 (A) out processing;

1620 (B) an administrative delay;

1621 (C) accrued leave; and

1622 (D) on rest and recuperation leave program of the armed forces.

1623 (e) "Political subdivision's governing body" means:

1624 (i) for a county, city, or town, the legislative body of the county, city, or town;

1625 (ii) for a special district, the board of trustees of the special district;

1626 (iii) for a local school district, the local school board;

1627 (iv) for a special service district:

- 1628 (A) the legislative body of the county, city, or town that established the special
1629 service district, if no administrative control board has been appointed under
1630 Section 17D-1-301; or
- 1631 (B) the administrative control board of the special service district, if an
1632 administrative control board has been appointed under Section 17D-1-301; and
- 1633 (v) for a political subdivision not listed in Subsections (1)(e)(i) through (iv), the body
1634 that governs the affairs of the political subdivision.
- 1635 (f) "Temporary replacement" means the individual appointed by the political
1636 subdivision's governing body in accordance with this section to exercise the powers
1637 and duties of the office of an elected official reservist who takes military leave.
- 1638 (2) An elected official reservist who takes military leave in accordance with this section
1639 does not create a vacancy in the elected official's office.
- 1640 (3)(a) An elected official reservist who is called to active, full-time duty in the armed
1641 forces under Title 10, U.S.C., Armed Forces, shall notify the political subdivision's
1642 governing body of the elected official's orders no later than 5 p.m. on the first
1643 business day that is at least five calendar days after the day on which the elected
1644 official receives the orders.
- 1645 (b) An elected official reservist described in Subsection (3)(a) may:
- 1646 (i) if the period of active, full-time duty does not exceed 270 calendar days:
- 1647 (A) continue to carry out the elected official's duties if possible while on active,
1648 full-time duty; or
- 1649 (B) take military leave if the elected official submits to the political subdivision's
1650 governing body written notice of the intent to take military leave and the
1651 expected duration of the military leave; or
- 1652 (ii) if the period of active, full-time duty exceeds 270 calendar days but does not
1653 exceed 400 calendar days, take military leave if the elected official submits to the
1654 political subdivision's governing body:
- 1655 (A) written notice of the intent to take military leave and the expected duration of
1656 the military leave; and
- 1657 (B) written certification that the secretary of the armed force of which the elected
1658 official is a member granted the elected official permission under U.S.
1659 Department of Defense Directive 1344.10 to continue to hold the elected
1660 official's office while on active, full-time duty.
- 1661 (4)(a) An elected official reservist who chooses to continue to carry out the elected

- 1662 official's duties under Subsection (3)(b)(i)(A) shall, no later than 10 calendar days
1663 after the day of the elected official's deployment, confirm in writing to the political
1664 subdivision's governing body that the elected official has the ability to carry out the
1665 elected official's duties.
- 1666 (b) If an elected official reservist does not submit the confirmation to the political
1667 subdivision's governing body before the deadline described in Subsection (4)(a), the
1668 political subdivision's governing body shall:
- 1669 (i) place the elected official in military leave status; and
1670 (ii) appoint a temporary replacement in accordance with Subsection (8).
- 1671 (5)(a) An elected official reservist who chooses to take military leave under Subsection
1672 (3)(b)(ii) shall, no later than 21 calendar days after the date of the elected official's
1673 deployment, submit to the political subdivision's governing body the written notice
1674 and certification described in Subsection (3)(b)(ii).
- 1675 (b) If an elected official reservist does not submit the notice and certification to the
1676 political subdivision's governing body before the deadline described in Subsection
1677 (5)(a):
- 1678 (i) the political subdivision's governing body may not appoint a temporary
1679 replacement under Subsection (8); and
1680 (ii) the elected official reservist creates a vacancy in the elected official's office.
- 1681 (6) An elected official reservist who is called to active, full-time duty in the armed forces
1682 under Title 10, U.S.C., Armed Forces, for a period of more than 400 calendar days
1683 creates a vacancy in the elected official's office.
- 1684 (7) An elected official reservist's military leave:
- 1685 (a) begins:
- 1686 (i) for an elected official reservist described in Subsection (3)(b)(i), the later of:
- 1687 (A) the day after the day on which the elected official notifies the political
1688 subdivision's governing body of the intent to take military leave;
1689 (B) 11 calendar days after the day of the elected official's deployment if no
1690 confirmation is received by the political subdivision's governing body in
1691 accordance with Subsection (4)(a); or
1692 (C) the day on which the elected official begins active, full-time duty in the armed
1693 forces; or
1694 (ii) for an elected official reservist described in Subsection (3)(b)(ii), the day after the
1695 day on which the elected official submits to the political subdivision's governing

- 1696 body the written notice and certification described in Subsection (3)(b)(ii); and
1697 (b) ends the sooner of:
1698 (i) the expiration of the elected official reservist's term of office; or
1699 (ii) the day on which the elected official reservist ends active, full-time duty in the
1700 armed forces.
- 1701 (8) A temporary replacement shall:
1702 (a) meet the qualifications required to hold the office; and
1703 (b) be appointed:
1704 (i) when an elected official reservist:
1705 (A) takes military leave under Subsection (3)(b)(i)(B) or (b)(ii); or
1706 (B) is placed in military leave status under Subsection (4)(b)(i); and
1707 (ii) by the political subdivision's governing body:
1708 (A) if a registered political party nominated the elected official reservist as a
1709 candidate for the office, in the same manner as provided in Subsection
1710 20A-1-508(3) for the appointment of an interim replacement; or
1711 (B) if a registered political party did not nominate the elected official reservist as a
1712 candidate for the office, after submitting an application in accordance with
1713 Subsection (10)(b).
- 1714 (9)(a) A temporary replacement shall exercise the powers and duties of the office for
1715 which the temporary replacement is appointed for the duration of the elected official
1716 reservist's military leave.
1717 (b) An elected reservist may not exercise the powers or duties of the office while on
1718 military leave.
1719 (c) If a temporary replacement is not appointed as required by Subsection (8)(b), no
1720 individual may exercise the powers and duties of the elected official reservist's office
1721 during the elected official's military leave.
- 1722 (10) The political subdivision's governing body shall establish:
1723 (a) the distribution of the emoluments of the office between the elected official reservist
1724 and the temporary replacement; and
1725 (b) an application form and the date and time before which an individual shall submit
1726 the application to be considered by the political subdivision's governing body for
1727 appointment as a temporary replacement.
- 1728 (11) This section does not apply to an elected official who is not an elected official reservist.
1729 Section 18. Section **20A-1-802** is amended to read:

1730 **20A-1-802 . Definitions.**

1731 As used in this part:

- 1732 (1) "Bad faith" means that a person files a petition described in Subsection 20A-1-803(1):
- 1733 (a) under circumstances where a reasonable person would not believe that the allegations
- 1734 are true; or
- 1735 (b)(i) within 60 calendar days before an election that the candidate to which the
- 1736 petition relates will appear on the ballot; and
- 1737 (ii) under circumstances where a reasonable person would not believe that the
- 1738 allegations constitute a significant violation of a provision of this title.
- 1739 (2) "Defendant" means each person against whom an allegation is made in the verified
- 1740 petition described in Subsection 20A-1-803(1).
- 1741 (3) "Receiving official" means:
- 1742 (a) the lieutenant governor, unless the verified petition described in Section 20A-1-803
- 1743 alleges a violation by the governor, the lieutenant governor, or an employee of the
- 1744 lieutenant governor's office; or
- 1745 (b) the attorney general, if the verified petition described in Section 20A-1-803 alleges a
- 1746 violation by the governor, the lieutenant governor, or an employee of the lieutenant
- 1747 governor's office.
- 1748 (4) "Reviewing official" means:
- 1749 (a) except as provided in Subsection (4)(b), the receiving official; or
- 1750 (b) the reviewing official appointed under Subsection 20A-1-803(3)(a), if the receiving
- 1751 official appoints another individual as the reviewing official under Subsection
- 1752 20A-1-803(3)(a).
- 1753 (5) "Significant violation" means:
- 1754 (a) a violation that, if known by voters before the election, may have resulted in a
- 1755 candidate, other than the candidate certified as having won the election, winning the
- 1756 election; or
- 1757 (b) a violation that, had the violation not occurred, may have resulted in a candidate,
- 1758 other than the candidate certified as having won the election, winning the election.

1759 Section 19. Section **20A-1-803** is amended to read:

1760 **20A-1-803 . Verified petition by registered voter -- Receiving and reviewing**

1761 **official -- Special investigation -- Special counsel -- Civil action.**

- 1762 (1) A registered voter may file a verified petition alleging a violation of any provision of
- 1763 this title, if the registered voter:

- 1764 (a) has information relating to the alleged violation; and
1765 (b) the allegation is against a candidate for whom the registered voter had the right to
1766 vote, a personal campaign committee of that candidate, or a member of a personal
1767 campaign committee of that candidate.
- 1768 (2) The registered voter described in Subsection (1) shall file the verified petition with the
1769 receiving official.
- 1770 (3) If the receiving official determines, in writing, that the receiving official has a conflict
1771 of interest in relation to taking an action required in this part, the receiving official shall:
- 1772 (a) designate as the reviewing official an individual who does not have a conflict of
1773 interest, in the following order of precedence:
- 1774 (i) the attorney general;
1775 (ii) the state auditor;
1776 (iii) the state treasurer; or
1777 (iv) the governor; and
- 1778 (b) forward the petition to the reviewing official for further action.
- 1779 (4)(a) The reviewing official shall gather information and determine whether, in the
1780 discretion of the reviewing official, a special investigation is necessary.
- 1781 (b) In making the determination described in Subsection (4)(a), the reviewing official
1782 may consider the following:
- 1783 (i) whether, based on the information available to the reviewing official, the
1784 reviewing official is able to determine that a violation did not occur;
1785 (ii) the seriousness of the alleged violation;
1786 (iii) whether the alleged violation was intentional or accidental;
1787 (iv) whether the alleged violation could be resolved informally;
1788 (v) whether the petition is frivolous or filed for the purpose of harassment;
1789 (vi) whether the alleged violation should be addressed in, or is being adequately
1790 addressed in, another forum, including a criminal investigation or proceeding;
1791 (vii) whether additional investigation, as part of a civil proceeding in relation to the
1792 petition, is desirable;
1793 (viii) the likelihood that an action, based on the allegations, is likely to be successful;
1794 or
1795 (ix) other criteria relevant to making the determination.
- 1796 (5) If the reviewing official determines that a special investigation is necessary, the
1797 reviewing official shall:

- 1798 (a) except as provided in Subsection (5)(b), refer the information to the attorney general,
1799 who shall appoint special counsel; or
- 1800 (b) if the verified petition alleges that the attorney general violated a provision of this
1801 title, or if the reviewing official determines that the Office of the Attorney General
1802 has a conflict of interest in relation to the verified petition, appoint a person who is
1803 not an employee of the Office of the Attorney General as special counsel, in
1804 accordance with Title 63G, Chapter 6a, Utah Procurement Code.
- 1805 (6) The special counsel:
- 1806 (a) shall review the petition and any evidence relative to determining whether a
1807 defendant committed a violation of a provision of this title;
- 1808 (b) may interview individuals or gather additional evidence relative to determining
1809 whether a defendant committed a violation of a provision of this title;
- 1810 (c) shall advise the reviewing official whether, in the opinion of the special counsel,
1811 sufficient evidence exists to establish that a defendant committed a significant
1812 violation of a provision of this title; and
- 1813 (d) shall, [~~within~~] on or before the first business day that is at least three calendar days
1814 after the day on which the special counsel complies with Subsection (6)(c), prepare
1815 and provide to the reviewing official a document that:
- 1816 (i) states whether, in the opinion of the special counsel, sufficient evidence exists to
1817 establish that a defendant committed at least one significant violation of a
1818 provision of this title; and
- 1819 (ii) if the special counsel is of the opinion that sufficient evidence exists to establish
1820 that a defendant committed at least one significant violation of a provision of this
1821 title:
- 1822 (A) states the name of each defendant for which, in the opinion of the special
1823 counsel, sufficient evidence exists to establish that the defendant committed at
1824 least one significant violation of a provision of this title;
- 1825 (B) states each provision of this title for which, in the opinion of the special
1826 counsel, sufficient evidence exists to establish that the defendant violated; and
- 1827 (C) may not include a description of the evidence supporting the opinion of the
1828 special counsel.
- 1829 (7) The reviewing official shall:
- 1830 (a) [~~within~~] on or before the first business day that is at least three calendar days after the
1831 day on which the reviewing official receives the document described in Subsection

- 1832 (6)(d), post a conspicuous link to the document on the home page of the reviewing
1833 official's website; and
- 1834 (b) ~~[within]~~ on or before the first business day that is at least seven calendar days after
1835 the day on which the special counsel complies with Subsection (6)(c):
- 1836 (i) determine whether, in the opinion of the reviewing official, sufficient evidence
1837 exists to establish that a defendant committed a significant violation of a provision
1838 of this title; and
- 1839 (ii) if the reviewing official is of the opinion that sufficient evidence exists to
1840 establish that a defendant committed at least one significant violation of a
1841 provision of this title, direct the special counsel to file a civil action and serve
1842 summons in accordance with the Utah Rules of Civil Procedure:
- 1843 (A) against each defendant for whom the reviewing official determines that
1844 sufficient evidence exists that the defendant committed a significant violation
1845 of this title; and
- 1846 (B) that includes each significant violation for which the reviewing official
1847 determines that sufficient evidence exists.
- 1848 (8)(a) The purpose of the civil action described in Subsection (7)(b)(ii) is to determine
1849 whether a defendant committed a significant violation of a provision of this title.
- 1850 (b) For a civil action described in Subsection (7)(b)(ii), the complaint may include an
1851 allegation of any violation of a provision of this title by a defendant, regardless of
1852 whether the violation is alleged in the petition.
- 1853 (c) The special counsel may amend the complaint at any time after the complaint is filed,
1854 including by adding allegations to the complaint or amending allegations already
1855 made in the complaint, if the court determines that the amendment will not violate the
1856 due process rights of the defendant against whom the added or amended allegation is
1857 made.
- 1858 (9)(a) An action brought under this section shall:
- 1859 (i) be heard without a jury, with the court determining all issues of fact and issues of
1860 law; and
- 1861 (ii) have precedence over any other civil actions.
- 1862 (b) The court shall schedule discovery and hearings, and shall otherwise conduct
1863 proceedings relating to an action brought under this section, in an expedited manner
1864 while preserving the rights of the parties and the integrity of the proceedings.
- 1865 Section 20. Section **20A-2-101** is amended to read:

1866 **20A-2-101 . Eligibility for registration.**

- 1867 (1) Except as provided in Subsection (2), an individual may register to vote in an election
1868 who:
- 1869 (a) is a citizen of the United States;
 - 1870 (b) has been a resident of Utah for at least the 30 calendar days immediately before the
1871 election;
 - 1872 (c) will be:
 - 1873 (i) at least 18 years of age on the day of the election; or
 - 1874 (ii) if the election is a regular primary election, a municipal primary election, or a
1875 presidential primary election:
 - 1876 (A) 17 years of age on or before the day of the regular primary election, municipal
1877 primary election, or presidential primary election; and
 - 1878 (B) 18 years of age on or before the day of the general election that immediately
1879 follows the regular primary election, municipal primary election, or
1880 presidential primary election; and
 - 1881 (d) currently resides within the voting district or precinct in which the individual applies
1882 to register to vote.
- 1883 (2)(a)(i) An individual who is involuntarily confined or incarcerated in a jail, prison,
1884 or other facility within a voting precinct is not a resident of that voting precinct
1885 and may not register to vote in that voting precinct unless the individual was a
1886 resident of that voting precinct before the confinement or incarceration.
- 1887 (ii) An individual who is involuntarily confined or incarcerated in a jail or prison is a
1888 resident of the voting precinct in which the individual resided before the
1889 confinement or incarceration.
- 1890 (b) An individual who has been convicted of a felony or a misdemeanor for an offense
1891 under this title may not register to vote or remain registered to vote unless the
1892 individual's right to vote has been restored as provided in Section 20A-2-101.3 or
1893 20A-2-101.5.
 - 1894 (c) An individual whose right to vote has been restored, as provided in Section
1895 20A-2-101.3 or 20A-2-101.5, is eligible to register to vote.
- 1896 (3) An individual who is eligible to vote and who resides within the geographic boundaries
1897 of the entity in which the election is held may register to vote in a:
- 1898 (a) regular general election;
 - 1899 (b) regular primary election;

- 1900 (c) municipal general election;
- 1901 (d) municipal primary election;
- 1902 (e) statewide special election;
- 1903 (f) local special election;
- 1904 (g) special district election;
- 1905 (h) bond election; and
- 1906 (i) presidential primary election.

1907 Section 21. Section **20A-2-101.1** is amended to read:

1908 **20A-2-101.1 . Preregistering to vote.**

- 1909 (1) An individual may preregister to vote if the individual:
 - 1910 (a) is 16 or 17 years of age;
 - 1911 (b) is not eligible to register to vote because the individual does not comply with the age
 - 1912 requirements described in Subsection 20A-2-101(1)(c);
 - 1913 (c) is a citizen of the United States;
 - 1914 (d) has been a resident of Utah for at least 30 calendar days; and
 - 1915 (e) currently resides within the voting district or precinct in which the individual
 - 1916 preregisters to vote.
- 1917 (2) An individual described in Subsection (1) may not vote in an election and is not
- 1918 registered to vote until:
 - 1919 (a) the individual is otherwise eligible to register to vote because the individual complies
 - 1920 with the age requirements described in Subsection 20A-2-101(1)(c); and
 - 1921 (b) the county clerk registers the individual to vote under Subsection (4).
- 1922 (3) An individual who preregisters to vote shall:
 - 1923 (a) complete a voter registration form, including an indication that the individual is
 - 1924 preregistering to vote; and
 - 1925 (b) submit the voter registration form to a county clerk in person, by mail, or in any
 - 1926 other manner authorized by this chapter for the submission of a voter registration
 - 1927 form.
- 1928 (4)(a) A county clerk shall:
 - 1929 (i) retain the voter registration form of an individual who meets the qualifications for
 - 1930 preregistration and who submits a completed voter registration form to the county
 - 1931 clerk under Subsection (3)(b);
 - 1932 (ii) register the individual to vote in the next election in which the individual will be
 - 1933 eligible to vote, before the voter registration deadline established in Section

- 1934 20A-2-102.5 for that election; and
- 1935 (iii) send a notice to the individual that:
- 1936 (A) informs the individual that the individual's voter registration form has been
- 1937 accepted as an application for preregistration;
- 1938 (B) informs the individual that the individual will be registered to vote in the next
- 1939 election in which the individual will be eligible to vote; and
- 1940 (C) indicates in which election the individual will be registered to vote.
- 1941 (b) An individual who the county clerk registers under Subsection (4)(a)(ii) is
- 1942 considered to have applied for voter registration on the earlier of:
- 1943 (i) the day of the voter registration deadline immediately preceding the election day
- 1944 on which the individual will be at least 18 years of age; or
- 1945 (ii) the day on which the individual turns 18 years of age.
- 1946 (c) A county clerk shall refer a voter registration form to the county attorney for
- 1947 investigation and possible prosecution if the clerk or the clerk's designee believes the
- 1948 individual is attempting to preregister to vote in an election in which the individual
- 1949 will not be legally entitled to vote.
- 1950 (5)(a) The lieutenant governor or a county clerk shall classify the voter registration
- 1951 record of an individual who preregisters to vote as a private record until the day on
- 1952 which the individual turns 18 years of age.
- 1953 (b) On the day on which the individual described in Subsection (5)(a) turns 18 years of
- 1954 age, the lieutenant governor or county clerk shall classify the individual's voter
- 1955 registration record as a public record in accordance with Subsection 63G-2-301(2)(1).
- 1956 (6) If an individual who is at least 18 years of age erroneously indicates on the voter
- 1957 registration form that the individual is preregistering to vote, the county clerk shall
- 1958 consider the form as a voter registration form and shall process the form in accordance
- 1959 with this chapter.
- 1960 Section 22. Section **20A-2-104** is amended to read:
- 1961 **20A-2-104 . Voter registration form -- Registered voter lists -- Fees for copies.**
- 1962 (1) As used in this section:
- 1963 (a) "Candidate for public office" means an individual:
- 1964 (i) who files a declaration of candidacy for a public office;
- 1965 (ii) who files a notice of intent to gather signatures under Section 20A-9-408; or
- 1966 (iii) employed by, under contract with, or a volunteer of, an individual described in
- 1967 Subsection (1)(a)(i) or (ii) for political campaign purposes.

- 1968 (b) "Dating violence" means the same as that term is defined in Section 78B-7-402 and
- 1969 the federal Violence Against Women Act of 1994, as amended.
- 1970 (c) "Domestic violence" means the same as that term is defined in Section 77-36-1 and
- 1971 the federal Violence Against Women Act of 1994, as amended.
- 1972 (d) "Hash Code" means a code generated by applying an algorithm to a set of data to
- 1973 produce a code that:
- 1974 (i) uniquely represents the set of data;
- 1975 (ii) is always the same if the same algorithm is applied to the same set of data; and
- 1976 (iii) cannot be reversed to reveal the data applied to the algorithm.
- 1977 (e) "Protected individual" means an individual:
- 1978 (i) who submits a withholding request form with the individual's voter registration
- 1979 record, or to the lieutenant governor or a county clerk, if the individual indicates
- 1980 on the form that the individual, or an individual who resides with the individual, is
- 1981 a victim of domestic violence or dating violence or is likely to be a victim of
- 1982 domestic violence or dating violence;
- 1983 (ii) who submits a withholding request form with the individual's voter registration
- 1984 record, or to the lieutenant governor or a county clerk, if the individual indicates
- 1985 on the form and provides verification that the individual, or an individual who
- 1986 resides with the individual, is a law enforcement officer, a member of the armed
- 1987 forces as defined in Section 20A-1-513, a public figure, or protected by a
- 1988 protective order or protection order; or
- 1989 (iii) whose voter registration record was classified as a private record at the request of
- 1990 the individual before May 12, 2020.

1991 (2)(a) An individual applying for voter registration, or an individual preregistering to vote,

1992 shall complete a voter registration form in substantially the following form:

1993 -----

1994 UTAH ELECTION REGISTRATION FORM

1995 Are you a citizen of the United States of America? Yes No

1996 If you checked "no" to the above question, do not complete this form.

1997 Will you be 18 years of age on or before election day? Yes No

1998 If you checked "no" to the above question, are you 16 or 17 years of age and

1999 preregistering to vote? Yes No

2000 If you checked "no" to both of the prior two questions, do not complete this form.

2001 Name of Voter

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First Middle Last

Utah Driver License or Utah Identification Card
Number _____

Date of Birth _____

Street Address of Principal Place of Residence

City County State Zip Code

Telephone Number (optional) _____

Email Address (optional) _____

Last four digits of Social Security Number _____

Last former address at which I was registered to vote (if
known) _____

City County State Zip Code

Political Party

(a listing of each registered political party, as defined in Section 20A-8-101 and maintained by the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

Unaffiliated (no political party preference) Other (Please specify) _____

I do swear (or affirm), subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of the state of Utah, residing at the above address. Unless I have indicated above that I am preregistering to vote in a later election, I will be at least 18 years of age and will have resided in Utah for 30 calendar days immediately before the next election. I am not a convicted felon currently incarcerated for commission of a felony.

Signed and sworn

Voter's Signature

_____ (month/day/year).

PRIVACY INFORMATION

Voter registration records contain some information that is available to the public, such as your name and address, some information that is available only to government entities, and

2036 some information that is available only to certain third parties in accordance with the
2037 requirements of law.

2038 Your driver license number, identification card number, social security number, email
2039 address, full date of birth, and phone number are available only to government entities. Your
2040 year of birth is available to political parties, candidates for public office, certain third parties,
2041 and their contractors, employees, and volunteers, in accordance with the requirements of law.

2042 You may request that all information on your voter registration records be withheld from
2043 all persons other than government entities, political parties, candidates for public office, and
2044 their contractors, employees, and volunteers, by indicating here:

2045 _____ Yes, I request that all information on my voter registration records be withheld
2046 from all persons other than government entities, political parties, candidates for public office,
2047 and their contractors, employees, and volunteers.

2048 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

2049 In addition to the protections provided above, you may request that identifying
2050 information on your voter registration records be withheld from all political parties, candidates
2051 for public office, and their contractors, employees, and volunteers, by submitting a
2052 withholding request form, and any required verification, as described in the following
2053 paragraphs.

2054 A person may request that identifying information on the person's voter registration
2055 records be withheld from all political parties, candidates for public office, and their
2056 contractors, employees, and volunteers, by submitting a withholding request form with this
2057 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely
2058 to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
2059 violence.

2060 A person may request that identifying information on the person's voter registration
2061 records be withheld from all political parties, candidates for public office, and their
2062 contractors, employees, and volunteers, by submitting a withholding request form and any
2063 required verification with this registration form, or to the lieutenant governor or a county clerk,
2064 if the person is, or resides with a person who is, a law enforcement officer, a member of the
2065 armed forces, a public figure, or protected by a protective order or a protection order.

2066 CITIZENSHIP AFFIDAVIT

2067 Name:

2068 Name at birth, if different:

2069 Place of birth:

2070 Date of birth:

2071 Date and place of naturalization (if applicable):

2072 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
2073 citizen and that to the best of my knowledge and belief the information above is true and
2074 correct.

2075 _____

2076 Signature of Applicant

2077 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
2078 allowing yourself to be registered or preregistered to vote if you know you are not entitled to
2079 register or preregister to vote is up to one year in jail and a fine of up to \$2,500.

2080 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
2081 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
2082 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND
2083 PHOTOGRAPH; OR

2084 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME
2085 AND CURRENT ADDRESS.

2086 FOR OFFICIAL USE ONLY

2087 Type of I.D. _____

2088 Voting Precinct _____

2089 Voting I.D. Number _____

2090 -----

2091 (b) The voter registration form described in Subsection (2)(a) shall include a section in
2092 substantially the following form:

2093 -----

2094 **BALLOT NOTIFICATIONS**

2095 If you have provided a phone number or email address, you can receive notifications by
2096 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
2097 deposit in the mail or in a ballot drop box, by indicating here:

2098 _____ Yes, I would like to receive electronic notifications regarding the status of my
2099 ballot.

2100 -----

2101 (c)(i) Except as provided under Subsection (2)(c)(ii), the county clerk shall retain a
2102 copy of each voter registration form in a permanent countywide alphabetical file,
2103 which may be electronic or some other recognized system.

- 2104 (ii) The county clerk may transfer a superseded voter registration form to the
2105 Division of Archives and Records Service created under Section 63A-12-101.
- 2106 (3)(a) Each county clerk shall retain lists of currently registered voters.
- 2107 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.
- 2108 (c) If there are any discrepancies between the two lists, the county clerk's list is the
2109 official list.
- 2110 (d) The lieutenant governor and the county clerks may charge the fees established under
2111 the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy
2112 of the list of registered voters.
- 2113 (4)(a) As used in this Subsection (4), "qualified person" means:
- 2114 (i) a government official or government employee acting in the government official's
2115 or government employee's capacity as a government official or a government
2116 employee;
- 2117 (ii) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or
2118 independent contractor of a health care provider;
- 2119 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee,
2120 or independent contractor of an insurance company;
- 2121 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or
2122 independent contractor of a financial institution;
- 2123 (v) a political party, or an agent, employee, or independent contractor of a political
2124 party;
- 2125 (vi) a candidate for public office, or an employee, independent contractor, or
2126 volunteer of a candidate for public office;
- 2127 (vii) a person described in Subsections (4)(a)(i) through (vi) who, after obtaining a
2128 year of birth from the list of registered voters:
- 2129 (A) provides the year of birth only to a person described in Subsections (4)(a)(i)
2130 through [~~(vii)~~] (vi);
- 2131 (B) verifies that the person described in Subsection (4)(a)(vii)(A) is a person
2132 described in Subsections (4)(a)(i) through [~~(vii)~~] (vi);
- 2133 (C) ensures, using industry standard security measures, that the year of birth may
2134 not be accessed by a person other than a person described in Subsections
2135 (4)(a)(i) through [~~(vii)~~] (vi);
- 2136 (D) verifies that each person described in Subsections (4)(a)(ii) through (iv) to
2137 whom the person provides the year of birth will only use the year of birth to

- 2138 verify the accuracy of personal information submitted by an individual or to
2139 confirm the identity of a person in order to prevent fraud, waste, or abuse;
- 2140 (E) verifies that each person described in Subsection (4)(a)(i) to whom the person
2141 provides the year of birth will only use the year of birth in the person's capacity
2142 as a government official or government employee; and
- 2143 (F) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
2144 person provides the year of birth will only use the year of birth for a political
2145 purpose of the political party or candidate for public office; or
- 2146 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining
2147 information under Subsection (4)(n) and (o):
- 2148 (A) provides the information only to another person described in Subsection
2149 (4)(a)(v) or (vi);
- 2150 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a
2151 person described in Subsection (4)(a)(v) or (vi);
- 2152 (C) ensures, using industry standard security measures, that the information may
2153 not be accessed by a person other than a person described in Subsection
2154 (4)(a)(v) or (vi); and
- 2155 (D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
2156 person provides the information will only use the information for a political
2157 purpose of the political party or candidate for public office.
- 2158 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in
2159 Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall,
2160 when providing the list of registered voters to a qualified person under this section,
2161 include, with the list, the years of birth of the registered voters, if:
- 2162 (i) the lieutenant governor or a county clerk verifies the identity of the person and
2163 that the person is a qualified person; and
- 2164 (ii) the qualified person signs a document that includes the following:
- 2165 (A) the name, address, and telephone number of the person requesting the list of
2166 registered voters;
- 2167 (B) an indication of the type of qualified person that the person requesting the list
2168 claims to be;
- 2169 (C) a statement regarding the purpose for which the person desires to obtain the
2170 years of birth;
- 2171 (D) a list of the purposes for which the qualified person may use the year of birth

2172 of a registered voter that is obtained from the list of registered voters;

2173 (E) a statement that the year of birth of a registered voter that is obtained from the
2174 list of registered voters may not be provided or used for a purpose other than a
2175 purpose described under Subsection (4)(b)(ii)(D);

2176 (F) a statement that if the person obtains the year of birth of a registered voter
2177 from the list of registered voters under false pretenses, or provides or uses the
2178 year of birth of a registered voter that is obtained from the list of registered
2179 voters in a manner that is prohibited by law, is guilty of a class A misdemeanor
2180 and is subject to a civil fine;

2181 (G) an assertion from the person that the person will not provide or use the year of
2182 birth of a registered voter that is obtained from the list of registered voters in a
2183 manner that is prohibited by law; and

2184 (H) notice that if the person makes a false statement in the document, the person is
2185 punishable by law under Section 76-8-504.

2186 (c) The lieutenant governor or a county clerk:

2187 (i) may not disclose the year of birth of a registered voter to a person that the
2188 lieutenant governor or county clerk reasonably believes:

2189 (A) is not a qualified person or a person described in Subsection (4)(l); or
2190 (B) will provide or use the year of birth in a manner prohibited by law; and

2191 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the
2192 lieutenant governor or county clerk reasonably believes:

2193 (A) is not a person described in Subsection (4)(a)(v) or (vi); or
2194 (B) will provide or use the information in a manner prohibited by law.

2195 (d) The lieutenant governor or a county clerk may not disclose the voter registration
2196 form of a person, or information included in the person's voter registration form,
2197 whose voter registration form is classified as private under Subsection (4)(h) to a
2198 person other than:

2199 (i) a government official or government employee acting in the government official's
2200 or government employee's capacity as a government official or government
2201 employee; or

2202 (ii) subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for
2203 a political purpose.

2204 (e)(i) Except as provided in Subsection (4)(e)(ii), when disclosing a record or
2205 information under Subsection (4)(d)(ii), the lieutenant governor or county clerk

- 2206 shall exclude the information described in Subsection 63G-2-302(1)(j), other than
2207 the year of birth.
- 2208 (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the
2209 voter registration record of a protected individual, the lieutenant governor or
2210 county clerk shall comply with Subsections (4)(n) through (p).
- 2211 (f) The lieutenant governor or a county clerk may not disclose a withholding request
2212 form, described in Subsections (7) and (8), submitted by an individual, or information
2213 obtained from that form, to a person other than a government official or government
2214 employee acting in the government official's or government employee's capacity as a
2215 government official or government employee.
- 2216 (g) A person is guilty of a class A misdemeanor if the person:
- 2217 (i) obtains from the list of registered voters, under false pretenses, the year of birth of
2218 a registered voter or information described in Subsection (4)(n) or (o);
- 2219 (ii) uses or provides the year of birth of a registered voter, or information described in
2220 Subsection (4)(n) or (o), that is obtained from the list of registered voters in a
2221 manner that is not permitted by law;
- 2222 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k)
2223 under false pretenses;
- 2224 (iv) uses or provides information obtained from a voter registration record described
2225 in Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;
- 2226 (v) unlawfully discloses or obtains a voter registration record withheld under
2227 Subsection (7) or a withholding request form described in Subsections (7) and (8);
2228 or
- 2229 (vi) unlawfully discloses or obtains information from a voter registration record
2230 withheld under Subsection (7) or a withholding request form described in
2231 Subsections (7) and (8).
- 2232 (h) The lieutenant governor or a county clerk shall classify the voter registration record
2233 of a voter as a private record if the voter:
- 2234 (i) submits a written application, created by the lieutenant governor, requesting that
2235 the voter's voter registration record be classified as private;
- 2236 (ii) requests on the voter's voter registration form that the voter's voter registration
2237 record be classified as a private record; or
- 2238 (iii) submits a withholding request form described in Subsection (7) and any required
2239 verification.

- 2240 (i) Except as provided in Subsections (4)(d)(ii) and (e)(ii), the lieutenant governor or a
2241 county clerk may not disclose to a person described in Subsection (4)(a)(v) or (vi) a
2242 voter registration record, or information obtained from a voter registration record, if
2243 the record is withheld under Subsection (7).
- 2244 (j) In addition to any criminal penalty that may be imposed under this section, the
2245 lieutenant governor may impose a civil fine against a person who violates a provision
2246 of this section, in an amount equal to the greater of:
- 2247 (i) the product of 30 and the square root of the total number of:
- 2248 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole
2249 dollar; or
- 2250 (B) records from which information is obtained, provided, or used unlawfully,
2251 rounded to the nearest whole dollar; or
- 2252 (ii) \$200.
- 2253 (k) A qualified person may not obtain, provide, or use the year of birth of a registered
2254 voter, if the year of birth is obtained from the list of registered voters or from a voter
2255 registration record, unless the person:
- 2256 (i) is a government official or government employee who obtains, provides, or uses
2257 the year of birth in the government official's or government employee's capacity
2258 as a government official or government employee;
- 2259 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or
2260 uses the year of birth only to verify the accuracy of personal information
2261 submitted by an individual or to confirm the identity of a person in order to
2262 prevent fraud, waste, or abuse;
- 2263 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,
2264 provides, or uses the year of birth for a political purpose of the political party or
2265 candidate for public office; or
- 2266 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or
2267 uses the year of birth to provide the year of birth to another qualified person to
2268 verify the accuracy of personal information submitted by an individual or to
2269 confirm the identity of a person in order to prevent fraud, waste, or abuse.
- 2270 (l) The lieutenant governor or a county clerk may provide a year of birth to a member of
2271 the media, in relation to an individual designated by the member of the media, in
2272 order for the member of the media to verify the identity of the individual.
- 2273 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose

- 2274 information from a voter registration record for a purpose other than a political
2275 purpose.
- 2276 (n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a
2277 county clerk shall, when providing the list of registered voters to a qualified person
2278 described in Subsection (4)(a)(v) or (vi), include, from the record of a voter whose
2279 record is withheld under Subsection (7), the information described in Subsection
2280 (4)(o), if:
- 2281 (i) the lieutenant governor or a county clerk verifies the identity of the person and
2282 that the person is a qualified person described in Subsection (4)(a)(v) or (vi); and
- 2283 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document
2284 that includes the following:
- 2285 (A) the name, address, and telephone number of the person requesting the list of
2286 registered voters;
- 2287 (B) an indication of the type of qualified person that the person requesting the list
2288 claims to be;
- 2289 (C) a statement regarding the purpose for which the person desires to obtain the
2290 information;
- 2291 (D) a list of the purposes for which the qualified person may use the information;
- 2292 (E) a statement that the information may not be provided or used for a purpose
2293 other than a purpose described under Subsection (4)(n)(ii)(D);
- 2294 (F) a statement that if the person obtains the information under false pretenses, or
2295 provides or uses the information in a manner that is prohibited by law, the
2296 person is guilty of a class A misdemeanor and is subject to a civil fine;
- 2297 (G) an assertion from the person that the person will not provide or use the
2298 information in a manner that is prohibited by law; and
- 2299 (H) notice that if the person makes a false statement in the document, the person is
2300 punishable by law under Section 76-8-504.
- 2301 (o) Except as provided in Subsection (4)(p), the information that the lieutenant governor
2302 or a county clerk is required to provide, under Subsection (4)(n), from the record of a
2303 protected individual is:
- 2304 (i) a single hash code, generated from a string of data that includes both the voter's
2305 voter identification number and residential address;
- 2306 (ii) the voter's residential address;
- 2307 (iii) the voter's mailing address, if different from the voter's residential address;

- 2308 (iv) the party affiliation of the voter;
- 2309 (v) the precinct number for the voter's residential address;
- 2310 (vi) the voter's voting history; and
- 2311 (vii) a designation of which age group, of the following age groups, the voter falls
- 2312 within:
- 2313 (A) 25 or younger;
- 2314 (B) 26 through 35;
- 2315 (C) 36 through 45;
- 2316 (D) 46 through 55;
- 2317 (E) 56 through 65;
- 2318 (F) 66 through 75; or
- 2319 (G) 76 or older.
- 2320 (p) The lieutenant governor or a county clerk may not disclose:
- 2321 (i) information described in Subsection (4)(o) that, due to a small number of voters
- 2322 affiliated with a particular political party, or due to another reason, would likely
- 2323 reveal the identity of a voter if disclosed; or
- 2324 (ii) the address described in Subsection (4)(o)(iii) if the lieutenant governor or the
- 2325 county clerk determines that the nature of the address would directly reveal
- 2326 sensitive information about the voter.
- 2327 (q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain, provide,
- 2328 or use the information described in Subsection (4)(n) or (o), except to the extent that
- 2329 the qualified person uses the information for a political purpose of a political party or
- 2330 candidate for public office.
- 2331 (5) When political parties not listed on the voter registration form qualify as registered
- 2332 political parties under [~~Title 20A, Chapter 8, Political Party Formation and Procedures~~]
- 2333 Chapter 8, Political Party Formation and Procedures, the lieutenant governor shall
- 2334 inform the county clerks of the name of the new political party and direct the county
- 2335 clerks to ensure that the voter registration form is modified to include that political party.
- 2336 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the
- 2337 clerk's designee shall:
- 2338 (a) review each voter registration form for completeness and accuracy; and
- 2339 (b) if the county clerk believes, based upon a review of the form, that an individual may
- 2340 be seeking to register or preregister to vote who is not legally entitled to register or
- 2341 preregister to vote, refer the form to the county attorney for investigation and

- 2342 possible prosecution.
- 2343 (7) The lieutenant governor or a county clerk shall withhold from a person, other than a
2344 person described in Subsection (4)(a)(i), the voter registration record, and information
2345 obtained from the voter registration record, of a protected individual.
- 2346 (8)(a) The lieutenant governor shall design and distribute ~~the~~ a withholding request
2347 form for the purpose described in ~~[Subsection (7)]~~ Subsections (1)(e)(i), (1)(e)(ii), (7),
2348 and this Subsection (8) to each election officer and to each agency that provides a
2349 voter registration form.
- 2350 (b) An individual described in Subsection (1)(e)(i) is not required to provide
2351 verification, other than the individual's attestation and signature on the withholding
2352 request form, that the individual, or an individual who resides with the individual, is a
2353 victim of domestic violence or dating violence or is likely to be a victim of domestic
2354 violence or dating violence.
- 2355 (c) The director of elections within the Office of the Lieutenant Governor shall make
2356 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2357 establishing requirements for providing the verification described in Subsection
2358 (1)(e)(ii).
- 2359 (9) An election officer or an employee of an election officer may not encourage an
2360 individual to submit, or discourage an individual from submitting, a withholding request
2361 form.
- 2362 (10)(a) The lieutenant governor shall make and execute a plan to provide notice to
2363 registered voters who are protected individuals, that includes the following
2364 information:
- 2365 (i) that the voter's classification of the record as private remains in effect;
2366 (ii) that certain non-identifying information from the voter's voter registration record
2367 may, under certain circumstances, be released to political parties and candidates
2368 for public office;
2369 (iii) that the voter's name, driver license or identification card number, social security
2370 number, email address, phone number, and the voter's day, month, and year of
2371 birth will remain private and will not be released to political parties or candidates
2372 for public office;
2373 (iv) that a county clerk will only release the information to political parties and
2374 candidates in a manner that does not associate the information with a particular
2375 voter; and

- 2376 (v) that a county clerk may, under certain circumstances, withhold other information
 2377 that the county clerk determines would reveal identifying information about the
 2378 voter.
- 2379 (b) The lieutenant governor may include in the notice described in this Subsection (10) a
 2380 statement that a voter may obtain additional information on the lieutenant governor's
 2381 website.
- 2382 (c) The plan described in Subsection (10)(a) may include providing the notice described
 2383 in Subsection (10)(a) by:
- 2384 (i) publication on the Utah Public Notice Website, created in Section 63A-16-601;
 2385 (ii) publication on the lieutenant governor's website or a county's website;
 2386 (iii) posting the notice in public locations;
 2387 (iv) publication in a newspaper;
 2388 (v) sending notification to the voters by electronic means;
 2389 (vi) sending notice by other methods used by government entities to communicate
 2390 with citizens; or
 2391 (vii) providing notice by any other method.
- 2392 (d) The lieutenant governor shall provide the notice included in a plan described in this
 2393 Subsection (10) before June 16, 2023.

2394 Section 23. Section **20A-2-105** is amended to read:

2395 **20A-2-105 . Determining residency.**

- 2396 (1) As used in this section:
- 2397 (a) "Principal place of residence" means the single location where an individual's
 2398 habitation is fixed and to which, whenever the individual is absent, the individual has
 2399 the intention of returning, as evidenced by:
- 2400 (i) the intent expressed by the individual; and
 2401 (ii) acts of the individual that are consistent or inconsistent with the intent expressed
 2402 by the individual.
- 2403 (b) "Resident" means an individual whose principal place of residence is within a
 2404 specific voting precinct in Utah.
- 2405 (2) Election officials and judges shall apply the standards and requirements of this section
 2406 when determining whether an individual is a resident for purposes of interpreting this
 2407 title or the Utah Constitution.
- 2408 (3) An individual may request that an election official or election judge assist the individual
 2409 in determining the individual's principal place of residence for a purpose described in

- 2410 Subsection (2).
- 2411 (4)(a) An individual resides in Utah if:
- 2412 (i) the individual's principal place of residence is within Utah; and
- 2413 (ii) the individual has a present intention to maintain the individual's principal place
- 2414 of residence in Utah permanently or indefinitely.
- 2415 (b) An individual resides within a particular voting precinct if, on the date of registering
- 2416 to vote, the individual's principal place of residence is in that voting precinct.
- 2417 (c) An individual's principal place of residence does not change solely because the
- 2418 individual is present in Utah, present in a voting precinct, absent from Utah, or absent
- 2419 from the individual's voting precinct because the individual is:
- 2420 (i) employed in the service of the United States or of Utah;
- 2421 (ii) a student at an institution of learning;
- 2422 (iii) incarcerated in prison or jail; or
- 2423 (iv) residing upon an Indian or military reservation.
- 2424 (d)(i) A member of the armed forces of the United States is not a resident of Utah
- 2425 merely because that member is stationed at a military facility within Utah.
- 2426 (ii) In order to be a resident of Utah, a member of the armed forces described in this
- 2427 Subsection (4)(d) shall meet the other requirements of this section.
- 2428 (e)(i) Except as provided in Subsection (4)(e)(ii) or (iii), an individual does not lose
- 2429 the individual's principal place of residence in Utah or a precinct if the individual
- 2430 moves to a foreign country, another state, or another voting precinct within Utah,
- 2431 for temporary purposes with the intention of returning.
- 2432 (ii) If an individual leaves the state or a voting precinct and votes or registers to vote
- 2433 in another state or voting precinct, the individual is no longer a resident of the
- 2434 state or voting precinct that the individual left.
- 2435 (iii) An individual loses the individual's principal place of residence in Utah or in a
- 2436 precinct, if, after the individual moves to another state or another precinct under
- 2437 Subsection (4)(e)(i), the individual forms the intent of making the other state or
- 2438 precinct the individual's principal place of residence.
- 2439 (f) An individual is not a resident of a county or voting precinct if the individual comes
- 2440 to the county or voting precinct for temporary purposes and does not intend to make
- 2441 that county or voting precinct the individual's principal place of residence.
- 2442 (g) An individual loses the individual's principal place of residence in Utah or in a
- 2443 precinct if the individual moves to another state or precinct with the intention of

- 2444 making the other state or precinct the individual's principal place of residence.
- 2445 (h) If an individual moves to another state or precinct with the intent of remaining in the
2446 other state or precinct for an indefinite time as the individual's principal place of
2447 residence, the individual loses the individual's principal place of residence in Utah, or
2448 in the precinct, even though the individual intends to return at some future time.
- 2449 (5)(a) An individual may challenge a determination by a voter, election official, or
2450 election judge of a voter's principal place of residence, for the purpose of voting, in
2451 accordance with the applicable provisions of Sections 20A-3a-803, 20A-3a-804, and
2452 20A-3a-805.
- 2453 (b) If an election official or election judge has reasonable, articulable grounds to
2454 question the principal place of residence of an individual for a purpose described in
2455 Subsection (2), the election official or election judge may require the individual to
2456 provide information to resolve the question.
- 2457 (c) Reasonable, articulable grounds to question an individual's principal place of
2458 residence, and require additional information under Subsection (5)(b) include:
- 2459 (i) that the individual has a driver license or other identification from outside Utah;
2460 (ii) that the address claimed as the individual's principal place of residence does not
2461 match the address on the individual's driver license or other identification;
2462 (iii) that the individual owns residential property outside the location claimed as the
2463 individual's principal place of residence; or
2464 (iv) other articulable grounds that would lead a reasonable individual to question an
2465 individual's principal place of residence.
- 2466 (d) If an election official or election judge requires, under Subsection (5)(b), that an
2467 individual provide additional information, the clerk shall:
- 2468 (i) enter the voter registration into the statewide voter registration database; and
2469 (ii) indicate, in the statewide voter registration database, that the voter must provide
2470 additional information before the voter's ballot may be accepted.
- 2471 (6) Subject to Subsection (10), an election official or judge who, under Subsection (5),
2472 makes a determination regarding an individual's principal place of residence, shall, when
2473 making the determination, consider the following factors, to the extent that the factors
2474 are relevant:
- 2475 (a) where the individual's family resides;
2476 (b) whether the individual is single, married, separated, or divorced;
2477 (c) the age of the individual;

- 2478 (d) where the individual usually sleeps;
- 2479 (e) where the individual's minor children attend school;
- 2480 (f) the location of the individual's employment, income sources, or business pursuits;
- 2481 (g) the location of real property owned by the individual;
- 2482 (h) the individual's residence for purposes of taxation or tax exemption;
- 2483 (i) the location where the individual's motor vehicles are registered;
- 2484 (j) the address for which the individual pays utility services;
- 2485 (k) the address associated with the individual's hunting or fishing license;
- 2486 (l) the address associated with the individual's professional licenses; and
- 2487 (m) other relevant factors.
- 2488 (7)(a) An individual changes the individual's principal place of residence if the
- 2489 individual:
- 2490 (i) acts affirmatively to move from the state or a precinct in the state; and
- 2491 (ii) has the intent to remain in another state or precinct.
- 2492 (b) An individual may not have more than one principal place of residence.
- 2493 (c) An individual does not lose the individual's principal place of residence until the
- 2494 individual establishes another principal place of residence.
- 2495 (d) An individual who moves from one county in Utah to another county in Utah retains
- 2496 the right to vote in the county from which the individual moved for 30 calendar days
- 2497 after the day on which the individual moved from the county, unless the individual
- 2498 votes in the new county for that election.
- 2499 (e) An individual who is homeless may, in accordance with the other provisions of this
- 2500 section, establish a nontraditional location, including a location without a structure,
- 2501 as the individual's principal place of residence.
- 2502 (8) In computing the period that a person is a resident for a purpose described in Subsection
- 2503 (2), the period:
- 2504 (a) begins on the day on which the individual establishes the individual's principal place
- 2505 of residence; and
- 2506 (b) ends on the day before the day of the next applicable election.
- 2507 (9)(a) Except as provided in Subsection (12), there is a rebuttable presumption that an
- 2508 individual's principal place of residence is in Utah and in the voting precinct claimed
- 2509 by the individual, if the individual makes an oath or affirmation upon a registration
- 2510 application form or declaration of candidacy that the individual's principal place of
- 2511 residence is in Utah and in the voting precinct claimed by the individual.

- 2512 (b) Except as provided in Subsection (12), the election officers and election officials
 2513 shall allow an individual described in Subsection (9)(a) to register and vote in the
 2514 precinct for the residence claimed under Subsection (9)(a), or accept the individual's
 2515 declaration of candidacy in the district for the residence claimed under Subsection
 2516 (9)(a), unless, in accordance with Subsection (5), it is shown by law or by clear and
 2517 convincing evidence that:
- 2518 (i) the individual's principal place of residence is not in Utah or not in the applicable
 2519 precinct or district; or
 - 2520 (ii) the individual is incarcerated in prison or jail and did not, before the individual
 2521 was incarcerated in prison or jail, establish the individual's principal place of
 2522 residence in the voting precinct where the prison or jail is located.
- 2523 (10)(a) The criteria described in this section for establishing an individual's principal
 2524 place of residence for voting purposes do not apply in relation to the individual's
 2525 location while the individual is incarcerated in prison or jail.
- 2526 (b) For voting registration purposes, the principal place of residence of an individual
 2527 incarcerated in prison or jail is the state and voting precinct where the individual's
 2528 principal place of residence was located before incarceration.
- 2529 (11) If an individual's principal place of residence is a residential parcel of one acre in size
 2530 or smaller that is divided by the boundary line between two or more counties, that
 2531 individual shall be considered a resident of the county in which a majority of the
 2532 residential parcel lies.
- 2533 (12)(a) If an individual seeking to become a candidate for a political office that includes
 2534 a durational residency requirement has been absent from the state for a period of
 2535 more than 180 [~~consecutive~~] calendar days during the applicable residency period, the
 2536 individual may, at the time that the candidate files a declaration of candidacy, submit
 2537 evidence to the filing officer to show that the individual intended to return to the state
 2538 during the time of the individual's absence from the state.
- 2539 (b) There is a rebuttable presumption that an individual described in Subsection (12)(a)
 2540 intended to return to the state during the individual's absence if:
- 2541 (i) the individual submits evidence of the individual's intent to the filing officer at the
 2542 time that the individual files a declaration of candidacy; or
 - 2543 (ii) the individual was absent from the state because the individual was:
 - 2544 (A) employed in the service of the United States or of Utah;
 - 2545 (B) a student at an institution of learning; or

2546 (C) engaged solely in religious, missionary, philanthropic, or humanitarian
2547 activities.

2548 (c) If a valid written objection to an individual's declaration of candidacy is filed, there is
2549 a rebuttable presumption that an individual described in Subsection (12)(a) did not
2550 intend to return to the state during the individual's absence if:

2551 (i) the individual did not submit evidence of the individual's intent to the filing officer
2552 at the time that the individual filed a declaration of candidacy; and

2553 (ii) the individual's absence from the state was not for one of the reasons described in
2554 Subsection (12)(b)(ii).

2555 (d) An individual must rebut the presumption described in this Subsection (12) by clear
2556 and convincing evidence.

2557 Section 24. Section **20A-2-107** is amended to read:

2558 **20A-2-107 . Designating or changing party affiliation -- Times permitted.**

2559 (1) As used in this section, "change of affiliation deadline" means:

2560 (a) for an election held in an even-numbered year in which a presidential election will be
2561 held, the day after the declaration of candidacy deadline described in Subsection
2562 20A-9-201.5(2)(b); or

2563 (b) for an election held in an even-numbered year in which a presidential election will
2564 not be held, April 1.

2565 (2) The county clerk shall:

2566 (a) except as provided in Subsection (6) or 20A-2-107.5(3), record the party affiliation
2567 designated by the voter on the voter registration form as the voter's party affiliation; or

2568 (b) if no political party affiliation is designated by the voter on the voter registration
2569 form:

2570 (i) except as provided in Subsection (2)(b)(ii), record the voter's party affiliation as
2571 the party that the voter designated the last time that the voter designated a party on
2572 a voter registration form, unless the voter more recently registered as
2573 "unaffiliated"; or

2574 (ii) record the voter's party affiliation as "unaffiliated" if the voter:

2575 (A) did not previously designate a party;

2576 (B) most recently designated the voter's party affiliation as "unaffiliated"; or

2577 (C) did not previously register.

2578 (3)(a) Any registered voter may designate or change the voter's political party affiliation
2579 by complying with the procedures and requirements of this Subsection (3).

- 2580 (b) A registered voter may designate or change the voter's political party affiliation by
 2581 filing with the county clerk, the municipal clerk, or the lieutenant governor a voter
 2582 registration form or another signed form that identifies the registered political party
 2583 with which the voter chooses to affiliate.
- 2584 (c) Except as provided in Subsection (3)(d), a voter registration form or another signed
 2585 form designating or changing a voter's political party affiliation takes effect when the
 2586 county clerk receives the signed form.
- 2587 (d) The party affiliation of a voter who changes party affiliation, or who becomes
 2588 unaffiliated from a political party, at any time on or after the change of affiliation
 2589 deadline and on or before the date of the regular primary election, takes effect the day
 2590 after the statewide canvass for the regular primary election.
- 2591 (4) For purposes of Subsection (3)(d), a form described in Subsection (3)(c) is received by
 2592 the county clerk before the change of affiliation deadline if:
- 2593 (a) the individual submits the form in person at the county clerk's office no later than 5
 2594 p.m. on the last business day before the change of affiliation deadline;
- 2595 (b) the individual submits the form electronically through the system described in
 2596 Section 20A-2-206, at or before 11:59 p.m. before the day of the change of affiliation
 2597 deadline; or
- 2598 (c) the individual's form is clearly postmarked before the change of affiliation deadline.
- 2599 (5) Subsection (3)(d) does not apply to the party affiliation designated by a voter on a voter
 2600 registration form if:
- 2601 (a) the voter has not previously been registered to vote in the state; or
- 2602 (b) the voter's most recent party affiliation was changed to "unaffiliated" by a county
 2603 clerk under Subsection (6).
- 2604 (6) If the most recent party affiliation designated by a voter is for a political party that is no
 2605 longer a registered political party, the county clerk shall:
- 2606 (a) change the voter's party affiliation to "unaffiliated"; and
- 2607 (b) notify the voter electronically or by mail:
- 2608 (i) that the voter's affiliation has been changed to "unaffiliated" because the most
 2609 recent party affiliation designated by the voter is for a political party that is no
 2610 longer a registered political party; and
- 2611 (ii) of the methods and deadlines for changing the voter's party affiliation.
- 2612 Section 25. Section **20A-2-204** is amended to read:
- 2613 **20A-2-204 . Registering to vote when applying for or renewing a driver license.**

- 2614 (1) As used in this section, "voter registration form" means, when an individual named on a
2615 qualifying form, as defined in Section 20A-2-108, answers "yes" to the question
2616 described in Subsection 20A-2-108(2)(a), the information on the qualifying form that
2617 can be used for voter registration purposes.
- 2618 (2)(a) Except as provided in Subsection (2)(b), a citizen who is qualified to vote may
2619 register to vote, and a citizen who is qualified to preregister to vote may preregister to
2620 vote, by answering "yes" to the question described in Subsection 20A-2-108(2)(a)
2621 and completing the voter registration form.
- 2622 (b) A citizen who is a program participant in the Safe at Home Program created in
2623 Section 77-38-602 is not eligible to register to vote as described in Subsection (2)(a),
2624 but is eligible to register to vote by any other means described in this part.
- 2625 (3) The Driver License Division shall:
- 2626 (a) assist an individual in completing the voter registration form unless the individual
2627 refuses assistance;
- 2628 (b) electronically transmit each address change to the lieutenant governor [~~within~~] on or
2629 before the first business day that is at least five calendar days after the day on which
2630 the division receives the address change; and
- 2631 (c) [~~within~~] on or before the first business day that is at least five calendar days after the
2632 day on which the division receives a voter registration form, electronically transmit
2633 the form to the Office of the Lieutenant Governor, including the following for the
2634 individual named on the form:
- 2635 (i) the name, date of birth, driver license or state identification card number, last four
2636 digits of the social security number, Utah residential address, place of birth, and
2637 signature;
- 2638 (ii) a mailing address, if different from the individual's Utah residential address;
- 2639 (iii) an email address and phone number, if available;
- 2640 (iv) the desired political affiliation, if indicated;
- 2641 (v) an indication of whether the individual requested that the individual's voter
2642 registration record be classified as a private record under Subsection
2643 20A-2-108(2)(b); and
- 2644 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and
2645 any verification submitted with the form.
- 2646 (4) Upon receipt of an individual's voter registration form from the Driver License Division
2647 under Subsection (3), the lieutenant governor shall:

- 2648 (a) enter the information into the statewide voter registration database; and
2649 (b) if the individual requests on the individual's voter registration form that the
2650 individual's voter registration record be classified as a private record or the individual
2651 submits a withholding request form described in Subsections 20A-2-104(7) and (8)
2652 and any required verification, classify the individual's voter registration record as a
2653 private record.
- 2654 (5) The county clerk of an individual whose information is entered into the statewide voter
2655 registration database under Subsection (4) shall:
- 2656 (a) ensure that the individual meets the qualifications to be registered or preregistered to
2657 vote; and
- 2658 (b)(i) if the individual meets the qualifications to be registered to vote:
2659 (A) ensure that the individual is assigned to the proper voting precinct; and
2660 (B) send the individual the notice described in Section 20A-2-304; or
2661 (ii) if the individual meets the qualifications to be preregistered to vote, process the
2662 form in accordance with the requirements of Section 20A-2-101.1.
- 2663 (6)(a) When the county clerk receives a correctly completed voter registration form
2664 under this section, the clerk shall:
- 2665 (i) comply with the applicable provisions of this Subsection (6); or
2666 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.
- 2667 (b) If the county clerk receives a correctly completed voter registration form under this
2668 section no later than 5 p.m. or, if submitting the form electronically, midnight, 11
2669 calendar days before the date of an election, the county clerk shall:
- 2670 (i) accept the voter registration form; and
2671 (ii) unless the individual is preregistering to vote:
2672 (A) enter the individual's name on the list of registered voters for the voting
2673 precinct in which the individual resides; and
2674 (B) notify the individual that the individual is registered to vote in the upcoming
2675 election; and
2676 (iii) if the individual named in the form is preregistering to vote, comply with Section
2677 20A-2-101.1.
- 2678 (c) If the county clerk receives a correctly completed voter registration form under this
2679 section after the deadline described in Subsection (6)(b), the county clerk shall,
2680 unless the individual named in the form is preregistering to vote:
2681 (i) accept the application for registration of the individual;

2682 (ii) process the voter registration form; and
 2683 (iii) unless the individual is preregistering to vote, and except as provided in
 2684 Subsection 20A-2-207(6), inform the individual that the individual will not be
 2685 registered to vote in the pending election, unless the individual registers to vote by
 2686 provisional ballot during the early voting period, if applicable, or on election day,
 2687 in accordance with Section 20A-2-207.

2688 (7)(a) If the county clerk determines that an individual's voter registration form received
 2689 from the Driver License Division is incorrect because of an error, because the form is
 2690 incomplete, or because the individual does not meet the qualifications to be registered
 2691 to vote, the county clerk shall mail notice to the individual stating that the individual
 2692 has not been registered or preregistered because of an error, because the registration
 2693 form is incomplete, or because the individual does not meet the qualifications to be
 2694 registered to vote.

2695 (b) If a county clerk believes, based upon a review of a voter registration form, that an
 2696 individual, who knows that the individual is not legally entitled to register or
 2697 preregister to vote, may be intentionally seeking to register or preregister to vote, the
 2698 county clerk shall refer the form to the county attorney for investigation and possible
 2699 prosecution.

2700 Section 26. Section **20A-2-205** is amended to read:

2701 **20A-2-205 . Registration at voter registration agencies.**

2702 (1) As used in this section:

2703 (a) "Discretionary voter registration agency" means the same as that term is defined in
 2704 Section 20A-2-300.5.

2705 (b) "Public assistance agency" means the same as that term is defined in Section
 2706 20A-2-300.5.

2707 (2) An individual may obtain and complete a registration form at a public assistance agency
 2708 or discretionary voter registration agency.

2709 (3) Each public assistance agency and discretionary voter registration agency shall provide,
 2710 either as part of existing forms or on a separate form, the following information in
 2711 substantially the following form:

2712 "REGISTERING TO VOTE

2713 If you are not registered to vote where you live now, would you like to apply to register
 2714 or preregister to vote here today? (The decision of whether to register or preregister to vote
 2715 will not affect the amount of assistance that you will be provided by this agency.) Yes_____

2716 No___ IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO
 2717 HAVE DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If
 2718 you would like help in filling out the voter registration form, we will help you. The decision
 2719 about whether to seek or accept help is yours. You may fill out the application form in private.
 2720 If you believe that someone has interfered with your right to register or preregister or to
 2721 decline to register or preregister to vote, your right to privacy in deciding whether to register or
 2722 preregister, or in applying to register or preregister to vote, or your right to choose your own
 2723 political party or other political preference, you may file a complaint with the Office of the
 2724 Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number
 2725 of the Office of the Lieutenant Governor)."

2726 (4) Unless an individual applying for service or assistance from a public assistance agency
 2727 or discretionary voter registration agency declines, in writing, to register or preregister to
 2728 vote, each public assistance agency and discretionary voter registration agency shall:

- 2729 (a) distribute a voter registration form with each application for service or assistance
 2730 provided by the agency or office;
- 2731 (b) assist applicants in completing the voter registration form unless the applicant
 2732 refuses assistance;
- 2733 (c) accept completed forms for transmittal to the appropriate election official; and
- 2734 (d) transmit a copy of each voter registration form to the appropriate election official [
 2735 ~~within~~] on or before the first business day that is at least five calendar days after the
 2736 day on which the division receives the voter registration form.

2737 (5) An individual in a public assistance agency or a discretionary voter registration agency
 2738 that helps an applicant complete the voter registration form may not:

- 2739 (a) seek to influence an applicant's political preference or party registration;
- 2740 (b) display any political preference or party allegiance;
- 2741 (c) make any statement to an applicant or take any action that has the purpose or effect
 2742 of discouraging the applicant from registering to vote; or
- 2743 (d) make any statement to an applicant or take any action that has the purpose or effect
 2744 of leading the applicant to believe that a decision of whether to register or preregister
 2745 has any bearing upon the availability of services or benefits.

2746 (6) If the county clerk receives a correctly completed voter registration form under this
 2747 section no later than [~~5 p.m.~~] 11 calendar days before the date of an election, the county
 2748 clerk shall:

- 2749 (a) accept and process the voter registration form;

- 2750 (b) unless the individual named in the form is preregistering to vote:
- 2751 (i) enter the applicant's name on the list of registered voters for the voting precinct in
- 2752 which the applicant resides; and
- 2753 (ii) notify the applicant that the applicant is registered to vote in the upcoming
- 2754 election; and
- 2755 (c) if the individual named in the form is preregistering to vote, comply with Section
- 2756 20A-2-101.1.
- 2757 (7) If the county clerk receives a correctly completed voter registration form after the
- 2758 deadline described in Subsection (6), the county clerk shall:
- 2759 (a) accept the application for registration of the individual; and
- 2760 (b) except as provided in Subsection 20A-2-207(6), if possible, promptly inform the
- 2761 individual that the individual will not be registered to vote in the pending election,
- 2762 unless the individual registers to vote by provisional ballot during the early voting
- 2763 period, if applicable, or on election day, in accordance with Section 20A-2-207.
- 2764 (8) If the county clerk determines that a voter registration form received from a public
- 2765 assistance agency or discretionary voter registration agency is incorrect because of an
- 2766 error or because the voter registration form is incomplete, the county clerk shall mail
- 2767 notice to the individual attempting to register or preregister to vote, stating that the
- 2768 individual has not been registered or preregistered to vote because of an error or because
- 2769 the voter registration form is incomplete.

2770 Section 27. Section **20A-2-304** is amended to read:

2771 **20A-2-304 . County clerk's responsibilities -- Notice of disposition.**

2772 Each county clerk shall:

- 2773 (1) register to vote each individual who meets the requirements for registration and who:
- 2774 (a) submits a completed voter registration form to the county clerk;
- 2775 (b) submits a completed voter registration form, as defined in Section 20A-2-204, to the
- 2776 Driver License Division;
- 2777 (c) submits a completed voter registration form to a public assistance agency or a
- 2778 discretionary voter registration agency; or
- 2779 (d) mails a completed voter registration form to the county clerk; and
- 2780 (2) within 30 calendar days after the day on which the county clerk processes a voter
- 2781 registration form, send a notice to the individual who submits the form that:
- 2782 (a)(i) informs the individual that the individual's voter registration form has been
- 2783 accepted and that the individual is registered to vote;

- 2784 (ii) informs the individual of the procedure for designating or changing the
 2785 individual's political affiliation;
- 2786 (iii) informs the individual of the procedure to cancel a voter registration;
- 2787 (iv) provides instructions to the voter on how the voter may sign up to receive
 2788 electronic ballot status notifications via the ballot tracking system described in
 2789 Section 20A-3a-401.5; and
- 2790 (v) confirms that the individual has chosen to receive electronic ballot status
 2791 notifications if the individual opted to receive electronic ballot status notifications
 2792 on the voter registration form;
- 2793 (b) informs the individual that the individual's voter registration form has been rejected
 2794 and the reason for the rejection; or
- 2795 (c)(i) informs the individual that the individual's voter registration form is being
 2796 returned to the individual for further action because the form is incomplete; and
 2797 (ii) gives instructions to the individual on how to properly complete the form.

2798 Section 28. Section **20A-2-502** is amended to read:

2799 **20A-2-502 . Statewide voter registration system -- Maintenance and update of**
 2800 **system -- Record security -- List of incarcerated felons -- Public document showing**
 2801 **compliance by county clerks.**

- 2802 (1) The lieutenant governor shall:
- 2803 (a) develop, manage, and maintain a statewide voter registration system to be used by
 2804 county clerks to maintain an updated statewide voter registration database in
 2805 accordance with this section and rules made under Section 20A-2-507;
- 2806 (b) except as provided in Subsection (2)(c), regularly update the system with
 2807 information relevant to voter registration, as follows:
- 2808 (i) on at least a weekly basis, information received from the Driver License Division
 2809 in relation to:
- 2810 (A) voter registration;
- 2811 (B) a registered voter's change of address; or
- 2812 (C) a registered voter's change of name;
- 2813 (ii) on at least a weekly basis, the information described in Subsection 26B-8-114(11)
 2814 from the state registrar, regarding deceased individuals;
- 2815 (iii) on at least a monthly basis, the information described in Subsection (3), received
 2816 from the Department of Corrections regarding incarcerated individuals;
- 2817 (iv) on at least a monthly basis, information received from other states, including

- 2818 information received under an agreement described in Subsection (2); and
2819 (v) within 31 calendar days after [~~receiving~~] the day on which the lieutenant governor
2820 receives information relevant to voter registration, other than the information
2821 described in Subsections (1)(b)(i) through [~~(v)~~] (iv);
- 2822 (c) regularly monitor the system to ensure that each county clerk complies with the
2823 requirements of this part and rules made under Section 20A-2-507;
- 2824 (d) establish matching criteria and security measures for identifying a change described
2825 in Subsection (1)(b) to ensure the accuracy of a voter registration record; and
- 2826 (e) on at least a monthly basis:
- 2827 (i) use the matching criteria and security measures described in Subsection (1)(d) to
2828 compare information in the database to identify duplicate data, contradictory data,
2829 and changes in data;
- 2830 (ii) notify the applicable county clerk of the data identified; and
- 2831 (iii) notify the county clerk of the county in which a voter's principal place of
2832 residence is located of a change in a registered voter's principal place of residence
2833 or name.
- 2834 (2)(a) Subject to Subsection (2)(b), the lieutenant governor may cooperate or enter into
2835 an agreement with a governmental entity or another state to share information and
2836 increase the accuracy of the database.
- 2837 (b) For a record shared under Subsection (2)(a), the lieutenant governor shall ensure:
- 2838 (i) that the record is only used to maintain the accuracy of the database;
- 2839 (ii) compliance with Section 63G-2-206; and
- 2840 (iii) that the record is secure from unauthorized use by employing data encryption or
2841 another similar technology security system.
- 2842 (c) The lieutenant governor is not required to comply with an updating requirement
2843 described in Subsection (1)(b) to the extent that the person responsible to provide the
2844 information to the lieutenant governor fails to provide the information.
- 2845 (3)(a) The lieutenant governor shall maintain a current list of all incarcerated felons in
2846 Utah.
- 2847 (b) The Department of Corrections shall provide the lieutenant governor's office with:
- 2848 (i) the name and last-known address of each individual who:
- 2849 (A) was convicted of a felony in a Utah state court; and
- 2850 (B) is currently incarcerated for commission of a felony; and
- 2851 (ii) the name of each convicted felon who has been released from incarceration.

- 2852 (4) The lieutenant governor shall maintain on the lieutenant governor's website a document
 2853 that:
- 2854 (a) describes the utilities and tools within the system that a county clerk is required to
 2855 run;
- 2856 (b) describes the actions, if any, that a county clerk is required to take in relation to the
 2857 results of running a utility or tool;
- 2858 (c) lists, by date, the recurring deadlines by which a county clerk must comply with
 2859 Subsection (4)(a) or (b); and
- 2860 (d) indicates, by county:
- 2861 (i) whether the county clerk timely complies with each deadline described in
 2862 Subsection (4)(c); and
- 2863 (ii) if the county clerk fails to timely comply with a deadline described in Subsection
 2864 (4)(c), whether the county clerk subsequently complies with the deadline and the
 2865 date on which the county clerk complies.
- 2866 Section 29. Section **20A-2-503** is amended to read:
- 2867 **20A-2-503 . County clerk's responsibilities -- Updating voter registration.**
- 2868 (1)(a) Each county clerk shall use the system to record or modify all voter registration
 2869 records.
- 2870 (b) A county clerk shall:
- 2871 (i) at the time the county clerk enters a voter registration record into the system, run
 2872 the system's voter identification verification tool in relation to the record; and
- 2873 (ii) in accordance with rules made under Section 20A-2-507, regularly report to the
 2874 lieutenant governor the information described in Subsection 20A-2-502(4).
- 2875 (2) A county clerk who receives notification from the lieutenant governor, as provided in
 2876 Subsection 20A-2-502(1)(e), of a change in a registered voter's principal place of
 2877 residence or name may verify the change with the registered voter.
- 2878 (3) Unless the county clerk verifies that a change described in Subsection (2) is incorrect,
 2879 the county clerk shall:
- 2880 (a) change the voter registration record to show the registered voter's current name and
 2881 address; and
- 2882 (b) notify the registered voter of the change to the voter registration record.
- 2883 (4) A county clerk shall, in accordance with rules made under Section 20A-2-507:
- 2884 (a) on at least a monthly basis, run the duplicate voter utility and take the action required
 2885 to resolve potential duplicate data identified by the utility; and

2886 (b) every December, run the annual maintenance utility.

2887 (5)(a) If a voter does not vote in any election during the period beginning on the date of any
 2888 regular general election and ending on the day after the date of the next regular general
 2889 election, and the county clerk has not sent the voter a notice described in Section 20A-2-505
 2890 during the period, the county clerk shall, within 14 calendar days after the day on which the
 2891 county clerk runs the annual maintenance utility, send to the voter a preaddressed return form
 2892 in substantially the following form:

2893 "VOTER REGISTRATION ADDRESS"

2894 To ensure the address on your voter registration is correct, please complete and return
 2895 this form if your address has changed. What is your current street address?

2896 _____

Street	City	County	State	ZIP

2899 Signature of Voter

2900 (b) The county clerk shall mail the form described in Subsection (5)(a) with a postal
 2901 service that will notify the county clerk if the voter has changed the voter's address.

2902 Section 30. Section **20A-2-504** is amended to read:

2903 **20A-2-504 . Removing names from the official register -- General requirements.**

- 2904 (1) The county clerk may not remove a voter's name from the official register solely
 2905 because the voter has failed to vote in an election.
- 2906 (2) The county clerk shall remove a voter's name from the official register if:
 - 2907 (a) the voter dies and the requirements of Subsection (3) are met;
 - 2908 (b) the county clerk, after complying with the requirements of Section 20A-2-505,
 2909 receives written confirmation from the voter that the voter no longer resides within
 2910 the county clerk's county;
 - 2911 (c)(i) the county clerk obtains evidence that the voter's residence has changed;
 - 2912 (ii) the county clerk mails notice to the voter as required under Section 20A-2-505;
 - 2913 (iii) the county clerk:
 - 2914 (A) receives no response from the voter; or
 - 2915 (B) does not receive information that confirms the voter's residence; and
 - 2916 (iv) the voter does not vote or appear to vote in an election during the period
 2917 beginning on the date of the notice described in Section 20A-2-505 and ending on
 2918 the day after the date of the second regular general election occurring after the
 2919 date of the notice;

- 2920 (d) the voter requests, in writing, that the voter's name be removed from the official
 2921 register;
- 2922 (e) the county clerk receives notice that a voter has been convicted of any felony or a
 2923 misdemeanor for an offense under this title and the voter's right to vote has not been
 2924 restored as provided in Section 20A-2-101.3 or 20A-2-101.5; or
- 2925 (f) the county clerk receives notice that a voter has registered to vote in another state
 2926 after the day on which the voter registered to vote in this state.
- 2927 (3) The county clerk shall remove a voter's name from the [-]official register within five
 2928 business days after the day on which the county clerk receives [-]confirmation from the
 2929 Office of Vital Records that the voter is deceased.
- 2930 (4) No later than 90 calendar days before each primary election day and general election day,
 2931 the county clerk shall update the official register by reviewing the official register and
 2932 taking the actions permitted or required by law under this section, Section 20A-2-503,
 2933 and Section 20A-2-505.

2934 Section 31. Section **20A-2-505** is amended to read:

2935 **20A-2-505 . Removing names from the official register -- Determining and**
 2936 **confirming change of residence.**

- 2937 (1) A county clerk may not remove a voter's name from the official register on the grounds
 2938 that the voter has changed residence unless the voter:
- 2939 (a) confirms in writing that the voter has changed residence to a place outside the
 2940 county; or
- 2941 (b)(i) does not vote in an election during the period beginning on the date of the
 2942 notice described in Subsection (3), and ending on the day after the date of the
 2943 second regular general election occurring after the date of the notice; and
 2944 (ii) does not respond to the notice described in Subsection (3).
- 2945 (2)(a) Within 31 calendar days after the day on which a county clerk obtains information
 2946 that a voter's address has changed, if it appears that the voter still resides within the
 2947 same county, the county clerk shall:
- 2948 (i) change the official register to show the voter's new address; and
 2949 (ii) send to the voter, by forwardable mail, the notice described in Subsection (3).
- 2950 (b) When a county clerk obtains information that a voter's address has changed and it
 2951 appears that the voter now resides in a different county, the county clerk shall verify
 2952 the changed residence by sending to the voter, by forwardable mail, the notice
 2953 described in Subsection (3), printed on a postage prepaid, preaddressed return form.

2954 (3)(a) Each county clerk shall use substantially the following form to notify voters whose
2955 addresses have changed:

2956 "VOTER REGISTRATION NOTICE

2957 We have been notified that your residence has changed. Please read, complete, and
2958 return this form so that we can update our voter registration records. What is your current
2959 street address?

2960 _____

2961 Street City County State Zip

2962 What is your current phone number (optional)? _____

2963 What is your current email address (optional)? _____

2964 If you have not changed your residence, or have moved but stayed within the same
2965 county, you must complete and return this form to the county clerk so that it is received by the
2966 county clerk before 5 p.m. no later than 30 calendar days before the date of the election. If you
2967 fail to return this form within that time:

2968 - you may be required to show evidence of your address to the poll worker before being
2969 allowed to vote in either of the next two regular general elections; or

2970 - if you fail to vote at least once, from the date this notice was mailed until the passing of
2971 two regular general elections, you will no longer be registered to vote. If you have changed
2972 your residence and have moved to a different county in Utah, you may register to vote by
2973 contacting the county clerk in your county.

2974 _____

2975 Signature of Voter

2976 PRIVACY INFORMATION

2977 Voter registration records contain some information that is available to the public, such
2978 as your name and address, some information that is available only to government entities, and
2979 some information that is available only to certain third parties in accordance with the
2980 requirements of law.

2981 Your driver license number, identification card number, social security number, email
2982 address, full date of birth, and phone number are available only to government entities. Your
2983 year of birth is available to political parties, candidates for public office, certain third parties,
2984 and their contractors, employees, and volunteers, in accordance with the requirements of law.

2985 You may request that all information on your voter registration records be withheld from
2986 all persons other than government entities, political parties, candidates for public office, and
2987 their contractors, employees, and volunteers, by indicating here:

2988 _____ Yes, I request that all information on my voter registration records be withheld
 2989 from all persons other than government entities, political parties, candidates for public office,
 2990 and their contractors, employees, and volunteers.

2991 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

2992 In addition to the protections provided above, you may request that identifying
 2993 information on your voter registration records be withheld from all political parties, candidates
 2994 for public office, and their contractors, employees, and volunteers, by submitting a
 2995 withholding request form, and any required verification, as described in the following
 2996 paragraphs.

2997 A person may request that identifying information on the person's voter registration
 2998 records be withheld from all political parties, candidates for public office, and their
 2999 contractors, employees, and volunteers, by submitting a withholding request form with this
 3000 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely
 3001 to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
 3002 violence.

3003 A person may request that identifying information on the person's voter registration
 3004 records be withheld from all political parties, candidates for public office, and their
 3005 contractors, employees, and volunteers, by submitting a withholding request form and any
 3006 required verification with this registration form, or to the lieutenant governor or a county clerk,
 3007 if the person is, or resides with a person who is, a law enforcement officer, a member of the
 3008 armed forces, a public figure, or protected by a protective order or a protection order."

3009 (b) The form described in Subsection (3)(a) shall also include a section in substantially the
 3010 following form:

3011 -----

3012 BALLOT NOTIFICATIONS

3013 If you have provided a phone number or email address, you can receive notifications by
 3014 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
 3015 deposit in the mail or in a ballot drop box, by indicating here:

3016 _____ Yes, I would like to receive electronic notifications regarding the status of my
 3017 ballot.

3018 -----

3019 (4)(a) Except as provided in Subsection (4)(b), the county clerk may not remove the
 3020 names of any voters from the official register during the 90 calendar days before a
 3021 regular primary election or the 90 calendar days before a regular general election.

- 3022 (b) The county clerk may remove the names of voters from the official register during
3023 the 90 calendar days before a regular primary election or the 90 calendar days before
3024 a regular general election if:
- 3025 (i) the voter requests, in writing, that the voter's name be removed; or
 - 3026 (ii) the voter dies.
- 3027 (c)(i) After a county clerk mails a notice under this section, the county clerk shall,
3028 unless otherwise prohibited by law, list that voter as inactive.
- 3029 (ii) If a county clerk receives a returned voter identification card, determines that
3030 there was no clerical error causing the card to be returned, and has no further
3031 information to contact the voter, the county clerk shall, unless otherwise
3032 prohibited by law, list that voter as inactive.
- 3033 (iii) An inactive voter may vote, sign petitions, and have all other privileges of a
3034 registered voter.
- 3035 (iv) A county is not required to:
- 3036 (A) send routine mailings to an inactive voter; or
 - 3037 (B) count inactive voters when dividing precincts and preparing supplies.
- 3038 (5) The lieutenant governor shall make available to a county clerk United States Social
3039 Security Administration data received by the lieutenant governor regarding deceased
3040 individuals.
- 3041 (6) A county clerk shall, within [~~ten~~] 10 business days after the day on which the county
3042 clerk receives the information described in Subsection (5) or Subsections 26B-8-114(11)
3043 and (12) relating to a decedent whose name appears on the official register, remove the
3044 decedent's name from the official register.
- 3045 (7) Ninety calendar days before each primary and general election the lieutenant governor
3046 shall compare the information the lieutenant governor has received under Subsection
3047 26B-8-114(11) with the official register of voters to ensure that all deceased voters have
3048 been removed from the official register.

3049 Section 32. Section **20A-3a-106** is amended to read:

3050 **20A-3a-106 . Rulemaking authority relating to conducting an election.**

3051 The director of elections, within the Office of the Lieutenant Governor, may make rules,
3052 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing
3053 requirements for:

- 3054 (1) a return envelope described in Subsection 20A-3a-202(4), to ensure uniformity and
3055 security of the envelopes;

- 3056 (2) complying with the signature comparison audit requirements described in Section
 3057 20A-3a-402.5;~~[-or]~~
- 3058 (3) conducting and documenting the identity verification process described in Subsection
 3059 20A-3a-401(7)(b)~~[-]~~ ; or
- 3060 (4) establishing specific requirements and procedures for an election officer to:
 3061 (a) perform the signature comparison audits described in Subsection 20A-9-408(9)(e); or
 3062 (b) fulfill the chain of custody requirements described in Section 20A-9-408.3.
- 3063 Section 33. Section **20A-3a-202** is amended to read:
 3064 **20A-3a-202 . Conducting election by mail.**
- 3065 (1)(a) Except as otherwise provided for an election conducted entirely by mail under
 3066 Section 20A-7-609.5, an election officer shall administer an election primarily by
 3067 mail, in accordance with this section.
- 3068 (b) An individual who did not provide valid voter identification at the time the voter
 3069 registered to vote shall provide valid voter identification before voting.
- 3070 (2) An election officer who administers an election:
 3071 (a) shall in accordance with Subsection (3), no sooner than 21 calendar days before
 3072 election day and no later than seven calendar days before election day, mail to each
 3073 active voter within a voting precinct:
 3074 (i) a manual ballot;
 3075 (ii) a return envelope;
 3076 (iii) instructions for returning the ballot that include an express notice about any
 3077 relevant deadlines that the voter must meet in order for the voter's vote to be
 3078 counted;
- 3079 (iv) for an election administered by a county clerk, information regarding the location
 3080 and hours of operation of any election day voting center at which the voter may
 3081 vote or a website address where the voter may view this information;
- 3082 (v) for an election administered by an election officer other than a county clerk, if the
 3083 election officer does not operate a polling place or an election day voting center, a
 3084 warning, on a separate page of colored paper in bold face print, indicating that if
 3085 the voter fails to follow the instructions included with the ballot, the voter will be
 3086 unable to vote in that election because there will be no polling place for the voting
 3087 precinct on the day of the election; and
- 3088 (vi) instructions on how a voter may sign up to receive electronic ballot status
 3089 notifications via the ballot tracking system described in Section 20A-3a-401.5;

- 3090 (b) may not mail a ballot under this section to:
- 3091 (i) an inactive voter, unless the inactive voter requests a manual ballot; or
- 3092 (ii) a voter whom the election officer is prohibited from sending a ballot under
- 3093 Subsection (9)(c)(ii);
- 3094 (c) shall, on the outside of the envelope in which the election officer mails the ballot,
- 3095 include instructions for returning the ballot if the individual to whom the election
- 3096 officer mails the ballot does not live at the address to which the ballot is sent;
- 3097 (d) shall provide a method of accessible voting to a voter with a disability who is not
- 3098 able to vote by mail; and
- 3099 (e) shall include, on the election officer's website and with each ballot mailed,
- 3100 instructions regarding how a voter described in Subsection (2)(d) may vote.
- 3101 (3)(a) An election officer who mails a manual ballot under Subsection (2) shall mail the
- 3102 manual ballot to the address:
- 3103 (i) provided at the time of registration; or
- 3104 (ii) if, at or after the time of registration, the voter files an alternate address request
- 3105 form described in Subsection (3)(b), the alternate address indicated on the form.
- 3106 (b) The lieutenant governor shall make available to voters an alternate address request
- 3107 form that permits a voter to request that the election officer mail the voter's ballot to a
- 3108 location other than the voter's residence.
- 3109 (c) A voter shall provide the completed alternate address request form to the election
- 3110 officer no later than 11 calendar days before the day of the election.
- 3111 (4) The return envelope shall include:
- 3112 (a) the name, official title, and post office address of the election officer on the front of
- 3113 the envelope;
- 3114 (b) a space where a voter may write an email address and phone number by which the
- 3115 election officer may contact the voter if the voter's ballot is rejected;
- 3116 (c) a printed affidavit in substantially the following form:
- 3117 "County of ____ State of ____
- 3118 I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
- 3119 in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
- 3120 currently incarcerated for commission of a felony.
- 3121 _____
- 3122 Signature of Voter"; and
- 3123 (d) a warning that the affidavit must be signed by the individual to whom the ballot was

- 3124 sent and that the ballot will not be counted if the signature on the affidavit does not
3125 match the signature on file with the election officer of the individual to whom the
3126 ballot was sent.
- 3127 (5) If the election officer determines that the voter is required to show valid voter
3128 identification, the election officer may:
- 3129 (a) mail a ballot to the voter;
- 3130 (b) instruct the voter to include a copy of the voter's valid voter identification with the
3131 return ballot; and
- 3132 (c) provide instructions to the voter on how the voter may sign up to receive electronic
3133 ballot status notifications via the ballot tracking system described in Section
3134 20A-3a-401.5.
- 3135 (6) An election officer who administers an election shall:
- 3136 (a)(i) before the election, obtain the signatures of each voter qualified to vote in the
3137 election; or
- 3138 (ii) obtain the signature of each voter within the voting precinct from the county
3139 clerk; and
- 3140 (b) maintain the signatures on file in the election officer's office.
- 3141 (7) Upon receipt of a returned ballot, the election officer shall review and process the ballot
3142 under Section 20A-3a-401.
- 3143 (8) A county that administers an election:
- 3144 (a) shall provide at least one election day voting center in accordance with Part 7,
3145 Election Day Voting Center, and at least one additional election day voting center for
3146 every 5,000 active voters in the county who have requested to not receive a ballot by
3147 mail;
- 3148 (b) shall ensure that each election day voting center operated by the county has at least
3149 one voting device that is accessible, in accordance with the Help America Vote Act
3150 of 2002, Pub. L. No. 107-252, for individuals with disabilities;
- 3151 (c) may reduce the early voting period described in Section 20A-3a-601, if:
- 3152 (i) the county clerk conducts early voting on at least four days;
- 3153 (ii) the early voting days are within the period beginning on the date that is 14
3154 calendar days before the date of the election and ending on the day before the
3155 election; and
- 3156 (iii) the county clerk provides notice of the reduced early voting period in accordance
3157 with Section 20A-3a-604; and

- 3158 (d) is not required to pay return postage for a ballot.
- 3159 (9)(a) An individual may request that the election officer not send the individual a ballot
3160 by mail in the next and subsequent elections by submitting a written request to the
3161 election officer.
- 3162 (b) An individual shall submit the request described in Subsection (9)(a) to the election
3163 officer before 5 p.m. no later than 60 calendar days before an election if the
3164 individual does not wish to receive a ballot by mail in that election.
- 3165 (c) An election officer who receives a request from an individual under Subsection (9)(a):
3166 (i) shall remove the individual's name from the list of voters who will receive a ballot
3167 by mail; and
3168 (ii) may not send the individual a ballot by mail for:
3169 (A) the next election, if the individual submits the request described in Subsection
3170 (9)(a) before the deadline described in Subsection (9)(b); or
3171 (B) an election after the election described in Subsection (9)(c)(ii)(A).
- 3172 (d) An individual who submits a request under Subsection (9)(a) may resume the
3173 individual's receipt of a ballot by mail by submitting a written request to the election
3174 officer.
- 3175 (10) A county clerk shall, at least 90 calendar days before an election administered by the
3176 county clerk, contact local post offices to:
- 3177 (a) coordinate the handling of mail-in ballots for the upcoming election; and
3178 (b) take measures to ensure that:
3179 (i) ballots are clearly and properly postmarked, or otherwise marked in accordance
3180 with Subsection 20A-3a-204(2)(a)(i), with the date on which the ballot was
3181 mailed; and
3182 (ii) ballots are delivered in an expeditious manner to optimize the timely receipt of
3183 ballots.
- 3184 Section 34. Section **20A-3a-203** is amended to read:
3185 **20A-3a-203 . Voting at a polling place.**
- 3186 (1) Except as provided in Section 20A-7-609.5, a registered voter may vote at a polling
3187 place in an election in accordance with this section.
- 3188 (2)(a) The voter shall give the voter's name, and, if requested, the voter's residence, to
3189 one of the poll workers.
- 3190 (b) The voter shall present valid voter identification to one of the poll workers.
- 3191 (c) If the poll worker is not satisfied that the voter has presented valid voter

- 3192 identification, the poll worker shall:
- 3193 (i) indicate on the official register that the voter was not properly identified;
- 3194 (ii) issue the voter a provisional ballot;
- 3195 (iii) notify the voter that the voter will have until the close of normal office hours on
- 3196 Monday after the day of the election or, if Monday is a holiday, on the first
- 3197 business day after the holiday, to present valid voter identification:
- 3198 (A) to the county clerk at the county clerk's office; or
- 3199 (B) to an election officer who is administering the election; and
- 3200 (iv) follow the procedures and requirements of Section 20A-3a-205.
- 3201 (d) If the person's right to vote is challenged as provided in Section 20A-3a-803, the poll
- 3202 worker shall follow the procedures and requirements of Section 20A-3a-205.
- 3203 (3) A poll worker shall check the official register to determine whether:
- 3204 (a) a voter is registered to vote; and
- 3205 (b) if the election is a regular primary election or a presidential primary election,
- 3206 whether a voter's party affiliation designation in the official register allows the voter
- 3207 to vote the ballot that the voter requests.
- 3208 (4)(a) Except as provided in Subsection (5), if the voter's name is not found on the
- 3209 official register, the poll worker shall follow the procedures and requirements of
- 3210 Section 20A-3a-205.
- 3211 (b) If, in a regular primary election or a presidential primary election, the official register
- 3212 does not affirmatively identify the voter as being affiliated with a registered political
- 3213 party or if the official register identifies the voter as being "unaffiliated," the voter
- 3214 shall be considered to be "unaffiliated."
- 3215 (5) In a regular primary election or a presidential primary election:
- 3216 (a) if a voter's name is not found on the official register, and if it is not unduly disruptive
- 3217 to the election process, the poll worker may attempt to contact the county clerk's
- 3218 office to request oral verification of the voter's registration;
- 3219 (b) if oral verification is received from the county clerk's office, the poll worker shall:
- 3220 (i) record the verification on the official register;
- 3221 (ii) determine the voter's party affiliation and the ballot that the voter is qualified to
- 3222 vote; and
- 3223 (iii) except as provided in Subsection (6), comply with Subsection (3).
- 3224 (6)(a) Except as provided in Subsection (6)(b), if, in a regular primary election or a
- 3225 presidential primary election, the voter's political party affiliation listed in the official

3226 register does not allow the voter to vote the ballot that the voter requested, the poll
 3227 worker shall inform the voter of that fact and inform the voter of the ballot or ballots
 3228 that the voter's party affiliation does allow the voter to vote.

3229 (b) If, in a regular primary election or a presidential primary election, the voter is listed
 3230 in the official register as unaffiliated, or if the official register does not affirmatively
 3231 identify the voter as either unaffiliated or affiliated with a registered political party,
 3232 and the voter, as an unaffiliated voter, is not authorized to vote the ballot that the
 3233 voter requests, the poll worker shall:

3234 (i) ask the voter if the voter wishes to vote another registered political party ballot
 3235 that the voter, as unaffiliated, is authorized to vote, or remain unaffiliated; and

3236 (ii)(A) if the voter wishes to vote another registered political party ballot that the
 3237 unaffiliated voter is authorized to vote, the poll worker shall proceed as
 3238 required by Subsection (3); or

3239 (B) if the voter wishes to remain unaffiliated and does not wish to vote another
 3240 ballot that unaffiliated voters are authorized to vote, the poll worker shall
 3241 instruct the voter that the voter may not vote.

3242 (7) Except as provided in Subsection (6)(b)(ii)(B), and subject to the other provisions of
 3243 Subsection (6), if the poll worker determines that the voter is registered, a poll worker
 3244 shall:

3245 (a) direct the voter to sign the voter's name in the official register;

3246 (b) provide to the voter the ballot that the voter is qualified to vote; and

3247 (c) allow the voter to enter the voting booth.

3248 Section 35. Section **20A-3a-401** is amended to read:

3249 **20A-3a-401 . Custody of voted ballots mailed or deposited in a ballot drop box --**

3250 **Disposition -- Notice -- Disclosures relating to unresolved ballots.**

3251 (1) This section governs ballots returned by mail or via a ballot drop box.

3252 (2)(a) Poll workers shall open return envelopes containing manual ballots that are in the
 3253 custody of the poll workers in accordance with this section.

3254 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of the
 3255 return envelope to the signature of the voter in the voter registration records.

3256 (3) After complying with Subsection (2), the poll workers shall determine whether:

3257 (a) the signatures correspond;

3258 (b) the affidavit is sufficient;

3259 (c) the voter is registered to vote in the correct precinct;

- 3260 (d) the voter's right to vote the ballot has been challenged;
- 3261 (e) the voter has already voted in the election;
- 3262 (f) the voter is required to provide valid voter identification; and
- 3263 (g) if the voter is required to provide valid voter identification, whether the voter has
- 3264 provided valid voter identification.
- 3265 (4)(a) The poll workers shall take the action described in Subsection (4)(b) if the poll
- 3266 workers determine:
- 3267 (i) in accordance with the rules made under Subsection (11):
- 3268 (A) that the signature on the affidavit of the return envelope is reasonably
- 3269 consistent with the individual's signature in the voter registration records; or
- 3270 (B) for an individual who checks the box described in Subsection (5)(c)(v), that
- 3271 the signature is verified by alternative means;
- 3272 (ii) that the affidavit is sufficient;
- 3273 (iii) that the voter is registered to vote in the correct precinct;
- 3274 (iv) that the voter's right to vote the ballot has not been challenged;
- 3275 (v) that the voter has not already voted in the election; and
- 3276 (vi) for a voter required to provide valid voter identification, that the voter has
- 3277 provided valid voter identification.
- 3278 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
- 3279 workers shall:
- 3280 (i) remove the manual ballot from the return envelope in a manner that does not
- 3281 destroy the affidavit on the return envelope;
- 3282 (ii) ensure that the ballot does not unfold and is not otherwise examined in
- 3283 connection with the return envelope; and
- 3284 (iii) place the ballot with the other ballots to be counted.
- 3285 (c) If the poll workers do not make all of the findings described in Subsection (4)(a), the
- 3286 poll workers shall:
- 3287 (i) disallow the vote;
- 3288 (ii) without opening the return envelope, record the ballot as "rejected" and state the
- 3289 reason for the rejection; and
- 3290 (iii) place the return envelope, unopened, with the other rejected return envelopes.
- 3291 (5)(a) If the poll workers reject an individual's ballot because the poll workers
- 3292 determine, in accordance with rules made under Subsection (11), that the signature
- 3293 on the return envelope is not reasonably consistent with the individual's signature in

- 3294 the voter registration records, the election officer shall:
- 3295 (i) contact the individual in accordance with Subsection (6); and
- 3296 (ii) inform the individual:
- 3297 (A) that the individual's signature is in question;
- 3298 (B) how the individual may resolve the issue; and
- 3299 (C) that, in order for the ballot to be counted, the individual is required to deliver
- 3300 to the election officer a correctly completed affidavit, provided by the county
- 3301 clerk, that meets the requirements described in Subsection (5)(c).
- 3302 (b) The election officer shall ensure that the notice described in Subsection (5)(a)
- 3303 includes:
- 3304 (i) when communicating the notice by mail, a printed copy of the affidavit described
- 3305 in Subsection (5)(c) and a courtesy reply envelope;
- 3306 (ii) when communicating the notice electronically, a link to a copy of the affidavit
- 3307 described in Subsection (5)(c) or information on how to obtain a copy of the
- 3308 affidavit; or
- 3309 (iii) when communicating the notice by phone, either during a direct conversation
- 3310 with the voter or in a voicemail, arrangements for the voter to receive a copy of
- 3311 the affidavit described in Subsection (5)(c), either in person from the clerk's
- 3312 office, by mail, or electronically.
- 3313 (c) An affidavit described in Subsection (5)(a)(ii)(C) shall include:
- 3314 (i) an attestation that the individual voted the ballot;
- 3315 (ii) a space for the individual to enter the individual's name, date of birth, and driver
- 3316 license number or the last four digits of the individual's social security number;
- 3317 (iii) a space for the individual to sign the affidavit;
- 3318 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
- 3319 governor's and county clerk's use of the individual's signature on the affidavit for
- 3320 voter identification purposes; and
- 3321 (v) a check box accompanied by language in substantially the following form: "I am
- 3322 a voter with a qualifying disability under the Americans with Disabilities Act that
- 3323 impacts my ability to sign my name consistently. I can provide appropriate
- 3324 documentation upon request. To discuss accommodations, I can be contacted at
- 3325 _____".
- 3326 (d) In order for an individual described in Subsection (5)(a) to have the individual's
- 3327 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(c)

- 3328 to the election officer.
- 3329 (e) An election officer who receives a signed affidavit under Subsection (5)(d) shall
3330 immediately:
- 3331 (i) scan the signature on the affidavit electronically and keep the signature on file in
3332 the statewide voter registration database developed under Section 20A-2-502;
- 3333 (ii) if the election officer receives the affidavit no later than [~~5 p.m. three days~~] noon
3334 on the last business day before the day on which the canvass begins, count the
3335 individual's ballot; and
- 3336 (iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the
3337 rules described in Subsection (11)(c).
- 3338 (6)(a) The election officer shall, within two business days after the day on which an
3339 individual's ballot is rejected, notify the individual of the rejection and the reason for
3340 the rejection, by phone, mail, email, or SMS text message, unless:
- 3341 (i) the ballot is cured within one business day after the day on which the ballot is
3342 rejected; or
- 3343 (ii) the ballot is rejected because the ballot is received late or for another reason that
3344 cannot be cured.
- 3345 (b) If an individual's ballot is rejected for a reason described in Subsection (6)(a)(ii), the
3346 election officer shall notify the individual of the rejection and the reason for the
3347 rejection by phone, mail, email, or SMS text message, within the later of:
- 3348 (i) 30 calendar days after the day of the rejection; or
3349 (ii) 30 calendar days after the day of the election.
- 3350 (c) The election officer may, when notifying an individual by phone under this
3351 Subsection (6), use auto-dial technology.
- 3352 (7) An election officer may not count the ballot of an individual whom the election officer
3353 contacts under Subsection (5) or (6) unless, no later than [~~5 p.m. three days~~] noon on the
3354 last business day before the day on which the canvass begins, the election officer:
- 3355 (a) receives a signed affidavit from the individual under Subsection (5); or
3356 (b)(i) contacts the individual;
- 3357 (ii) if the election officer has reason to believe that an individual, other than the voter
3358 to whom the ballot was sent, signed the ballot affidavit, informs the individual that
3359 it is unlawful to sign a ballot affidavit for another person, even if the person gives
3360 permission;
- 3361 (iii) verifies the identity of the individual by:

- 3362 (A) requiring the individual to provide at least two types of personal identifying
3363 information for the individual; and
- 3364 (B) comparing the information provided under Subsection (7)(b)(iii)(A) to records
3365 relating to the individual that are in the possession or control of an election
3366 officer; and
- 3367 (iv) documenting the verification described in Subsection (7)(b)(iii), by recording:
3368 (A) the name and voter identification number of the individual contacted;
3369 (B) the name of the individual who conducts the verification;
3370 (C) the date and manner of the communication;
3371 (D) the type of personal identifying information provided by the individual;
3372 (E) a description of the records against which the personal identifying information
3373 provided by the individual is compared and verified; and
3374 (F) other information required by the lieutenant governor.
- 3375 (8) The election officer shall:
- 3376 (a) retain and preserve the return envelopes in the manner provided by law for the
3377 retention and preservation of ballots voted at that election;
- 3378 (b) retain and preserve the documentation described in Subsection (7)(b)(iv); and
- 3379 (c) if the election officer complies with Subsection (8)(b) by including the
3380 documentation in the voter's voter registration record, make, retain, and preserve a
3381 record of the name and voter identification number of each voter contacted under
3382 Subsection (7)(b).
- 3383 (9)(a) The election officer shall record the following in the database used to verify
3384 signatures:
- 3385 (i) any initial rejection of a ballot under Subsection (4)(c), within one business day
3386 after the day on which the election officer rejects the ballot; and
- 3387 (ii) any resolution of a rejection of a ballot under Subsection (7), within one business
3388 day after the day on which the ballot rejection is resolved.
- 3389 (b) An election officer shall include, in the canvass report, a final report of the
3390 disposition of all rejected and resolved ballots, including, for ballots rejected, the
3391 following:
- 3392 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and
3393 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in
3394 records on file, do not correspond.
- 3395 (10) Willful failure to comply with this section constitutes willful neglect of duty under

3396 Section 20A-5-701.

3397 (11) The director of elections within the Office of the Lieutenant Governor shall make
3398 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
3399 establish:

- 3400 (a) criteria and processes for use by poll workers in determining if a signature
3401 corresponds with the signature on file for the voter under Subsections (3)(a) and
3402 (4)(a)(i)(A);
- 3403 (b) training and certification requirements for election officers and employees of election
3404 officers regarding the criteria and processes described in Subsection (11)(a); and
- 3405 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C.
3406 Secs. 12131 through 12165, an alternative means of verifying the identity of an
3407 individual who checks the box described in Subsection (5)(c)(v).

3408 (12) Subject to Subsection (13), if, in response to a request, and in accordance with the
3409 requirements of law, an election officer discloses the name or address of voters whose
3410 ballots have been rejected and not yet resolved, the election officer shall:

- 3411 (a) make the disclosure within two business days after the day on which the request is
3412 made;
- 3413 (b) respond to each request in the order the requests were made; and
- 3414 (c) make each disclosure in a manner, and within a period of time, that does not reflect
3415 favoritism to one requestor over another.

3416 (13) A disclosure described in Subsection (12) may not include the name or address of a
3417 protected individual, as defined in Subsection 20A-2-104(1).

3418 Section 36. Section **20A-3a-502** is amended to read:

3419 **20A-3a-502 . Intimidation -- Undue influence.**

3420 (1) It is unlawful for a person to induce or compel an individual to vote or refrain from
3421 voting at an election provided by law or to vote or refrain from voting for a particular
3422 individual or measure at an election provided by law, directly or indirectly, by:

- 3423 (a) using force, violence, or restraint;
- 3424 (b) inflicting or threatening to inflict injury, damage, harm, or loss; or
- 3425 (c) by intimidation.

3426 (2) It is unlawful for a person to, by abduction, force, or fraud, impede, prevent, or
3427 otherwise interfere with the free exercise of the elective franchise of any voter, either in
3428 voting at any election provided by law or voting or refraining from voting for a
3429 particular individual or measure at an election provided by law.

- 3430 (3) It is unlawful for a person to:
- 3431 (a) enclose in the salary or wage envelopes of an employee of the person, political
- 3432 mottoes, devices, or arguments containing threats, express or implied, intended or
- 3433 calculated to influence the political opinion, views, or action of the employee; or
- 3434 (b) within 90 calendar days before the day of an election provided by law, post or
- 3435 otherwise exhibit, in a location where the person's employees may be working or may
- 3436 be present in the course of employment, any handbill, notice, or placard containing
- 3437 any threat, notice, or information, that if any particular ticket or candidate is or is not
- 3438 elected:
- 3439 (i) work performed by the person's employees will cease in whole or in part;
- 3440 (ii) the workplace will close;
- 3441 (iii) wages of workforce will be reduced; or
- 3442 (iv) other adverse consequences, under the control of the person, will result.
- 3443 (4) Violation of this section is a class B misdemeanor.
- 3444 Section 37. Section **20A-3a-601** is amended to read:
- 3445 **20A-3a-601 . Early voting.**
- 3446 (1) Except as provided in Section 20A-7-609.5:
- 3447 (a) an individual who is registered to vote may vote at a polling place before the election
- 3448 date in accordance with this section; and
- 3449 (b) except as provided in Subsection 20A-2-207(6), an individual who is not registered
- 3450 to vote may register to vote and vote at a polling place before the election date in
- 3451 accordance with this section if the individual:
- 3452 (i) is otherwise legally entitled to vote the ballot; and
- 3453 (ii) casts a provisional ballot in accordance with Section 20A-2-207.
- 3454 (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period:
- 3455 (a) begins on the date that is 14 calendar days before the date of the election; and
- 3456 (b) continues through the Friday before the election if the election date is a Tuesday.
- 3457 (3)(a) An election officer may extend the end of the early voting period to the day before
- 3458 the election date if the election officer provides notice of the extension in accordance
- 3459 with Section 20A-3a-604.
- 3460 (b) For a municipal election, the municipal clerk may reduce the early voting period
- 3461 described in this section if:
- 3462 (i) the municipal clerk conducts early voting on at least four days;
- 3463 (ii) the early voting days are within the period beginning on the date that is 14

- 3464 calendar days before the date of the election and ending on the day before the
 3465 election; and
- 3466 (iii) the municipal clerk provides notice of the reduced early voting period in
 3467 accordance with Section 20A-3a-604.
- 3468 (c) For a county election, the county clerk may reduce the early voting period described
 3469 in this section if:
- 3470 (i) the county clerk conducts early voting on at least four days;
- 3471 (ii) the early voting days are within the period beginning on the date that is 14
 3472 calendar days before the date of the election and ending on the day before the
 3473 election; and
- 3474 (iii) the county clerk provides notice of the reduced early voting period in accordance
 3475 with Section 20A-3a-604.
- 3476 (4) Except as provided in Section 20A-1-308, during the early voting period, the election
 3477 officer:
- 3478 (a) for a local special election, a municipal primary election, and a municipal general
 3479 election:
- 3480 (i) shall conduct early voting on a minimum of four days during each week of the
 3481 early voting period; and
- 3482 (ii) shall conduct early voting on the last day of the early voting period; and
- 3483 (b) for all other elections:
- 3484 (i) shall conduct early voting on each weekday; and
- 3485 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.
- 3486 (5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308, early
 3487 voting shall be administered in accordance with the requirements of this title.
- 3488 Section 38. Section **20A-3a-604** is amended to read:
- 3489 **20A-3a-604 . Notice of time and place of early voting.**
- 3490 (1) Except as provided in Section 20A-1-308 or Subsection 20A-3a-603(2), the election
 3491 officer shall, for at least 28 calendar days before the date of the election, provide notice
 3492 of the dates, times, and locations of early voting by publishing notice for the county, as a
 3493 class A notice under Section 63G-30-102.
- 3494 (2) Instead of specifying all dates, times, and locations of early voting, a notice required
 3495 under Subsection (1) may specify the following sources where a voter may view or
 3496 obtain a copy of all dates, times, and locations of early voting:
- 3497 (a) the county's website;

- 3498 (b) the physical address of the county's offices; and
 3499 (c) a mailing address and telephone number.
 3500 (3) The election officer shall include in the notice described in Subsection (1):
 3501 (a) the address of the Statewide Electronic Voter Information Website and, if available,
 3502 the address of the election officer's website, with a statement indicating that the
 3503 election officer will post on the website the location of each early voting polling
 3504 place, including any changes to the location of an early voting polling place and the
 3505 location of additional early voting polling places; and
 3506 (b) a phone number that a voter may call to obtain information regarding the location of
 3507 an early voting polling place.

3508 Section 39. Section **20A-3a-703** is amended to read:

3509 **20A-3a-703 . Election day voting centers as polling places -- Location --**

3510 **Notification.**

- 3511 (1) The election officer may designate one or more polling places as an election day voting
 3512 center if:
 3513 (a) except as provided in Subsection (2), the election officer notifies the lieutenant
 3514 governor of the designation and location of the election day voting center at least 15
 3515 calendar days before the election;
 3516 (b) the polling place meets the requirements for a polling place under Chapter 5,
 3517 Election Administration; and
 3518 (c) the polling place is located in a government building or office, unless the election
 3519 officer determines that there is no government building or office available, in the area
 3520 designated by the election officer, that:
 3521 (i) can be scheduled for use during election day voting hours;
 3522 (ii) has the physical facilities necessary to accommodate election day voting
 3523 requirements;
 3524 (iii) has adequate space for voting equipment, poll workers, and voters; and
 3525 (iv) has adequate security, public accessibility, and parking.
 3526 (2)(a) The election officer may, after the deadline described in Subsection (1)(a):
 3527 (i) if necessary, change the location of an election day voting center; or
 3528 (ii) if the election officer determines that the number of election day voting centers is
 3529 insufficient due to the number of registered voters who are voting, designate
 3530 additional election day voting centers.
 3531 (b) Except as provided in Section 20A-1-308, if an election officer changes the location

- 3532 of an election day voting center or designates an additional election day voting
 3533 center, the election officer shall, as soon as is reasonably possible, give notice of the
 3534 dates, times, and location of the changed election day voting center or the additional
 3535 election day voting center:
- 3536 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter
 3537 Information Website;
 - 3538 (ii) by posting the information on the website of the election officer, if available; and
 3539 (iii) by posting notice:
- 3540 (A) of a change in the location of an election day voting center, at the new
 3541 location and, if possible, the old location; and
 - 3542 (B) of an additional election day voting center, at the additional election day
 3543 voting center.

3544 Section 40. Section **20A-3a-801** is amended to read:

3545 **20A-3a-801 . Watchers.**

- 3546 (1) As used in this section[~~,"administering"~~] :
- 3547 (a) "Administering election officer" means:
 - 3548 [~~(a)~~] (i) the election officer; or
 - 3549 [~~(b)~~] (ii) if the election officer is the lieutenant governor, the county clerk of the
 3550 county in which an individual will act as a watcher.
 - 3551 (b) "Candidate signature packet" means the same as that term is defined in Section
 3552 20A-9-401.1.
 - 3553 (c) "Election process" means each process of an election, including a process described
 3554 in Subsections (4) and (5).
- 3555 (2)(a) Any individual who is registered or preregistered to vote in Utah may, at any time,
 3556 become a watcher of any election process in relation to an election[~~at any time~~] by
 3557 registering as a watcher with the administering election officer.
- 3558 (b) An individual who registers under Subsection (2)(a) is not required to be certified by
 3559 a person under Subsection (3) in order to act as a watcher.
 - 3560 (c) An individual who registers as a watcher shall notify the administering election
 3561 officer of the dates, times, and locations that the individual intends to act as a watcher.
 - 3562 (d) An election official may not prohibit a watcher from performing a function described
 3563 in Subsection (4) because the watcher did not provide the notice described in
 3564 Subsection (2)(c).
 - 3565 (e) An administering election officer shall provide a copy of this section, or instructions

- 3566 on how to access an electronic copy of this section, to a watcher at the time the
3567 watcher registers under this Subsection (2).
- 3568 (3)(a) A person that is a candidate whose name will appear on the ballot, a qualified
3569 write-in candidate for the election, a registered political party, or a political issues
3570 committee may certify an individual as an official watcher for the person:
- 3571 (i) by filing an affidavit with the administering election officer responsible to
3572 designate an individual as an official watcher for the certifying person; and
3573 (ii) if the individual registers as a watcher under Subsection (2)(a).
- 3574 (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the
3575 same function described in Subsection (4) at the same time and in the same location
3576 as another watcher who is certified by that person.
- 3577 (c) A watcher who is certified by a person under Subsection (3)(a) may designate
3578 another individual to serve in the watcher's stead during the watcher's temporary
3579 absence by filing with a poll worker an affidavit that designates the individual as a
3580 temporary replacement.
- 3581 (4) A watcher may:
- 3582 (a) observe the setup or takedown of a polling place;
- 3583 (b) observe a voter checking in at a polling place;
- 3584 (c) observe the collection, receipt, and processing of a ballot, including a provisional
3585 ballot or a ballot cast by a covered voter as defined in Section 20A-16-102;
- 3586 (d) observe the transport or transmission of a ballot that is in an election official's
3587 custody;
- 3588 (e) observe the opening and inspection of a manual ballot;
- 3589 (f) observe ballot replication;
- 3590 (g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;
- 3591 (h) observe ballot tabulation;
- 3592 (i) observe the process of storing and securing a ballot;
- 3593 (j) observe a post-election audit;
- 3594 (k) observe a canvassing board meeting described in [~~Title 20A, Chapter 4, Part 3,~~
3595 ~~Canvassing Returns~~] Chapter 4, Part 3, Canvassing Returns;
- 3596 (l) observe the certification of the results of an election;
- 3597 (m) observe a recount; or
- 3598 (n) observe signature verification[-] :
- 3599 (i) of signatures on a return envelope containing a ballot; or

- 3600 (ii) relating to a candidate signature packet.
- 3601 (5) To observe signature verification relating to a candidate signature packet, a watcher may
 3602 observe:
- 3603 (a) the receipt, initial review, and processing that occurs at the time an individual
 3604 submits a candidate signature packet to an election officer;
- 3605 (b) all subsequent processing, handling, and securing of a candidate signature packet;
- 3606 (c) verification of signatures in a candidate signature packet;
- 3607 (d) the processing, handling, and securing of a written request to remove a signature
 3608 from a candidate signature packet;
- 3609 (e) verification of a signature on a written request to remove a signature from a
 3610 candidate signature packet; or
- 3611 (f) the removal of a signature from a candidate signature packet.
- 3612 [(5)] (6) An administering election officer shall:
- 3613 (a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an
 3614 election process;
- 3615 (b) establish locations for a watcher to observe an event described in Subsection (4) or
 3616 (5), other than an event described in Subsection (4)(d) or (k), from no further than six
 3617 feet away; and
- 3618 (c) except for a county of the fourth, fifth, or sixth class, for any ballot adjudication, or
 3619 upload of votes from a voting machine or scanner, that is conducted on a computer
 3620 screen, project the activity onto a screen that is large enough to be viewed by each
 3621 watcher.
- 3622 [(6)] (7)(a) A watcher may not:
- 3623 (i) record an activity described in Subsection (4) if the recording would reveal a vote[
 3624 ~~or otherwise violate a voter's privacy or~~], violate a voter's right to cast a secret
 3625 ballot, or otherwise violate a voter's privacy;
- 3626 (ii) record an activity described in Subsection (5), except that a watcher may take
 3627 notes that do not include the name or other personal identifying information of an
 3628 individual who signs a candidate signature packet or a written request to remove a
 3629 signature from a candidate signature packet;
- 3630 [(ii)] (iii) interfere with an activity described in Subsection (4) or (5), except to
 3631 challenge an individual's eligibility to vote under Section 20A-3a-803;[~~or~~]
- 3632 [(iii)] (iv) divulge information related to the number of votes counted, tabulated, or
 3633 cast for a candidate or ballot proposition until after the election officer makes the

3634 information public[-] ; or

3635 (v) divulge information related to:

3636 (A) the number of signatures collected to qualify a candidate for placement on a
3637 primary election ballot; or

3638 (B) the names or other personal identifying information of an individual who signs
3639 a candidate signature packet or a written request to remove a signature from a
3640 candidate signature packet.

3641 (b) A person who violates Subsection [~~(6)(a)(iii)~~] (7)(a)(iv) or (v) is guilty of a third
3642 degree felony.

3643 [~~(7)~~] (8)(a) Notwithstanding Subsection [~~(2)(a) or (4)~~] (2)(a), (4), or (5), in order to
3644 maintain a safe working environment for an election official or to protect the safety
3645 or security of a ballot, an administering election officer may take reasonable action to:

3646 (i) limit the number of watchers at a single location;

3647 (ii) remove a watcher for violating a provision of this section;

3648 (iii) remove a watcher for interfering with an activity described in Subsection (4) or
3649 (5);

3650 (iv) designate areas for a watcher to reasonably observe the activities described in
3651 Subsection (4) or (5); or

3652 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.

3653 (b) If an administering election officer limits the number of watchers at a single location
3654 under Subsection [~~(6)(a)(i)~~] (8)(a)(i), the administering election officer shall give
3655 preferential access to the location to a watcher designated under Subsection (3).

3656 (c) An administering election officer may provide a watcher a badge that identifies the
3657 watcher and require the watcher to wear the badge while acting as a watcher.

3658 Section 41. Section **20A-3a-803** is amended to read:

3659 **20A-3a-803 . Challenges to a voter's eligibility -- Basis for challenge --**

3660 **Procedures.**

3661 (1) An individual may challenge another individual's eligibility to vote on any of the
3662 following grounds:

3663 (a) the individual is not the individual in whose name the individual tries to vote;

3664 (b) the individual is not a resident of Utah;

3665 (c) the individual is not a citizen of the United States;

3666 (d) the individual has not or will not have resided in Utah for 30 calendar days
3667 immediately before the date of the election;

- 3668 (e) the individual's principal place of residence is not in the voting precinct that the
 3669 individual claims;
- 3670 (f) the individual's principal place of residence is not in the geographic boundaries of the
 3671 election area;
- 3672 (g) the individual has already voted in the election;
- 3673 (h) the individual is not at least the minimum age required to vote in the election;
- 3674 (i) the individual has been convicted of a misdemeanor for an offense under this title and
 3675 the individual's right to vote in an election has not been restored under Section
 3676 20A-2-101.3;
- 3677 (j) the individual is a convicted felon and the voter's right to vote in an election has not
 3678 been restored under Section 20A-2-101.5; or
- 3679 (k) in a regular primary election or presidential primary election, the individual does not
 3680 meet the political party affiliation requirements for the ballot the individual seeks to
 3681 vote.

3682 (2) An individual who challenges another individual's right to vote in an election shall make
 3683 the challenge in accordance with:

- 3684 (a) Section 20A-3a-804, for a challenge that is not made in person at the time an
 3685 individual votes; or
- 3686 (b) Section 20A-3a-805, for challenges made in person at the time an individual votes.

3687 Section 42. Section **20A-3a-804** is amended to read:

3688 **20A-3a-804 . Pre-election challenges to a voter's eligibility in writing --**

3689 **Procedure -- Form of challenge.**

3690 (1)(a) An individual may challenge an individual's eligibility to vote by filing a written
 3691 statement with the election officer in accordance with Subsection (1)(b) that:

- 3692 (i) lists the name and address of the individual filing the challenge;
- 3693 (ii) for each individual who is challenged:
- 3694 (A) identifies the name of the challenged individual;
- 3695 (B) lists the last known address or telephone number of the challenged individual;
- 3696 (C) provides the basis for the challenge, as provided under Section 20A-3a-803;
- 3697 (D) provides facts and circumstances supporting the basis provided; and
- 3698 (E) may include supporting documents, affidavits, or other evidence; and
- 3699 (iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:
- 3700 (A) the filer exercised due diligence to personally verify the facts and
 3701 circumstances establishing the basis for the challenge; and

- 3702 (B) according to the filer's personal knowledge and belief, the basis for the
3703 challenge under Section 20A-3a-803 for each challenged individual is valid.
- 3704 (b) An individual who files a written statement under Subsection (1)(a) shall file the
3705 written statement during the election officer's regular business hours:
- 3706 (i) at least 45 calendar days before the day of the election; or
3707 (ii) if the challenge is to an individual who registered to vote between the day that is
3708 45 calendar days before the election and the day of the election:
- 3709 (A) on or before the day of the election; and
3710 (B) before the individual's ballot is removed from a ballot envelope or otherwise
3711 separated from any information that could be used to identify the ballot as the
3712 individual's ballot.
- 3713 (c) The challenge may not be based on unsupported allegations or allegations by an
3714 anonymous individual.
- 3715 (d) An election officer may require an individual who files a challenge under this section
3716 to file the challenge on a form provided by the election officer that meets the
3717 requirements of this section.
- 3718 (2) If the challenge is not in the proper form, is incomplete, or if the basis for the challenge
3719 does not meet the requirements of this part, the election officer shall dismiss the
3720 challenge and notify the filer in writing of the reasons for the dismissal.
- 3721 (3)(a) Upon receipt of a challenge that meets the requirements for filing under this
3722 section, the election officer shall attempt to notify each challenged individual in
3723 accordance with Subsection (3)(b):
- 3724 (i) at least 28 calendar days before the date of the election, if the election officer
3725 receives the challenge under Subsection (1)(b)(i); or
3726 (ii) within one business day, if the election officer receives the challenge under
3727 Subsection (1)(b)(ii).
- 3728 (b) The election officer shall attempt to notify each challenged individual:
- 3729 (i) that a challenge has been filed against the challenged individual;
3730 (ii) that the challenged individual may be required to cast a provisional ballot at the
3731 time the individual votes if the individual votes in person;
3732 (iii) that if the individual votes by mail, the individual's ballot will be treated as a
3733 provisional ballot unless the challenge is resolved;
3734 (iv) of the basis for the challenge, which may include providing a copy of the
3735 challenge the filer filed with the election officer; and

- 3736 (v) that the challenged individual may submit information, a sworn statement,
3737 supporting documents, affidavits, or other evidence supporting the challenged
3738 individual's eligibility to vote in the election to the election officer no later than:
3739 (A) 21 calendar days before the date of the election, if the election officer receives
3740 the challenge under Subsection (1)(b)(i); or
3741 (B) five calendar days before the day on which the canvass is held, if the election
3742 officer receives the challenge under Subsection (1)(b)(ii).
- 3743 (4)(a) The election officer shall determine whether each challenged individual is eligible
3744 to vote before the day on which:
3745 (i) early voting commences, if the election officer receives the challenge under
3746 Subsection (1)(b)(i); or
3747 (ii) the canvass is held, if the election officer receives the challenge under Subsection
3748 (1)(b)(ii).
- 3749 (b)(i) The filer has the burden to prove, by clear and convincing evidence, that the
3750 basis for challenging the individual's eligibility to vote is valid.
3751 (ii) The election officer shall resolve the challenge based on the available facts and
3752 information submitted, which may include voter registration records and other
3753 documents or information available to the election officer.
- 3754 (5) An individual who files a challenge in accordance with the requirements of this section
3755 is subject to criminal penalties for false statements as provided under Sections 76-8-503
3756 and 76-8-504 and any other applicable criminal provision.
- 3757 (6)(a) A challenged individual may appeal an election officer's decision regarding the
3758 individual's eligibility to vote to the district court having jurisdiction over the location
3759 where the challenge was filed.
3760 (b) The district court shall uphold the decision of the election officer unless the district
3761 court determines that the decision was arbitrary, capricious, or unlawful.
3762 (c) In making the district court's determination, the district court's review is limited to:
3763 (i) the information filed under Subsection (1)(a) by the filer;
3764 (ii) the information submitted under Subsection (3)(b)(v) by the challenged
3765 individual; and
3766 (iii) any additional facts and information used by the election official to determine
3767 whether the challenged individual is eligible to vote, as indicated by the election
3768 official.
- 3769 (7) A challenged individual may register to vote or change the location of the individual's

3770 voter registration if otherwise permitted by law.

3771 (8) A document pertaining to a challenge filed under this section is a public record.

3772 Section 43. Section **20A-3a-807** is amended to read:

3773 **20A-3a-807 . Notification of ballot processes.**

3774 (1) As used in this section, "ballot process" includes:

3775 (a) signature verification;

3776 (b) opening ballots;

3777 (c) scanning ballots;

3778 (d) adjudicating ballots;

3779 (e) replicating damaged or defective ballots; or

3780 (f) tabulating votes.

3781 (2) A county clerk shall:

3782 (a) beginning at least three calendar days before the day on which the county clerk
3783 begins mailing ballots for an election, and ending on the first day of the canvass, post
3784 on the county clerk's website a schedule of the hours, over the next three calendar
3785 days, during which the county clerk plans to conduct one or more ballot processes;
3786 and

3787 (b) update any changes to the schedule at least 24 hours before the clerk modifies the
3788 hours.

3789 Section 44. Section **20A-4-104** is amended to read:

3790 **20A-4-104 . Counting ballots electronically -- Notice of testing tabulating**
3791 **equipment.**

3792 (1)(a) Before beginning to count ballots using automatic tabulating equipment, the
3793 election officer shall test the automatic tabulating equipment to ensure that it will
3794 accurately count the votes cast for all offices and all measures.

3795 (b) The election officer shall provide public notice of the time and place of the test by
3796 publishing the notice, as a class A notice under Section 63G-30-102, for the county,
3797 municipality, or jurisdiction where the equipment is used, for at least 10 calendar
3798 days before the day of the test.

3799 (c) The election officer shall conduct the test by processing a preaudited group of ballots.

3800 (d) The election officer shall ensure that:

3801 (i) a predetermined number of valid votes for each candidate and measure are
3802 recorded on the ballots;

3803 (ii) for each office, one or more ballots have votes in excess of the number allowed

- 3804 by law in order to test the ability of the automatic tabulating equipment to reject
3805 those votes; and
- 3806 (iii) a different number of valid votes are assigned to each candidate for an office, and
3807 for and against each measure.
- 3808 (e) If any error is detected, the election officer shall determine the cause of the error and
3809 correct it.
- 3810 (f) The election officer shall ensure that:
- 3811 (i) the automatic tabulating equipment produces an errorless count before beginning
3812 the actual counting; and
- 3813 (ii) before the election returns are approved as official , the automatic [~~tabuating~~
3814 tabulating equipment passes a post election audit conducted in accordance with
3815 the rules described in Subsection 20A-1-108(1).
- 3816 (2)(a) The election officer or the election officer's designee shall supervise and direct all
3817 proceedings at the counting center.
- 3818 (b)(i) Proceedings at the counting center are public and may be observed by
3819 interested persons.
- 3820 (ii) Only those persons authorized to participate in the count may touch any ballot or
3821 return.
- 3822 (c) The election officer shall deputize and administer an oath or affirmation to all
3823 persons who are engaged in processing and counting the ballots that they will
3824 faithfully perform their assigned duties.
- 3825 (3)(a) If any ballot is damaged or defective so that it cannot properly be counted by the
3826 automatic tabulating equipment, the election officer shall ensure that two counting
3827 judges jointly:
- 3828 (i) make a true replication of the ballot with an identifying serial number;
3829 (ii) substitute the replicated ballot for the damaged or defective ballot;
3830 (iii) label the replicated ballot "replicated"; and
3831 (iv) record the replicated ballot's serial number on the damaged or defective ballot.
- 3832 (b) The lieutenant governor shall provide to each election officer a standard form on
3833 which the election officer shall maintain a log of all replicated ballots, that includes,
3834 for each ballot:
- 3835 (i) the serial number described in Subsection (3)(a);
3836 (ii) the identification of the individuals who replicated the ballot;
3837 (iii) the reason for the replication; and

- 3838 (iv) any other information required by the lieutenant governor.
- 3839 (c) An election officer shall:
- 3840 (i) maintain the log described in Subsection (3)(b) in a complete and legible manner,
- 3841 as ballots are replicated;
- 3842 (ii) at the end of each day during which one or more ballots are replicated, make an
- 3843 electronic copy of the log; and
- 3844 (iii) keep each electronic copy made under Subsection (3)(c)(ii) for at least 22 months.
- 3845 (4) The election officer may:
- 3846 (a) conduct an unofficial count before conducting the official count in order to provide
- 3847 early unofficial returns to the public;
- 3848 (b) release unofficial returns from time to time after the polls close; and
- 3849 (c) report the progress of the count for each candidate during the actual counting of
- 3850 ballots.
- 3851 (5) Beginning on the day after the date of the election, if an election officer releases early
- 3852 unofficial returns or reports the progress of the count for each candidate under
- 3853 Subsection (4), the election officer shall, with each release or report, disclose an estimate
- 3854 of the total number of voted ballots in the election officer's custody that have not yet
- 3855 been counted.
- 3856 (6) The election officer shall review and evaluate the provisional ballot envelopes and
- 3857 prepare any valid provisional ballots for counting as provided in Section 20A-4-107.
- 3858 (7)(a) The election officer or the election officer's designee shall:
- 3859 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
- 3860 (ii) complete the standard form provided by the clerk for recording valid write-in
- 3861 votes.
- 3862 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
- 3863 more votes for an office than that voter is entitled to vote for that office, the poll
- 3864 workers shall count the valid write-in vote as being the obvious intent of the voter.
- 3865 (8)(a) The election officer shall certify the return printed by the automatic tabulating
- 3866 equipment, to which have been added write-in and absentee votes, as the official
- 3867 return of each voting precinct.
- 3868 (b) Upon completion of the count, the election officer shall make official returns open to
- 3869 the public.
- 3870 (9) If for any reason it becomes impracticable to count all or a part of the ballots with
- 3871 tabulating equipment, the election officer may direct that they be counted manually

- 3872 according to the procedures and requirements of this part.
- 3873 (10) After the count is completed, the election officer shall seal and retain the programs,
3874 test materials, and ballots as provided in Section 20A-4-202.
- 3875 Section 45. Section **20A-4-301** is amended to read:
- 3876 **20A-4-301 . Board of canvassers.**
- 3877 (1)(a) Each county legislative body is the board of county canvassers for:
- 3878 (i) the county; and
- 3879 (ii) each special district whose election is conducted by the county if:
- 3880 (A) the election relates to the creation of the special district;
- 3881 (B) the county legislative body serves as the governing body of the special
3882 district; or
- 3883 (C) there is no duly constituted governing body of the special district.
- 3884 (b) The board of county canvassers shall meet to canvass the returns at the usual place of
3885 meeting of the county legislative body, at a date and time determined by the county
3886 clerk that is no sooner than seven calendar days after the day of the election and no
3887 later than 14 calendar days after the day of the election.
- 3888 (c) If one or more of the county legislative body fails to attend the meeting of the board
3889 of county canvassers, the remaining members shall replace the absent member by
3890 appointing in the order named:
- 3891 (i) the county treasurer;
- 3892 (ii) the county assessor; or
- 3893 (iii) the county sheriff.
- 3894 (d) Attendance of the number of persons equal to a simple majority of the county
3895 legislative body, but not less than three persons, shall constitute a quorum for
3896 conducting the canvass.
- 3897 (e) The county clerk is the clerk of the board of county canvassers.
- 3898 (2)(a) The mayor and the municipal legislative body are the board of municipal
3899 canvassers for the municipality.
- 3900 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
3901 place of meeting of the municipal legislative body:
- 3902 (i) for canvassing of returns from a municipal general election, no sooner than seven
3903 calendar days after the day of the election and no later than 14 calendar days after
3904 the day of the election; or
- 3905 (ii) for canvassing of returns from a municipal primary election, no sooner than seven

3906 calendar days after the day of the election and no later than 14 calendar days after
3907 the election.

3908 (c) Attendance of a simple majority of the municipal legislative body shall constitute a
3909 quorum for conducting the canvass.

3910 (3)(a) The legislative body of the entity authorizing a bond election is the board of
3911 canvassers for each bond election.

3912 (b) The board of canvassers for the bond election shall comply with the canvassing
3913 procedures and requirements of Section 11-14-207.

3914 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
3915 bond election shall constitute a quorum for conducting the canvass.

3916 (4)(a) If a board of trustees or an administrative control board is the governing body of a
3917 special district, the board of trustees or the administrative control board is the board
3918 of special district canvassers for the special district.

3919 (b) The board of special district canvassers shall meet to canvass the returns at the usual
3920 place of meeting for the board of trustees or the administrative control board, as
3921 applicable, at a date and time determined by the special district clerk that is no sooner
3922 than seven calendar days after the day of the election and no later than 14 calendar
3923 days after the day of the election.

3924 (c) Attendance of a simple majority of the board of trustees or the administrative control
3925 board is a quorum for conducting the canvass.

3926 (5) In relation to an election for the creation of a new school district under Section
3927 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, or in relation to an election of members of a
3928 local school board for a new school district or a reorganized new school district under
3929 Section 53G-3-302, the board of canvassers is:

3930 (a) if the voters permitted to vote in the election are all residents of the same
3931 municipality, the mayor and the municipal legislative body;

3932 (b) if the voters permitted to vote in the election are not all residents of the same
3933 municipality, but are all residents of the same county, the county legislative body; or

3934 (c) if the voters permitted to vote in the election are not all residents of the same
3935 municipality and are not all residents of the same county, the county legislative body
3936 of the county where the majority of the voters permitted to vote in the election are
3937 residents.

3938 Section 46. Section **20A-4-302** is amended to read:

3939 **20A-4-302 . Duties of the board of canvassers -- Receiving returns.**

- 3940 (1) If the election returns from each voting precinct in which polls were opened have been
 3941 received at the time the board of canvassers convenes, the board of canvassers shall
 3942 canvass the election returns as provided in this part.
- 3943 (2) If all of the election returns have not been received, the board shall postpone the canvass
 3944 from day to day, Sundays and legal holidays excepted, until:
 3945 (a) all of the election returns are received; or
 3946 (b) the board has postponed the canvass seven times.
- 3947 (3)(a) If the election officer has not received the election returns from any voting
 3948 precinct within seven calendar days after the election, the election officer shall send a
 3949 messenger to the judges to obtain the missing election returns.
 3950 (b) The messenger shall obtain the election returns from the judges and return the
 3951 election returns to the election officer.
 3952 (c) The election officer shall pay the messenger 10 cents per mile for the distance
 3953 necessarily traveled.
- 3954 (4) If the board determines that election returns were not received from a voting precinct
 3955 because the polls did not open in that precinct, the board shall:
 3956 (a) sign a certificate attesting to that fact; and
 3957 (b) file the certificate with the election officer.
- 3958 Section 47. Section **20A-4-304** is amended to read:
 3959 **20A-4-304 . Declaration of results -- Canvassers' report.**
- 3960 (1)(a) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a
 3961 board of canvassers shall declare "elected" or "nominated" those persons who:
 3962 (i) had the highest number of votes; and
 3963 (ii) sought election or nomination to an office completely within the board's
 3964 jurisdiction.
- 3965 (b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a
 3966 board of canvassers shall declare a "tie vote" if:
 3967 (i) two or more candidates for an office receive an equal and the highest number of
 3968 votes for that office; or
 3969 (ii) in a race for an at-large office:
 3970 (A) two or more candidates receive an equal number of votes; and
 3971 (B) a recount is necessary to determine which candidates are elected to the at-large
 3972 office.
- 3973 (c) A board of canvassers shall declare:

- 3974 (i) "approved" those ballot propositions that:
3975 (A) had more "yes" votes than "no" votes; and
3976 (B) were submitted only to the voters within the board's jurisdiction; or
3977 (ii) "rejected" those ballot propositions that:
3978 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and
3979 "yes" votes; and
3980 (B) were submitted only to the voters within the board's jurisdiction.
- 3981 (d) A board of canvassers shall:
3982 (i) certify the vote totals for persons and for and against ballot propositions that were
3983 submitted to voters within and beyond the board's jurisdiction and transmit those
3984 vote totals to the lieutenant governor; and
3985 (ii) if applicable, certify the results of each special district election to the special
3986 district clerk.
- 3987 (2) The election officer shall submit a report to the board of canvassers that includes the
3988 following information:
3989 (a) the total number of votes cast in the board's jurisdiction;
3990 (b) the names of each candidate whose name appeared on the ballot;
3991 (c) the title of each ballot proposition that appeared on the ballot;
3992 (d) each office that appeared on the ballot;
3993 (e) from each voting precinct:
3994 (i) the number of votes for each candidate;
3995 (ii) for each race conducted by instant runoff voting under Part 6, Municipal
3996 Alternate Voting Methods Pilot Project, the number of valid votes cast for each
3997 candidate for each potential ballot-counting phase and the name of the candidate
3998 excluded in each ballot-counting phase; and
3999 (iii) the number of votes for and against each ballot proposition;
- 4000 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
4001 and against each ballot proposition;
- 4002 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:
4003 (i) the number of ballots counted;
4004 (ii) provisional ballots; and
4005 (iii) the number of ballots rejected;
- 4006 (h) a final ballot reconciliation report;
4007 (i) other information required by law to be provided to the board of canvassers; and

- 4008 (j) a statement certifying that the information contained in the report is accurate.
- 4009 (3) The election officer and the board of canvassers shall:
- 4010 (a) review the report to ensure that the report is correct; and
- 4011 (b) sign the report.
- 4012 (4) The election officer shall:
- 4013 (a) record or file the certified report in a book kept for that purpose;
- 4014 (b) prepare and transmit a certificate of nomination or election under the officer's seal to
- 4015 each nominated or elected candidate;
- 4016 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 4017 (d) file a copy of the certified report with the lieutenant governor.
- 4018 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
- 4019 calendar days after the day on which the board of canvassers declares the election
- 4020 results, publicize the certified report described in Subsection (2) for the jurisdiction, as a
- 4021 class A notice under Section 63G-30-102, for at least seven calendar days.
- 4022 (6) Instead of including a copy of the entire certified report, a notice required under
- 4023 Subsection (5) may contain a statement that:
- 4024 (a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction]
- 4025 has prepared a report of the election results for the [indicate type and date of
- 4026 election]."; and
- 4027 (b) specifies the following sources where an individual may view or obtain a copy of the
- 4028 entire certified report:
- 4029 (i) if the jurisdiction has a website, the jurisdiction's website;
- 4030 (ii) the physical address for the jurisdiction; and
- 4031 (iii) a mailing address and telephone number.
- 4032 (7) When there has been a regular general or a statewide special election for statewide
- 4033 officers, for officers that appear on the ballot in more than one county, or for a statewide
- 4034 or two or more county ballot proposition, each board of canvassers shall:
- 4035 (a) prepare a separate report detailing the number of votes for each candidate and the
- 4036 number of votes for and against each ballot proposition; and
- 4037 (b) transmit the separate report by registered mail to the lieutenant governor.
- 4038 (8) In each county election, municipal election, school election, special district election, and
- 4039 local special election, the election officer shall transmit the reports to the lieutenant
- 4040 governor within 14 calendar days after the date of the election.
- 4041 (9) In a regular primary election and in a presidential primary election, the board shall

4042 transmit to the lieutenant governor:

4043 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
4044 governor not later than the second Tuesday after the election; and

4045 (b) a complete tabulation showing voting totals for all primary races, precinct by
4046 precinct, to be mailed to the lieutenant governor on or before the third Friday
4047 following the primary election.

4048 Section 48. Section **20A-4-305** is amended to read:

4049 **20A-4-305 . Delivery of checked official register to county clerk after canvass.**

4050 Within 10 calendar days after the canvass of a November municipal election, special
4051 district election, bond election, or special election, the clerk or recorder shall transmit the
4052 checked official register to the county clerk.

4053 Section 49. Section **20A-4-306** is amended to read:

4054 **20A-4-306 . Statewide canvass.**

4055 (1)(a) The state board of canvassers shall convene:

4056 (i) on the fourth Monday of November, at noon; or

4057 (ii) at noon on the day following the [~~receipt by~~] day on which the lieutenant governor [
4058 ~~of~~] receives the last of the returns of a statewide special election.

4059 (b) The state auditor, the state treasurer, and the attorney general are the state board of
4060 canvassers.

4061 (c) Attendance of all members of the state board of canvassers is required to constitute a
4062 quorum for conducting the canvass.

4063 (2)(a) The state board of canvassers shall:

4064 (i) meet in the lieutenant governor's office; and

4065 (ii) compute and determine the vote for officers and for and against any ballot
4066 propositions voted upon by the voters of the entire state or of two or more
4067 counties.

4068 (b) The lieutenant governor, as secretary of the board shall file a report in the lieutenant
4069 governor's office that details:

4070 (i) for each statewide officer and ballot proposition:

4071 (A) the name of the statewide office or ballot proposition that appeared on the
4072 ballot;

4073 (B) the candidates for each statewide office whose names appeared on the ballot,
4074 plus any recorded write-in candidates;

4075 (C) the number of votes from each county cast for each candidate and for and

- 4076 against each ballot proposition;
- 4077 (D) the total number of votes cast statewide for each candidate and for and against
4078 each ballot proposition; and
- 4079 (E) the total number of votes cast statewide; and
- 4080 (ii) for each officer or ballot proposition voted on in two or more counties:
- 4081 (A) the name of each of those offices and ballot propositions that appeared on the
4082 ballot;
- 4083 (B) the candidates for those offices, plus any recorded write-in candidates;
- 4084 (C) the number of votes from each county cast for each candidate and for and
4085 against each ballot proposition; and
- 4086 (D) the total number of votes cast for each candidate and for and against each
4087 ballot proposition.
- 4088 (c) Except as provided in Subsection (2)(d), the lieutenant governor shall:
- 4089 (i) prepare certificates of election for:
- 4090 (A) each successful candidate; and
- 4091 (B) each of the presidential electors of the candidate for president who received a
4092 majority of the votes;
- 4093 (ii) authenticate each certificate with the lieutenant governor's seal; and
- 4094 (iii) deliver a certificate of election to:
- 4095 (A) each candidate who had the highest number of votes for each office; and
- 4096 (B) each of the presidential electors of the candidate for president who received a
4097 majority of the votes.
- 4098 (d) The lieutenant governor shall, in the report described in Subsection (2)(b), declare a
4099 tie vote if:
- 4100 (i) two or more officers receive an equal and the highest number of votes for an
4101 office; or
- 4102 (ii) in a race for an at-large office:
- 4103 (A) two or more candidates receive an equal number of votes; and
- 4104 (B) a recount is necessary to determine which candidates are elected to the at-large
4105 office.
- 4106 (3) If the lieutenant governor has not received election returns from all counties on the fifth
4107 calendar day before the day designated for the meeting of the state board of canvassers,
4108 the lieutenant governor shall:
- 4109 (a) send a messenger to the clerk of the board of county canvassers of the delinquent

- 4110 county;
- 4111 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
4112 required by Section 20A-4-304 from the clerk; and
- 4113 (c) pay the messenger the per diem provided by law as compensation.
- 4114 (4) The state board of canvassers may not withhold the declaration of the result or any
4115 certificate of election because of any defect or informality in the returns of any election
4116 if the board can determine from the returns, with reasonable certainty, what office is
4117 intended and who is elected to it.
- 4118 (5)(a) At noon on the fourth Monday after the regular primary election, the lieutenant
4119 governor shall:
- 4120 (i) canvass the returns for all multicounty candidates required to file with the office
4121 of the lieutenant governor; and
- 4122 (ii) publish and file the results of the canvass in the lieutenant governor's office.
- 4123 (b) Not later than the August 1 after the primary election, the lieutenant governor shall
4124 certify the results of the primary canvass to the county clerks.
- 4125 (6)(a) At noon on the fourth Tuesday in March of a year in which a presidential election
4126 will be held, the lieutenant governor shall:
- 4127 (i) canvass the returns of the presidential primary election; and
- 4128 (ii) publish and file the results of the canvass in the lieutenant governor's office.
- 4129 (b) The lieutenant governor shall certify the results of the presidential primary election
4130 canvass to each registered political party that participated in the primary not later
4131 than the April 15 after the primary election.
- 4132 Section 50. Section **20A-4-401** is amended to read:
- 4133 **20A-4-401 . Recounts -- Procedure.**
- 4134 (1) This section does not apply to a race conducted by instant runoff voting under Chapter
4135 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
- 4136 (2) The election officer shall conduct a recount of votes cast in a race if:
- 4137 (a) two or more candidates for an office receive an equal and the highest number of
4138 votes for that office; or
- 4139 (b) in a race for an at-large office, two or more candidates receive an equal number of
4140 votes and at least one of the candidates must be eliminated to determine which
4141 candidates are elected.
- 4142 (3)(a) Except as provided in Subsection (2) or (3)(b), for a race between candidates, if
4143 the difference between the number of votes cast for a winning candidate in the race

4144 and a losing candidate in the race is equal to or less than .25% of the total number of
4145 votes cast for all candidates in the race, the losing candidate may file a request for a
4146 recount in accordance with Subsection (4).

4147 (b) Except as provided in Subsection (2), for a race between candidates where the total
4148 of all votes cast in the race is 400 or less, if the difference between the number of
4149 votes cast for a winning candidate in the race and a losing candidate in the race is one
4150 vote, the losing candidate may file a request for a recount in accordance with
4151 Subsection (4).

4152 (4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b) shall
4153 file the request:

4154 (a) for a municipal primary election, with the municipal clerk, [~~before 5 p.m., no later~~
4155 ~~than three~~] no later than 5 p.m. on the first business day that is at least three calendar
4156 days after the day on which the canvass is completed; or

4157 (b) for all other elections, [~~before 5 p.m., no later than seven~~] no later than 5 p.m. on the
4158 first business day that is at least three calendar days after the day on which the
4159 canvass is completed, with:

4160 (i) the municipal clerk, if the election is a municipal general election;

4161 (ii) the special district clerk, if the election is a special district election;

4162 (iii) the county clerk, for a race voted on entirely within a single county; or

4163 (iv) the lieutenant governor, for a statewide race or multi-county race.

4164 (5)(a) The election officer shall conduct the recount:

4165 (i) for a race described in Subsection (2), no later than 10 calendar days after the day
4166 on which the board of canvassers certifies the vote totals; or

4167 (ii) for a race described in Subsection (3), no later than seven calendar days after the
4168 day on which the losing candidate requests the recount.

4169 (b) In conducting the recount, the election officer shall:

4170 (i) supervise the recount;

4171 (ii) recount all ballots cast in the race;

4172 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
4173 Disposition of Ballots; and

4174 (iv)(A) for a race between candidates for a single office, declare elected the
4175 candidate who receives the highest number of votes on the recount;

4176 (B) for a race for an at-large office, declare elected the candidate who receives the
4177 highest number of votes on the recount, until all offices are filled by the

- 4178 candidates who received the highest number of votes;
- 4179 (C) for a race described in Subsection (5)(b)(iv)(A) in which two or more
- 4180 candidates receive an equal and the highest number of votes, declare a tie vote;
- 4181 or
- 4182 (D) for a race described in Subsection (5)(b)(iv)(B) in which two or more
- 4183 candidates receive an equal number of votes, declare a tie vote if the selection
- 4184 of the winning candidate by lot under Section 20A-1-304 is necessary to
- 4185 determine which candidate is elected to the at-large office.
- 4186 (6) The cost of a recount under Subsection (5) shall be paid by:
- 4187 (a) for a statewide race or multi-county race, the state; or
- 4188 (b) for all other races:
- 4189 (i) the political subdivision that conducts the election; or
- 4190 (ii) the political subdivision that enters into a contract or interlocal agreement under
- 4191 Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer
- 4192 to conduct the election.
- 4193 (7)(a) Except as provided in Subsection (7)(b), for a ballot proposition or a bond
- 4194 proposition, if the proposition passes or fails by a margin that is equal to or less than
- 4195 .25% of the total votes cast for or against the proposition, any 10 voters who voted in
- 4196 the election where the proposition was on the ballot may file a request for a recount [
- 4197 ~~before 5 p.m. within seven~~] no later than 5 p.m. on the first business day that is at
- 4198 least seven calendar days after the day of the canvass with the person described in
- 4199 Subsection (8).
- 4200 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
- 4201 against the proposition is 400 or less, if the difference between the number of votes
- 4202 cast for the proposition and the number of votes cast against the proposition is one
- 4203 vote, any 10 voters who voted in the election where the proposition was on the ballot
- 4204 may file a request for a recount [~~before 5 p.m. within seven~~] no later than 5 p.m. on
- 4205 the first business day that is at least seven calendar days after the day of the canvass
- 4206 with the person described in Subsection (8).
- 4207 (8) The 10 voters who file a request for a recount under Subsection (7)(a) or (b) shall file
- 4208 the request with:
- 4209 (a) the municipal clerk, if the election is a municipal election;
- 4210 (b) the special district clerk, if the election is a special district election;
- 4211 (c) the county clerk, for a proposition voted on entirely within a single county; or

- 4212 (d) the lieutenant governor, for a statewide proposition or multi-county proposition.
- 4213 (9)(a) In conducting the recount, the election officer shall:
- 4214 (i) supervise the recount;
- 4215 (ii) recount all ballots cast for the ballot proposition or bond proposition;
- 4216 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
- 4217 Disposition of Ballots; and
- 4218 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
- 4219 based upon the results of the recount.
- 4220 (b) Proponents and opponents of the ballot proposition or bond proposition may
- 4221 designate representatives to witness the recount.
- 4222 (10) The voters requesting a recount under Subsection (7)(a) or (b) shall pay the costs of the
- 4223 recount.
- 4224 (11)(a) Upon completing a recount described in Subsection (5) or (9), the election
- 4225 officer shall immediately convene the board of canvassers.
- 4226 (b) The board of canvassers shall:
- 4227 (i) canvass the election returns for the race or proposition that was the subject of the
- 4228 recount; and
- 4229 (ii) with the assistance of the election officer, prepare and sign the report required by
- 4230 Section 20A-4-304 or 20A-4-306.
- 4231 (c) If the recount is for a statewide race, multi-county race, or a statewide proposition,
- 4232 the board of county canvassers shall prepare and transmit a separate report to the
- 4233 lieutenant governor as required by Subsection 20A-4-304(7).
- 4234 (d) The canvassers' report prepared as provided in this Subsection (11) is the official
- 4235 result of the race or proposition that is the subject of the recount.
- 4236 Section 51. Section **20A-4-603** is amended to read:
- 4237 **20A-4-603 . Instant runoff voting.**
- 4238 (1) In a multi-candidate race, the election officer for a participating municipality shall:
- 4239 (a)(i) conduct the first ballot-counting phase by counting the valid first preference
- 4240 rankings for each candidate; and
- 4241 (ii) if one of the candidates receives more than 50% of the valid first preference
- 4242 rankings counted, declare that candidate elected;
- 4243 (b) if, after counting the valid first preference rankings for each candidate, no candidate
- 4244 receives more than 50% of the valid first preference rankings counted, conduct the
- 4245 second ballot-counting phase by:

- 4246 (i) excluding from the multi-candidate race:
- 4247 (A) the candidate who received the fewest valid first preference rankings counted;
- 4248 or
- 4249 (B) in the event of a tie for the fewest valid first preference rankings counted, one
- 4250 of the tied candidates, determined by the election officer by lot, in accordance
- 4251 with Subsection (6);
- 4252 (ii) adding, to the valid first preference rankings counted for the remaining
- 4253 candidates, the next valid preference rankings cast for the remaining candidates by
- 4254 the voters who cast a valid first preference ranking for the excluded candidate; and
- 4255 (iii) if, after adding the rankings in accordance with Subsection (1)(b)(ii), one
- 4256 candidate receives more than 50% of the valid rankings counted, declaring that
- 4257 candidate elected; and
- 4258 (c) if, after adding the next valid preference rankings in accordance with Subsection
- 4259 (1)(b)(ii), no candidate receives more than 50% of the valid rankings counted,
- 4260 conduct subsequent ballot-counting phases by continuing the process described in
- 4261 Subsection (1)(b) until a candidate receives more than 50% of the valid rankings
- 4262 counted, as follows:
- 4263 (i) excluding from consideration the candidate who has the fewest valid rankings
- 4264 counted or, in the event of a tie for the fewest valid rankings counted, excluding
- 4265 one of the tied candidates, by lot, in accordance with Subsection (6); and
- 4266 (ii) adding the next valid preference ranking cast by each voter whose ranking was
- 4267 counted for the last excluded candidate to one of the remaining candidates, in the
- 4268 order of the next preference indicated by the voter.
- 4269 (2) The election officer shall declare elected the first candidate who receives more than
- 4270 50% of the valid rankings counted under the process described in Subsection (1).
- 4271 (3) A ranking is valid for a particular ballot-counting phase of a multi-candidate race if:
- 4272 (a) the voter indicates the voter's preference for that ballot-counting phase and all
- 4273 previous ballot-counting phases; or
- 4274 (b) in the event that the voter skips a number in filling out the rankings on a ballot:
- 4275 (i) the voter clearly indicates an order of preference for the candidates;
- 4276 (ii) the voter does not skip two or more consecutive numbers at any point before the
- 4277 preference ranking that would otherwise be counted for the current ballot-counting
- 4278 phase;
- 4279 (iii) the candidate next preferred by the voter is clearly indicated by a subsequent

- 4280 number that most closely follows the number assigned by the voter for the
4281 previously-ranked candidate; and
- 4282 (iv) the voter did not give the same rank to more than one candidate for the
4283 applicable ballot-counting phase or a previous ballot-counting phase.
- 4284 (4) A ranking is not valid for a particular ballot-counting phase of a multi-candidate race,
4285 and for all subsequent ballot-counting phases, if:
- 4286 (a) the voter indicates the same rank for more than one candidate for that ballot-counting
4287 phase; or
- 4288 (b) the voter skips two or more consecutive numbers before ranking another candidate.
- 4289 (5) If, for a ballot-counting phase, a voter ranks a candidate who has withdrawn from the
4290 race, the next-ranked candidate who has not withdrawn from the race will be counted for
4291 that ballot-counting phase.
- 4292 (6) For each ballot-counting phase after the first phase, if two or more candidates tie as
4293 having received the fewest valid rankings counted at that point in the ballot count, the
4294 election officer shall eliminate one of those candidates from consideration, by lot, in the
4295 following manner:
- 4296 (a) determine the names of the candidates who tie as having received the fewest valid
4297 rankings for that ballot-counting phase;
- 4298 (b) cast the lot in the presence of at least two election officials and any counting poll
4299 watchers who are present and desire to witness the casting of the lot; and
- 4300 (c) sign a public document that:
- 4301 (i) certifies the method used for casting the lot and the result of the lot; and
4302 (ii) includes the name of each individual who witnessed the casting of the lot.
- 4303 (7) In a multi-candidate race for an at-large office, where the number of candidates who
4304 qualify for the race exceeds the total number of at-large seats to be filled for the office,
4305 the election officer shall count the rankings by:
- 4306 (a) except as provided in Subsection (8), counting rankings in the same manner as
4307 described in Subsections (1) through (6), until a candidate is declared elected;
- 4308 (b) repeating the process described in Subsection (7)(a) for all candidates that are not
4309 declared elected until another candidate is declared elected; and
- 4310 (c) continuing the process described in Subsection (7)(b) until all at-large seats in the
4311 race are filled.
- 4312 (8) After a candidate is declared elected under Subsection (7), the election officer shall, in
4313 repeating the process described in Subsections (1) through (6) to declare the next

- 4314 candidate elected, add to the ranking totals the next valid preference vote of each voter
4315 whose ranking was counted for a candidate already declared elected.
- 4316 (9) An election officer for a participating municipality may choose to conduct a primary
4317 election by using instant runoff voting in the manner described in Subsections (1)
4318 through (6), except that:
- 4319 (a) instead of determining whether a candidate receives more than 50% of the valid
4320 preference rankings for a particular ballot-counting phase, the election officer shall
4321 proceed to a subsequent ballot-counting stage, and exclude the candidate who
4322 receives the fewest valid preference rankings in that phase, until twice the number of
4323 seats to be filled in the race remain; and
- 4324 (b) after complying with Subsection (9)(a), the election officer shall declare the
4325 remaining candidates nominated to participate in the municipal general election.
- 4326 (10) After completing all ballot-counting phases in a multi-candidate race, the election
4327 officer shall order a full recount of the ballots cast for that race if, in one or more of the
4328 ballot-counting phases:
- 4329 (a) the difference between the number of rankings counted for a candidate who is
4330 declared elected and the number of rankings counted for any other candidate in the
4331 same ballot-counting phase is equal to or less than the product of the following,
4332 rounded up to the nearest whole number:
- 4333 (i) the total number of voters who cast a valid ranking counted in that ballot-counting
4334 phase; and
- 4335 (ii) the recount threshold; or
- 4336 (b) the difference between the number of rankings counted for the candidate who
4337 received the fewest valid rankings in a ballot-counting phase and the number of
4338 rankings counted for any other candidate in the same ballot-counting phase is equal
4339 to or less than the product of the following, rounded up to the nearest whole number:
- 4340 (i) the total number of voters who cast a valid ranking counted in that ballot-counting
4341 phase; and
- 4342 (ii) the recount threshold.
- 4343 (11) A recount described in Subsection (10):
- 4344 (a) requires rescanning and tabulating all valid ballots; and
- 4345 (b) provides for only one recount.
- 4346 (12) Notwithstanding Section 20A-4-301, a board of municipal canvassers may extend the
4347 canvass deadline by up to seven additional calendar days, if necessary, to conduct a

4348 recount required under Subsection (10).

4349 Section 52. Section **20A-5-101** is amended to read:

4350 **20A-5-101 . Notice of election.**

- 4351 (1) On or before November 15 in the year before each regular general election year, the
4352 lieutenant governor shall prepare and transmit a written notice to each county clerk that:
- 4353 (a) designates the offices to be filled at the next year's regular general election;
 - 4354 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
4355 certifying nomination petition signatures, as applicable, under Sections 20A-9-403,
4356 20A-9-407, and 20A-9-408 for those offices; and
 - 4357 (c) contains a description of any ballot propositions to be decided by the voters that have
4358 qualified for the ballot as of that date.
- 4359 (2)(a) No later than seven business days after the day on which the lieutenant governor
4360 transmits the written notice described in Subsection (1), each county clerk shall
4361 provide notice for the county, as a class A notice under Section 63G-30-102, for
4362 seven business days before the day of the election and in accordance with Subsection
4363 (3).
- 4364 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a),
4365 showing a copy of the notice and the places where the notice was posted.
- 4366 (3) The notice described in Subsection (2) shall:
- 4367 (a) designate the offices to be voted on in that election; and
 - 4368 (b) identify the dates for filing a declaration of candidacy for those offices.
- 4369 (4) Except as provided in Subsection (6), before each election, the election officer shall give
4370 printed notice of the following information:
- 4371 (a) the date of election;
 - 4372 (b) the hours during which the polls will be open;
 - 4373 (c) the polling places for each voting precinct, early voting polling place, and election
4374 day voting center;
 - 4375 (d) the address of the Statewide Electronic Voter Information Website and, if available,
4376 the address of the election officer's website, with a statement indicating that the
4377 election officer will post on the website any changes to the location of a polling place
4378 and the location of any additional polling place;
 - 4379 (e) a phone number that a voter may call to obtain information regarding the location of
4380 a polling place;
 - 4381 (f) the qualifications for persons to vote in the election: and

4382 (g) instructions regarding how an individual with a disability, who is not able to vote a
4383 manual ballot by mail, may obtain information on voting in an accessible manner.

4384 (5) The election officer shall provide the notice described in Subsection (4) for the
4385 jurisdiction, as a class A notice under Section 63G-30-102, for at least seven business
4386 days before the day of the election.

4387 (6) Instead of including the information described in Subsection (4) in the notice, the
4388 election officer may give printed notice that:

4389 (a) is entitled "Notice of Election";

4390 (b) includes the following: "A [indicate election type] will be held in [indicate the
4391 jurisdiction] on [indicate date of election]. Information relating to the election,
4392 including polling places, polling place hours, and qualifications of voters may be
4393 obtained from the following sources:"; and

4394 (c) specifies the following sources where an individual may view or obtain the
4395 information described in Subsection (4):

4396 (i) if the jurisdiction has a website, the jurisdiction's website;

4397 (ii) the physical address of the jurisdiction offices; and

4398 (iii) a mailing address and telephone number.

4399 Section 53. Section **20A-5-303** is amended to read:

4400 **20A-5-303 . Establishing, dividing, abolishing, and changing voting precincts --**

4401 **Common polling places -- Combined voting precincts.**

4402 (1)(a) After receiving recommendations from the county clerk, the county legislative
4403 body may establish, divide, abolish, and change voting precincts.

4404 (b) Within 30 calendar days after the establishment, division, abolition, or change of a
4405 voting precinct under this section, the county legislative body shall file with the Utah
4406 Geospatial Resource Center, created under Section 63A-16-505, a notice describing
4407 the action taken and specifying the resulting boundaries of each voting precinct
4408 affected by the action.

4409 (2)(a) The county legislative body shall alter or divide voting precincts so that each
4410 voting precinct contains not more than 1,250 active voters.

4411 (b) The county legislative body shall:

4412 (i) identify those precincts that may reach the limit of active voters in a precinct
4413 under Subsection (2)(a) or that becomes too large to facilitate the election process;
4414 and

4415 (ii) except as provided by Subsection (3), divide those precincts on or before January

- 4416 1 of a general election year.
- 4417 (3) A county legislative body shall divide a precinct identified under Subsection (2)(b)(i) on
 4418 or before January 31 of a regular general election year that immediately follows the
 4419 calendar year in which the Legislature divides the state into districts in accordance with
 4420 Utah Constitution, Article IX, Section 1.
- 4421 (4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5), the county
 4422 legislative body may not:
- 4423 (a) establish or abolish any voting precinct after January 1 of a regular general election
 4424 year;
- 4425 (b) alter or change the boundaries of any voting precinct after January 1 of a regular
 4426 general election year; or
- 4427 (c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a
 4428 year immediately preceding the year in which an enumeration is required by the
 4429 United States Constitution and the day on which the Legislature divides the state into
 4430 districts in accordance with Utah Constitution, Article IX, Section 1.
- 4431 (5) A county legislative body may establish, divide, abolish, alter, or change a voting
 4432 precinct on or before January 31 of a regular general election year that immediately
 4433 follows the calendar year in which the Legislature divides the state into districts in
 4434 accordance with Utah Constitution, Article IX, Section 1.
- 4435 (6)(a) For the purpose of voting in an election, the county legislative body may establish
 4436 a common polling place for two or more whole voting precincts.
- 4437 (b) At least 90 calendar days before the election, the county legislative body shall
 4438 designate:
- 4439 (i) the voting precincts that will vote at the common polling place; and
 4440 (ii) the location of the common polling place.
- 4441 (c) A county may use one set of election judges for the common polling place under this
 4442 Subsection (6).
- 4443 (7) Each county shall have at least two polling places open for voting on the date of the
 4444 election.
- 4445 (8) Each common polling place shall have at least one voting device that is accessible for
 4446 individuals with disabilities in accordance with Public Law 107-252, the Help America
 4447 Vote Act of 2002.

4448 Section 54. Section **20A-5-400.1** is amended to read:

4449 **20A-5-400.1 . Contracting with an election officer to conduct elections -- Fees --**

4450 **Contracts and interlocal agreements -- Private providers.**

- 4451 (1)(a) In accordance with this section, a local political subdivision may enter into a
4452 contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal
4453 Cooperation Act, with a provider election officer to conduct an election.
- 4454 (b) If the boundaries of a local political subdivision holding the election extend beyond a
4455 single local political subdivision, the local political subdivision may have more than
4456 one provider election officer conduct an election.
- 4457 (c) Upon approval by the lieutenant governor, a municipality may enter into a contract
4458 or agreement under Subsection (1)(a) with any local political subdivision in the state,
4459 regardless of whether the municipality is located in, next to, or near, the local
4460 political subdivision, to conduct an election during which the municipality is
4461 participating in the Municipal Alternate Voting Methods Pilot Project.
- 4462 (d) If a municipality enters into a contract or agreement, under Subsection (1)(c), with a
4463 local political subdivision other than a county within which the municipality exists,
4464 the municipality, the local political subdivision, and the county within which the
4465 municipality exists shall enter into a cooperative agreement to ensure the proper
4466 functioning of the election.
- 4467 (2) A provider election officer shall conduct an election:
- 4468 (a) under the direction of the contracting election officer; and
4469 (b) in accordance with a contract or interlocal agreement.
- 4470 (3) A provider election officer shall establish fees for conducting an election for a
4471 contracting election officer that:
- 4472 (a) are consistent with the contract or interlocal agreement; and
4473 (b) do not exceed the actual costs incurred by the provider election officer.
- 4474 (4) The contract or interlocal agreement under this section may specify that a contracting
4475 election officer request, within a specified number of calendar days before the election,
4476 that the provider election officer conduct the election to allow adequate preparations by
4477 the provider election officer.
- 4478 (5) An election officer conducting an election may appoint or employ an agent or
4479 professional service to assist in conducting the election.

4480 Section 55. Section **20A-5-403.5** is amended to read:

4481 **20A-5-403.5 . Ballot drop boxes -- Notice.**

- 4482 (1)(a) An election officer:
- 4483 (i) shall designate at least one ballot drop box in each municipality and reservation

- 4484 located in the jurisdiction to which the election relates;
- 4485 (ii) may designate additional ballot drop boxes for the election officer's jurisdiction;
- 4486 (iii) shall clearly mark each ballot drop box as an official ballot drop box for the
- 4487 election officer's jurisdiction;
- 4488 (iv) shall provide 24-hour recorded video surveillance, without audio, of each
- 4489 unattended ballot drop box;
- 4490 (v) shall post a sign on or near each unattended ballot drop box indicating that the
- 4491 ballot drop box is under 24-hour video surveillance; and
- 4492 (vi) shall ensure that a camera, a video, or a recording of a video described in
- 4493 Subsection (1)(a)(iv) may only be accessed:
- 4494 (A) by the election officer;
- 4495 (B) by a custodian of the camera, video, or recording;
- 4496 (C) by the lieutenant governor;
- 4497 (D) by the legislative auditor general, when performing an audit; or
- 4498 (E) by, or pursuant to an order of, a court of competent jurisdiction.
- 4499 (b) An individual may not view a video, or a recording of a video, described in
- 4500 Subsection (1)(a)(iv), unless the individual:
- 4501 (i) is an individual described in Subsection (1)(a)(vi); and
- 4502 (ii) views the video to the extent necessary to:
- 4503 (A) ensure compliance with Subsection (1)(a)(iv), (1)(a)(vi), or (1)(c); or
- 4504 (B) investigate a concern relating to ballots or the ballot box.
- 4505 (c) The election officer, or the custodian of the recording, shall keep a recording
- 4506 described in Subsection (1)(a)(iv) until the later of:
- 4507 (i) the end of the calendar year in which the election was held; or
- 4508 (ii) if the election is contested, when the contest is resolved.
- 4509 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer shall, at
- 4510 least 28 calendar days before the date of the election, provide notice of the location of
- 4511 each ballot drop box designated under Subsection (1), by publishing notice for the
- 4512 jurisdiction holding the election, as a class A notice under Section 63G-30-102, for at
- 4513 least 28 calendar days before the day of the election.
- 4514 (3) Instead of including the location of ballot drop boxes, a notice required under
- 4515 Subsection (2) may specify the following sources where a voter may view or obtain a
- 4516 copy of all ballot drop box locations:
- 4517 (a) the jurisdiction's website;

- 4518 (b) the physical address of the jurisdiction's offices; and
4519 (c) a mailing address and telephone number.
- 4520 (4) The election officer shall include in the notice described in Subsection (2):
- 4521 (a) the address of the Statewide Electronic Voter Information Website and, if available,
4522 the address of the election officer's website, with a statement indicating that the
4523 election officer will post on the website the location of each ballot drop box,
4524 including any changes to the location of a ballot drop box and the location of
4525 additional ballot drop boxes; and
- 4526 (b) a phone number that a voter may call to obtain information regarding the location of
4527 a ballot drop box.
- 4528 (5)(a) Except as provided in Section 20A-1-308, the election officer may, after the
4529 deadline described in Subsection (2):
- 4530 (i) if necessary, change the location of a ballot drop box; or
4531 (ii) if the election officer determines that the number of ballot drop boxes is
4532 insufficient due to the number of registered voters who are voting, designate
4533 additional ballot drop boxes.
- 4534 (b) Except as provided in Section 20A-1-308, if an election officer changes the location
4535 of a ballot box or designates an additional ballot drop box location, the election
4536 officer shall, as soon as is reasonably possible, give notice of the changed ballot drop
4537 box location or the additional ballot drop box location:
- 4538 (i) to the lieutenant governor, for posting on the Statewide Voter Information
4539 Website;
- 4540 (ii) by posting the information on the website of the election officer, if available; and
4541 (iii) by posting notice:
- 4542 (A) for a change in the location of a ballot drop box, at the new location and, if
4543 possible, the old location; and
- 4544 (B) for an additional ballot drop box location, at the additional ballot drop box
4545 location.
- 4546 (6) An election officer may, at any time, authorize two or more poll workers to remove a
4547 ballot drop box from a location, or to remove ballots from a ballot drop box for
4548 processing.
- 4549 (7)(a) At least two poll workers must be present when a poll worker collects ballots from
4550 a ballot drop box and delivers the ballots to the location where the ballots will be
4551 opened and counted.

4552 (b) An election officer shall ensure that the chain of custody of ballots placed in a ballot
4553 box are recorded and tracked from the time the ballots are removed from the ballot
4554 box until the ballots are delivered to the location where the ballots will be opened and
4555 counted.

4556 Section 56. Section **20A-5-405** is amended to read:

4557 **20A-5-405 . Election officer to provide ballots -- Notice of sample ballot.**

4558 (1) An election officer shall:

4559 (a) provide ballots for every election of public officers in which the voters, or any of the
4560 voters, within the election officer's jurisdiction participate;

4561 (b) cause the name of every candidate whose nomination has been certified to or filed
4562 with the election officer in the manner provided by law to be included on each ballot;

4563 (c) cause any ballot proposition that has qualified for the ballot as provided by law to be
4564 included on each ballot;

4565 (d) ensure that the ballots are prepared and in the possession of the election officer at
4566 least seven calendar days before the commencement of early voting as described in
4567 Section 20A-3a-601;

4568 (e) allow candidates and their agents and the sponsors of ballot propositions that have
4569 qualified for the official ballot to inspect the ballots;

4570 (f) no later than 45 calendar days before the day of the election, make sample ballots
4571 available for inspection, in the same form as official ballots and that contain the same
4572 information as official ballots, by:

4573 (i) posting a copy of the sample ballot in the election officer's office;

4574 (ii) sending a copy of the sample ballot to:

4575 (A) each candidate listed on the ballot; and

4576 (B) the lieutenant governor; and

4577 (iii) providing a copy of the sample ballot for the jurisdiction holding the election, as
4578 a class A notice under Section 63G-30-102, for at least seven calendar days;

4579 (g) deliver a copy of the sample ballot to poll workers for each polling place and direct
4580 the poll workers to post the sample ballot as required by Section 20A-5-102; and

4581 (h) print and deliver, at the expense of the jurisdiction conducting the election, enough
4582 ballots, sample ballots, and instructions to meet the voting demands of the qualified
4583 voters in each voting precinct.

4584 (2) Instead of posting the entire sample ballot under Subsection (1)(f)(iii), the election
4585 officer may post a statement that:

- 4586 (a) is entitled, "sample ballot";
- 4587 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
- 4588 upcoming [indicate type and date of election] may be obtained from the following
- 4589 sources:"; and
- 4590 (c) specifies the following sources where an individual may view or obtain a copy of the
- 4591 sample ballot:
- 4592 (i) if the jurisdiction has a website, the jurisdiction's website;
- 4593 (ii) the physical address of the jurisdiction's offices; and
- 4594 (iii) a mailing address and telephone number.
- 4595 (3)(a) Each election officer shall, without delay, correct any error discovered in any
- 4596 ballot, if the correction can be made without interfering with the timely distribution
- 4597 of the ballots.
- 4598 (b)(i) If the election officer discovers an error or omission in a manual ballot, and it is
- 4599 not possible to correct the error or omission, the election officer shall direct the
- 4600 poll workers to make the necessary corrections on the manual ballots before the
- 4601 ballots are distributed.
- 4602 (ii) If the election officer discovers an error or omission in an electronic ballot and it
- 4603 is not possible to correct the error or omission by revising the electronic ballot, the
- 4604 election officer shall direct the poll workers to post notice of each error or
- 4605 omission with instructions on how to correct each error or omission in a
- 4606 prominent position at each polling booth.
- 4607 (4)(a) If the election officer refuses or fails to correct an error or omission in a ballot, a
- 4608 candidate or a candidate's agent may file a verified petition with the district court
- 4609 asserting that:
- 4610 (i) an error or omission has occurred in:
- 4611 (A) the publication of the name or description of a candidate;
- 4612 (B) the preparation or display of an electronic ballot; or
- 4613 (C) the posting of sample ballots or the printing of official manual ballots; and
- 4614 (ii) the election officer has failed to correct or provide for the correction of the error
- 4615 or omission.
- 4616 (b) The district court shall issue an order requiring correction of any error in a ballot or
- 4617 an order to show cause why the error should not be corrected if it appears to the court
- 4618 that the error or omission has occurred and the election officer has failed to correct or
- 4619 provide for the correction of the error or omission.

4620 (c) A party aggrieved by the district court's decision may appeal the matter to the Utah
4621 Supreme Court within five days after the day on which the district court enters the
4622 decision.

4623 Section 57. Section **20A-5-410** is amended to read:

4624 **20A-5-410 . Election officer to provide voting history information and status.**

4625 (1) As used in this section, "voting history record" means the information about the
4626 existence and status of absentee ballot requests required by this section.

4627 (2)(a) Each election officer shall maintain, in the election officer's office, a voting
4628 history record of those voters registered to vote in the election officer's jurisdiction.

4629 (b) Except as it relates to a voter whose voter registration record is classified as private
4630 under Subsection 63G-2-302(1)(k), the voting history record is a public record under
4631 Title 63G, Chapter 2, Government Records Access and Management Act.

4632 (3)(a) When an election officer reports voting history for an election, the election officer
4633 shall, for each voter whose voter registration is classified as private under Subsection
4634 20A-2-104(4)(h), report the following, for that election only, without disclosing the
4635 identity of the voter:

4636 (i) for voting by mail, the information described in Subsection (4)(a);

4637 (ii) for early voting, the date the individual voted; and

4638 (iii) for voting on election day, the date the individual voted.

4639 (b) In relation to the information of a voter whose voter registration is classified as
4640 private under Subsection 20A-2-104(4)(h), a report described in Subsection (3)(a)
4641 may not disclose, by itself or in conjunction with any other public information, the
4642 identity or any other personal identifying information of the voter.

4643 (4) The election officer shall ensure that the voting history record for each voting precinct
4644 contains:

4645 (a) for voting by mail:

4646 (i) the date that the manual ballot was mailed to the voter; and

4647 (ii) the date that the voted manual ballot was received by the election officer;

4648 (b) for early voting:

4649 (i) the name and address of each individual who participated in early voting; and

4650 (ii) the date the individual voted; and

4651 (c) for voting on election day, the name and address of each individual who voted on
4652 election day.

4653 (5)(a) Notwithstanding the time limits for response to a request for records under

4654 Section 63G-2-204 or the time limits for a request for records established in any
4655 ordinance, the election officer shall ensure that the information required by this
4656 section is recorded and made available to the public no later than one business day
4657 after ~~[its receipt]~~ the day on which the election officer receives the information in the
4658 election officer's office.

4659 (b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements
4660 established in any ordinance, the election officer shall make copies of the voting
4661 history record available to the public for the actual cost of production or copying.

4662 Section 58. Section **20A-5-602** is amended to read:

4663 **20A-5-602 . Appointment of poll workers in elections where candidates are not**
4664 **distinguished by registered political parties.**

4665 (1)(a) This section governs appointment of poll workers in elections where candidates
4666 are not distinguished by registered political parties.

4667 (b) An election officer shall appoint the poll worker at least 15 calendar days before the
4668 date of the local election.

4669 (2)(a) The election officer shall appoint, or provide for the appointment of, at least three
4670 poll workers as follows:

4671 (i) three registered voters; or

4672 (ii) two registered voters, one of whom is at least 21 years old, and one individual
4673 who is 16 or 17 years old.

4674 (b) The election officer may appoint additional poll workers to serve in the polling place
4675 as needed.

4676 (3) The election officer may not appoint any candidate's parent, sibling, spouse, child,
4677 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or
4678 son-in-law to serve as a poll worker at a polling place where the candidate appears on
4679 the ballot.

4680 (4)(a) The clerk shall compensate poll workers for their services.

4681 (b) The clerk of a municipality or special district may not compensate poll workers at a
4682 rate higher than that paid by the county to the county's poll workers.

4683 Section 59. Section **20A-6-105** is amended to read:

4684 **20A-6-105 . Provisional ballot envelopes.**

4685 (1) Each election officer shall ensure that provisional ballot envelopes are printed in
4686 substantially the following form:

4687 "AFFIRMATION

4688 Are you a citizen of the United States of America? Yes No

4689 Will you be 18 years old on or before election day? Yes No

4690 If you checked "no" in response to either of the two above questions, do not complete
4691 this form.

4692 Name of Voter _____

4693 First Middle Last

4694 Driver License or Identification Card Number _____

4695 State of Issuance of Driver License or Identification Card Number _____

4696 Date of Birth _____

4697 Street Address of Principal Place of Residence

4698 _____

4699 City County State Zip Code

4700 Telephone Number (optional) _____

4701 Email Address (optional) _____

4702 Last four digits of Social Security Number _____

4703 Last former address at which I was registered to vote (if known)

4704 _____

4705 City County State Zip Code

4706 Voting Precinct (if known) _____

4707 I, (please print your full name) _____ do solemnly swear or
4708 affirm:

4709 That I am eligible to vote in this election; that I have not voted in this election in any
4710 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted
4711 to vote in this precinct; and

4712 Subject to penalty of law for false statements, that the information contained in this form
4713 is true, and that I am a citizen of the United States and a resident of Utah, residing at the above
4714 address; and that I am at least 18 years old and have resided in Utah for the 30 calendar days
4715 immediately before this election.

4716 Signed

4717 _____

4718 Dated

4719 _____

4720 In accordance with Section 20A-3a-506, wilfully providing false information above is a
4721 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

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PRIVACY INFORMATION

Voter registration records contain some information that is available to the public, such as your name and address, some information that is available only to government entities, and some information that is available only to certain third parties in accordance with the requirements of law.

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:

_____ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, candidates for public office, and their contractors, employees, and volunteers.

REQUEST FOR ADDITIONAL PRIVACY PROTECTION

In addition to the protections provided above, you may request that identifying information on your voter registration records be withheld from all political parties, candidates 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.

A person may request that identifying information on the person's voter registration 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.

A person may request that identifying information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors, employees, and volunteers, by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order.

CITIZENSHIP AFFIDAVIT

4756 Name:
 4757 Name at birth, if different:
 4758 Place of birth:
 4759 Date of birth:
 4760 Date and place of naturalization (if applicable):

4761 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
 4762 citizen and that to the best of my knowledge and belief the information above is true and
 4763 correct.

4764 _____
 4765 Signature of Applicant

4766 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
 4767 allowing yourself to be registered to vote if you know you are not entitled to register to vote is
 4768 up to one year in jail and a fine of up to \$2,500.".

4769 (2) The provisional ballot envelope shall include:

4770 (a) a unique number;

4771 (b) a detachable part that includes the unique number;

4772 (c) a telephone number, internet address, or other indicator of a means, in accordance
 4773 with Section 20A-6-105.5, where the voter can find out if the provisional ballot was
 4774 counted; and

4775 (d) an insert containing written instructions on how a voter may sign up to receive ballot
 4776 status notifications via the ballot tracking system described in Section 20A-3a-401.5.

4777 Section 60. Section **20A-6-106** is amended to read:

4778 **20A-6-106 . Deadline for submission of ballot titles.**

4779 Unless otherwise specifically provided for by statute, the certified ballot title of each
 4780 ballot proposition, ballot question, or ballot issue shall be submitted to the election officer
 4781 before 5 p.m. no later than 65 calendar days before the date of the election at which the matter
 4782 will be submitted to the voters.

4783 Section 61. Section **20A-6-302** is amended to read:

4784 **20A-6-302 . Manual ballots -- Placement of candidates' names.**

4785 (1) An election officer shall ensure, for manual ballots in regular general elections, that:

4786 (a) each candidate is listed by party, if nominated by a registered political party under
 4787 Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

4788 (b) candidates' surnames are listed in alphabetical order on the ballots when two or more
 4789 candidates' names are required to be listed on a ticket under the title of an office; and

- 4790 (c) the names of candidates are placed on the ballot in the order specified under Section
4791 20A-6-305.
- 4792 (2)(a) When there is only one candidate for county attorney at the regular general
4793 election in counties that have three or fewer registered voters of the county who are
4794 licensed active members in good standing of the Utah State Bar, the county clerk
4795 shall cause that candidate's name and party affiliation, if any, to be placed on a
4796 separate section of the ballot with the following question: "Shall (name of candidate)
4797 be elected to the office of county attorney? Yes ____ No ____.".
- 4798 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
4799 elected to the office of county attorney.
- 4800 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
4801 elected and may not take office, nor may the candidate continue in the office past the
4802 end of the term resulting from any prior election or appointment.
- 4803 (d) When the name of only one candidate for county attorney is printed on the ballot
4804 under authority of this Subsection (2), the county clerk may not count any write-in
4805 votes received for the office of county attorney.
- 4806 (e) If no qualified individual files for the office of county attorney or if the candidate is
4807 not elected by the voters, the county legislative body shall appoint the county
4808 attorney as provided in Section 20A-1-509.2.
- 4809 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
4810 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a)
4811 to the two consecutive terms immediately preceding the term for which the candidate
4812 is seeking election, Subsection (2)(a) does not apply and that candidate shall be
4813 considered to be an unopposed candidate the same as any other unopposed candidate
4814 for another office, unless a petition is filed with the county clerk before 5 p.m. no
4815 later than ~~[one]~~ the day before that year's primary election that:
- 4816 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
4817 (ii) contains the signatures of registered voters in the county representing in number
4818 at least 25% of all votes cast in the county for all candidates for governor at the
4819 last election at which a governor was elected.
- 4820 (3)(a) When there is only one candidate for district attorney at the regular general
4821 election in a prosecution district that has three or fewer registered voters of the
4822 district who are licensed active members in good standing of the Utah State Bar, the
4823 county clerk shall cause that candidate's name and party affiliation, if any, to be

- 4824 placed on a separate section of the ballot with the following question: "Shall (name of
 4825 candidate) be elected to the office of district attorney? Yes ____ No ____.".
- 4826 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
 4827 elected to the office of district attorney.
- 4828 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
 4829 elected and may not take office, nor may the candidate continue in the office past the
 4830 end of the term resulting from any prior election or appointment.
- 4831 (d) When the name of only one candidate for district attorney is printed on the ballot
 4832 under authority of this Subsection (3), the county clerk may not count any write-in
 4833 votes received for the office of district attorney.
- 4834 (e) If no qualified individual files for the office of district attorney, or if the only
 4835 candidate is not elected by the voters under this subsection, the county legislative
 4836 body shall appoint a new district attorney for a four-year term as provided in Section
 4837 20A-1-509.2.
- 4838 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
 4839 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a)
 4840 to the two consecutive terms immediately preceding the term for which the candidate
 4841 is seeking election, Subsection (3)(a) does not apply and that candidate shall be
 4842 considered to be an unopposed candidate the same as any other unopposed candidate
 4843 for another office, unless a petition is filed with the county clerk before 5 p.m. no
 4844 later than ~~one~~ the day before that year's primary election that:
- 4845 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- 4846 (ii) contains the signatures of registered voters in the county representing in number
 4847 at least 25% of all votes cast in the county for all candidates for governor at the
 4848 last election at which a governor was elected.

4849 Section 62. Section **20A-6-305** is amended to read:

4850 **20A-6-305 . Master ballot position list -- Random selection -- Procedures --**

4851 **Publication -- Surname -- Exemptions -- Ballot order.**

- 4852 (1) As used in this section, "master ballot position list" means an official list of the 26
 4853 characters in the alphabet listed in random order and numbered from one to 26 as
 4854 provided under Subsection (2).
- 4855 (2) The lieutenant governor shall:
- 4856 (a) within 30 calendar days after the day of the candidate filing deadline in each
 4857 even-numbered year, conduct a random selection to create a master ballot position

- 4858 list for all elections in accordance with procedures established under Subsection (2)(c);
- 4859 (b) publish the master ballot position list on the lieutenant governor's election website no
- 4860 later than 15 calendar days after [creating] the day on which the lieutenant governor
- 4861 creates the list; and
- 4862 (c) establish written procedures for:
- 4863 (i) the election official to use the master ballot position list; and
- 4864 (ii) the lieutenant governor in:
- 4865 (A) conducting the random selection in a fair manner; and
- 4866 (B) providing a record of the random selection process used.
- 4867 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an
- 4868 election officer shall use the master ballot position list for the current year to determine
- 4869 the order in which to list candidates on the ballot for an election held during the year.
- 4870 (4) To determine the order in which to list candidates on the ballot required under
- 4871 Subsection (3), the election officer shall apply the randomized alphabet using:
- 4872 (a) the candidate's surname;
- 4873 (b) for candidates with a surname that has the same spelling, the candidate's given name;
- 4874 and
- 4875 (c) the surname of the president and the surname of the governor for an election for the
- 4876 offices of president and vice president and governor and lieutenant governor.
- 4877 (5) Subsections (1) through (4) do not apply to:
- 4878 (a) an election for an office for which only one candidate is listed on the ballot; or
- 4879 (b) a judicial retention election under Section 20A-12-201.
- 4880 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall
- 4881 appear separately, in the following order:
- 4882 (a) for federal office:
- 4883 (i) president and vice president of the United States;
- 4884 (ii) United States Senate office; and
- 4885 (iii) United States House of Representatives office;
- 4886 (b) for state office:
- 4887 (i) governor and lieutenant governor;
- 4888 (ii) attorney general;
- 4889 (iii) state auditor;
- 4890 (iv) state treasurer;
- 4891 (v) state Senate office;

- 4892 (vi) state House of Representatives office; and
 4893 (vii) State Board of Education member;
 4894 (c) for county office:
 4895 (i) county executive office;
 4896 (ii) county legislative body member;
 4897 (iii) county assessor;
 4898 (iv) county or district attorney;
 4899 (v) county auditor;
 4900 (vi) county clerk;
 4901 (vii) county recorder;
 4902 (viii) county sheriff;
 4903 (ix) county surveyor;
 4904 (x) county treasurer; and
 4905 (xi) local school board member;
 4906 (d) for municipal office:
 4907 (i) mayor; and
 4908 (ii) city or town council member;
 4909 (e) elected planning and service district council member;
 4910 (f) judicial retention questions; and
 4911 (g) ballot propositions not described in Subsection (6)(f).

4912 (7)(a) A ticket for a race for a combined office shall appear on the ballot in the place of
 4913 the earliest ballot ticket position that is reserved for an office that is subsumed in the
 4914 combined office.

- 4915 (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:
 4916 (i) each candidate in accordance with Subsections (1) through (4); and
 4917 (ii) except as otherwise provided in this title, the party name, initials, or title
 4918 following each candidate's name.

4919 Section 63. Section **20A-7-103** is amended to read:

4920 **20A-7-103 . Constitutional amendments and other questions submitted by the**
 4921 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

- 4922 (1) The procedures contained in this section govern when the Legislature submits a
 4923 proposed constitutional amendment or other question to the voters.
 4924 (2) The lieutenant governor shall, not more than 60 calendar days or less than 14 calendar
 4925 days before the date of the election, publish the full text of the amendment, question, or

4926 statute for the state, as a class A notice under Section 63G-30-102, through the date of
4927 the election.

4928 (3) The presiding officers shall:

4929 (a) entitle each proposed constitutional amendment "Constitutional Amendment ___" and
4930 assign a letter to the constitutional amendment in accordance with the requirements
4931 of Section 20A-6-107;

4932 (b) entitle each proposed question "Proposition Number ___" with the number assigned to
4933 the proposition under Section 20A-6-107 placed in the blank;

4934 (c) draft and designate a ballot title for each proposed amendment or question submitted
4935 by the Legislature that:

4936 (i) summarizes the subject matter of the amendment or question; and

4937 (ii) for a proposed constitutional amendment, summarizes any legislation that is
4938 enacted and will become effective upon the voters' adoption of the proposed
4939 constitutional amendment; and

4940 (d) deliver each letter or number and ballot title to the lieutenant governor.

4941 (4) The lieutenant governor shall certify the letter or number and ballot title of each
4942 amendment or question to the county clerk of each county no later than 65 calendar days
4943 before the date of the election.

4944 (5) The county clerk of each county shall:

4945 (a) ensure that the letter or number and the ballot title of each amendment and question
4946 prepared in accordance with this section are included in the sample ballots and
4947 official ballots; and

4948 (b) publish the sample ballots and official ballots as provided by law.

4949 Section 64. Section **20A-7-105** is amended to read:

4950 **20A-7-105 . Manual petition processes -- Obtaining signatures -- Verification --**

4951 **Submitting the petition -- Certification of signatures -- Transfer to lieutenant governor --**

4952 **Removal of signature.**

4953 (1) This section applies only to the manual initiative process and the manual referendum
4954 process.

4955 (2) As used in this section:

4956 (a) "Local petition" means:

4957 (i) a manual local initiative petition described in Part 5, Local Initiatives -
4958 Procedures; or

4959 (ii) a manual local referendum petition described in Part 6, Local Referenda -

- 4960 Procedures.
- 4961 (b) "Packet" means an initiative packet or referendum packet.
- 4962 (c) "Petition" means a local petition or statewide petition.
- 4963 (d) "Statewide petition" means:
- 4964 (i) a manual statewide initiative petition described in Part 2, Statewide Initiatives; or
- 4965 (ii) a manual statewide referendum petition described in Part 3, Statewide Referenda.
- 4966 (3)(a) A Utah voter may sign a statewide petition if the voter is a legal voter.
- 4967 (b) A Utah voter may sign a local petition if the voter:
- 4968 (i) is a legal voter; and
- 4969 (ii) resides in the local jurisdiction.
- 4970 (4)(a) The sponsors shall ensure that the individual in whose presence each signature
- 4971 sheet was signed:
- 4972 (i) is at least 18 years old;
- 4973 (ii) verifies each signature sheet by completing the verification printed on the last
- 4974 page of each packet; and
- 4975 (iii) is informed that each signer is required to read and understand:
- 4976 (A) for an initiative petition, the law proposed by the initiative; or
- 4977 (B) for a referendum petition, the law that the referendum seeks to overturn.
- 4978 (b) An individual may not sign the verification printed on the last page of a packet if the
- 4979 individual signed a signature sheet in the packet.
- 4980 (5)(a) The sponsors, or an agent of the sponsors, shall submit a signed and verified
- 4981 packet to the county clerk of the county in which the packet was circulated before 5
- 4982 p.m. no later than the earlier of:
- 4983 (i) for a statewide initiative:
- 4984 (A) ~~[30]~~ the first business day that is at least 30 calendar days after the day on
- 4985 which the first individual signs the initiative packet;
- 4986 (B) ~~[316]~~ the last business day that is no more than 316 calendar days after the day
- 4987 on which the application for the initiative petition is filed; or
- 4988 (C) the February 15 immediately before the next regular general election
- 4989 immediately after the application is filed under Section 20A-7-202;
- 4990 (ii) for a statewide referendum:
- 4991 (A) ~~[30]~~ the first business day that is at least 30 calendar days after the day on
- 4992 which the first individual signs the referendum packet; or
- 4993 (B) ~~[40]~~ the first business day that is at least 40 calendar days after the day on

4994 which the legislative session at which the law passed ends;

4995 (iii) for a local initiative:

4996 (A) [~~30~~] the first business day that is at least 30 calendar days after the day on
4997 which the first individual signs the initiative packet;

4998 (B) [~~316~~] the last business day that is no more than 316 calendar days after the day
4999 on which the application is filed;

5000 (C) the April 15 immediately before the next regular general election immediately
5001 after the application is filed under Section 20A-7-502, if the local initiative is a
5002 county initiative; or

5003 (D) the April 15 immediately before the next municipal general election
5004 immediately after the application is filed under Section 20A-7-502, if the local
5005 initiative is a municipal initiative; or

5006 (iv) for a local referendum:

5007 (A) [~~30~~] the first business day that is at least 30 calendar days after the day on
5008 which the first individual signs the referendum packet; or

5009 (B) [~~45~~] the first business day that is at least 45 calendar days after the day on
5010 which the sponsors receive the items described in Subsection 20A-7-604(3)
5011 from the local clerk.

5012 (b) A person may not submit a packet after the applicable deadline described in
5013 Subsection (5)(a).

5014 (c) Before delivering an initiative packet to the county clerk under this Subsection (5),
5015 the sponsors shall send an email to each individual who provides a legible, valid
5016 email address on the signature sheet that includes the following:

5017 (i) the subject of the email shall include the following statement, "Notice Regarding
5018 Your Petition Signature"; and

5019 (ii) the body of the email shall include the following statement in 12-point type:

5020 "You signed a petition for the following initiative:

5021 [insert title of initiative]

5022 To access a copy of the initiative petition, the initiative, the fiscal impact statement, and
5023 information on the deadline for removing your signature from the petition, please visit the
5024 following link: [insert a uniform resource locator that takes the individual directly to the page
5025 on the lieutenant governor's or county clerk's website that includes the information referred to
5026 in the email]."

5027 (d) For a statewide initiative, the sponsors shall, no later than 5 p.m. on the day on which

- 5028 the sponsors submit the last initiative packet to the county clerk, submit to the
 5029 lieutenant governor:
- 5030 (i) a list containing:
- 5031 (A) the name and email address of each individual the sponsors sent, or caused to
 5032 be sent, the email described in Subsection (5)(c); and
- 5033 (B) the date the email was sent;
- 5034 (ii) a copy of the email described in Subsection (5)(c); and
- 5035 (iii) the following written verification, completed and signed by each of the sponsors:
- 5036 "Verification of initiative sponsor State of Utah, County of _____ I, _____,
 5037 of _____, hereby state, under penalty of perjury, that:
- 5038 I am a sponsor of the initiative petition entitled _____; and
- 5039 I sent, or caused to be sent, to each individual who provided a legible, valid email
 5040 address on a signature sheet submitted to the county clerk in relation to the initiative petition,
 5041 the email described in Utah Code Subsection 20A-7-105(5)(c).
- 5042 _____
- 5043 (Name) (Residence Address) (Date)".
- 5044 (e) For a local initiative, the sponsors shall, no later than 5 p.m. on the day on which the
 5045 sponsors submit the last initiative packet to the local clerk, submit to the local clerk
 5046 the items described in Subsection (5)(d).
- 5047 (f) Signatures gathered for an initiative petition are not valid if the sponsors do not
 5048 comply with Subsection (5)(c), (d), or (e).
- 5049 (6)(a) Within 21 calendar days after the day on which the county clerk receives the
 5050 packet, the county clerk shall:
- 5051 (i) use the procedures described in Section 20A-1-1002, or 20A-7-106 if applicable,
 5052 to determine whether each signer is a legal voter and, as applicable, the
 5053 jurisdiction where the signer is registered to vote;
- 5054 (ii) for a statewide initiative or a statewide referendum:
- 5055 (A) certify on the petition whether each name is that of a legal voter;
- 5056 (B) post the name, voter identification number, and date of signature of each legal
 5057 voter certified under Subsection (6)(a)(ii)(A) on the lieutenant governor's
 5058 website, in a conspicuous location designated by the lieutenant governor; and
- 5059 (C) deliver the verified packet to the lieutenant governor;
- 5060 (iii) for a local initiative or a local referendum:
- 5061 (A) certify on the petition whether each name is that of a legal voter who is

- 5062 registered in the jurisdiction to which the initiative or referendum relates;
- 5063 (B) post the name, voter identification number, and date of signature of each legal
- 5064 voter certified under Subsection (6)(a)(iii)(A) on the lieutenant governor's
- 5065 website, in a conspicuous location designated by the lieutenant governor; and
- 5066 (C) deliver the verified packet to the local clerk.
- 5067 (b) For a local initiative or local referendum, the local clerk shall post a link in a
- 5068 conspicuous location on the local government's website to the posting described in
- 5069 Subsection (6)(a)(iii)(B):
- 5070 (i) for a local initiative, during the period of time described in Subsection 20A-7-507
- 5071 (3)(a); or
- 5072 (ii) for a local referendum, during the period of time described in Subsection
- 5073 20A-7-607(2)(a)(i).
- 5074 (7) The county clerk may not certify a signature under Subsection (6):
- 5075 (a) on a packet that is not verified in accordance with Subsection (4); or
- 5076 (b) that does not have a date of signature next to the signature.
- 5077 (8)(a) A voter who signs a statewide initiative petition may have the voter's signature
- 5078 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
- 5079 the county clerk a statement requesting that the voter's signature be removed no later
- 5080 than 5 p.m. the earlier of:
- 5081 (i) for an initiative packet received by the county clerk before December 1:
- 5082 (A) [~~30~~] the first business day that is at least 30 calendar days after the day on
- 5083 which the voter signs the signature removal statement; or
- 5084 (B) [~~90~~] the first business day that is at least 90 calendar days after the day on
- 5085 which the lieutenant governor posts the voter's name under Subsection
- 5086 20A-7-207(2); or
- 5087 (ii) for an initiative packet received by the county clerk on or after December 1:
- 5088 (A) [~~30~~] the first business day that is at least 30 calendar days after the day on
- 5089 which the voter signs the signature removal statement; or
- 5090 (B) [~~45~~] the first business day that is at least 45 calendar days after the day on
- 5091 which the lieutenant governor posts the voter's name under Subsection
- 5092 20A-7-207(2).
- 5093 (b) A voter who signs a statewide referendum petition may have the voter's signature
- 5094 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
- 5095 the county clerk a statement requesting that the voter's signature be removed no later

- 5096 than 5 p.m. the earlier of:
- 5097 (i) [~~30~~] the first business day that is at least 30 calendar days after the day on which
- 5098 the voter signs the statement requesting removal; or
- 5099 (ii) [~~45~~] the first business day that is at least 45 calendar days after the day on which
- 5100 the lieutenant governor posts the voter's name under Subsection 20A-7-307(2).
- 5101 (c) A voter who signs a local initiative petition may have the voter's signature removed
- 5102 from the petition by, in accordance with Section 20A-1-1003, submitting to the
- 5103 county clerk a statement requesting that the voter's signature be removed no later than
- 5104 5 p.m. the earlier of:
- 5105 (i) [~~30~~] the first business day that is at least 30 calendar days after the day on which
- 5106 the voter signs the signature removal statement;
- 5107 (ii) [~~90~~] the first business day that is at least 90 calendar days after the day on which
- 5108 the local clerk posts the voter's name under Subsection 20A-7-507(2);
- 5109 (iii) [~~316~~] the last business day that is no more than 316 calendar days after the day on
- 5110 which the application is filed; or
- 5111 (iv)(A) for a county initiative, April 15 immediately before the next regular
- 5112 general election immediately after the application is filed under Section
- 5113 20A-7-502; or
- 5114 (B) for a municipal initiative, April 15 immediately before the next municipal
- 5115 general election immediately after the application is filed under Section
- 5116 20A-7-502.
- 5117 (d) A voter who signs a local referendum petition may have the voter's signature
- 5118 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
- 5119 the county clerk a statement requesting that the voter's signature be removed no later
- 5120 than 5 p.m. the earlier of:
- 5121 (i) [~~30~~] the first business day that is at least 30 calendar days after the day on which
- 5122 the voter signs the statement requesting removal; or
- 5123 (ii) [~~45~~] the first business day that is at least 45 calendar days after the day on which
- 5124 the local clerk posts the voter's name under Subsection 20A-7-607(2)(a).
- 5125 (e) In order for the signature to be removed, the county clerk must receive the statement
- 5126 described in this Subsection (8) before 5 p.m. no later than the applicable deadline
- 5127 described in this Subsection (8).
- 5128 (f) A county clerk shall analyze a signature, for purposes of removing a signature from a
- 5129 petition, in accordance with Subsection 20A-1-1003(3).

- 5130 (9)(a) If the county clerk timely receives a statement requesting signature removal under
5131 Subsection (8) and determines that the signature should be removed from the petition
5132 under Subsection 20A-1-1003(3), the county clerk shall:
- 5133 (i) ensure that the voter's name, voter identification number, and date of signature are
5134 not included in the posting described in Subsection (6)(a)(ii)(B) or (iii)(B); and
 - 5135 (ii) remove the voter's signature from the signature packets and signature packet
5136 totals.
- 5137 (b) The county clerk shall comply with Subsection (9)(a) before the later of:
- 5138 (i) the deadline described in Subsection (6)(a); or
 - 5139 (ii) two business days after the day on which the county clerk receives a statement
5140 requesting signature removal under Subsection (8).
- 5141 (10) A person may not retrieve a packet from a county clerk, or make any alterations or
5142 corrections to a packet, after the packet is submitted to the county clerk.
- 5143 Section 65. Section **20A-7-201** is amended to read:
- 5144 **20A-7-201 . Statewide initiatives -- Signature requirements -- Submission to the**
5145 **Legislature or to a vote of the people.**
- 5146 (1)(a) A person seeking to have an initiative submitted to the Legislature for approval or
5147 rejection shall, after filing an initiative application, obtain:
- 5148 (i) legal signatures equal to 4% of the number of active voters in the state on January
5149 1 immediately following the last regular general election; and
 - 5150 (ii) from at least 26 Utah State Senate districts, legal signatures equal to 4% of the
5151 number of active voters in that district on January 1 immediately following the
5152 last regular general election.
- 5153 (b) If, at any time not less than 10 calendar days before the beginning of the next annual
5154 general session of the Legislature, the lieutenant governor declares that an initiative
5155 petition designated under Subsection 20A-7-202(2)(c)(i) for submission to the
5156 Legislature is signed by a sufficient number of voters to meet the requirements of
5157 Subsection (1)(a), the lieutenant governor shall deliver a copy of the initiative
5158 petition, the text of the proposed law, and the cover sheet described in Subsection
5159 (1)(c) to the president of the Senate, the speaker of the House, and the director of the
5160 Office of Legislative Research and General Counsel.
- 5161 (c) The lieutenant governor shall prepare a cover sheet for a petition declared sufficient
5162 under Subsection (1)(b) that contains:
- 5163 (i) the number of active voters in the state on January 1 immediately following the

- 5164 last regular general election;
- 5165 (ii) the number of active voters in each Utah State Senate district on January 1
- 5166 immediately following the last regular general election;
- 5167 (iii) the total number of certified signatures obtained for the initiative petition; and
- 5168 (iv) the total number of certified signatures obtained from each Utah State Senate
- 5169 district for the initiative petition.
- 5170 (2)(a) A person seeking to have an initiative submitted to a vote of the people for
- 5171 approval or rejection shall, after filing an initiative application, obtain:
- 5172 (i) legal signatures equal to 8% of the number of active voters in the state on January
- 5173 1 immediately following the last regular general election; and
- 5174 (ii) from at least 26 Utah State Senate districts, legal signatures equal to 8% of the
- 5175 number of active voters in that district on January 1 immediately following the
- 5176 last regular general election.
- 5177 (b) If an initiative petition meets the requirements of this part and the lieutenant
- 5178 governor declares that the initiative petition is signed by a sufficient number of voters
- 5179 to meet the requirements of Subsection (2)(a), the lieutenant governor shall submit
- 5180 the proposed law to a vote of the people at the next regular general election:
- 5181 (i) immediately after the application is filed under Section 20A-7-202; and
- 5182 (ii) specified on the petition under Section 20A-7-203.
- 5183 (3) The lieutenant governor shall provide the following information to any interested person:
- 5184 (a) the number of active voters in the state on January 1 immediately following the last
- 5185 regular general election; and
- 5186 (b) for each Utah State Senate district, the number of active voters in that district on
- 5187 January 1 immediately following the last regular general election.
- 5188 Section 66. Section **20A-7-202.5** is amended to read:
- 5189 **20A-7-202.5 . Initial fiscal impact statement -- Preparation of statement --**
- 5190 **Challenge to statement.**
- 5191 (1) Within three [working] business days after the day on which the lieutenant governor
- 5192 receives an initiative application, the lieutenant governor shall submit a copy of the
- 5193 initiative application to the Office of the Legislative Fiscal Analyst.
- 5194 (2)(a) The Office of the Legislative Fiscal Analyst shall prepare an unbiased, good faith
- 5195 initial fiscal impact statement for the proposed law, not exceeding 100 words plus
- 5196 100 words per revenue source created or impacted by the proposed law, that contains:
- 5197 (i) a description of the total estimated fiscal impact of the proposed law over the time

5198 period or time periods determined by the Office of the Legislative Fiscal Analyst
5199 to be most useful in understanding the estimated fiscal impact of the proposed law;
5200 (ii) if the proposed law would increase taxes, decrease taxes, or impose a new tax, a
5201 dollar amount representing the total estimated increase or decrease for each type
5202 of tax affected under the proposed law, a dollar amount showing the estimated
5203 amount of a new tax, and a dollar amount representing the total estimated increase
5204 or decrease in taxes under the proposed law;
5205 (iii) if the proposed law would increase a particular tax or tax rate, the tax percentage
5206 difference and the tax percentage increase for each tax or tax rate increased;
5207 (iv) if the proposed law would result in the issuance or a change in the status of
5208 bonds, notes, or other debt instruments, a dollar amount representing the total
5209 estimated increase or decrease in public debt under the proposed law;
5210 (v) a dollar amount representing the estimated cost or savings, if any, to state or local
5211 government entities under the proposed law;
5212 (vi) if the proposed law would increase costs to state government, a listing of all
5213 sources of funding for the estimated costs; and
5214 (vii) a concise description and analysis titled "Funding Source," not to exceed 100
5215 words for each funding source, of the funding source information described in
5216 Subsection 20A-7-202(2)(e)(ii).

5217 (b) If the proposed law is estimated to have no fiscal impact, the Office of the Legislative
5218 Fiscal Analyst shall include a summary statement in the initial fiscal impact statement in
5219 substantially the following form:

5220 "The Office of the Legislative Fiscal Analyst estimates that the law proposed by this
5221 initiative would have no significant fiscal impact and would not result in either an increase or
5222 decrease in taxes or debt."

5223 (3) Within 25 calendar days after the day on which the lieutenant governor delivers a copy
5224 of the initiative application, the Office of the Legislative Fiscal Analyst shall:

5225 (a) send a copy of the initial fiscal impact statement to the lieutenant governor's office;
5226 and

5227 (b) send a copy of the initial fiscal impact statement to the first five sponsors named in
5228 the initiative application.

5229 (4)(a)(i) Three or more of the sponsors of the initiative petition may, within 20
5230 calendar days after the day on which the Office of the Legislative Fiscal Analyst
5231 delivers the initial fiscal impact statement to the lieutenant governor's office, file a

5232 petition with the appropriate court, alleging that the initial fiscal impact statement,
5233 taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.

5234 (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send
5235 notice of the petition filed with the court to:

5236 (A) any person or group that has filed an argument with the lieutenant governor's
5237 office for or against the initiative that is the subject of the challenge; and

5238 (B) any political issues committee established under Section 20A-11-801 that has
5239 filed written or electronic notice with the lieutenant governor that identifies the
5240 name, mailing or email address, and telephone number of the person
5241 designated to receive notice about any issues relating to the initiative.

5242 (b)(i) There is a presumption that the initial fiscal impact statement prepared by the
5243 Office of the Legislative Fiscal Analyst is based upon reasonable assumptions,
5244 uses reasonable data, and applies accepted analytical methods to present the
5245 estimated fiscal impact of the initiative.

5246 (ii) The court may not revise the contents of, or direct the revision of, the initial fiscal
5247 impact statement unless the plaintiffs rebut the presumption by clear and
5248 convincing evidence that establishes that the initial fiscal impact statement, taken
5249 as a whole, is an inaccurate statement of the estimated fiscal impact of the
5250 initiative.

5251 (iii) The court may refer an issue related to the initial fiscal impact statement to a
5252 master to examine the issue and make a report in accordance with Utah Rules of
5253 Civil Procedure, Rule 53.

5254 (c) The court shall certify to the lieutenant governor a fiscal impact statement for the
5255 initiative that meets the requirements of this section.

5256 Section 67. Section **20A-7-204** is amended to read:

5257 **20A-7-204 . Manual initiative process -- Circulation requirements -- Lieutenant**
5258 **governor to provide sponsors with materials.**

5259 (1) This section applies only to the manual initiative process.

5260 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
5261 or an agent of the sponsors shall, after the sponsors receive the documents described in
5262 Subsection (3), circulate initiative packets that meet the form requirements of this part.

5263 (3) The lieutenant governor shall provide the sponsors with a copy of the initiative petition
5264 and a signature sheet [~~within three~~] no later than the first business day that is at least
5265 three calendar days after the day on which the following conditions are fulfilled:

- 5266 (a) the sponsors hold the final hearing required under Section 20A-7-204.1;
- 5267 (b) the sponsors provide to the Office of the Lieutenant Governor the video tape, audio
- 5268 tape, or comprehensive minutes described in Subsection 20A-7-204.1(4) for each
- 5269 public hearing described in Section 20A-7-204.1;
- 5270 (c)(i) the sponsors give written notice to the Office of the Lieutenant Governor that
- 5271 the sponsors waive the opportunity to change the text of the proposed law under
- 5272 Subsection 20A-7-204.1(5);
- 5273 (ii) the deadline, described in Subsection 20A-7-204.1(5)(a), for changing the text of
- 5274 the proposed law passes without the sponsors filing an application addendum in
- 5275 accordance with Subsection 20A-7-204.1(5); or
- 5276 (iii) if the sponsors file an application addendum in accordance with Subsection
- 5277 20A-7-204.1(5), the Office of the Legislative Fiscal Analyst provides to the Office
- 5278 of the Lieutenant Governor:
- 5279 (A) an updated initial fiscal impact statement, in accordance with Subsection
- 5280 20A-7-204.1(5)(b); or
- 5281 (B) a written notice indicating that no changes to the initial fiscal impact statement
- 5282 are necessary;
- 5283 (d)(i) the sponsors give written notice to the Office of the Lieutenant Governor that
- 5284 the sponsors waive the opportunity to:
- 5285 (A) challenge the initial fiscal impact statement in court; and
- 5286 (B) if applicable, challenge the updated initial fiscal impact statement in court;
- 5287 (ii) the deadline, described in Subsection 20A-7-202.5(4)(a)(i), for:
- 5288 (A) challenging the initial fiscal impact statement in court passes without the
- 5289 sponsors filing a petition to challenge; and
- 5290 (B) if applicable, challenging the updated initial fiscal impact statement in court
- 5291 passes without the sponsors filing a petition to challenge; or
- 5292 (iii) if the sponsors timely file a petition challenging the initial fiscal impact
- 5293 statement in court or, if applicable, the updated initial fiscal impact statement in
- 5294 court, and the court's decision becomes final; and
- 5295 (e) the sponsors sign an agreement, under Subsection (6)(a), with the Office of the
- 5296 Lieutenant Governor specifying the range of numbers that the sponsors will use to
- 5297 number the initiative packets.
- 5298 (4) The sponsors of the initiative shall:
- 5299 (a) arrange and pay for the printing of all documents that are part of the initiative

- 5300 packets; and
- 5301 (b) ensure that the initiative packets and the documents described in Subsection (4)(a)
- 5302 meet the requirements of this part.
- 5303 (5)(a) The sponsors or an agent of the sponsors may prepare the initiative packets for
- 5304 circulation by creating multiple initiative packets.
- 5305 (b) The sponsors or an agent of the sponsors shall create the initiative packets by binding
- 5306 a copy of the initiative petition with the text of the proposed law, including any
- 5307 modification made under Subsection 20A-7-204.1(5) and no more than 50 signature
- 5308 sheets together at the top in a manner that the initiative packets may be conveniently
- 5309 opened for signing.
- 5310 (c) An initiative packet is not required to have a uniform number of signature sheets.
- 5311 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 5312 (i) contact the lieutenant governor's office to receive a range of numbers that the
- 5313 sponsors may use to number initiative packets;
- 5314 (ii) sign an agreement with the Office of the Lieutenant Governor, specifying the
- 5315 range of numbers that the sponsors will use to number the initiative packets; and
- 5316 (iii) number each initiative packet, sequentially, within the range of numbers
- 5317 provided by the lieutenant governor's office, starting with the lowest number in
- 5318 the range.
- 5319 (b) The sponsors or an agent of the sponsors may not:
- 5320 (i) number an initiative packet in a manner not directed by the lieutenant governor's
- 5321 office; or
- 5322 (ii) circulate or submit an initiative packet that is not numbered in the manner
- 5323 directed by the lieutenant governor's office.

5324 Section 68. Section **20A-7-204.1** is amended to read:

5325 **20A-7-204.1 . Public hearings to be held before initiative petitions are circulated**

5326 **-- Changes to a proposed law or an initial fiscal impact statement.**

- 5327 (1)(a) After issuance of the initial fiscal impact statement by the Office of the
- 5328 Legislative Fiscal Analyst and before circulating initiative packets for signature
- 5329 statewide, sponsors of the initiative shall hold at least seven public hearings
- 5330 throughout Utah as follows:
- 5331 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;
- 5332 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
- 5333 County;

- 5334 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;
- 5335 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
- 5336 County;
- 5337 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;
- 5338 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and
- 5339 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
- 5340 County.
- 5341 (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of
- 5342 the public hearings in a first or second class county, but not in the same county.
- 5343 (c) The sponsors may not hold a public hearing described in this section until the later of:
- 5344 (i) [one] the day after the day on which a sponsor receives a copy of the initial fiscal
- 5345 impact statement under Subsection 20A-7-202.5(3)(b); or
- 5346 (ii) if three or more sponsors file a petition for an action challenging the accuracy of
- 5347 the initial fiscal impact statement under Section 20A-7-202.5, the day after the day
- 5348 on which the action is final.
- 5349 (2)(a) The sponsors shall, before 5 p.m. at least 10 calendar days before the date of the
- 5350 public hearing, provide written notice of the public hearing, including the date, time,
- 5351 and location of the public hearing:
- 5352 (i) to the lieutenant governor;
- 5353 (ii) to the county clerk of each county in the region where the public hearing will be
- 5354 held;
- 5355 (iii) each state senator, state representative, and county commission or county council
- 5356 member who is elected in whole or in part from the region where the public
- 5357 hearing will be held; and
- 5358 (iv) in accordance with Section 45-1-101, for at least three calendar days before the
- 5359 day of the public hearing.
- 5360 (b) The lieutenant governor shall post the notice described in Subsection (2)(a) on the
- 5361 lieutenant governor's website for at least three calendar days before the day of the
- 5362 public hearing.
- 5363 (c) The county clerk of each county in the region where the public hearing will be held:
- 5364 (i) shall post the notice described in Subsection (2)(a) for the county, as a class A
- 5365 notice under Section 63G-30-102, for at least three calendar days before the day of
- 5366 the public hearing; and
- 5367 (ii) may bill the sponsors of the initiative for the cost of preparing, printing, and

5368 posting the notice described in Subsection (2)(c)(i).

5369 (3) If the initiative proposes a tax increase, the written notice described in Subsection (2) shall
5370 include the following statement, in bold, in the same font and point size as the largest font and
5371 point size appearing in the notice:

5372 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
5373 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
5374 increase in the current tax rate."

5375 (4)(a) During the public hearing, the sponsors shall either:

5376 (i) video tape or audio tape the public hearing; or

5377 (ii) take comprehensive minutes of the public hearing, detailing the names and titles
5378 of each speaker and summarizing each speaker's comments.

5379 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
5380 public.

5381 (c) For each public hearing, the sponsors shall:

5382 (i) during the entire time that the public hearing is held, post a copy of the initial
5383 fiscal impact statement in a conspicuous location at the entrance to the room
5384 where the sponsors hold the public hearing; and

5385 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to
5386 public hearing attendees, in a conspicuous location at the entrance to the room
5387 where the sponsors hold the public hearing.

5388 (d) Regardless of whether an individual is present to observe or speak at a public hearing:

5389 (i) the sponsors may not end the public hearing until at least one hour after the public
5390 hearing begins; and

5391 (ii) the sponsors shall provide at least one hour at the public hearing that is open for
5392 public comment.

5393 (5)(a) Before 5 p.m. within [~~14~~] the first business day that is at least 14 calendar days

5394 after the day on which the sponsors conduct the seventh public hearing described in
5395 Subsection (1)(a), and before circulating an initiative signature packet for signatures,
5396 the sponsors of the initiative may change the text of the proposed law if:

5397 (i) a change to the text is:

5398 (A) germane to the text of the proposed law filed with the lieutenant governor
5399 under Section 20A-7-202; and

5400 (B) consistent with the requirements of Subsection 20A-7-202(5); and

5401 (ii) each sponsor signs, attested to by a notary public, an application addendum to

5402 change the text of the proposed law.

5403 (b)(i) Within three [~~working~~] business days after the day on which the lieutenant
5404 governor receives an application addendum to change the text of the proposed law
5405 for an initiative, the lieutenant governor shall submit a copy of the application
5406 addendum to the Office of the Legislative Fiscal Analyst.

5407 (ii) The Office of the Legislative Fiscal Analyst shall:

5408 (A) update the initial fiscal impact statement, by following the procedures and
5409 requirements of Section 20A-7-202.5 to reflect a change to the text of the
5410 proposed law[-]; or

5411 (B) provide written notice to the Office of the Lieutenant Governor indicating that
5412 no changes to the initial fiscal impact statement are necessary.

5413 Section 69. Section **20A-7-207** is amended to read:

5414 **20A-7-207 . Evaluation by the lieutenant governor.**

5415 (1) In relation to the manual initiative process, when the lieutenant governor receives an
5416 initiative packet from a county clerk, the lieutenant governor shall record the number of
5417 the initiative packet received.

5418 (2) The county clerk shall:

5419 (a) in relation to the manual initiative process:

5420 (i) post the names, voter identification numbers, and dates of signatures described in
5421 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
5422 conspicuous location designated by the lieutenant governor:

5423 (A) for an initiative packet received by the county clerk before December 1, for at
5424 least 90 calendar days; or

5425 (B) for an initiative packet received by the county clerk on or after December 1,
5426 for at least 45 calendar days; and

5427 (ii) update on the lieutenant governor's website the number of signatures certified as
5428 of the date of the update; or

5429 (b) in relation to the electronic initiative process:

5430 (i) post the names, voter identification numbers, and dates of signatures described in
5431 Subsection 20A-7-217(4) on the lieutenant governor's website, in a conspicuous
5432 location designated by the lieutenant governor:

5433 (A) for a signature received by the county clerk before December 1, for at least 90
5434 calendar days; or

5435 (B) for a signature received by the county clerk on or after December 1, for at

- 5436 least 45 calendar days; and
- 5437 (ii) update on the lieutenant governor's website the number of signatures certified as
- 5438 of the date of the update.
- 5439 (3) The lieutenant governor:
- 5440 (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be
- 5441 sufficient or insufficient on April 30 before the regular general election described in
- 5442 Subsection 20A-7-201(2)(b); or
- 5443 (b) may declare the initiative petition to be insufficient before the day described in
- 5444 Subsection (3)(a) if:
- 5445 (i) in relation to the manual initiative process, the total of all valid signatures on
- 5446 timely and lawfully submitted initiative packets that have been certified by the
- 5447 county clerks, plus the number of signatures on timely and lawfully submitted
- 5448 initiative packets that have not yet been evaluated for certification, is less than the
- 5449 number of names required under Section 20A-7-201;
- 5450 (ii) in relation to the electronic initiative process, the total of all timely and lawfully
- 5451 submitted valid signatures that have been certified by the county clerks, plus the
- 5452 number of timely and lawfully submitted valid signatures received under
- 5453 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
- 5454 less than the number of names required under Section 20A-7-201; or
- 5455 (iii) a requirement of this part has not been met.
- 5456 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
- 5457 number of names required under Section 20A-7-201, and the requirements of this
- 5458 part are met, the lieutenant governor shall mark upon the front of the initiative
- 5459 petition the word "sufficient."
- 5460 (b) If the total number of names certified under Subsection (3) does not equal or exceed
- 5461 the number of names required under Section 20A-7-201 or a requirement of this part
- 5462 is not met, the lieutenant governor shall mark upon the front of the initiative petition
- 5463 the word "insufficient."
- 5464 (c) The lieutenant governor shall immediately notify any one of the sponsors of the
- 5465 lieutenant governor's finding.
- 5466 (5) After an initiative petition is declared insufficient, a person may not submit additional
- 5467 signatures to qualify the initiative for the ballot.
- 5468 (6)(a) If the lieutenant governor refuses to declare an initiative petition sufficient that a
- 5469 voter believes is legally sufficient, the voter may, no later than May 15, apply to the

- 5470 appropriate court for an order finding the initiative petition legally sufficient.
- 5471 (b) If the court determines that the initiative petition is legally sufficient, the lieutenant
5472 governor shall mark the petition "sufficient" and consider the declaration of
5473 sufficiency effective as of the date on which the initiative petition should have been
5474 declared sufficient by the lieutenant governor's office.
- 5475 (c) If the court determines that the initiative petition is not legally sufficient, the court
5476 may enjoin the lieutenant governor and all other officers from certifying or printing
5477 the ballot title and numbers of that measure on the official ballot.
- 5478 (7) An initiative petition determined to be sufficient in accordance with this section is
5479 qualified for the ballot.
- 5480 Section 70. Section **20A-7-211** is amended to read:
- 5481 **20A-7-211 . Return and canvass -- Conflicting measures -- Law effective on**
5482 **proclamation.**
- 5483 (1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and
5484 delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing Returns~~] Chapter 4,
5485 Part 3, Canvassing Returns.
- 5486 (2) After the state board of canvassers completes the canvass, the lieutenant governor shall
5487 certify to the governor the vote for and against the law proposed by the initiative petition.
- 5488 (3)(a) The governor shall immediately issue a proclamation that:
- 5489 (i) gives the total number of votes cast in the state for and against each law proposed
5490 by an initiative petition; and
- 5491 (ii) declares those laws proposed by an initiative petition that are approved by
5492 majority vote to be in full force and effect on the date described in Subsection
5493 20A-7-212(2).
- 5494 (b) When the governor believes that two proposed laws, or that parts of two proposed
5495 laws approved by the people at the same election are entirely in conflict, the governor
5496 shall proclaim as law the initiative that receives the greatest number of affirmative
5497 votes, regardless of the difference in the majorities which those initiatives receive.
- 5498 (c) Within 10 days after the day of the governor's proclamation, any qualified voter who
5499 signed the initiative petition proposing the law that is declared by the governor to be
5500 superseded by another initiative approved at the same election may bring an action in
5501 the appropriate court to review the governor's decision.
- 5502 (4) Within 10 calendar days after the day on which the court issues an order in an action
5503 described in Subsection (3)(c), the governor shall:

- 5504 (a) proclaim as law all initiatives approved by the people that the court determines are
 5505 not entirely in conflict; and
 5506 (b) of the initiatives approved by the people that the court determines to be entirely in
 5507 conflict, proclaim as law, regardless of the difference in majorities, the law that
 5508 receives the greatest number of affirmative votes, to be in full force and effect on the
 5509 date described in Subsection 20A-7-212(2).

5510 Section 71. Section **20A-7-212** is amended to read:

5511 **20A-7-212 . Effective date.**

- 5512 (1) A proposed law submitted to the Legislature by initiative petition and passed by the
 5513 Legislature takes effect 60 calendar days after the last day of the session of the
 5514 Legislature in which the law passed, unless:
- 5515 (a) a later effective date is included in the proposed law; or
 5516 (b) an earlier effective date is included in the proposed law and the proposed law passes
 5517 the Legislature by a two-thirds vote of the members elected to each house of the
 5518 Legislature.
- 5519 (2) A proposed law submitted to the people by initiative petition that is approved by the
 5520 voters at an election takes effect:
- 5521 (a) except as provided in Subsections (2)(b) through (e), on the day that is 60 calendar
 5522 days after the last day of the general session of the Legislature next following the
 5523 election;
- 5524 (b) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax
 5525 increase:
- 5526 (i) except as provided in Subsection (2)(b)(ii), January 1 of the year after the general
 5527 session of the Legislature next following the election; or
 5528 (ii) at the beginning of the applicable taxable year that begins on or after January 1 of
 5529 the year after the general session of the Legislature next following the election, for
 5530 a tax described in:
- 5531 (A) Title 59, Chapter 6, Mineral Production Tax Withholding;
 5532 (B) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
 5533 (C) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required
 5534 to Pay Corporate Franchise or Income Tax Act; or
 5535 (D) Title 59, Chapter 10, Individual Income Tax Act;
- 5536 (c) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax
 5537 decrease:

- 5538 (i) except as provided in Subsection (2)(c)(ii), April 1 immediately following the
5539 election; or
- 5540 (ii) for a tax described in Subsection (2)(b)(ii)(A) through (D), at the beginning of the
5541 applicable taxable year that begins on or after January 1 immediately following
5542 the election;
- 5543 (d) except as provided in Subsection (2)(e), January 1 of the year after the general
5544 session of the Legislature next following the election, if the proposed law effectuates
5545 a change in a tax described in:
- 5546 (i) Title 59, Chapter 2, Property Tax Act;
5547 (ii) Title 59, Chapter 3, Tax Equivalent Property Act; or
5548 (iii) Title 59, Chapter 4, Privilege Tax; or
- 5549 (e) if the proposed law specifies a special effective date that is after the otherwise
5550 applicable effective date described in Subsections (2)(a) through (d), the date
5551 specified in the proposed law.

- 5552 (3)(a) The governor may not veto a law adopted by the people.
- 5553 (b) The Legislature may amend any initiative approved by the people at any legislative
5554 session.

5555 Section 72. Section **20A-7-214** is amended to read:

5556 **20A-7-214 . Fiscal review -- Repeal, amendment, or resubmission.**

- 5557 (1) No later than 60 calendar days after the date of an election in which the voters approve
5558 an initiative, the Office of the Legislative Fiscal Analyst shall:
- 5559 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
5560 using current financial information and containing the information required by
5561 Subsection 20A-7-202.5(2); and
- 5562 (b) deliver a copy of the final fiscal impact statement to:
- 5563 (i) the president of the Senate;
5564 (ii) the minority leader of the Senate;
5565 (iii) the speaker of the House of Representatives;
5566 (iv) the minority leader of the House of Representatives; and
5567 (v) the first five sponsors listed on the initiative application.
- 5568 (2) If the final fiscal impact statement exceeds the estimate in the initial fiscal impact
5569 statement by 25% or more, the Legislature shall review the final fiscal impact statement
5570 and may, in any legislative session following the election in which the voters approve
5571 the initiative:

- 5572 (a) repeal the law established by passage of the initiative;
- 5573 (b) amend the law established by passage of the initiative; or
- 5574 (c) pass a joint or concurrent resolution informing the voters that they may file an
- 5575 initiative petition to repeal the law enacted by passage of the initiative.
- 5576 Section 73. Section **20A-7-216** is amended to read:
- 5577 **20A-7-216 . Electronic initiative process -- Obtaining signatures -- Request to**
- 5578 **remove signature.**
- 5579 (1) This section applies to the electronic initiative process.
- 5580 (2) A Utah voter may sign an initiative petition if the voter is a legal voter.
- 5581 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
- 5582 individual:
- 5583 (a) verifies that the individual is at least 18 years old and meets the residency
- 5584 requirements of Section 20A-2-105; and
- 5585 (b) is informed that each signer is required to read and understand the law proposed by
- 5586 the initiative.
- 5587 (4) A voter who signs an initiative petition may have the voter's signature removed from the
- 5588 initiative petition by, in accordance with Section 20A-1-1003, submitting to the county
- 5589 clerk a statement requesting that the voter's signature be removed before 5 p.m. no later
- 5590 than the earlier of:
- 5591 (a) for an electronic signature gathered before December 1:
- 5592 (i) ~~[30] the first business day that is at least 30 calendar~~ days after the day on which
- 5593 the voter signs the signature removal statement; or
- 5594 (ii) ~~[90] the first business day that is at least 90 calendar~~ days after the day on which
- 5595 the county clerk posts the voter's name under Subsection 20A-7-217(4); or
- 5596 (b) for an electronic signature gathered on or after December 1:
- 5597 (i) ~~[30] the first business day that is at least 30 calendar~~ days after the day on which
- 5598 the voter signs the signature removal statement; or
- 5599 (ii) ~~[45] the first business day that is at least 45 calendar~~ days after the day on which
- 5600 the county clerk posts the voter's name under Subsection 20A-7-217(4).
- 5601 (5)(a) A voter may not submit a signature removal statement described in Subsection (4)
- 5602 by email or other electronic means, unless the lieutenant governor establishes a
- 5603 signature removal process that is consistent with the requirements of this section and
- 5604 Section 20A-21-201.
- 5605 (b) A person may only remove an electronic signature from an initiative petition in

5606 accordance with this section.

5607 (c) A county clerk shall analyze a holographic signature, for purposes of removing an
5608 electronic signature from an initiative petition, in accordance with Subsection
5609 20A-1-1003(3).

5610 Section 74. Section **20A-7-217** is amended to read:

5611 **20A-7-217 . Electronic initiative process -- Collecting signatures -- Email**
5612 **notification -- Removal of signatures.**

5613 (1) This section applies only to the electronic initiative process.

5614 (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:

5615 (a) ~~[316]~~ the last business day that is no more than 316 calendar days after the day on
5616 which the initiative application is filed; or

5617 (b) the February 15 immediately before the next regular general election immediately
5618 after the initiative application is filed under Section 20A-7-202.

5619 (3) The lieutenant governor shall send to each individual who provides a valid email
5620 address during the signature-gathering process an email that includes the following:

5621 (a) the subject of the email shall include the following statement, "Notice Regarding
5622 Your Petition Signature"; and

5623 (b) the body of the email shall include the following statement in 12-point type:

5624 "You signed a petition for the following initiative:

5625 [insert title of initiative]

5626 To access a copy of the initiative petition, the text of the law proposed by the initiative,
5627 the fiscal impact statement, and information on the deadline for removing your signature from
5628 the initiative petition, please visit the following link: [insert a uniform resource locator that
5629 takes the individual directly to the page on the lieutenant governor's website that includes the
5630 information referred to in the email]."

5631 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
5632 after the day on which the signature of an individual who signs an initiative petition is
5633 certified under Section 20A-21-201, post the name, voter identification number, and date
5634 of signature of the individual on the lieutenant governor's website, in a conspicuous
5635 location designated by the lieutenant governor.

5636 (5)(a) If the county clerk timely receives a statement requesting signature removal under
5637 Subsection 20A-7-216(4), the county clerk shall:

5638 (i) ensure that the voter's name, voter identification number, and date of signature are
5639 not included in the posting described in Subsection (4); and

5640 (ii) remove the voter's signature from the initiative petition and the initiative petition
5641 signature totals.

5642 (b) The county clerk shall comply with Subsection (5)(a) before the later of:

5643 (i) the deadline described in Subsection (4); or

5644 (ii) two business days after the day on which the county clerk receives a statement
5645 requesting signature removal under Subsection 20A-7-216(4).

5646 Section 75. Section **20A-7-302** is amended to read:

5647 **20A-7-302 . Referendum process -- Application procedures.**

5648 (1) Individuals wishing to circulate a referendum petition shall file a referendum
5649 application with the lieutenant governor [~~before 5 p.m. within~~] no later than 5 p.m. on the
5650 first business day that is at least five calendar days after the day on which the legislative
5651 session at which the law passed ends.

5652 (2) The referendum application shall include:

5653 (a) the name and residence address of at least five sponsors of the referendum petition;

5654 (b) a statement indicating that each of the sponsors is registered to vote in Utah;

5655 (c) a statement indicating whether persons gathering signatures for the referendum
5656 petition may be paid for gathering signatures;

5657 (d) the signature of each of the sponsors, attested to by a notary public; and

5658 (e) a copy of the law that is the subject of the proposed referendum.

5659 Section 76. Section **20A-7-304** is amended to read:

5660 **20A-7-304 . Manual referendum process -- Circulation requirements --**

5661 **Lieutenant governor to provide sponsors with materials.**

5662 (1) This section applies only to the manual referendum process.

5663 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
5664 or an agent of the sponsors shall, after the sponsors receive the documents described in
5665 Subsection (3), circulate referendum packets that meet the form requirements of this part.

5666 (3) The lieutenant governor shall provide the sponsors with a copy of the referendum
5667 petition and a signature sheet [~~within three~~] no later than the first business day that is at
5668 least five calendar days after the day on which the sponsors sign an agreement, under
5669 Subsection (6)(a), with the Office of the Lieutenant Governor specifying the range of
5670 numbers that the sponsors will use to number the referendum packets.

5671 (4) The sponsors of the referendum petition shall:

5672 (a) arrange and pay for the printing of all documents that are part of the referendum
5673 packets; and

5674 (b) ensure that the referendum packets and the documents described in Subsection (4)(a)
5675 meet the form requirements of this section.

5676 (5)(a) The sponsors or an agent of the sponsors may prepare the referendum packets for
5677 circulation by creating multiple referendum packets.

5678 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding
5679 a copy of the referendum petition with the text of the law that is the subject of the
5680 referendum and no more than 50 signature sheets together at the top in a manner that
5681 the referendum packets may be conveniently opened for signing.

5682 (c) A referendum packet is not required to have a uniform number of signature sheets.

5683 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:

5684 (i) contact the lieutenant governor's office to receive a range of numbers that the
5685 sponsors may use to number referendum packets;

5686 (ii) sign an agreement with the Office of the Lieutenant Governor, specifying the
5687 range of numbers that the sponsor will use to number the referendum packets; and

5688 (iii) number each referendum packet, sequentially, within the range of numbers
5689 provided by the lieutenant governor's office, starting with the lowest number in
5690 the range.

5691 (b) The sponsors or an agent of the sponsors may not:

5692 (i) number a referendum packet in a manner not directed by the lieutenant governor's
5693 office; or

5694 (ii) circulate or submit a referendum packet that is not numbered in the manner
5695 directed by the lieutenant governor's office.

5696 Section 77. Section **20A-7-307** is amended to read:

5697 **20A-7-307 . Evaluation by the lieutenant governor.**

5698 (1) In relation to the manual referendum process, when the lieutenant governor receives a
5699 referendum packet from a county clerk, the lieutenant governor shall record the number
5700 of the referendum packet received.

5701 (2) The county clerk shall:

5702 (a) in relation to the manual referendum process:

5703 (i) post the names, voter identification numbers, and dates of signatures described in
5704 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
5705 conspicuous location designated by the lieutenant governor, for at least 45
5706 calendar days; and

5707 (ii) update on the lieutenant governor's website the number of signatures certified as

- 5708 of the date of the update; or
- 5709 (b) in relation to the electronic referendum process:
- 5710 (i) post the names, voter identification numbers, and dates of signatures described in
- 5711 Subsection 20A-7-315(4) on the lieutenant governor's website, in a conspicuous
- 5712 location designated by the lieutenant governor, for at least 45 calendar days; and
- 5713 (ii) update on the lieutenant governor's website the number of signatures certified as
- 5714 of the date of the update.
- 5715 (3) The lieutenant governor:
- 5716 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
- 5717 sufficient or insufficient 106 calendar days after the end of the legislative session at
- 5718 which the law passed; or
- 5719 (b) may declare the referendum petition to be insufficient before the day described in
- 5720 Subsection (3)(a) if:
- 5721 (i) in relation to the manual referendum process, the total of all valid signatures on
- 5722 timely and lawfully submitted referendum packets that have been certified by the
- 5723 county clerks, plus the number of signatures on timely and lawfully submitted
- 5724 referendum packets that have not yet been evaluated for certification, is less than
- 5725 the number of names required under Section 20A-7-301;
- 5726 (ii) in relation to the electronic referendum process, the total of all timely and
- 5727 lawfully submitted valid signatures that have been certified by the county clerks,
- 5728 plus the number of timely and lawfully submitted valid signatures received under
- 5729 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
- 5730 less than the number of names required under Section 20A-7-301; or
- 5731 (iii) a requirement of this part has not been met.
- 5732 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
- 5733 number of names required under Section 20A-7-301, and the requirements of this
- 5734 part are met, the lieutenant governor shall mark upon the front of the referendum
- 5735 petition the word "sufficient."
- 5736 (b) If the total number of names certified under Subsection (3) does not equal or exceed
- 5737 the number of names required under Section 20A-7-301 or a requirement of this part
- 5738 is not met, the lieutenant governor shall mark upon the front of the referendum
- 5739 petition the word "insufficient."
- 5740 (c) The lieutenant governor shall immediately notify any one of the sponsors of the
- 5741 lieutenant governor's finding.

- 5742 (d) After a referendum petition is declared insufficient, a person may not submit
5743 additional signatures to qualify the referendum for the ballot.
- 5744 (5)(a) If the lieutenant governor refuses to declare a referendum petition sufficient that a
5745 voter believes is legally sufficient, the voter may, no later than 10 days after the day
5746 on which the lieutenant governor declares the petition insufficient, apply to the
5747 appropriate court for an order finding the referendum petition legally sufficient.
- 5748 (b) If the court determines that the referendum petition is legally sufficient, the
5749 lieutenant governor shall mark the referendum petition "sufficient" and consider the
5750 declaration of sufficiency effective as of the date on which the referendum petition
5751 should have been declared sufficient by the lieutenant governor's office.
- 5752 (c) If the court determines that a referendum petition filed is not legally sufficient, the
5753 court may enjoin the lieutenant governor and all other officers from certifying or
5754 printing the ballot title and numbers of that measure on the official ballot.
- 5755 (6) A referendum petition determined to be sufficient in accordance with this section is
5756 qualified for the ballot.

5757 Section 78. Section **20A-7-308** is amended to read:

5758 **20A-7-308 . Short title and summary of referendum -- Duties of lieutenant**
5759 **governor and Office of Legislative Research and General Counsel.**

- 5760 (1) Whenever a referendum petition is declared sufficient for submission to a vote of the
5761 people, the lieutenant governor shall deliver a copy of the referendum petition and the
5762 law to which the referendum relates to the Office of Legislative Research and General
5763 Counsel.
- 5764 (2)(a) The Office of Legislative Research and General Counsel shall:
- 5765 (i) entitle each statewide referendum that qualifies for the ballot "Proposition Number
5766 ___" and assign a number to the referendum in accordance with Section 20A-6-107;
- 5767 (ii) prepare for each referendum:
- 5768 (A) an impartial short title, not exceeding 25 words, that generally describes the
5769 law to which the referendum relates; and
- 5770 (B) an impartial summary of the contents of the law to which the referendum
5771 relates, not exceeding 125 words; and
- 5772 (iii) submit the short title and summary to the lieutenant governor within 15 calendar
5773 days after the day on which the Office of Legislative Research and General
5774 Counsel receives the petition under Subsection (1).
- 5775 (b) The short title and summary may be distinct from the title of the law that is the

- 5776 subject of the referendum.
- 5777 (c) Subject to Subsection (4), for each statewide referendum, the official ballot shall
- 5778 show, in the following order:
- 5779 (i) the number of the referendum, determined in accordance with Section 20A-6-107;
- 5780 (ii) the short title; and
- 5781 (iii) except as provided in Subsection (2)(d):
- 5782 (A) the summary;
- 5783 (B) a copy of the law; and
- 5784 (C) a link to a location on the lieutenant governor's website where a voter may
- 5785 review additional information relating to each referendum, including the
- 5786 information described in Subsection 20A-7-302(2) and the arguments relating
- 5787 to the referendum that are included in the voter information pamphlet.
- 5788 (d) Unless the information described in Subsection (2)(c)(iii) is shown on the official
- 5789 ballot, the election officer shall include with the ballot a separate ballot proposition
- 5790 insert that includes the short title and summary for each referendum on the ballot and
- 5791 a link to a location on the lieutenant governor's website where a voter may review the
- 5792 additional information described in Subsection (2)(c)(iii)(C).
- 5793 (e) Unless the information described in Subsection 20A-7-209(2)(d)(iii) for all initiatives
- 5794 on the ballot, and the information described in Subsection (2)(c)(iii) for all referenda
- 5795 on the ballot, is printed on the ballot, the ballot shall include the following statement
- 5796 at the beginning of the portion of the ballot that includes ballot measures, "The ballot
- 5797 proposition sheet included with this ballot contains an impartial summary of each
- 5798 initiative and referendum on this ballot, unless the summary is printed directly on the
- 5799 ballot."
- 5800 (3) Immediately after the Office of Legislative Research and General Counsel submits the
- 5801 short title and summary to the lieutenant governor, the lieutenant governor shall mail or
- 5802 email a copy of the short title and summary to any of the sponsors of the referendum
- 5803 petition.
- 5804 (4)(a)(i) At least three of the sponsors of the referendum petition may, within 15 days
- 5805 after the day on which the lieutenant governor sends the short title and summary,
- 5806 challenge the wording of the short title and summary prepared by the Office of
- 5807 Legislative Research and General Counsel to the appropriate court.
- 5808 (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send
- 5809 notice of the appeal to:

- 5810 (A) any person or group that has filed an argument for or against the law to which
5811 the referendum relates; and
- 5812 (B) any political issues committee established under Section 20A-11-801 that has
5813 filed written or electronic notice with the lieutenant governor that identifies the
5814 name, mailing or email address, and telephone number of the person
5815 designated to receive notice about any issues relating to the referendum.
- 5816 (b)(i) There is a presumption that the short title prepared by the Office of Legislative
5817 Research and General Counsel is an impartial description of the contents of the
5818 referendum.
- 5819 (ii) The court may not revise the wording of the short title unless the plaintiffs rebut
5820 the presumption by clearly and convincingly establishing that the short title is
5821 false or biased.
- 5822 (iii) There is a presumption that the summary prepared by the Office of Legislative
5823 Research and General Counsel is an impartial summary of the contents of the law
5824 to which the referendum relates.
- 5825 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut
5826 the presumption by clearly and convincingly establishing that the summary is
5827 false or biased.
- 5828 (c) The court shall:
- 5829 (i) examine the short title and summary;
- 5830 (ii) hear arguments; and
- 5831 (iii) enter an order consistent with the requirements of this section.
- 5832 (d) The lieutenant governor shall, in accordance with the court's order, certify the short
5833 title and summary to the county clerks for inclusion in the ballot or ballot proposition
5834 insert, as required by this section.

5835 Section 79. Section **20A-7-310** is amended to read:

5836 **20A-7-310 . Return and canvass -- Conflicting measures.**

- 5837 (1) The votes on the law that is the subject of the referendum petition shall be counted,
5838 canvassed, and delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing~~
5839 ~~Returns~~] Chapter 4, Part 3, Canvassing Returns.
- 5840 (2) After the state board of canvassers completes its canvass, the lieutenant governor shall
5841 certify to the governor the vote for and against the law that is the subject of the
5842 referendum petition.
- 5843 (3)(a) The governor shall immediately issue a proclamation that:

- 5844 (i) gives the total number of votes cast in the state for and against each law that is the
 5845 subject of a referendum petition; and
- 5846 (ii) declares those laws that are the subject of a referendum petition that are approved
 5847 by majority vote to be in full force and effect as the law of Utah on the effective
 5848 date described in Section 20A-7-311.
- 5849 (b) When the governor determines that two laws, or that parts of two laws approved by
 5850 the people at the same election are entirely in conflict, the governor shall proclaim to
 5851 be law the law that received the greatest number of affirmative votes, regardless of
 5852 the difference in the majorities which those approved laws received.
- 5853 (4)(a) Within 10 days after the day on which the governor issues the proclamation
 5854 described in Subsection (3), any qualified voter who signed the referendum petition
 5855 for the law that is declared by the governor to be superseded by another law approved
 5856 at the same election may apply to the appropriate court to review the governor's
 5857 decision.
- 5858 (b) The court shall:
- 5859 (i) consider the matter and decide whether the approved laws are in conflict; and
 5860 (ii) enter an order consistent with the court's decision.
- 5861 (5) Within 10 calendar days after the day on which the court enters an order described in
 5862 Subsection (4)(b)(ii), the governor shall:
- 5863 (a) proclaim as law all those laws approved by the people that the court determines are
 5864 not in conflict; and
- 5865 (b) of all those laws approved by the people as law that the court determines to be in
 5866 conflict, proclaim as law the one that receives the greatest number of affirmative
 5867 votes, regardless of difference in majorities.
- 5868 Section 80. Section **20A-7-311** is amended to read:
- 5869 **20A-7-311 . Temporary stay -- Effective date -- Effect of repeal by Legislature.**
- 5870 (1) If, at the time during the counting period described in Section 20A-7-307, the lieutenant
 5871 governor determines that, at that point in time, an adequate number of signatures are
 5872 certified to comply with the signature requirements, the lieutenant governor shall:
- 5873 (a) issue an order temporarily staying the law from going into effect; and
 5874 (b) continue the process of certifying signatures and removing signatures as required by
 5875 this part.
- 5876 (2) The temporary stay described in Subsection (1) remains in effect, regardless of whether
 5877 a future count falls below the signature threshold, until[~~the day on which~~]:

- 5878 (a) if the lieutenant governor declares the referendum petition insufficient, five calendar
5879 days after the day on which the lieutenant governor declares the referendum petition
5880 insufficient; or
- 5881 (b) if the lieutenant governor declares the referendum petition sufficient, the day on
5882 which governor issues the proclamation described in Section 20A-7-310.
- 5883 (3) A law submitted to the people by referendum that is approved by the voters at an
5884 election takes effect the later of:
- 5885 (a) five calendar days after the date of the official proclamation of the vote by the
5886 governor; or
- 5887 (b) the effective date specified in the approved law.
- 5888 (4) If, after the lieutenant governor issues a temporary stay order under Subsection (1)(a),
5889 the lieutenant governor declares the referendum petition insufficient, the law that is the
5890 subject of the referendum petition takes effect the later of:
- 5891 (a) five calendar days after the day on which the lieutenant governor declares the
5892 referendum petition insufficient; or
- 5893 (b) the effective date specified in the law that is the subject of the referendum petition.
- 5894 (5)(a) The governor may not veto a law approved by the people.
- 5895 (b) The Legislature may amend any laws approved by the people at any legislative
5896 session after the people approve the law.
- 5897 (6) If the Legislature repeals a law challenged by referendum petition under this part, the
5898 referendum petition is void and no further action on the referendum petition is required.
- 5899 Section 81. Section **20A-7-314** is amended to read:
- 5900 **20A-7-314 . Electronic referendum process -- Obtaining signatures -- Request to**
5901 **remove signature.**
- 5902 (1) This section applies to the electronic referendum process.
- 5903 (2) A Utah voter may sign a referendum petition if the voter is a legal voter.
- 5904 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
5905 individual:
- 5906 (a) verifies that the individual is at least 18 years old and meets the residency
5907 requirements of Section 20A-2-105; and
- 5908 (b) is informed that each signer is required to read and understand the law that is the
5909 subject of the referendum petition.
- 5910 (4) A voter who signs a referendum petition may have the voter's signature removed from
5911 the referendum petition by, in accordance with Section 20A-1-1003, submitting to the

5912 county clerk a statement requesting that the voter's signature be removed before 5 p.m.
 5913 no later than the earlier of:

5914 (a) the first business day that is at least 30 calendar days after the day on which the voter
 5915 signs the statement requesting removal; or

5916 (b) the first business day that is at least 45 calendar days after the day on which the
 5917 lieutenant governor posts the voter's name under Subsection 20A-7-315(4).

5918 (5)(a) A voter may not submit a signature removal statement described in Subsection (4)
 5919 by email or other electronic means, unless the lieutenant governor establishes a
 5920 signature removal process that is consistent with the requirements of this section and
 5921 Section 20A-21-201.

5922 (b) A person may only remove an electronic signature from a referendum petition in
 5923 accordance with this section.

5924 (c) A county clerk shall analyze a holographic signature, for purposes of removing an
 5925 electronic signature from a referendum petition, in accordance with Subsection
 5926 20A-1-1003(3).

5927 Section 82. Section **20A-7-315** is amended to read:

5928 **20A-7-315 . Electronic referendum process -- Collecting signatures -- Removal of**
 5929 **signatures.**

5930 (1) This section applies only to the electronic referendum process.

5931 (2) A signature-gatherer may not collect a signature after 5 p.m., 40 calendar days after the
 5932 day on which the legislative session at which the law passed ends.

5933 (3) The lieutenant governor shall send to each individual who provides a valid email
 5934 address during the signature-gathering process an email that includes the following:

5935 (a) the subject of the email shall include the following statement, "Notice Regarding
 5936 Your Petition Signature"; and

5937 (b) the body of the email shall include the following statement in 12-point type:

5938 "You signed a petition for the following referendum:

5939 [insert title of referendum]

5940 To access a copy of the referendum petition, the law that is the subject of the referendum
 5941 petition, and information on the deadline for removing your signature from the referendum
 5942 petition, please visit the following link: [insert a uniform resource locator that takes the
 5943 individual directly to the page on the lieutenant governor's website that includes the
 5944 information referred to in the email]."

5945 (4) Except as provided in Subsection (5), the county clerk shall, within two business days

5946 after the day on which the signature of an individual who signs a referendum petition is
5947 certified under Section 20A-21-201, post the name, voter identification number, and date
5948 of signature of the individual on the lieutenant governor's website, in a conspicuous
5949 location designated by the lieutenant governor.

5950 (5)(a) If the county clerk timely receives a statement requesting signature removal under
5951 Subsection 20A-7-314(4), the county clerk shall:

5952 (i) ensure that the voter's name, voter identification number, and date of signature are
5953 not included in the posting described in Subsection (4); and

5954 (ii) remove the voter's signature from the referendum petition and the signature totals.

5955 (b) The county clerk shall comply with Subsection (5)(a) before the later of:

5956 (i) the deadline described in Subsection (4); or

5957 (ii) two business days after the day on which the county clerk receives a statement
5958 requesting signature removal under Subsection 20A-7-314(4).

5959 Section 83. Section **20A-7-401.5** is amended to read:

5960 **20A-7-401.5 . Proposition information pamphlet.**

5961 (1)(a)(i) Within 15 calendar days after the day on which an eligible voter files an
5962 application to circulate an initiative petition under Section 20A-7-502 or an
5963 application to circulate a referendum petition under Section 20A-7-602:

5964 (A) the sponsors of the proposed initiative or referendum may electronically
5965 submit a written argument in favor of the proposed initiative or referendum to
5966 the election officer of the county or municipality to which the petition relates;
5967 and

5968 (B) the county or municipality to which the application relates may electronically
5969 submit a written argument in favor of, or against, the proposed initiative or
5970 referendum to the county's or municipality's election officer.

5971 (ii) If a county or municipality submits more than one written argument under
5972 Subsection (1)(a)(i)(B), the election officer shall select one of the written
5973 arguments, giving preference to a written argument submitted by a member of a
5974 local legislative body if a majority of the local legislative body supports the
5975 written argument.

5976 (b) Within one business day after the day on which an election officer receives an
5977 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of
5978 the argument to the county or municipality described in Subsection (1)(a)(i)(B) or
5979 (1)(a)(ii), as applicable.

- 5980 (c) Within one business day after the date on which an election officer receives an
 5981 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of
 5982 the argument to the first three sponsors of the proposed initiative or referendum
 5983 described in Subsection (1)(a)(i)(A).
- 5984 (d) The sponsors of the proposed initiative or referendum may electronically submit a
 5985 revised version of the written argument described in Subsection (1)(a)(i)(A) to the
 5986 election officer of the county or municipality to which the petition relates within 20
 5987 calendar days after the day on which the eligible voter files an application to circulate
 5988 an initiative petition under Section 20A-7-502 or an application to circulate a
 5989 referendum petition under Section 20A-7-602.
- 5990 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a
 5991 county or municipality may electronically submit a revised version of the written
 5992 argument to the county's or municipality's election officer within 20 calendar days
 5993 after the day on which the eligible voter files an application to circulate an initiative
 5994 petition under Section 20A-7-502 or an application to circulate a referendum petition
 5995 under Section 20A-7-602.
- 5996 (2)(a) A written argument described in Subsection (1) may not exceed 500 words.
- 5997 (b) Except as provided in Subsection (2)(c), a person may not modify a written argument
 5998 described in Subsection (1)(d) or (e) after the written argument is submitted to the
 5999 election officer.
- 6000 (c) The election officer and the person that submits the written argument described in
 6001 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:
 6002 (i) correct factual, grammatical, or spelling errors; or
 6003 (ii) reduce the number of words to come into compliance with Subsection (2)(a).
- 6004 (d) An election officer shall refuse to include a written argument in the proposition
 6005 information pamphlet described in this section if the person who submits the
 6006 argument:
 6007 (i) fails to negotiate, in good faith, to modify the argument in accordance with
 6008 Subsection (2)(c); or
 6009 (ii) does not timely submit the written argument to the election officer.
- 6010 (e) An election officer shall make a good faith effort to negotiate a modification
 6011 described in Subsection (2)(c) in an expedited manner.
- 6012 (3) An election officer who receives a written argument described in Subsection (1) shall
 6013 prepare a proposition information pamphlet for publication that includes:

- 6014 (a) a copy of the application for the proposed initiative or referendum;
- 6015 (b) except as provided in Subsection (2)(d), immediately after the copy described in
- 6016 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
- 6017 referendum, if any;
- 6018 (c) except as provided in Subsection (2)(d), immediately after the argument described in
- 6019 Subsection (3)(b), the argument prepared by the county or municipality, if any; and
- 6020 (d) a copy of the initial fiscal impact statement and legal impact statement described in
- 6021 Section 20A-7-502.5 or 20A-7-602.5.
- 6022 (4)(a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter
- 6023 2, Government Records Access and Management Act, until the earlier of when the
- 6024 election officer:
- 6025 (i) complies with Subsection (4)(b); or
- 6026 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).
- 6027 (b) Within 21 calendar days after the day on which the eligible voter files an application
- 6028 to circulate an initiative petition under Section 20A-7-502, or an application to
- 6029 circulate a referendum petition under Section 20A-7-602, the election officer shall
- 6030 provide a copy of the proposition information pamphlet to the sponsors of the
- 6031 initiative or referendum and each individual who submitted an argument included in
- 6032 the proposition information pamphlet.
- 6033 (5) An election officer for a municipality shall publish the proposition information
- 6034 pamphlet as follows:
- 6035 (a) within the later of 10 calendar days after the day on which the municipality or a court
- 6036 determines that the proposed initiative or referendum is legally referable to voters, or,
- 6037 if the election officer modifies an argument under Subsection (2)(c), three calendar
- 6038 days after the day on which the election officer and the person that submitted the
- 6039 argument agree on the modification:
- 6040 (i) by sending the proposition information pamphlet electronically to each individual
- 6041 in the municipality for whom the municipality has an email address, unless the
- 6042 individual has indicated that the municipality is prohibited from using the
- 6043 individual's email address for that purpose; and
- 6044 (ii) by posting the proposition information pamphlet on the Utah Public Notice
- 6045 Website, created in Section 63A-16-601, and the home page of the municipality's
- 6046 website, if the municipality has a website, until:
- 6047 (A) if the sponsors of the proposed initiative or referendum or an agent of the

- 6048 sponsors do not timely deliver any verified initiative packets or any verified
6049 referendum packets under Section 20A-7-105, the day after the date of the
6050 deadline for delivery of the verified initiative packets or verified referendum
6051 packets;
- 6052 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
6053 number of signatures necessary to qualify the proposed initiative or referendum
6054 for placement on the ballot is insufficient and the determination is not timely
6055 appealed or is upheld after appeal; or
- 6056 (C) the day after the date of the election at which the proposed initiative or
6057 referendum appears on the ballot; and
- 6058 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
6059 municipality's residents, including an Internet address, where a resident may view the
6060 proposition information pamphlet, in the next mailing, for which the municipality has
6061 not begun preparation, that falls on or after the later of:
- 6062 (i) 10 calendar days after the day on which the municipality or a court determines that
6063 the proposed initiative or referendum is legally referable to voters; or
- 6064 (ii) if the election officer modifies an argument under Subsection (2)(c), three
6065 calendar days after the day on which the election officer and the person that
6066 submitted the argument agree on the modification.
- 6067 (6) An election officer for a county shall, within the later of 10 calendar days after the day
6068 on which the county or a court determines that the proposed initiative or referendum is
6069 legally referable to voters, or, if the election officer modifies an argument under
6070 Subsection (2)(c), three calendar days after the day on which the election officer and the
6071 person that submitted the argument agree on the modification, publish the proposition
6072 information pamphlet as follows:
- 6073 (a) by sending the proposition information pamphlet electronically to each individual in
6074 the county for whom the county has an email address obtained via voter registration;
6075 and
- 6076 (b) by posting the proposition information pamphlet on the Utah Public Notice Website,
6077 created in Section 63A-16-601, and the home page of the county's website, until:
- 6078 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors
6079 do not timely deliver any verified initiative packets or any verified referendum
6080 packets under Section 20A-7-105, the day after the date of the deadline for
6081 delivery of the verified initiative packets or verified referendum packets;

- 6082 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
 6083 number of signatures necessary to qualify the proposed initiative or referendum
 6084 for placement on the ballot is insufficient and the determination is not timely
 6085 appealed or is upheld after appeal; or
 6086 (iii) the day after the date of the election at which the proposed initiative or
 6087 referendum appears on the ballot.

6088 Section 84. Section **20A-7-402** is amended to read:

6089 **20A-7-402 . Local voter information pamphlet -- Notice -- Contents --**

6090 **Limitations -- Preparation -- Statement on front cover.**

- 6091 (1)(a) The county or municipality that is subject to a ballot proposition shall prepare a
 6092 local voter information pamphlet that complies with the requirements of this part.
 6093 (b) Each county or municipality that contains all or part of a proposed new school
 6094 district or a reorganized new school district that will appear on a regular general
 6095 election ballot under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4 shall
 6096 prepare a local voter information pamphlet that complies with the requirements of
 6097 this part.
 6098 (2)(a) Within the time requirements described in Subsection (2)(c)(i), a municipality
 6099 described in Subsection (1) shall provide a notice that complies with the requirements
 6100 of Subsection (2)(c)(ii) to the municipality's residents by publishing the notice for the
 6101 municipality, as a class A notice under Section 63G-30-102, for the time period set
 6102 under Subsection (2)(c)(i).
 6103 (b) A county described in Subsection (1) shall publish a notice that complies with the
 6104 requirements of Subsection (2)(c)(ii) for the county, as a class A notice under Section
 6105 63G-30-102.
 6106 (c) A municipality or county that publishes a notice under Subsection (2)(a) or (b) shall:
 6107 (i) publish the notice:
 6108 (A) not less than 90 calendar days before the date of the election at which a
 6109 special local ballot proposition will be voted upon; or
 6110 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as
 6111 practicable after the special local ballot proposition is approved to be voted
 6112 upon in an election; and
 6113 (ii) ensure that the notice contains:
 6114 (A) the ballot title for the special local ballot proposition;
 6115 (B) instructions on how to file a request under Subsection (2)(d); and

- 6116 (C) the deadline described in Subsection (2)(d).
- 6117 (d) Except as provided in Subsection (13), to prepare a written argument for or against a
6118 special local ballot proposition, an eligible voter shall file a request with the election
6119 officer [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is
6120 at least 64 calendar days before the day of the election at which the special local
6121 ballot proposition is to be voted on.
- 6122 (e) If more than one eligible voter requests the opportunity to prepare a written argument
6123 for or against a special local ballot proposition, the election officer shall make the
6124 final designation in accordance with the following order of priority:
- 6125 (i) sponsors have priority in preparing an argument regarding a special local ballot
6126 proposition; and
- 6127 (ii) members of the local legislative body have priority over others if a majority of the
6128 local legislative body supports the written argument.
- 6129 (f) Except as provided in Subsection (13), the election officer shall grant a request
6130 described in Subsection (2)(d) or (e) no later than 60 calendar days before the day of
6131 the election at which the ballot proposition is to be voted on.
- 6132 (g)(i) A sponsor of a special local ballot proposition may prepare a written argument
6133 in favor of the special local ballot proposition.
- 6134 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot
6135 proposition who submits a request under Subsection (2)(d) may prepare a written
6136 argument against the special local ballot proposition.
- 6137 (h) An eligible voter who submits a written argument under this section in relation to a
6138 special local ballot proposition shall:
- 6139 (i) ensure that the written argument does not exceed 500 words in length, not
6140 counting the information described in Subsection (2)(h)(ii) or (iv);
- 6141 (ii) list, at the end of the argument, at least one, but no more than five, names as
6142 sponsors;
- 6143 (iii) except as provided in Subsection (13), submit the written argument to the
6144 election officer [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last
6145 business day that is at least 55 calendar days before the election day on which the
6146 ballot proposition will be submitted to the voters;
- 6147 (iv) list in the argument, immediately after the eligible voter's name, the eligible
6148 voter's residential address; and
- 6149 (v) submit with the written argument the eligible voter's name, residential address,

6150 postal address, email address if available, and phone number.

6151 (i) An election officer shall refuse to accept and publish an argument submitted after the
6152 deadline described in Subsection (2)(h)(iii).

6153 (3)(a) An election officer who timely receives the written arguments in favor of and
6154 against a special local ballot proposition shall, within one business day after the day
6155 on which the election office receives both written arguments, send, via mail or email:

6156 (i) a copy of the written argument in favor of the special local ballot proposition to
6157 the eligible voter who submitted the written argument against the special local
6158 ballot proposition; and

6159 (ii) a copy of the written argument against the special local ballot proposition to the
6160 eligible voter who submitted the written argument in favor of the special local
6161 ballot proposition.

6162 (b) The eligible voter who submitted a timely written argument in favor of the special
6163 local ballot proposition:

6164 (i) may submit to the election officer a written rebuttal argument of the written
6165 argument against the special local ballot proposition;

6166 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
6167 length, not counting the information described in Subsection (2)(h)(ii) or (iv); and

6168 (iii) except as provided in Subsection (13), shall submit the written rebuttal argument [
6169 ~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at
6170 least 45 calendar days before the election day on which the special local ballot
6171 proposition will be submitted to the voters.

6172 (c) The eligible voter who submitted a timely written argument against the special local
6173 ballot proposition:

6174 (i) may submit to the election officer a written rebuttal argument of the written
6175 argument in favor of the special local ballot proposition;

6176 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
6177 length, not counting the information described in Subsection (2)(h)(ii) or (iv); and

6178 (iii) except as provided in Subsection (13), shall submit the written rebuttal argument [
6179 ~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at
6180 least 45 calendar days before the election day on which the special local ballot
6181 proposition will be submitted to the voters.

6182 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
6183 relation to a special local ballot proposition that is submitted after the deadline

- 6184 described in Subsection (3)(b)(iii) or (3)(c)(iii).
- 6185 (4)(a) Except as provided in Subsection (4)(b), in relation to a special local ballot
6186 proposition:
- 6187 (i) an eligible voter may not modify a written argument or a written rebuttal argument
6188 after the eligible voter submits the written argument or written rebuttal argument
6189 to the election officer; and
- 6190 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
6191 modify a written argument or a written rebuttal argument.
- 6192 (b) The election officer, and the eligible voter who submits a written argument or written
6193 rebuttal argument in relation to a special local ballot proposition, may jointly agree to
6194 modify a written argument or written rebuttal argument in order to:
- 6195 (i) correct factual, grammatical, or spelling errors; and
6196 (ii) reduce the number of words to come into compliance with the requirements of
6197 this section.
- 6198 (c) An election officer shall refuse to accept and publish a written argument or written
6199 rebuttal argument in relation to a special local ballot proposition if the eligible voter
6200 who submits the written argument or written rebuttal argument fails to negotiate, in
6201 good faith, to modify the written argument or written rebuttal argument in accordance
6202 with Subsection (4)(b).
- 6203 (5) In relation to a special local ballot proposition, an election officer may designate another
6204 eligible voter to take the place of an eligible voter described in this section if the original
6205 eligible voter is, due to injury, illness, death, or another circumstance, unable to continue
6206 to fulfill the duties of an eligible voter described in this section.
- 6207 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
6208 included in a proposition information pamphlet under Section 20A-7-401.5:
- 6209 (a) may, if a written argument against the standard local ballot proposition is included in
6210 the proposition information pamphlet, submit a written rebuttal argument to the
6211 election officer;
- 6212 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
6213 and
- 6214 (c) shall submit the written rebuttal argument no later than 5 p.m. on the last business
6215 day that is at least 45 calendar days before the election day on which the standard
6216 local ballot proposition will be submitted to the voters.
- 6217 (7)(a) A county or municipality that submitted a written argument against a standard

- 6218 local ballot proposition that is included in a proposition information pamphlet under
6219 Section 20A-7-401.5:
- 6220 (i) may, if a written argument in favor of the standard local ballot proposition is
6221 included in the proposition information pamphlet, submit a written rebuttal
6222 argument to the election officer;
 - 6223 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
6224 length; and
 - 6225 (iii) shall submit the written rebuttal argument no later than 5 p.m. on the last
6226 business day that is at least 45 calendar days before the election day on which the
6227 ballot proposition will be submitted to the voters.
- 6228 (b) If a county or municipality submits more than one written rebuttal argument under
6229 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal
6230 arguments, giving preference to a written rebuttal argument submitted by a member
6231 of a local legislative body.
- 6232 (8)(a) An election officer shall refuse to accept and publish a written rebuttal argument
6233 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).
- 6234 (b) Before an election officer publishes a local voter information pamphlet under this
6235 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2,
6236 Government Records Access and Management Act.
- 6237 (c) An election officer who receives a written rebuttal argument described in this section
6238 may not, before publishing the local voter information pamphlet described in this
6239 section, disclose the written rebuttal argument, or any information contained in the
6240 written rebuttal argument, to any person who may in any way be involved in
6241 preparing an opposing rebuttal argument.
- 6242 (9)(a) Except as provided in Subsection (9)(b), a person may not modify a written
6243 rebuttal argument after the written rebuttal argument is submitted to the election
6244 officer.
- 6245 (b) The election officer, and the person who submits a written rebuttal argument, may
6246 jointly agree to modify a written rebuttal argument in order to:
- 6247 (i) correct factual, grammatical, or spelling errors; or
 - 6248 (ii) reduce the number of words to come into compliance with the requirements of
6249 this section.
- 6250 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
6251 the person who submits the written rebuttal argument:

- 6252 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
6253 accordance with Subsection (9)(b); or
- 6254 (ii) does not timely submit the written rebuttal argument to the election officer.
- 6255 (d) An election officer shall make a good faith effort to negotiate a modification
6256 described in Subsection (9)(b) in an expedited manner.
- 6257 (10) An election officer may designate another person to take the place of a person who
6258 submits a written rebuttal argument in relation to a standard local ballot proposition if
6259 the person is, due to injury, illness, death, or another circumstance, unable to continue to
6260 fulfill the person's duties.
- 6261 (11)(a) The local voter information pamphlet shall include a copy of the initial fiscal
6262 impact estimate and the legal impact statement prepared for each initiative under
6263 Section 20A-7-502.5.
- 6264 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall include
6265 the following statement in bold type:
- 6266 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
6267 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
6268 increase in the current tax rate."
- 6269 (12)(a) In preparing the local voter information pamphlet, the election officer shall:
- 6270 (i) ensure that the written arguments are printed on the same sheet of paper upon
6271 which the ballot proposition is also printed;
- 6272 (ii) ensure that the following statement is printed on the front cover or the heading of the first
6273 page of the printed written arguments:
- 6274 "The arguments for or against a ballot proposition are the opinions of the authors.";
- 6275 (iii) pay for the printing and binding of the local voter information pamphlet; and
- 6276 (iv) not less than 15 calendar days before, but not more than 45 calendar days before,
6277 the election at which the ballot proposition will be voted on, distribute, by mail or
6278 carrier, to each registered voter entitled to vote on the ballot proposition:
- 6279 (A) a voter information pamphlet; or
- 6280 (B) the notice described in Subsection (12)(c).
- 6281 (b)(i) If the language of the ballot proposition exceeds 500 words in length, the
6282 election officer may summarize the ballot proposition in 500 words or less.
- 6283 (ii) The summary shall state where a complete copy of the ballot proposition is
6284 available for public review.
- 6285 (c)(i) The election officer may distribute a notice printed on a postage prepaid,

- 6286 preaddressed return form that a person may use to request delivery of a voter
6287 information pamphlet by mail.
- 6288 (ii) The notice described in Subsection (12)(c)(i) shall include:
- 6289 (A) the address of the Statewide Electronic Voter Information Website authorized
6290 by Section 20A-7-801; and
- 6291 (B) the phone number a voter may call to request delivery of a voter information
6292 pamphlet by mail or carrier.
- 6293 (13) For 2024 only, in relation to an election that will appear on the regular general election
6294 ballot to create a new school district under Section 53G-3-301.1, 53G-3-301.3, or
6295 53G-3-301.4, if the notice described in Subsection (2)(b) is published less than 72
6296 calendar days before the day of the election:
- 6297 (a) the deadline to file a request described in Subsection (2)(d) is before 5 p.m. no later
6298 than five business days after the notice is published;
- 6299 (b) the deadline to grant a request under Subsection (2)(f) is no later than seven business
6300 days after the notice is published;
- 6301 (c) the deadline to submit the written argument to the election officer under Subsection
6302 (2)(h)(iii) is before 5 p.m. no later than 12 business days after the notice is published;
6303 and
- 6304 (d) the deadline to submit the written rebuttal argument under Subsection (3)(b)(iii) or
6305 (c)(iii) is no later than 17 business days after the notice is published.
- 6306 Section 85. Section **20A-7-501** is amended to read:
- 6307 **20A-7-501 . Initiatives -- Signature requirements -- Time requirements.**
- 6308 (1) As used in this section:
- 6309 (a) "Number of active voters" means the number of active voters in the county, city, or
6310 town on the immediately preceding January 1.
- 6311 (b) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)
6312 or (2)(b).
- 6313 (2) An eligible voter seeking to have an initiative submitted to a local legislative body or to
6314 a vote of the people for approval or rejection shall, after filing an initiative application,
6315 obtain legal signatures equal to:
- 6316 (a) for a county of the first class:
- 6317 (i) 7.75% of the number of active voters in the county; and
- 6318 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least
6319 75% of the county's voter participation areas;

- 6320 (b) for a city of the first class:
- 6321 (i) 7.5% of the number of active voters in the city; and
- 6322 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
- 6323 of the city's voter participation areas;
- 6324 (c) for a county of the second class:
- 6325 (i) 8% of the number of active voters in the county; and
- 6326 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75%
- 6327 of the county's voter participation areas;
- 6328 (d) for a city of the second class:
- 6329 (i) 8.25% of the number of active voters in the city; and
- 6330 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least
- 6331 75% of the city's voter participation areas;
- 6332 (e) for a county of the third class:
- 6333 (i) 9.5% of the number of active voters in the county; and
- 6334 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
- 6335 of the county's voter participation areas;
- 6336 (f) for a city of the third class:
- 6337 (i) 10% of the number of active voters in the city; and
- 6338 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
- 6339 of the city's voter participation areas;
- 6340 (g) for a county of the fourth class:
- 6341 (i) 11.5% of the number of active voters in the county; and
- 6342 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
- 6343 75% of the county's voter participation areas;
- 6344 (h) for a city of the fourth class:
- 6345 (i) 11.5% of the number of active voters in the city; and
- 6346 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
- 6347 75% of the city's voter participation areas;
- 6348 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active
- 6349 voters in the city or county; or
- 6350 (j) for a town or a county of the sixth class, 35% of the number of active voters in the
- 6351 town or county.
- 6352 (3) If the total number of certified signatures collected for the initiative petition equals or
- 6353 exceeds the number of signatures required by this section, the clerk or recorder shall

- 6354 deliver the proposed law to the local legislative body at the local legislative body's next
6355 meeting.
- 6356 (4)(a) The local legislative body shall either adopt or reject the proposed law without
6357 change or amendment within 30 calendar days after the day on which the local
6358 legislative body receives the proposed law under Subsection (3).
- 6359 (b) The local legislative body may:
- 6360 (i) adopt the proposed law and refer the proposed law to the people;
- 6361 (ii) adopt the proposed law without referring the proposed law to the people; or
- 6362 (iii) reject the proposed law.
- 6363 (c) If the local legislative body adopts the proposed law but does not refer the proposed
6364 law to the people, the proposed law is subject to referendum as with other local laws.
- 6365 (d)(i) If a county legislative body rejects a proposed law, or takes no action on a
6366 proposed law, the county clerk shall submit the proposed law to the voters of the
6367 county at the next regular general election immediately after the initiative
6368 application for the proposed law is filed under Section 20A-7-502.
- 6369 (ii) If a local legislative body of a municipality rejects a proposed law, or takes no
6370 action on a proposed law, the municipal recorder or clerk shall submit the
6371 proposed law to the voters of the municipality at the next municipal general
6372 election immediately after the initiative application is filed under Section
6373 20A-7-502.
- 6374 (e)(i) If a local legislative body rejects a proposed law, or takes no action on a
6375 proposed law, the local legislative body may adopt a competing local law.
- 6376 (ii) The local legislative body shall prepare and adopt the competing local law within
6377 the [~~30-day~~] 30-calendar-day period described in Subsection (4)(a).
- 6378 (iii) If a local legislative body adopts a competing local law, the clerk or recorder
6379 shall refer the competing local law to the voters of the county or municipality at
6380 the same election at which the law proposed by initiative is submitted under
6381 Subsection (4)(d).
- 6382 (f) If conflicting local laws are submitted to the people at the same election and two or
6383 more of the conflicting measures are approved by the people, the proposed law that
6384 receives the greatest number of affirmative votes shall control all conflicts.
- 6385 Section 86. Section **20A-7-502.7** is amended to read:
- 6386 **20A-7-502.7 . Referability to voters.**
- 6387 (1) Within 20 calendar days after the day on which an eligible voter files an initiative

- 6388 application under Section 20A-7-502, counsel for the county, city, or town to which the
 6389 initiative pertains shall:
- 6390 (a) review the proposed law that is the subject of the initiative application to determine
 6391 whether the law is legally referable to voters; and
- 6392 (b) notify the first three sponsors, in writing, whether the proposed law is:
 6393 (i) legally referable to voters; or
 6394 (ii) rejected as not legally referable to voters.
- 6395 (2) A proposed law that is the subject of an initiative application is legally referable to
 6396 voters unless:
- 6397 (a) the proposed law:
 6398 (i) is patently unconstitutional;
 6399 (ii) is nonsensical;
 6400 (iii) is administrative, rather than legislative, in nature;
 6401 (iv) could not become law if passed; or
 6402 (v) contains more than one subject as evaluated in accordance with Subsection
 6403 20A-7-502(3);~~[or]~~
- 6404 (b) is identical or substantially similar to a legally referable proposed law sought by an
 6405 initiative application submitted to the local clerk, under Section 20A-7-502, within
 6406 two years before the day on which the initiative application for the current proposed
 6407 law is filed;
- 6408 (c) the subject of the proposed law is not clearly expressed in the law's title; or
 6409 (d) the initiative application was not timely filed or does not comply with the
 6410 requirements of this part.
- 6411 (3) After the end of the ~~[20-day]~~ 20-calendar-day period described in Subsection (1), a
 6412 county, city, or town may not:
- 6413 (a) reject a proposed initiative as not legally referable to voters; or
 6414 (b) bring a legal action, other than to appeal a court decision, challenging a proposed
 6415 initiative on the grounds that the proposed initiative is not legally referable to voters.
- 6416 (4) If a county, city, or town rejects a proposed initiative, a sponsor of the proposed
 6417 initiative may, within 10 days after the day on which a sponsor is notified under
 6418 Subsection (1)(b), appeal the decision to:
 6419 (a) district court; or
 6420 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.
- 6421 (5) If, on appeal, the court determines that the law proposed by the initiative application is

6422 legally referable to voters, the local clerk shall comply with Subsection 20A-7-504(3), or
6423 give the sponsors access to the website defined in Section 20A-21-101, within five
6424 calendar days after the day on which the determination, and any appeal of the
6425 determination, is final.

6426 Section 87. Section **20A-7-504** is amended to read:

6427 **20A-7-504 . Manual initiative process -- Circulation requirements -- Local clerk**
6428 **to provide sponsors with materials.**

6429 (1) This section applies only to the manual initiative process.

6430 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
6431 or an agent of the sponsors shall, after the sponsors receive the documents described in
6432 Subsections (3) and 20A-7-401.5(4)(b), circulate initiative packets that meet the form
6433 requirements of this part.

6434 (3) Within five calendar days after the day on which a county, city, town, or court
6435 determines, in accordance with Section 20A-7-502.7, that a law proposed in an initiative
6436 petition is legally referable to voters, the local clerk shall provide to the sponsors:

6437 (a) a copy of the initiative petition;

6438 (b) a signature sheet; and

6439 (c) a copy of the proposition information pamphlet provided to the sponsors under
6440 Subsection 20A-7-401.5(4)(b).

6441 (4) The sponsors of the initiative shall:

6442 (a) arrange and pay for the printing of all documents that are part of the initiative
6443 packets; and

6444 (b) ensure that the initiative packets and the documents described in Subsection (4)(a)
6445 meet the requirements of this part.

6446 (5)(a) The sponsors or an agent of the sponsors may prepare the initiative packets for
6447 circulation by creating multiple initiative packets.

6448 (b) The sponsors or an agent of the sponsors shall create initiative packets by binding a
6449 copy of the initiative petition with the text of the proposed law and no more than 50
6450 signature sheets together at the top in a manner that the initiative packets may be
6451 conveniently opened for signing.

6452 (c) An initiative packet is not required to have a uniform number of signature sheets.

6453 (d) The sponsors or an agent of the sponsors shall include, with each initiative packet, a
6454 copy of the proposition information pamphlet provided to the sponsors under
6455 Subsection 20A-7-401.5(4)(b).

- 6456 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 6457 (i) contact the county clerk to receive a range of numbers that the sponsors may use
- 6458 to number initiative packets; and
- 6459 (ii) number each initiative packet, sequentially, within the range of numbers provided
- 6460 by the county clerk, starting with the lowest number in the range.
- 6461 (b) The sponsors or an agent of the sponsors may not:
- 6462 (i) number an initiative packet in a manner not directed by the county clerk; or
- 6463 (ii) circulate or submit an initiative packet that is not numbered in the manner
- 6464 directed by the county clerk.
- 6465 (c) The county clerk shall keep a record of the number range provided under Subsection
- 6466 (6)(a).
- 6467 Section 88. Section **20A-7-507** is amended to read:
- 6468 **20A-7-507 . Evaluation by the local clerk.**
- 6469 (1) In relation to the manual initiative process, when a local clerk receives an initiative
- 6470 packet from a county clerk, the local clerk shall record the number of the initiative
- 6471 packet received.
- 6472 (2) The county clerk shall:
- 6473 (a) in relation to the manual initiative process:
- 6474 (i) post the names, voter identification numbers, and dates of signatures described in
- 6475 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
- 6476 conspicuous location designated by the lieutenant governor, for at least 90
- 6477 calendar days; and
- 6478 (ii) update on the local government's website the number of signatures certified as of
- 6479 the date of the update; or
- 6480 (b) in relation to the electronic initiative process:
- 6481 (i) post the names, voter identification numbers, and dates of signatures described in
- 6482 Subsection 20A-7-516(4) on the lieutenant governor's website, in a conspicuous
- 6483 location designated by the lieutenant governor, for at least 90 calendar days; and
- 6484 (ii) update on the local government's website the number of signatures certified as of
- 6485 the date of the update.
- 6486 (3) The local clerk:
- 6487 (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be
- 6488 sufficient or insufficient:
- 6489 (i) in relation to the manual initiative process, no later than 21 calendar days after the

- 6490 day of the applicable deadline described in Subsection 20A-7-105(5)(a)(iii); or
6491 (ii) in relation to the electronic initiative process, no later than 21 calendar days after
6492 the day of the applicable deadline described in Subsection 20A-7-516(2); or
6493 (b) may declare the initiative petition to be insufficient before the day described in
6494 Subsection (3)(a) if:
- 6495 (i) in relation to the manual initiative process, the total of all valid signatures on
6496 timely and lawfully submitted initiative packets that have been certified by the
6497 county clerks, plus the number of signatures on timely and lawfully submitted
6498 initiative packets that have not yet been evaluated for certification, is less than the
6499 number of names required under Section 20A-7-501;
- 6500 (ii) in relation to the electronic initiative process, the total of all timely and lawfully
6501 submitted valid signatures that have been certified by the county clerks, plus the
6502 number of timely and lawfully submitted valid signatures received under
6503 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
6504 less than the number of names required under Section 20A-7-501; or
6505 (iii) a requirement of this part has not been met.
- 6506 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
6507 number of names required by Section 20A-7-501 and the requirements of this part are
6508 met, the local clerk shall mark upon the front of the initiative petition the word
6509 "sufficient."
- 6510 (b) If the total number of names certified under Subsection (3) does not equal or exceed
6511 the number of names required by Section 20A-7-501 or a requirement of this part is
6512 not met, the local clerk shall mark upon the front of the initiative petition the word
6513 "insufficient."
- 6514 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's
6515 finding.
- 6516 (d) After an initiative petition is declared insufficient, a person may not submit
6517 additional signatures to qualify the initiative for the ballot.
- 6518 (5) If the local clerk finds the total number of certified signatures for the initiative petition
6519 to be insufficient, any sponsor may file a written demand with the local clerk for a
6520 recount of the signatures collected for the initiative petition in the presence of any
6521 sponsor.
- 6522 (6) An initiative petition determined to be sufficient in accordance with this section is
6523 qualified for the ballot.

6524 Section 89. Section **20A-7-508** is amended to read:

6525 **20A-7-508 . Short title and summary of initiative -- Duties of local clerk and local**
 6526 **attorney.**

6527 (1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the initiative
 6528 petition and the proposed law to the local attorney.

6529 (2) The local attorney shall:

6530 (a) entitle each county or municipal initiative that has qualified for the ballot

6531 "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;

6532 (b) prepare for each initiative:

6533 (i) an impartial short title, not exceeding 25 words, that generally describes the
 6534 subject of the initiative; and

6535 (ii) an impartial summary of the contents of the initiative, not exceeding 125 words;

6536 (c) file the proposed short title, summary, and the numbered initiative titles with the
 6537 local clerk within 20 calendar days after the day on which an eligible voter submits
 6538 the initiative petition to the local clerk; and

6539 (d) promptly provide notice of the filing of the proposed short title and summary to:

6540 (i) the sponsors of the initiative; and

6541 (ii) the local legislative body for the jurisdiction where the initiative petition was
 6542 circulated.

6543 (3)(a) The short title and summary may be distinct from the title of the proposed law.

6544 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's
 6545 ability, give a true and impartial description of the subject of the initiative.

6546 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
 6547 ability, give a true and impartial summary of the contents of the initiative.

6548 (d) The short title and summary may not intentionally be an argument, or likely to create
 6549 prejudice, for or against the initiative.

6550 (e) If the initiative proposes a tax increase, the local attorney shall include the following
 6551 statement, in bold, in the summary:

6552 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
 6553 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
 6554 increase in the current tax rate."

6555 (4)(a) Within five calendar days after the date the local attorney files a proposed short
 6556 title and summary under Subsection (2)(c), the local legislative body for the
 6557 jurisdiction where the initiative petition was circulated and the sponsors of the

- 6558 initiative may file written comments in response to the proposed short title and
6559 summary with the local clerk.
- 6560 (b) Within five calendar days after the last date to submit written comments under
6561 Subsection (4)(a), the local attorney shall:
- 6562 (i) review any written comments filed in accordance with Subsection (4)(a);
6563 (ii) prepare a final short title and summary that meets the requirements of Subsection
6564 (3); and
6565 (iii) return the initiative petition and file the short title and summary with the local
6566 clerk.
- 6567 (c) Subject to Subsection (6), for each county or municipal initiative, the following shall
6568 be printed on the official ballot:
- 6569 (i) the short title; and
6570 (ii) except as provided in Subsection (4)(d):
6571 (A) the summary;
6572 (B) a copy of the proposed law; and
6573 (C) a link to a location on the election officer's website where a voter may review
6574 additional information relating to each initiative, including the information
6575 described in Subsection 20A-7-502(2), the initial fiscal impact and legal
6576 statement described in Section 20A-7-502.5, as updated, and the arguments
6577 relating to the initiative that are included in the local voter information
6578 pamphlet.
- 6579 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official
6580 ballot, the election officer shall include with the ballot a separate ballot proposition
6581 insert that includes the short title and summary for each initiative on the ballot and a
6582 link to a location on the election officer's website where a voter may review the
6583 additional information described in Subsection (4)(c)(ii)(C).
- 6584 (e) Unless the information described in Subsection (4)(c)(ii) for all initiatives on the
6585 ballot, and the information described in Subsection 20A-7-608(4)(c)(ii) for all
6586 referenda on the ballot, is printed on the ballot, the ballot shall include the following
6587 statement at the beginning of the portion of the ballot that includes ballot measures[-] :
6588 "The ballot proposition sheet included with this ballot contains an impartial
6589 summary of each initiative and referendum on this ballot, unless the summary is
6590 printed directly on the ballot.".
- 6591 (5) Immediately after the local attorney files a copy of the short title and summary with the

6592 local clerk, the local clerk shall send a copy of the short title and summary to the
6593 sponsors of the initiative and the local legislative body for the jurisdiction where the
6594 initiative petition was circulated.

6595 (6)(a) If the short title or summary furnished by the local attorney is unsatisfactory or
6596 does not comply with the requirements of this section, the decision of the local
6597 attorney may be appealed to the appropriate court by:

6598 (i) at least three sponsors of the initiative; or

6599 (ii) a majority of the local legislative body for the jurisdiction where the initiative
6600 petition was circulated.

6601 (b) The court:

6602 (i) shall examine the short title and summary and consider arguments; and

6603 (ii) enter an order consistent with the requirements of this section.

6604 (c) The local clerk shall include the short title and summary in the ballot or ballot
6605 proposition insert, as required by this section.

6606 Section 90. Section **20A-7-510** is amended to read:

6607 **20A-7-510 . Return and canvass -- Conflicting measures -- Law effective on**
6608 **proclamation.**

6609 (1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and
6610 delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing Returns~~] Chapter 4,
6611 Part 3, Canvassing Returns.

6612 (2) After the local board of canvassers completes the canvass, the local clerk shall certify to
6613 the local legislative body the vote for and against the law proposed by the initiative
6614 petition.

6615 (3)(a) The local legislative body shall immediately issue a proclamation that:

6616 (i) gives the total number of votes cast in the local jurisdiction for and against each
6617 law proposed by an initiative petition; and

6618 (ii) declares those laws proposed by an initiative petition that are approved by
6619 majority vote to be in full force and effect as the law of the local jurisdiction.

6620 (b) When the local legislative body determines that two proposed laws, or that parts of
6621 two proposed laws approved by the people at the same election are entirely in
6622 conflict, the local legislative body shall proclaim as law the initiative that received
6623 the greatest number of affirmative votes, regardless of the difference in the majorities
6624 which those initiatives have received.

6625 (c)(i) Within 10 days after the day on which the local legislative body issues the

6626 proclamation, any qualified voter who signed the initiative petition proposing the
6627 law that is declared by the local legislative body to be superseded by another
6628 initiative approved at the same election may bring an action in the appropriate
6629 court to review the decision.

6630 (ii) The court shall:

6631 (A) consider the matter and decide whether the proposed laws are entirely in
6632 conflict; and

6633 (B) issue an order, consistent with the court's decision, to the local legislative
6634 body.

6635 (4) Within 10 calendar days after the day on which the court enters an order under
6636 Subsection (3)(c)(ii), the local legislative body shall:

6637 (a) proclaim as law all initiatives approved by the people that the court determines are
6638 not in conflict; and

6639 (b) for the initiatives approved by the people as law that the court determines to be in
6640 conflict, proclaim as law the initiative that received the greatest number of
6641 affirmative votes, regardless of the difference in majorities.

6642 Section 91. Section **20A-7-511** is amended to read:

6643 **20A-7-511 . Effective date.**

6644 (1)(a) Any proposed law submitted to the people by initiative petition that is approved
6645 by the voters at any election takes effect on the date specified in the initiative petition.

6646 (b) If the initiative petition does not specify an effective date, a law approved by the
6647 voters at any election takes effect five calendar days after the date of the official
6648 proclamation of the vote by the county legislative body.

6649 (2) The local legislative body may amend any laws approved by the people at any meeting
6650 after the law has taken effect.

6651 Section 92. Section **20A-7-513** is amended to read:

6652 **20A-7-513 . Fiscal review -- Repeal, amendment, or resubmission.**

6653 (1) No later than 60 calendar days after the date of an election in which the voters approve
6654 an initiative, the budget officer shall:

6655 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
6656 using current financial information and containing the information required by
6657 Subsection 20A-7-502.5(2), except for the information required by Subsection
6658 20A-7-502.5(2)(a)(vii); and

6659 (b) deliver a copy of the final fiscal impact statement to:

- 6660 (i) the local legislative body of the jurisdiction where the initiative was circulated;
 6661 (ii) the local clerk; and
 6662 (iii) the first three sponsors listed on the initiative application.

6663 (2) If the final fiscal impact statement exceeds the estimate in the initial fiscal impact and
 6664 legal statement by 25% or more, the local legislative body shall review the final fiscal
 6665 impact statement and may, by a majority vote:

- 6666 (a) repeal the law established by passage of the initiative;
 6667 (b) amend the law established by the passage of the initiative; or
 6668 (c) pass a resolution informing the voters that they may file an initiative petition to
 6669 repeal the law enacted by passage of the initiative.

6670 Section 93. Section **20A-7-515** is amended to read:

6671 **20A-7-515 . Electronic initiative process -- Obtaining signatures -- Request to**
 6672 **remove signature.**

6673 (1) This section applies to the electronic initiative process.

6674 (2) A Utah voter may sign a local initiative petition if the voter is a legal voter and resides
 6675 in the local jurisdiction.

6676 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
 6677 individual:

- 6678 (a) verifies that the individual is at least 18 years old and meets the residency
 6679 requirements of Section 20A-2-105; and
 6680 (b) is informed that each signer is required to read and understand the law proposed by
 6681 the initiative.

6682 (4)(a) A voter who signs an initiative petition may have the voter's signature removed
 6683 from the initiative petition by, in accordance with Section 20A-1-1003, submitting to
 6684 the county clerk a statement requesting that the voter's signature be removed before 5
 6685 p.m. no later than the earlier of:

- 6686 (i) the first business day that is at least 30 calendar days after the day on which the
 6687 voter signs the signature removal statement;
 6688 (ii) the first business day that is at least 90 calendar days after the day on which the
 6689 local clerk posts the voter's name under Subsection 20A-7-516(4);
 6690 (iii) the first business day that is at least 316 calendar days after the day on which the
 6691 initiative application is filed; or
 6692 (iv)(A) for a county initiative, April 15 immediately before the next regular
 6693 general election immediately after the initiative application is filed under

6694 Section 20A-7-502; or
6695 (B) for a municipal initiative, April 15 immediately before the next municipal
6696 general election immediately after the initiative application is filed under
6697 Section 20A-7-502.

6698 (b) A voter may not submit a signature removal statement described in Subsection (4)(a)
6699 by email or other electronic means, unless the lieutenant governor establishes a
6700 signature removal process that is consistent with the requirements of this section and
6701 Section 20A-21-201.

6702 (c) A person may only remove an electronic signature from an initiative petition in
6703 accordance with this section.

6704 (d) A county clerk shall analyze a holographic signature, for purposes of removing an
6705 electronic signature from an initiative petition, in accordance with Subsection
6706 20A-1-1003(3).

6707 Section 94. Section **20A-7-516** is amended to read:

6708 **20A-7-516 . Electronic initiative process -- Collecting signatures -- Email**
6709 **notification -- Removal of signatures.**

6710 (1) This section applies only to the electronic initiative process.

6711 (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:

6712 (a) 316 calendar days after the day on which the initiative application is filed; or

6713 (b)(i) for a county initiative, April 15 immediately before the next regular general
6714 election immediately after the initiative application is filed under Section
6715 20A-7-502; or

6716 (ii) for a municipal initiative, April 15 immediately before the next municipal general
6717 election immediately after the initiative application is filed under Section
6718 20A-7-502.

6719 (3) The local clerk shall send to each individual who provides a valid email address during
6720 the signature-gathering process an email that includes the following:

6721 (a) the subject of the email shall include the following statement, "Notice Regarding
6722 Your Petition Signature"; and

6723 (b) the body of the email shall include the following statement in 12-point type:

6724 "You signed a petition for the following initiative:

6725 [insert title of initiative]

6726 To access a copy of the initiative petition, the text of the law proposed by the initiative,
6727 the initial fiscal impact and legal statement, and information on the deadline for removing your

6728 signature from the initiative petition, please visit the following link: [insert a uniform resource
6729 locator that takes the individual directly to the page on the lieutenant governor's website that
6730 includes the information referred to in the email]."

6731 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
6732 after the day on which the signature of an individual who signs an initiative petition is
6733 certified under Section 20A-21-201, post the name, voter identification number, and date
6734 of signature of the individual on the lieutenant governor's website, in a conspicuous
6735 location designated by the lieutenant governor.

6736 (5)(a) If the local clerk timely receives a statement requesting signature removal under
6737 Subsection 20A-7-515(4), the local clerk shall:

6738 (i) ensure that the voter's name, voter identification number, and date of signature are
6739 not included in the posting described in Subsection (4); and

6740 (ii) remove the voter's signature from the initiative petition and the initiative petition
6741 signature totals.

6742 (b) The local clerk shall comply with Subsection (5)(a) before the later of:

6743 (i) the deadline described in Subsection (4); or

6744 (ii) two business days after the day on which the county clerk receives a statement
6745 requesting signature removal under Subsection 20A-7-515(4).

6746 Section 95. Section **20A-7-601** is amended to read:

6747 **20A-7-601 . Referenda -- General signature requirements -- Signature**

6748 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**

6749 **Time requirements.**

6750 (1) As used in this section:

6751 (a) "Number of active voters" means the number of active voters in the county, city, or
6752 town on the immediately preceding January 1.

6753 (b) "Qualifying county" means a county that has created a small public transit district, as
6754 defined in Section 17B-2a-802, on or before January 1, 2022.

6755 (c) "Qualifying transit area" means:

6756 (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with
6757 jurisdiction over the station area has satisfied the requirements of Subsection
6758 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or
6759 resolution under Subsection 10-9a-403.1(2); or

6760 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created
6761 within a qualifying county.

- 6762 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
6763 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.
- 6764 (e)(i) "Subjurisdictional law" means a local law or local obligation law passed by a
6765 local legislative body that imposes a tax or other payment obligation on property
6766 in an area that does not include all precincts and subprecincts under the
6767 jurisdiction of the county, city, or town.
- 6768 (ii) "Subjurisdictional law" does not include a land use law.
- 6769 (f) "Transit area land use law" means a land use law that relates to the use of land within
6770 a qualifying transit area.
- 6771 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)
6772 or (2)(b).
- 6773 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a
6774 local law passed by the local legislative body submitted to a vote of the people shall,
6775 after filing a referendum application, obtain legal signatures equal to:
- 6776 (a) for a county of the first class:
- 6777 (i) 7.75% of the number of active voters in the county; and
6778 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least
6779 75% of the county's voter participation areas;
- 6780 (b) for a city of the first class:
- 6781 (i) 7.5% of the number of active voters in the city; and
6782 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
6783 of the city's voter participation areas;
- 6784 (c) for a county of the second class:
- 6785 (i) 8% of the number of active voters in the county; and
6786 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75%
6787 of the county's voter participation areas;
- 6788 (d) for a city of the second class:
- 6789 (i) 8.25% of the number of active voters in the city; and
6790 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least
6791 75% of the city's voter participation areas;
- 6792 (e) for a county of the third class:
- 6793 (i) 9.5% of the number of active voters in the county; and
6794 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
6795 of the county's voter participation areas;

- 6796 (f) for a city of the third class:
- 6797 (i) 10% of the number of active voters in the city; and
- 6798 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
- 6799 of the city's voter participation areas;
- 6800 (g) for a county of the fourth class:
- 6801 (i) 11.5% of the number of active voters in the county; and
- 6802 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
- 6803 75% of the county's voter participation areas;
- 6804 (h) for a city of the fourth class:
- 6805 (i) 11.5% of the number of active voters in the city; and
- 6806 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
- 6807 75% of the city's voter participation areas;
- 6808 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active
- 6809 voters in the city or county; or
- 6810 (j) for a town or a county of the sixth class, 35% of the number of active voters in the
- 6811 town or county.
- 6812 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use
- 6813 law or local obligation law passed by the local legislative body submitted to a vote of the
- 6814 people shall, after filing a referendum application, obtain legal signatures equal to:
- 6815 (a) for a county of the first, second, third, or fourth class:
- 6816 (i) 16% of the number of active voters in the county; and
- 6817 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
- 6818 of the county's voter participation areas;
- 6819 (b) for a county of the fifth or sixth class:
- 6820 (i) 16% of the number of active voters in the county; and
- 6821 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
- 6822 of the county's voter participation areas;
- 6823 (c) for a city of the first class:
- 6824 (i) 15% of the number of active voters in the city; and
- 6825 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%
- 6826 of the city's voter participation areas;
- 6827 (d) for or a city of the second class:
- 6828 (i) 16% of the number of active voters in the city; and
- 6829 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%

- 6830 of the city's voter participation areas;
- 6831 (e) for a city of the third class:
- 6832 (i) 27.5% of the number of active voters in the city; and
- 6833 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least
- 6834 75% of the city's voter participation areas;
- 6835 (f) for a city of the fourth class:
- 6836 (i) 29% of the number of active voters in the city; and
- 6837 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%
- 6838 of the city's voter participation areas;
- 6839 (g) for a city of the fifth class, 35% of the number of active voters in the city; or
- 6840 (h) for a town, 40% of the number of active voters in the town.
- 6841 (4) A person seeking to have a subjurisdictional law passed by the local legislative body
- 6842 submitted to a vote of the people shall, after filing a referendum application, obtain legal
- 6843 signatures of the residents in the subjurisdiction equal to:
- 6844 (a) 10% of the number of active voters in the subjurisdiction if the number of active
- 6845 voters exceeds 25,000;
- 6846 (b) [~~12-1/2~~] 12.5% of the number of active voters in the subjurisdiction if the number of
- 6847 active voters does not exceed 25,000 but is more than 10,000;
- 6848 (c) 15% of the number of active voters in the subjurisdiction if the number of active
- 6849 voters does not exceed 10,000 but is more than 2,500;
- 6850 (d) 20% of the number of active voters in the subjurisdiction if the number of active
- 6851 voters does not exceed 2,500 but is more than 500;
- 6852 (e) 25% of the number of active voters in the subjurisdiction if the number of active
- 6853 voters does not exceed 500 but is more than 250; and
- 6854 (f) 30% of the number of active voters in the subjurisdiction if the number of active
- 6855 voters does not exceed 250.
- 6856 (5) An eligible voter seeking to have a transit area land use law passed by the local
- 6857 legislative body submitted to a vote of the people shall, after filing a referendum
- 6858 application, obtain legal signatures equal to:
- 6859 (a) for a county:
- 6860 (i) 20% of the number of active voters in the county; and
- 6861 (ii) 21% of the number of active voters in at least 75% of the county's voter
- 6862 participation areas;
- 6863 (b) for a city of the first class:

- 6864 (i) 20% of the number of active voters in the city; and
 6865 (ii) 20% of the number of active voters in at least 75% of the city's voter participation
 6866 areas;
- 6867 (c) for a city of the second class:
 6868 (i) 20% of the number of active voters in the city; and
 6869 (ii) 21% of the number of active voters in at least 75% of the city's voter participation
 6870 areas;
- 6871 (d) for a city of the third class:
 6872 (i) 34% of the number of active voters in the city; and
 6873 (ii) 34% of the number of active voters in at least 75% of the city's voter participation
 6874 areas;
- 6875 (e) for a city of the fourth class:
 6876 (i) 36% of the number of active voters in the city; and
 6877 (ii) 36% of the number of active voters in at least 75% of the city's voter participation
 6878 areas; or
- 6879 (f) for a city of the fifth class or a town, 40% of the number of active voters in the city or
 6880 town.
- 6881 (6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or (5),
 6882 any local law passed by a local legislative body shall file the application [~~before 5 p.m.~~
 6883 ~~within~~] no later than the first business day that is at least five days after the day on which
 6884 the local law was passed.
- 6885 (7) [~~Nothing in this section authorizes~~] This section does not authorize a local legislative
 6886 body to impose a tax or other payment obligation on a subjurisdiction in order to benefit
 6887 an area outside of the subjurisdiction.
- 6888 Section 96. Section **20A-7-602.7** is amended to read:
 6889 **20A-7-602.7 . Referability to voters of local law other than land use law.**
- 6890 (1) Within 20 calendar days after the day on which an eligible voter files a referendum
 6891 application under Section 20A-7-602 for a local law other than a land use law, counsel
 6892 for the county, city, or town to which the referendum pertains shall:
 6893 (a) review the referendum application to determine whether the proposed referendum is
 6894 legally referable to voters; and
 6895 (b) notify the first three sponsors, in writing, whether the proposed referendum is:
 6896 (i) legally referable to voters; or
 6897 (ii) rejected as not legally referable to voters.

- 6898 (2) For a local law other than a land use law, a proposed referendum is legally referable to
6899 voters unless:
- 6900 (a) the proposed referendum challenges an action that is administrative, rather than
6901 legislative, in nature;
- 6902 (b) the proposed referendum challenges more than one law passed by the local
6903 legislative body; or
- 6904 (c) the referendum application was not timely filed or does not comply with the
6905 requirements of this part.
- 6906 (3) After the end of the [~~20-day~~] 20-calendar-day period described in Subsection (1), a
6907 county, city, or town may not, for a local law other than a land use law:
- 6908 (a) reject a proposed referendum as not legally referable to voters; or
- 6909 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
6910 proposed referendum on the grounds that the proposed referendum is not legally
6911 referable to voters.
- 6912 (4)(a) If, under Subsection (1)(b)(ii), a county, city, or town rejects a proposed
6913 referendum concerning a local law other than a land use law, a sponsor of the
6914 proposed referendum may, within 10 days after the day on which a sponsor is
6915 notified under Subsection (1)(b), challenge or appeal the decision to:
- 6916 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
- 6917 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
6918 under Subsection (4)(a)(i).
- 6919 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a)
6920 terminates the referendum.
- 6921 (5) If, on a challenge or appeal, the court determines that the proposed referendum
6922 described in Subsection (4) is legally referable to voters, the local clerk shall comply
6923 with Subsection 20A-7-604(3), or give the sponsors access to the website defined in
6924 Section 20A-21-101, within five calendar days after the day on which the determination,
6925 and any challenge or appeal of the determination, is final.
- 6926 Section 97. Section **20A-7-602.8** is amended to read:
- 6927 **20A-7-602.8 . Referability to voters of local land use law.**
- 6928 (1) Within 20 calendar days after the day on which a referendum eligible voter files an
6929 application under Section 20A-7-602 for a land use law, counsel for the county, city, or
6930 town to which the referendum pertains shall:
- 6931 (a) review the referendum application to determine whether the proposed referendum is

- 6932 legally referable to voters; and
- 6933 (b) notify the first three sponsors, in writing, whether the proposed referendum is:
- 6934 (i) legally referable to voters; or
- 6935 (ii) rejected as not legally referable to voters.
- 6936 (2)(a) Subject to Subsection (2)(b), for a land use law, a proposed referendum is legally
- 6937 referable to voters unless:
- 6938 (i) the proposed referendum challenges an action that is administrative, rather than
- 6939 legislative, in nature;
- 6940 (ii) the proposed referendum challenges a land use decision, rather than a land use
- 6941 regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;
- 6942 (iii) the proposed referendum challenges more than one law passed by the local
- 6943 legislative body; or
- 6944 (iv) the referendum application was not timely filed or does not comply with the
- 6945 requirements of this part.
- 6946 (b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not
- 6947 legally referable to voters for a:
- 6948 (i) municipal land use law, as defined in Section 20A-7-101, if the land use law was
- 6949 passed by a unanimous vote of the local legislative body; or
- 6950 (ii) transit area land use law, as defined in Section 20A-7-601, if the transit area land
- 6951 use law was passed by a two-thirds vote of the local legislative body.
- 6952 (3) After the end of the [~~20-day~~] 20-calendar-day period described in Subsection (1), a
- 6953 county, city, or town may not, for a land use law:
- 6954 (a) reject a proposed referendum as not legally referable to voters; or
- 6955 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
- 6956 proposed referendum on the grounds that the proposed referendum is not legally
- 6957 referable to voters.
- 6958 (4)(a) If a county, city, or town rejects a proposed referendum concerning a land use
- 6959 law, a sponsor of the proposed referendum may, within seven days after the day on
- 6960 which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision
- 6961 to:
- 6962 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
- 6963 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
- 6964 under Subsection (4)(a)(i).
- 6965 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a)

6966 terminates the referendum.

6967 (5) If, on challenge or appeal, the court determines that the proposed referendum is legally
6968 referable to voters, the local clerk shall comply with Subsection 20A-7-604(3), or give
6969 the sponsors access to the website defined in Section 20A-21-101, within five calendar
6970 days after the day on which the determination, and any challenge or appeal of the
6971 determination, is final.

6972 Section 98. Section **20A-7-604** is amended to read:

6973 **20A-7-604 . Manual referendum process -- Circulation requirements -- Local**
6974 **clerk to provide sponsors with materials.**

6975 (1) This section applies only to the manual referendum process.

6976 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
6977 or an agent of the sponsors shall, after the sponsors receive the documents described in
6978 Subsections (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form
6979 requirements of this part.

6980 (3) Within five calendar days after the day on which a county, city, town, or court
6981 determines, in accordance with Section 20A-7-602.7, that a proposed referendum is
6982 legally referable to voters, the local clerk shall provide the sponsors with:

6983 (a) a copy of the referendum petition;

6984 (b) a signature sheet; and

6985 (c) a copy of the proposition information pamphlet provided to the sponsors under
6986 Subsection 20A-7-401.5(4)(b).

6987 (4) The sponsors of the referendum petition shall:

6988 (a) arrange and pay for the printing of all documents that are part of the referendum
6989 packets; and

6990 (b) ensure that the referendum packets and the documents described in Subsection (4)(a)
6991 meet the form requirements of this section.

6992 (5)(a) The sponsors or an agent of the sponsors may prepare the referendum packets for
6993 circulation by creating multiple referendum packets.

6994 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding
6995 a copy of the referendum petition with the text of the law that is the subject of the
6996 referendum and no more than 50 signature sheets together at the top in a manner that
6997 the referendum packets may be conveniently opened for signing.

6998 (c) A referendum packet is not required to have a uniform number of signature sheets.

6999 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of

- 7000 the proposition information pamphlet provided to the sponsors under Subsection
 7001 20A-7-401.5(4)(b).
- 7002 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 7003 (i) contact the county clerk to receive a range of numbers that the sponsors may use
 7004 to number referendum packets;
- 7005 (ii) sign an agreement with the local clerk, specifying the range of numbers that the
 7006 sponsor will use to number the referendum packets; and
- 7007 (iii) number each referendum packet, sequentially, within the range of numbers
 7008 provided by the county clerk, starting with the lowest number in the range.
- 7009 (b) The sponsors or an agent of the sponsors may not:
- 7010 (i) number a referendum packet in a manner not directed by the county clerk; or
 7011 (ii) circulate or submit a referendum packet that is not numbered in the manner
 7012 directed by the county clerk.

7013 Section 99. Section **20A-7-607** is amended to read:

7014 **20A-7-607 . Evaluation by the local clerk -- Determination of election for vote on**
 7015 **referendum.**

- 7016 (1) In relation to the manual referendum process, when the local clerk receives a
 7017 referendum packet from a county clerk, the local clerk shall record the number of the
 7018 referendum packet received.
- 7019 (2) The county clerk shall:
- 7020 (a) in relation to the manual referendum process:
- 7021 (i) post the names, voter identification numbers, and dates of signatures described in
 7022 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
 7023 conspicuous location designated by the lieutenant governor, for at least 45
 7024 calendar days; and
- 7025 (ii) update on the local clerk's website the number of signatures certified as of the
 7026 date of the update; or
- 7027 (b) in relation to the electronic referendum process:
- 7028 (i) post the names, voter identification numbers, and dates of signatures described in
 7029 Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous
 7030 location designated by the lieutenant governor, for at least 45 calendar days; and
- 7031 (ii) update on the lieutenant governor's website the number of signatures certified as
 7032 of the date of the update.
- 7033 (3) The local clerk:

- 7034 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
7035 sufficient or insufficient:
- 7036 (i) in relation to the manual referendum process, no later than 111 calendar days after
7037 the day of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a
7038 referendum packet to the county clerk; or
- 7039 (ii) in relation to the electronic referendum process, no later than 111 calendar days
7040 after the day of the deadline, described in Subsection 20A-7-616(2), to collect a
7041 signature; or
- 7042 (b) may declare the referendum petition to be insufficient before the day described in
7043 Subsection (3)(a) if:
- 7044 (i) in relation to the manual referendum process, the total of all valid signatures on
7045 timely and lawfully submitted referendum packets that have been certified by the
7046 county clerk, plus the number of signatures on timely and lawfully submitted
7047 referendum packets that have not yet been evaluated for certification, is less than
7048 the number of names required under Section 20A-7-601;
- 7049 (ii) in relation to the electronic referendum process, the total of all timely and
7050 lawfully submitted valid signatures that have been certified by the county clerks,
7051 plus the number of timely and lawfully submitted valid signatures received under
7052 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
7053 less than the number of names required under Section 20A-7-601; or
- 7054 (iii) a requirement of this part has not been met.
- 7055 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
7056 number of names required under Section 20A-7-601, and the requirements of this
7057 part are met, the local clerk shall mark upon the front of the referendum petition the
7058 word "sufficient."
- 7059 (b) If the total number of names certified under Subsection (3) does not equal or exceed
7060 the number of names required under Section 20A-7-601 or a requirement of this part
7061 is not met, the local clerk shall mark upon the front of the referendum petition the
7062 word "insufficient."
- 7063 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's
7064 finding.
- 7065 (d) After a referendum petition is declared insufficient, a person may not submit
7066 additional signatures to qualify the referendum for the ballot.
- 7067 (5)(a) If the local clerk refuses to declare a referendum petition sufficient, any voter

- 7068 may, no later than 10 days after the day on which the local clerk declares the
7069 referendum petition insufficient, apply to the appropriate court for an order finding
7070 the referendum petition legally sufficient.
- 7071 (b) If the court determines that the referendum petition is legally sufficient, the local
7072 clerk shall mark the referendum petition "sufficient" and consider the declaration of
7073 sufficiency effective as of the date on which the referendum petition should have
7074 been declared sufficient by the local clerk's office.
- 7075 (c) If the court determines that a referendum petition filed is not legally sufficient, the
7076 court may enjoin the local clerk and all other officers from:
- 7077 (i) certifying or printing the ballot title and numbers of that referendum on the official
7078 ballot for the next election; or
- 7079 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying,
7080 printing, or mailing the ballot title and numbers of that referendum under Section
7081 20A-7-609.5.
- 7082 (6) A referendum petition determined to be sufficient in accordance with this section is
7083 qualified for the ballot.
- 7084 (7)(a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to
7085 legislative action taken after April 15, the election officer may not place the
7086 referendum on an election ballot until a primary election, a general election, or a
7087 special election the following year.
- 7088 (b) The election officer may place a referendum described in Subsection (7)(a) on the
7089 ballot for a special, primary, or general election held during the year that the
7090 legislative action was taken if the following agree, in writing, on a timeline to place
7091 the referendum on that ballot:
- 7092 (i) the local clerk;
- 7093 (ii) the county clerk; and
- 7094 (iii) the attorney for the county or municipality that took the legislative action.
- 7095 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court
7096 determines that the total number of certified names equals or exceeds the number of
7097 signatures required in Section 20A-7-601, the election officer shall place the
7098 referendum on the election ballot for:
- 7099 (i) the next general election; or
- 7100 (ii) another election, if the following agree, in writing, on a timeline to place the
7101 referendum on that ballot:

- 7102 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as
7103 applicable;
7104 (B) the local clerk;
7105 (C) the county clerk; and
7106 (D) the attorney for the county or municipality that took the legislative action.

7107 Section 100. Section **20A-7-608** is amended to read:

7108 **20A-7-608 . Short title and summary of referendum -- Duties of local clerk and**
7109 **local attorney.**

- 7110 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the
7111 referendum petition and the law to which the referendum relates to the local attorney.
7112 (2) The local attorney shall:
7113 (a) entitle each county or municipal referendum that qualifies for the ballot "Proposition
7114 Number ___" and give the referendum a number assigned in accordance with Section
7115 20A-6-107;
7116 (b) prepare for the referendum:
7117 (i) an impartial short title, not exceeding 25 words, that generally describes the
7118 subject of the law to which the referendum relates; and
7119 (ii) an impartial summary of the contents of the law to which the referendum relates,
7120 not exceeding 125 words;
7121 (c) file the proposed short title, summary, and the numbered referendum title with the
7122 local clerk within 20 calendar days after the day on which an eligible voter submits
7123 the referendum petition to the local clerk; and
7124 (d) promptly provide notice of the filing of the proposed short title and summary to:
7125 (i) the sponsors of the petition; and
7126 (ii) the local legislative body for the jurisdiction where the referendum petition was
7127 circulated.
7128 (3)(a) The short title and summary may be distinct from the title of the law that is the
7129 subject of the referendum petition.
7130 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's
7131 ability, give a true and impartial description of the subject of the referendum.
7132 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
7133 ability, give a true and impartial summary of the contents of the referendum.
7134 (d) The short title and summary may not intentionally be an argument, or likely to create
7135 prejudice, for or against the referendum.

- 7136 (4)(a) Within five calendar days after the day on which the local attorney files a
7137 proposed short title and summary under Subsection (2)(c), the local legislative body
7138 for the jurisdiction where the referendum petition was circulated and the sponsors of
7139 the referendum petition may file written comments in response to the proposed short
7140 title and summary with the local clerk.
- 7141 (b) Within five calendar days after the last date to submit written comments under
7142 Subsection (4)(a), the local attorney shall:
- 7143 (i) review any written comments filed in accordance with Subsection (4)(a);
 - 7144 (ii) prepare a final short title and summary that meets the requirements of Subsection
7145 (3); and
 - 7146 (iii) return the referendum petition and file the short title and summary with the local
7147 clerk.
- 7148 (c) Subject to Subsection (6), for each county or municipal referendum, the following
7149 shall be printed on the official ballot:
- 7150 (i) the short title; and
 - 7151 (ii) except as provided in Subsection (4)(d):
 - 7152 (A) the summary;
 - 7153 (B) a copy of the ordinance, resolution, or written description of the local law; and
 - 7154 (C) a link to a location on the election officer's website where a voter may review
7155 additional information relating to each referendum, including the information
7156 described in Subsection 20A-7-602(2) and the arguments relating to the
7157 referendum that are included in the local voter information pamphlet.
- 7158 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official
7159 ballot, the election officer shall include with the ballot a separate ballot proposition
7160 insert that includes the short title and summary for each referendum on the ballot and
7161 a link to a location on the election officer's website where a voter may review the
7162 additional information described in Subsection (4)(c)(ii)(C).
- 7163 (e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all initiatives
7164 on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda
7165 on the ballot, is printed on the ballot, the ballot shall include the following statement
7166 at the beginning of the portion of the ballot that includes ballot measures, "The ballot
7167 proposition sheet included with this ballot contains an impartial summary of each
7168 initiative and referendum on this ballot, unless the summary is printed directly on the
7169 ballot."

- 7170 (5) Immediately after the local attorney files a copy of the short title and summary with the
7171 local clerk, the local clerk shall send a copy of the short title and summary to the
7172 sponsors of the referendum petition and the local legislative body for the jurisdiction
7173 where the referendum petition was circulated.
- 7174 (6)(a) If the short title or summary provided by the local attorney is unsatisfactory or
7175 does not comply with the requirements of this section, the decision of the local
7176 attorney may be appealed to the appropriate court by:
- 7177 (i) at least three sponsors of the referendum petition; or
 - 7178 (ii) a majority of the local legislative body for the jurisdiction where the referendum
7179 petition was circulated.
- 7180 (b) The court:
- 7181 (i) shall examine the short title and summary and consider the arguments; and
 - 7182 (ii) enter an order consistent with the requirements of this section.
- 7183 (c) The local clerk shall include the short title and summary in the ballot or ballot
7184 proposition insert, as required by this section.
- 7185 Section 101. Section **20A-7-609.5** is amended to read:
- 7186 **20A-7-609.5 . Election on referendum challenging local tax law conducted**
7187 **entirely by mail.**
- 7188 (1) An election officer may administer an election on a referendum challenging a local tax
7189 law entirely by mail.
- 7190 (2) For purposes of an election conducted under this section, the election officer shall:
- 7191 (a) designate as the election day the first business day that is at least 30 calendar days
7192 after the day on which the election officer complies with Subsection (2)(b); and
 - 7193 (b) within 30 calendar days after the day on which the referendum described in
7194 Subsection (1) qualifies for the ballot, mail to each registered voter within the voting
7195 precincts to which the local tax law applies:
 - 7196 (i) a manual ballot;
 - 7197 (ii) a statement that there will be no polling place for the election;
 - 7198 (iii) a statement specifying the election day described in Subsection (2)(a);
 - 7199 (iv) a business reply mail envelope;
 - 7200 (v) instructions for returning the ballot that include an express notice about any
7201 relevant deadlines that the voter must meet in order for the voter's vote to be
7202 counted;
 - 7203 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if

7204 the voter fails to follow the instructions included with the manual ballot, the voter
7205 will be unable to vote in that election because there will be no polling place for the
7206 election; and

7207 (vii)(A) a copy of the proposition information pamphlet relating to the referendum
7208 if a proposition information pamphlet relating to the referendum was published
7209 under Section 20A-7-401.5; or

7210 (B) a website address where an individual may view a copy of the proposition
7211 information pamphlet described in Subsection (2)(b)(vii)(A).

7212 (3) An election officer who administers an election under this section shall:

7213 (a)(i) obtain, in person, the signatures of each voter within that voting precinct before
7214 the election; or

7215 (ii) obtain the signature of each voter within the voting precinct from the county
7216 clerk; and

7217 (b) maintain the signatures on file in the election officer's office.

7218 (4)(a) Upon receiving a returned manual ballot under this section, the election officer
7219 shall compare the signature on each return envelope with the voter's signature that is
7220 maintained on file and verify that the signatures are the same.

7221 (b) If the election officer questions the authenticity of the signature on the return
7222 envelope, the election officer shall immediately contact the voter to verify the
7223 signature.

7224 (c) If there is not a signature on the return envelope or if the election officer determines
7225 that the signature on the return envelope does not match the voter's signature that is
7226 maintained on file, the election officer shall:

7227 (i) disqualify the ballot; and

7228 (ii) notify the voter of the disqualification and the reason for the disqualification.

7229 Section 102. Section **20A-7-610** is amended to read:

7230 **20A-7-610 . Return and canvass -- Conflicting measures -- Law effective on**
7231 **proclamation.**

7232 (1) The votes on the law that is the subject of the referendum petition shall be counted,
7233 canvassed, and delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing~~
7234 ~~Returns~~] Chapter 4, Part 3, Canvassing Returns.

7235 (2) After the local board of canvassers completes the canvass, the local clerk shall certify to
7236 the local legislative body the vote for and against the law that is the subject of the
7237 referendum petition.

- 7238 (3)(a) The local legislative body shall immediately issue a proclamation that:
- 7239 (i) gives the total number of votes cast in the local jurisdiction for and against each
- 7240 law that is the subject of a referendum petition; and
- 7241 (ii) in accordance with Section 20A-7-611, declares those laws that are the subject of
- 7242 a referendum petition that are approved by majority vote to be in full force and
- 7243 effect as the law of the local jurisdiction.
- 7244 (b) When the local legislative body determines that two laws, or that parts of two laws
- 7245 approved by the people at the same election are entirely in conflict, the local
- 7246 legislative body shall proclaim to be law the law that received the greatest number of
- 7247 affirmative votes, regardless of the difference in the majorities which those approved
- 7248 laws received.
- 7249 (4)(a) Within 10 days after the day on which the local legislative body issues the
- 7250 proclamation described in Subsection (3), any qualified voter residing in the
- 7251 jurisdiction for a law that is declared by the local legislative body to be superseded by
- 7252 another law approved at the same election may bring an action in the appropriate
- 7253 court to review the decision.
- 7254 (b) The court shall:
- 7255 (i) consider the matter and decide whether the approved laws are entirely in conflict;
- 7256 and
- 7257 (ii) issue an order, consistent with the court's decision, to the local legislative body.
- 7258 (5) Within 10 calendar days after the day on which the court enters an order under
- 7259 Subsection (4)(b)(ii), the local legislative body shall:
- 7260 (a) proclaim as law all those laws approved by the people that the court determines are
- 7261 not in conflict; and
- 7262 (b) of all those laws approved by the people as law that the court determines to be in
- 7263 conflict, proclaim as law the one that receives the greatest number of affirmative
- 7264 votes, regardless of the difference in majorities.
- 7265 Section 103. Section **20A-7-611** is amended to read:
- 7266 **20A-7-611 . Temporary stay -- Effective date -- Effect of repeal by local**
- 7267 **legislative body.**
- 7268 (1) Any law submitted to the people by referendum petition that is rejected by the voters at
- 7269 any election is repealed as of the date of the election.
- 7270 (2) If, at the time during the process described in Subsection 20A-7-607(2), the local clerk
- 7271 determines that, at that point in time, an adequate number of signatures are certified to

- 7272 comply with the signature requirements, the local clerk shall:
- 7273 (a) issue an order temporarily staying the law from going into effect; and
- 7274 (b) continue the process of certifying signatures and removing signatures as required by
- 7275 this part.
- 7276 (3) The temporary stay described in Subsection (2) remains in effect, regardless of whether
- 7277 a future count falls below the signature threshold, until~~[-the day on which]~~:
- 7278 (a) if the local clerk declares the referendum petition insufficient, five calendar days
- 7279 after the day on which the local clerk declares the referendum petition insufficient; or
- 7280 (b) if the local clerk declares the referendum petition sufficient, the day on which the
- 7281 local legislative body issues the proclamation described in Section 20A-7-610.
- 7282 (4) A law submitted to the people by referendum that is approved by the voters at an
- 7283 election takes effect the later of:
- 7284 (a) five calendar days after the date of the official proclamation of the vote by the local
- 7285 legislative body; or
- 7286 (b) the effective date specified in the approved law.
- 7287 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local
- 7288 clerk declares the referendum petition insufficient, the law that is the subject of the
- 7289 referendum petition takes effect the later of:
- 7290 (a) five calendar days after the day on which the local clerk declares the petition
- 7291 insufficient; or
- 7292 (b) the effective date specified in the proposed law.
- 7293 (6)(a) A law approved by the people under this part is not subject to veto.
- 7294 (b) The local legislative body may amend any laws approved by the people under this
- 7295 part after the people approve the law.
- 7296 (7) If the local legislative body repeals a law challenged by referendum petition under this
- 7297 part, the referendum petition is void and no further action on the referendum petition is
- 7298 required.
- 7299 Section 104. Section **20A-7-613** is amended to read:
- 7300 **20A-7-613 . Property tax referendum petition.**
- 7301 (1) As used in this section, "certified tax rate" means the same as that term is defined in
- 7302 Section 59-2-924.
- 7303 (2) Except as provided in this section, the requirements of this part apply to a referendum
- 7304 petition challenging a taxing entity's legislative body's vote to impose a tax rate that
- 7305 exceeds the certified tax rate.

- 7306 (3)(a) Notwithstanding Subsection 20A-7-105(5)(a)(iv), and subject to Subsection (3)(b),
7307 the sponsors or an agent of the sponsors shall deliver a signed and verified
7308 referendum packet to the county clerk of the county in which the packet was
7309 circulated before 5 p.m. no later than the earlier of:
- 7310 ~~[(a)]~~ (i) the first business day that is at least 30 calendar days after the day on which
7311 the first individual signs the packet; or
- 7312 ~~[(b)]~~ (ii) the first business day that is at least 40 calendar days after the day on which
7313 the local clerk complies with Subsection 20A-7-604(3).
- 7314 (b) For a county where the county clerk's office is closed on a business day, if the
7315 deadline described in Subsection (3)(a) is on that business day, the deadline is
7316 extended until 5 p.m. the next day that the office is open.
- 7317 (4) Notwithstanding Subsections 20A-7-105(6)(a) and (9), the county clerk shall take the
7318 actions required in Subsections 20A-7-105(6)(a) and (9) within 10 [~~working~~] business
7319 days after the day on which the county clerk receives the signed and verified referendum
7320 packet as described in Subsection (3).
- 7321 (5) The local clerk shall take the actions required by Section 20A-7-607 within two [~~working~~]
7322 business days after:
- 7323 (a) in relation to the manual referendum process, the day on which the local clerk
7324 receives the referendum packets from the county clerk; or
- 7325 (b) in relation to the electronic referendum process, the deadline described in Subsection
7326 20A-7-616(2).
- 7327 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot
7328 title within two [~~working~~] business days after the day on which the referendum petition is
7329 declared sufficient for submission to a vote of the people.
- 7330 (7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot
7331 under this section shall appear on the ballot for the earlier of the next regular general
7332 election or the next municipal general election unless a special election is called.
- 7333 (8) The election officer shall mail manual ballots on a referendum under this section the
7334 later of:
- 7335 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or
7336 (b) the time that ballots are prepared for mailing under this section.
- 7337 (9) Section 20A-7-402 does not apply to a referendum described in this section.
- 7338 (10)(a) If a majority of voters does not vote against imposing the tax at a rate calculated
7339 to generate the increased revenue budgeted, adopted, and approved by the taxing

- 7340 entity's legislative body:
- 7341 (i) the certified tax rate for the fiscal year during which the referendum petition is
7342 filed is its most recent certified tax rate; and
- 7343 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
7344 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the
7345 proposed increased revenues budgeted, adopted, and approved by the taxing
7346 entity's legislative body before the filing of the referendum petition.
- 7347 (b) If a majority of voters votes against imposing a tax at the rate established by the vote
7348 of the taxing entity's legislative body, the certified tax rate for the taxing entity is the
7349 taxing entity's most recent certified tax rate.
- 7350 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not
7351 required to comply with the notice and public hearing requirements of Section
7352 59-2-919 if the taxing entity complies with those notice and public hearing
7353 requirements before the referendum petition is filed.
- 7354 (11) The ballot title shall, at a minimum, include in substantially this form the following:
7355 "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
7356 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year]
7357 as budgeted, adopted, and approved by the [name of the taxing entity].".
- 7358 (12) A taxing entity shall pay the county the costs incurred by the county that are directly
7359 related to meeting the requirements of this section and that the county would not have
7360 incurred but for compliance with this section.
- 7361 (13)(a) An election officer shall include on a ballot a referendum that has not yet
7362 qualified for placement on the ballot, if:
- 7363 (i) sponsors file an application for a referendum described in this section;
7364 (ii) the ballot will be used for the election for which the sponsors are attempting to
7365 qualify the referendum; and
7366 (iii) the deadline for qualifying the referendum for placement on the ballot occurs
7367 after the day on which the ballot will be printed.
- 7368 (b) If an election officer includes on a ballot a referendum described in Subsection
7369 (13)(a), the ballot title shall comply with Subsection (11).
- 7370 (c) If an election officer includes on a ballot a referendum described in Subsection
7371 (13)(a) that does not qualify for placement on the ballot, the election officer shall
7372 inform the voters by any practicable method that the referendum has not qualified for
7373 the ballot and that votes cast in relation to the referendum will not be counted.

7374 Section 105. Section **20A-7-615** is amended to read:

7375 **20A-7-615 . Electronic referendum process -- Obtaining signatures -- Request to**
7376 **remove signature.**

7377 (1) This section applies to the electronic referendum process described in Section
7378 20A-21-201.

7379 (2) A Utah voter may sign a local referendum petition if the voter is a legal voter and
7380 resides in the local jurisdiction.

7381 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
7382 individual:

7383 (a) verifies that the individual is at least 18 years old and meets the residency
7384 requirements of Section 20A-2-105; and

7385 (b) is informed that each signer is required to read and understand the law that is the
7386 subject of the referendum petition.

7387 (4)(a) A voter who signs a referendum petition may have the voter's signature removed
7388 from the referendum petition by, in accordance with Section 20A-1-1003, submitting
7389 to the county clerk a statement requesting that the voter's signature be removed
7390 before 5 p.m. no later than the earlier of:

7391 (i) the first business day that is at least 30 calendar days after the day on which the
7392 voter signs the statement requesting removal; or

7393 (ii) the first business day that is at least 45 calendar days after the day on which the
7394 local clerk posts the voter's name under Subsection 20A-7-616(3).

7395 (b) A voter may not submit a signature removal statement described in Subsection (4)(a)
7396 by email or other electronic means, unless the lieutenant governor establishes a
7397 signature removal process that is consistent with the requirements of this section and
7398 Section 20A-21-201.

7399 (c) A person may only remove an electronic signature from a referendum petition in
7400 accordance with this section.

7401 (d) A county clerk shall analyze a holographic signature, for purposes of removing an
7402 electronic signature from a referendum petition, in accordance with Subsection
7403 20A-1-1003(3).

7404 Section 106. Section **20A-7-616** is amended to read:

7405 **20A-7-616 . Electronic referendum process -- Collecting signatures -- Removal of**
7406 **signatures.**

7407 (1) This section applies only to the electronic referendum process.

- 7408 (2) A signature-gatherer may not collect a signature after 5 p.m. 45 calendar days after the
 7409 day on which the first three sponsors receive notice, under Section 20A-7-602.7 or
 7410 20A-7-602.8, that the referendum is legally referable to voters.
- 7411 (3) The local clerk shall send to each individual who provides a valid email address during
 7412 the signature-gathering process an email that includes the following:
- 7413 (a) the subject of the email shall include the following statement, "Notice Regarding
 7414 Your Petition Signature"; and
- 7415 (b) the body of the email shall include the following statement in 12-point type:
 7416 "You signed a petition for the following referendum:
 7417 [insert title of referendum]
 7418 To access a copy of the referendum petition, the law that is the subject of the referendum
 7419 petition, and information on the deadline for removing your signature from the referendum
 7420 petition, please visit the following link: [insert a uniform resource locator that takes the
 7421 individual directly to the page on the lieutenant governor's website that includes the
 7422 information referred to in the email]."
- 7423 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
 7424 after the day on which the signature of an individual who signs a referendum petition is
 7425 certified under Section 20A-21-201, post the name, voter identification number, and date
 7426 of signature of the individual on the lieutenant governor's website, in a conspicuous
 7427 location designated by the lieutenant governor, for at least 45 calendar days.
- 7428 (5)(a) If the local clerk timely receives a statement requesting signature removal under
 7429 Subsection 20A-7-615(4), the local clerk shall:
- 7430 (i) ensure that the voter's name, voter identification number, and date of signature are
 7431 not included in the posting described in Subsection (4); and
- 7432 (ii) remove the voter's signature from the referendum petition and the signature totals.
- 7433 (b) The local clerk shall comply with Subsection (5)(a) before the later of:
- 7434 (i) the deadline described in Subsection (4); or
- 7435 (ii) two business days after the day on which the county clerk receives a statement
 7436 requesting signature removal under Subsection 20A-7-615(4).
- 7437 Section 107. Section **20A-7-702.5** is amended to read:
 7438 **20A-7-702.5 . Publication of voter information pamphlet.**
- 7439 (1) No earlier than 75 calendar days, and no later than 15 calendar days, before the day on
 7440 which voting commences, the lieutenant governor shall make all information provided in
 7441 the voter information pamphlet available on the Statewide Electronic Voter Information

7442 Website Program described in Section 20A-7-801.

7443 (2) The lieutenant governor may distribute a voter information pamphlet at a location
7444 frequented by a person who cannot easily access the Statewide Electronic Voter
7445 Information Website authorized by Section 20A-7-801.

7446 Section 108. Section **20A-7-703** is amended to read:

7447 **20A-7-703 . Analysis of initiative or referendum -- Determination of fiscal effects.**

7448 (1) The director of the Office of Legislative Research and General Counsel, after the
7449 approval of the legislative general counsel as to legal sufficiency, shall:

7450 (a) prepare an impartial analysis of each measure submitted to the voters by initiative or
7451 referendum petition; and

7452 (b) submit the impartial analysis to the lieutenant governor no later than [~~the day that~~
7453 ~~falls~~]90 calendar days before the date of the election in which the measure will
7454 appear on the ballot.

7455 (2) The director shall ensure that the impartial analysis:

7456 (a) is not more than 1,000 words long;

7457 (b) is prepared in clear and concise language that will easily be understood by the
7458 average voter;

7459 (c) avoids the use of technical terms as much as possible;

7460 (d) shows the effect of the measure on existing law;

7461 (e) identifies any potential conflicts with the United States or Utah Constitutions raised
7462 by the measure;

7463 (f) fairly describes the operation of the measure;

7464 (g) identifies the measure's fiscal effects over the time period or time periods determined
7465 by the director to be most useful in understanding the estimated fiscal impact of the
7466 proposed law; and

7467 (h) identifies the amount of any increase or decrease in revenue or cost to state or local
7468 government.

7469 (3)(a) In determining the fiscal effects of a measure, the director shall confer with the
7470 legislative fiscal analyst.

7471 (b) The director shall consider any measure that requires implementing legislation in
7472 order to take effect to have no financial effect, unless implementing legislation has
7473 been enacted that will become effective upon adoption of the measure by the voters.

7474 (4) If the director requests the assistance of any state department, agency, or official in
7475 preparing the director's analysis, that department, agency, or official shall assist the

7476 director.

7477 Section 109. Section **20A-7-703.1** is amended to read:

7478 **20A-7-703.1 . Analysis of measure submitted to voters by Legislature --**

7479 **Determination of fiscal effects.**

7480 (1) The presiding officers shall:

7481 (a) prepare an analysis of each measure, described in Section 20A-7-103, that is
7482 submitted to the voters by the Legislature; and

7483 (b) submit the analysis to the lieutenant governor no later than [~~the day that falls~~]90
7484 calendar days before the date of the election in which the measure will appear on the
7485 ballot.

7486 (2) The presiding officers shall ensure that the analysis:

7487 (a) is not more than 1,000 words long;

7488 (b) is prepared in clear and concise language that will easily be understood by the
7489 average voter;

7490 (c) to the extent possible, avoids the use of technical terms;

7491 (d) shows the effect of the measure on existing law;

7492 (e) describes the measure;

7493 (f) identifies the measure's fiscal effects over the time period or time periods determined
7494 by the presiding officers to be most useful in understanding the estimated fiscal
7495 impact of the measure; and

7496 (g) identifies the amount of any increase or decrease in revenue or cost to state or local
7497 government.

7498 (3) The presiding officers shall analyze the measure as the measure is proposed to be
7499 adopted, without considering any implementing legislation, unless the implementing
7500 legislation has been enacted and will become effective upon the adoption of the measure
7501 by the voters.

7502 (4)(a) In determining the fiscal effects of a measure, the presiding officers shall confer
7503 with the legislative fiscal analyst.

7504 (b) The presiding officers shall consider any measure that requires implementing
7505 legislation in order to take effect to have no financial effect, unless implementing
7506 legislation has been enacted that will become effective upon adoption of the measure
7507 by the voters.

7508 (5) If the presiding officers request the assistance of any state department, agency, or
7509 official in preparing the analysis described in this section, that department, agency, or

7510 official shall assist the presiding officers.

7511 Section 110. Section **20A-7-705** is amended to read:

7512 **20A-7-705 . Measures to be submitted to voters and referendum measures --**

7513 **Preparation of argument of adoption.**

7514 (1)(a) Whenever the Legislature submits any measure to the voters or whenever an act of
7515 the Legislature is referred to the voters by referendum petition, the presiding officer
7516 of the house of origin of the measure shall appoint the sponsor of the measure or act
7517 and one member of either house who voted with the majority to pass the act or
7518 submit the measure to draft an argument for the adoption of the measure.

7519 (b)(i) The argument may not exceed 500 words in length, not counting the
7520 information described in Subsection (4)(e).

7521 (ii) If the sponsor of the measure or act desires separate arguments to be written in
7522 favor by each person appointed, separate arguments may be written but the
7523 combined length of the two arguments may not exceed 500 words, not counting
7524 the information described in Subsection (4)(e).

7525 (2)(a) If a measure or act submitted to the voters by the Legislature or by referendum
7526 petition was not adopted unanimously by the Legislature, the presiding officer of
7527 each house shall, at the same time as appointments to an argument in its favor are
7528 made, appoint one member who voted against the measure or act from their house to
7529 write an argument against the measure or act.

7530 (b)(i) The argument may not exceed 500 words, not counting the information
7531 described in Subsection (4)(e).

7532 (ii) If those members appointed to write an argument against the measure or act
7533 desire separate arguments to be written in opposition to the measure or act by each
7534 person appointed, separate arguments may be written, but the combined length of
7535 the two arguments may not exceed 500 words, not counting the information
7536 described in Subsection (4)(e).

7537 (3)(a) The legislators appointed by the presiding officer of the Senate or House of
7538 Representatives to submit arguments shall submit the arguments to the lieutenant
7539 governor not later than [~~the day that falls~~]150 calendar days before the date of the
7540 election.

7541 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
7542 arguments after they are submitted to the lieutenant governor.

7543 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the

- 7544 arguments in any way.
- 7545 (d) The lieutenant governor and the authors of an argument may jointly modify an
7546 argument after it is submitted if:
- 7547 (i) they jointly agree that changes to the argument must be made to correct spelling or
7548 grammatical errors; and
- 7549 (ii) the argument has not yet been submitted for typesetting.
- 7550 (4)(a) If an argument for or an argument against a measure submitted to the voters by the
7551 Legislature or by referendum petition has not been filed by a member of the
7552 Legislature within the time required by this section:
- 7553 (i) the lieutenant governor shall immediately:
- 7554 (A) send an electronic notice that complies with the requirements of Subsection
7555 (4)(b) to each individual in the state for whom the Office of the Lieutenant
7556 Governor has an email address; or
- 7557 (B) post a notice that complies with the requirements of Subsection (4)(b) on the
7558 home page of the lieutenant governor's website; and
- 7559 (ii) any voter may, [~~before 5 p.m.~~]no later than the first business day that is at least
7560 seven calendar days after the day on which the lieutenant governor provides the
7561 notice described in Subsection (4)(a)(i), submit a written request to the presiding
7562 officer of the house in which the measure originated for permission to prepare and
7563 file an argument for the side on which no argument has been filed by a member of
7564 the Legislature.
- 7565 (b) A notice described in Subsection (4)(a)(i) shall contain:
- 7566 (i) the ballot title for the measure;
- 7567 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and
- 7568 (iii) the deadlines described in Subsections (4)(a)(ii) and (4)(d).
- 7569 (c)(i) The presiding officer of the house of origin shall grant permission unless two or
7570 more voters timely request permission to submit arguments on the same side of a
7571 measure.
- 7572 (ii) If two or more voters timely request permission to submit arguments on the same
7573 side of a measure, the presiding officer shall, no later than four calendar days after
7574 the day of the deadline described in Subsection (4)(a)(ii), designate one of the
7575 voters to write the argument.
- 7576 (d) Any argument prepared under this Subsection (4) shall be submitted to the lieutenant
7577 governor [~~before 5 p.m.~~]no later than 5 p.m. on the first business day that is at least

- 7578 seven calendar days after the day on which the presiding officer grants permission to
7579 submit the argument.
- 7580 (e) The lieutenant governor may not accept a ballot argument submitted under this
7581 section unless the ballot argument lists:
- 7582 (i) the name and address of the individual submitting the argument, if the argument is
7583 submitted by an individual voter; or
- 7584 (ii) the name and address of the organization and the names and addresses of at least
7585 two of the organization's principal officers, if the argument is submitted on behalf
7586 of an organization.
- 7587 (f) Except as provided in Subsection (4)(h), the authors may not amend or change the
7588 arguments after they are submitted to the lieutenant governor.
- 7589 (g) Except as provided in Subsection (4)(h), the lieutenant governor may not alter the
7590 arguments in any way.
- 7591 (h) The lieutenant governor and the authors of an argument may jointly modify an
7592 argument after it is submitted if:
- 7593 (i) they jointly agree that changes to the argument must be made to:
- 7594 (A) correct spelling or grammatical errors; or
- 7595 (B) properly characterize the position of a state entity, if the argument
7596 mischaracterizes the position of a state entity; and
- 7597 (ii) the argument has not yet been submitted for typesetting.
- 7598 (i) If, after the lieutenant governor determines that an argument described in this section
7599 mischaracterizes the position of a state entity, the lieutenant governor and the authors
7600 of the argument cannot jointly agree on a change to the argument, the lieutenant
7601 governor:
- 7602 (i) shall publish the argument with the mischaracterization; and
- 7603 (ii) may, immediately following the argument, publish a brief description of the
7604 position of the state entity.

7605 Section 111. Section **20A-7-706** is amended to read:

7606 **20A-7-706 . Copies of arguments to be sent to opposing authors -- Rebuttal**
7607 **arguments.**

- 7608 (1) When the lieutenant governor has received the arguments for and against a measure to
7609 be submitted to the voters, the lieutenant governor shall immediately send copies of the
7610 arguments in favor of the measure to the authors of the arguments against and copies of
7611 the arguments against to the authors of the arguments in favor.

- 7612 (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words, not
 7613 counting the information described in Subsection 20A-7-705(4)(e).
- 7614 (3)(a) The authors shall file the rebuttal arguments [~~shall be filed~~] electronically with the
 7615 lieutenant governor:
- 7616 (i) for constitutional amendments and referendum petitions, [~~before 5 p.m.~~]no later
 7617 than 120 calendar days before the date of the election; and
- 7618 (ii) for initiatives, [~~before 5 p.m.~~]no later than July 30.
- 7619 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
 7620 rebuttal arguments after they are submitted to the lieutenant governor.
- 7621 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
 7622 arguments in any way.
- 7623 (d) The lieutenant governor and the authors of a rebuttal argument may jointly modify a
 7624 rebuttal argument after it is submitted if:
- 7625 (i) they jointly agree that changes to the rebuttal argument must be made to correct
 7626 spelling or grammatical errors; and
- 7627 (ii) the rebuttal argument has not yet been submitted for typesetting.
- 7628 (4) The lieutenant governor shall ensure that:
- 7629 (a) rebuttal arguments are printed in the same manner as the direct arguments; and
- 7630 (b) each rebuttal argument follows immediately after the direct argument which it seeks
 7631 to rebut.

7632 Section 112. Section **20A-7-801** is amended to read:

7633 **20A-7-801 . Statewide Electronic Voter Information Website Program -- Duties**
 7634 **of the lieutenant governor -- Content -- Duties of local election officials -- Deadlines --**
 7635 **Frequently asked voter questions -- Other elections.**

- 7636 (1) There is established the Statewide Electronic Voter Information Website Program
 7637 administered by the lieutenant governor in cooperation with the county clerks for
 7638 general elections and municipal authorities for municipal elections.
- 7639 (2) In accordance with this section, and as resources become available, the lieutenant
 7640 governor, in cooperation with county clerks, shall develop, establish, and maintain a
 7641 state-provided Internet website designed to help inform the voters of the state of:
- 7642 (a) the offices and candidates up for election;
- 7643 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments
 7644 of ballot propositions submitted to the voters; and
- 7645 (c) the status of a voter's trackable ballot, in accordance with Section 20A-3a-401.5,

7646 accessible only by the voter.

7647 (3) Except as provided under Subsection (6), the website shall include:

- 7648 (a) all information currently provided in the Utah voter information pamphlet under
7649 Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared,
7650 analyzed, and submitted by the Judicial Performance Evaluation Commission
7651 describing the judicial selection and retention process;
- 7652 (b) on the homepage of the website, a link to the Judicial Performance Evaluation
7653 Commission's website, judges.utah.gov;
- 7654 (c) a link to the retention recommendation made by the Judicial Performance Evaluation
7655 Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial Performance
7656 Evaluation, for each judicial appointee to a court that is subject to a retention
7657 election, in accordance with Section 20A-12-201, for the upcoming general election;
- 7658 (d) all information submitted by election officers under Subsection (4) on local office
7659 races, local office candidates, and local ballot propositions;
- 7660 (e) a list that contains the name of a political subdivision that operates an election day
7661 voting center under Section 20A-3a-703 and the location of the election day voting
7662 center;
- 7663 (f) other information determined appropriate by the lieutenant governor that is currently
7664 being provided by law, rule, or ordinance in relation to candidates and ballot
7665 questions;
- 7666 (g) any differences in voting method, time, or location designated by the lieutenant
7667 governor under Subsection 20A-1-308(2); and
- 7668 (h) an online ballot tracking system by which a voter can view the status of the voter's
7669 trackable ballot, in accordance with Section 20A-3a-401.5, including:
- 7670 (i) when a ballot has been mailed to the voter;
- 7671 (ii) when an election official has received the voter's ballot; and
- 7672 (iii) when the voter's ballot has been counted.

7673 (4)(a) An election official shall submit the following information for each ballot under
7674 the election official's direct responsibility under this title:

- 7675 (i) a list of all candidates for each office;
- 7676 (ii) if submitted by the candidate to the election official's office [~~before 5 p.m. no~~
7677 ~~later than~~] no later than 5 p.m. on the last business day that is at least 45 calendar
7678 days before the primary election or [~~before 5 p.m. no later than~~] no later than 5
7679 p.m. on the last business day that is at least 60 calendar days before the general

- 7680 election:
- 7681 (A) a statement of qualifications, not exceeding 200 words in length, for each
- 7682 candidate;
- 7683 (B) the following current biographical information if desired by the candidate,
- 7684 current:
- 7685 (I) age;
- 7686 (II) occupation;
- 7687 (III) city of residence;
- 7688 (IV) years of residence in current city; and
- 7689 (V) email address; and
- 7690 (C) a single web address where voters may access more information about the
- 7691 candidate and the candidate's views; and
- 7692 (iii) factual information pertaining to all ballot propositions submitted to the voters,
- 7693 including:
- 7694 (A) a copy of the number and ballot title of each ballot proposition;
- 7695 (B) the final vote cast for each ballot proposition, if any, by a legislative body if
- 7696 the vote was required to place the ballot proposition on the ballot;
- 7697 (C) a complete copy of the text of each ballot proposition, with all new language
- 7698 underlined and all deleted language placed within brackets; and
- 7699 (D) other factual information determined helpful by the election official.
- 7700 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
- 7701 governor no later than one business day after the deadline under Subsection (4)(a) for
- 7702 each general election year and each municipal election year.
- 7703 (c) The lieutenant governor shall:
- 7704 (i) review the information submitted under this section, to determine compliance
- 7705 under this section, prior to placing it on the website;
- 7706 (ii) refuse to post information submitted under this section on the website if it is not
- 7707 in compliance with the provisions of this section; and
- 7708 (iii) organize, format, and arrange the information submitted under this section for
- 7709 the website.
- 7710 (d) The lieutenant governor may refuse to include information the lieutenant governor
- 7711 determines is not in keeping with:
- 7712 (i) Utah voter needs;
- 7713 (ii) public decency; or

- 7714 (iii) the purposes, organization, or uniformity of the website.
- 7715 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with Subsection
7716 (5).
- 7717 (5)(a) A person whose information is refused under Subsection (4), and who is
7718 aggrieved by the determination, may appeal by submitting a written notice of appeal
7719 to the lieutenant governor before 5 p.m. within 10 business days after the date of the
7720 determination. A notice of appeal submitted under this Subsection (5)(a) shall
7721 contain:
- 7722 (i) a listing of each objection to the lieutenant governor's determination; and
7723 (ii) the basis for each objection.
- 7724 (b) The lieutenant governor shall review the notice of appeal and shall issue a written
7725 response within 10 business days after the day on which the notice of appeal is
7726 submitted.
- 7727 (c) An appeal of the response of the lieutenant governor shall be made to the district
7728 court, which shall review the matter de novo.
- 7729 (6)(a) The lieutenant governor shall ensure that each voter will be able to conveniently
7730 enter the voter's address information on the website to retrieve information on which
7731 offices, candidates, and ballot propositions will be on the voter's ballot at the next
7732 general election or municipal election.
- 7733 (b) The information on the website will anticipate and answer frequent voter questions
7734 including the following:
- 7735 (i) what offices are up in the current year for which the voter may cast a vote;
7736 (ii) who is running for what office and who is the incumbent, if any;
7737 (iii) what address each candidate may be reached at and how the candidate may be
7738 contacted;
- 7739 (iv) for partisan races only, what, if any, is each candidate's party affiliation;
7740 (v) what qualifications have been submitted by each candidate;
7741 (vi) where additional information on each candidate may be obtained;
7742 (vii) what ballot propositions will be on the ballot; and
7743 (viii) what judges are up for retention election.
- 7744 (7) The lieutenant governor shall ensure that each voter may conveniently enter the voter's
7745 name, date of birth, and address information on the website to retrieve information on
7746 the status of the voter's ballot if the voter's ballot is trackable under Section
7747 20A-3a-401.5.

7748 (8) As resources are made available and in cooperation with the county clerks, the
7749 lieutenant governor may expand the electronic voter information website program to
7750 include the same information as provided under this section for special elections and
7751 primary elections.

7752 Section 113. Section **20A-8-103** is amended to read:

7753 **20A-8-103 . Petition procedures -- Criminal penalty -- Removal of signature.**

7754 (1) As used in this section, the proposed name or emblem of a registered political party is
7755 "distinguishable" if a reasonable person of average intelligence will be able to perceive a
7756 difference between the proposed name or emblem and any name or emblem currently
7757 being used by another registered political party.

7758 (2) To become a registered political party, an organization of registered voters that is not a
7759 continuing political party shall:

7760 (a) circulate a petition seeking registered political party status beginning no earlier than
7761 the date of the statewide canvass held after the last regular general election and
7762 ending before 5 p.m. no later than November 30 of the year before the year in which
7763 the next regular general election will be held;

7764 (b) file a petition with the lieutenant governor that is signed, with a holographic
7765 signature, by at least 2,000 registered voters before 5 p.m. no later than November 30
7766 of the year in which a regular general election will be held; and

7767 (c) file, with the petition described in Subsection (2)(b), a document certifying:

7768 (i) the identity of one or more registered political parties whose members may vote
7769 for the organization's candidates;

7770 (ii) whether unaffiliated voters may vote for the organization's candidates; and

7771 (iii) whether, for the next election, the organization intends to nominate the

7772 organization's candidates in accordance with the provisions of Section 20A-9-406.

7773 (3) The petition shall:

7774 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

7775 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
7776 blank for the purpose of binding;

7777 (c) contain the name of the political party and the words "Political Party Registration
7778 Petition" printed directly below the horizontal line;

7779 (d) contain the word "Warning" printed directly under the words described in Subsection
7780 (3)(c);

7781 (e) contain, to the right of the word "Warning," the following statement printed in not less than

7782 eight-point, single leaded type:

7783 "It is a class A misdemeanor for anyone to knowingly sign a political party registration
7784 petition signature sheet with any name other than the individual's own name or more than once
7785 for the same party or if the individual is not registered to vote in this state and does not intend
7786 to become registered to vote in this state before the petition is submitted to the lieutenant
7787 governor.";

7788 (f) contain the following statement directly under the statement described in Subsection (3)(e):

7789 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,

7790 Lieutenant Governor:

7791 We, the undersigned citizens of Utah, seek registered political party status for _____
7792 (name);

7793 Each signer says:

7794 I have personally signed this petition with a holographic signature;

7795 I am registered to vote in Utah or will register to vote in Utah before the petition is
7796 submitted to the lieutenant governor;

7797 I am or desire to become a member of the political party; and

7798 My street address is written correctly after my name.";

7799 (g) be vertically divided into columns as follows:

7800 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
7801 headed with "For Office Use Only," and be subdivided with a light vertical line
7802 down the middle;

7803 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
7804 Name (must be legible to be counted)";

7805 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
7806 Registered Voter";

7807 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

7808 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
7809 Code"; and

7810 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
7811 information is not required, but it may be used to verify your identity with voter
7812 registration records. If you choose not to provide it, your signature may not be
7813 certified as a valid signature if you change your address before petition signatures
7814 are certified or if the information you provide does not match your voter
7815 registration records.";

7816 (h) have a final page bound to one or more signature sheets that are bound together that
7817 contains the following printed statement:

7818 "Verification

7819 State of Utah, County of ____

7820 I, _____, of _____, hereby state that:

7821 I am a Utah resident and am at least 18 years old;

7822 All the names that appear on the signature sheets bound to this page were signed by
7823 individuals who professed to be the individuals whose names appear on the signature sheets,
7824 and each individual signed the individual's name on the signature sheets in my presence;

7825 I believe that each individual has printed and signed the individual's name and written
7826 the individual's street address correctly, and that each individual is registered to vote in Utah or
7827 will register to vote in Utah before the petition is submitted to the lieutenant governor.

7828

7829

7830 (Signature) (Residence Address) (Date)"; and

7831 (i) be bound to a cover sheet that:

7832 (i) identifies the political party's name, which may not exceed four words, and the
7833 emblem of the party;

7834 (ii) states the process that the organization will follow to organize and adopt a
7835 constitution and bylaws; and

7836 (iii) is signed by a filing officer, who agrees to receive communications on behalf of
7837 the organization.

7838 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual in
7839 whose presence each signature sheet is signed:

7840 (a) is at least 18 years old;

7841 (b) meets the residency requirements of Section 20A-2-105; and

7842 (c) verifies each signature sheet by completing the verification bound to one or more
7843 signature sheets that are bound together.

7844 (5) An individual may not sign the verification if the individual signed a signature sheet
7845 bound to the verification.

7846 (6) The lieutenant governor shall:

7847 (a) use the procedures described in Section 20A-1-1002 to determine whether a signer is
7848 a registered voter;

7849 (b) review the proposed name and emblem to determine if they are "distinguishable"

- 7850 from the names and emblems of other registered political parties; and
- 7851 (c) certify the lieutenant governor's findings to the filing officer described in Subsection
- 7852 (3)(i)(iii) within 30 calendar days [~~of the filing of~~] after the day on which the
- 7853 organization files the petition described in Subsection (2)(b).
- 7854 (7)(a) If the lieutenant governor determines that the petition meets the requirements of
- 7855 this section, and that the proposed name and emblem are distinguishable, the
- 7856 lieutenant governor shall authorize the filing officer described in Subsection (3)(i)(iii)
- 7857 to organize the prospective political party.
- 7858 (b) If the lieutenant governor finds that the name, emblem, or both are not
- 7859 distinguishable from the names and emblems of other registered political parties, the
- 7860 lieutenant governor shall notify the filing officer that the filing officer has seven
- 7861 calendar days to electronically submit a new name or emblem to the lieutenant
- 7862 governor.
- 7863 (8) A registered political party may not change its name or emblem during the regular
- 7864 general election cycle.
- 7865 (9)(a) It is unlawful for an individual to:
- 7866 (i) knowingly sign a political party registration petition:
- 7867 (A) with any name other than the individual's own name;
- 7868 (B) more than once for the same political party; or
- 7869 (C) if the individual is not registered to vote in this state and does not intend to
- 7870 become registered to vote in this state before the petition is submitted to the
- 7871 lieutenant governor; or
- 7872 (ii) sign the verification of a political party registration petition signature sheet if the
- 7873 individual:
- 7874 (A) does not meet the residency requirements of Section 20A-2-105;
- 7875 (B) has not witnessed the signing by those individuals whose names appear on the
- 7876 political party registration petition signature sheet; or
- 7877 (C) knows that an individual whose signature appears on the political party
- 7878 registration petition signature sheet is not registered to vote in this state and
- 7879 does not intend to become registered to vote in this state.
- 7880 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.
- 7881 (10)(a) A voter who signs a petition under this section may have the voter's signature
- 7882 removed from the petition by, no later than three business days after the day on
- 7883 which the petition is filed with the lieutenant governor, submitting to the lieutenant

- 7884 governor a statement requesting that the voter's signature be removed.
- 7885 (b) A statement described in Subsection (10)(a) shall comply with the requirements
- 7886 described in Subsection 20A-1-1003(2).
- 7887 (c) The lieutenant governor shall use the procedures described in Subsection
- 7888 20A-1-1003(3) to determine whether to remove an individual's signature from a
- 7889 petition after receiving a timely, valid statement requesting removal of the signature.
- 7890 Section 114. Section **20A-8-401** is amended to read:
- 7891 **20A-8-401 . Registered political parties -- Bylaws -- Report name of midterm**
- 7892 **vacancy candidate.**
- 7893 (1)(a) Each new or unregistered state political party that seeks to become a registered
- 7894 political party under the authority of this chapter shall file a copy of the party's
- 7895 proposed constitution and bylaws at the time the party files the party's registration
- 7896 information.
- 7897 (b) Each registered state political party shall file revised copies of the party's constitution
- 7898 or bylaws with the lieutenant governor [~~before 5 p.m. within~~] no later than 5 p.m. on
- 7899 the first business day that is at least 15 calendar days after the day on which the
- 7900 constitution or bylaws are adopted or amended.
- 7901 (2) Each state political party, each new political party seeking registration, and each
- 7902 unregistered political party seeking registration shall ensure that the party's constitution
- 7903 or bylaws contain:
- 7904 (a) provisions establishing party organization, structure, membership, and governance
- 7905 that include:
- 7906 (i) a description of the position, selection process, qualifications, duties, and terms of
- 7907 each party officer and committees defined by constitution and bylaws;
- 7908 (ii) a provision requiring a designated party officer to serve as liaison with:
- 7909 (A) the lieutenant governor on all matters relating to the political party's
- 7910 relationship with the state; and
- 7911 (B) each county legislative body on matters relating to the political party's
- 7912 relationship with a county;
- 7913 (iii) a description of the requirements for participation in party processes;
- 7914 (iv) the dates, times, and quorum of any regularly scheduled party meetings,
- 7915 conventions, or other conclaves; and
- 7916 (v) a mechanism for making the names of delegates, candidates, and elected party
- 7917 officers available to the public shortly after they are selected;

- 7918 (b) a procedure for selecting party officers that allows active participation by party
7919 members;
- 7920 (c) a procedure for selecting party candidates at the federal, state, and county levels that
7921 allows active participation by party members;
- 7922 (d)(i) a procedure for selecting electors who are pledged to cast their votes in the
7923 electoral college for the party's candidates for president and vice president of the
7924 United States; and
- 7925 (ii) a procedure for filling vacancies in the office of presidential elector because of
7926 death, refusal to act, failure to attend, ineligibility, or any other cause;
- 7927 (e) a procedure for filling vacancies in the office of representative or senator or a county
7928 office, as described in Section 20A-1-508, because of death, resignation, or
7929 ineligibility;
- 7930 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;
- 7931 (g) a procedure for replacing party candidates who die, acquire a disability that prevents
7932 the candidate from continuing the candidacy, or are disqualified before a primary or
7933 regular general election;
- 7934 (h) provisions governing the deposit and expenditure of party funds, and governing the
7935 accounting for, reporting, and audit of party financial transactions;
- 7936 (i) provisions governing access to party records;
- 7937 (j) a procedure for amending the constitution or bylaws that allows active participation
7938 by party members or their representatives;
- 7939 (k) a process for resolving grievances against the political party; and
- 7940 (l) if desired by the political party, a process for consulting with, and obtaining the
7941 opinion of, the political party's Utah Senate and Utah House of Representatives
7942 members about:
- 7943 (i) the performance of the two United States Senators from Utah, including
7944 specifically:
- 7945 (A) their views and actions regarding the defense of state's rights and federalism;
7946 and
- 7947 (B) their performance in representing Utah's interests;
- 7948 (ii) the members' opinion about, or rating of, and support or opposition to the policy
7949 positions of any candidates for United States Senate from Utah, including
7950 incumbents, including specifically:
- 7951 (A) their views and actions regarding the defense of state's rights and federalism;

- 7952 and
- 7953 (B) their performance in representing Utah's interests; and
- 7954 (iii) the members' collective or individual endorsement or rating of a particular
- 7955 candidate for United States Senate from Utah.
- 7956 (3) If, in accordance with a political party's constitution or bylaws, a person files a
- 7957 declaration or otherwise notifies the party of the person's candidacy as a legislative
- 7958 office candidate or state office candidate, as defined in Section 20A-11-101, to be
- 7959 appointed and fill a midterm vacancy in the office of representative or senator in the
- 7960 Legislature, as described in Section 20A-1-503, or in a state office as described in
- 7961 Section 20A-1-504, the party shall forward a copy of that declaration or notification to
- 7962 the lieutenant governor before 5 p.m. no later than the day following the day on which
- 7963 the party receives the declaration or notification.

7964 Section 115. Section **20A-8-402** is amended to read:

7965 **20A-8-402 . Political party officers -- Submission of names of officers to the**

7966 **lieutenant governor.**

- 7967 (1) Each state political party shall:
- 7968 (a) designate a party officer to act as liaison with:
- 7969 (i) the lieutenant governor's office; and
- 7970 (ii) each county legislative body; and
- 7971 (b) [~~before 5 p.m.~~]no later than 5 p.m. on the first business day that is at least seven
- 7972 calendar days after the day on which the party makes a change in the party liaison,
- 7973 submit the name of the new liaison to the lieutenant governor.
- 7974 (2) Each state political party and each county political party shall:
- 7975 (a) submit the name, address, and phone number of each officer to the lieutenant
- 7976 governor [~~within~~] no later than 5 p.m. on the first business day that is at least seven
- 7977 calendar days after the officers are selected; and
- 7978 (b) [~~before 5 p.m.~~]no later than 5 p.m. on the first business day that is at least seven
- 7979 calendar days after the day on which the party makes a change in party officers,
- 7980 submit the name, address, and phone number of each new officer to the lieutenant
- 7981 governor.

7982 Section 116. Section **20A-8-404** is amended to read:

7983 **20A-8-404 . Use of public meeting buildings by political parties.**

- 7984 (1) The legislative body of a county, municipality, school district, or public institution of
- 7985 higher education shall make all meeting facilities in buildings under its control available

- 7986 to registered political parties, without discrimination, to be used for political party
 7987 activities if:
- 7988 (a) the political party requests the use of the meeting facility [~~before 5 p.m. no later than~~
 7989 no later than 5 p.m. on the last business day that is at least 30 calendar days before
 7990 the day on which the use by the political party will take place; and
- 7991 (b) the meeting facility is not already scheduled for another purpose at the time of the
 7992 proposed use.
- 7993 (2) Subject to the requirements of Subsection (3), when a legislative body makes a meeting
 7994 facility available under Subsection (1), it may establish terms and conditions for use of
 7995 that meeting facility.
- 7996 (3) The charge imposed for the use of a meeting facility described in Subsection (1) by a
 7997 registered political party may not exceed the actual cost of:
- 7998 (a) custodial services for cleaning the meeting facility after the use by the political party;
 7999 and
- 8000 (b) any service requested by the political party and provided by the meeting facility.
- 8001 (4) An entity described in Subsection (1) shall, to the extent possible, avoid scheduling an
 8002 event in a government building for the same evening as an announced party caucus
 8003 meeting.
- 8004 (5) This section does not apply to a publicly owned or operated convention center, sports
 8005 arena, or other facility at which conventions, conferences, and other gatherings are held
 8006 and whose primary business or function is to host such conventions, conferences, and
 8007 other gatherings.

8008 Section 117. Section **20A-9-201** is amended to read:

8009 **20A-9-201 . Declarations of candidacy -- Candidacy for more than one office or**
 8010 **of more than one political party prohibited with exceptions -- General filing and form**
 8011 **requirements -- Affidavit of impecuniosity.**

- 8012 (1) Before filing a declaration of candidacy for election to any office, an individual shall:
- 8013 (a) be a United States citizen;
- 8014 (b) meet the legal requirements of that office; and
- 8015 (c) if seeking a registered political party's nomination as a candidate for elective office,
 8016 state:
- 8017 (i) the registered political party of which the individual is a member; or
- 8018 (ii) that the individual is not a member of a registered political party.
- 8019 (2)(a) Except as provided in Subsection (2)(b), an individual may not:

- 8020 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
8021 Utah during any election year;
- 8022 (ii) appear on the ballot as the candidate of more than one political party; or
8023 (iii) file a declaration of candidacy for a registered political party of which the
8024 individual is not a member, except to the extent that the registered political party
8025 permits otherwise in the registered political party's bylaws.
- 8026 (b)(i) An individual may file a declaration of candidacy for, or be a candidate for,
8027 president or vice president of the United States and another office, if the
8028 individual resigns the individual's candidacy for the other office after the
8029 individual is officially nominated for president or vice president of the United
8030 States.
- 8031 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
8032 than one justice court judge office.
- 8033 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
8034 the individual filed a declaration of candidacy for another office in the same
8035 election year if the individual withdraws as a candidate for the other office in
8036 accordance with Subsection 20A-9-202(6) before filing the declaration of
8037 candidacy for lieutenant governor.
- 8038 (3)(a) Except for a candidate for president or vice president of the United States, before
8039 the filing officer may accept any declaration of candidacy, the filing officer shall:
- 8040 (i) read to the individual the constitutional and statutory qualification requirements
8041 for the office that the individual is seeking;
- 8042 (ii) require the individual to state whether the individual meets the requirements
8043 described in Subsection (3)(a)(i);
- 8044 (iii) if the declaration of candidacy is for a county office, inform the individual that
8045 an individual who holds a county elected office may not, at the same time, hold a
8046 municipal elected office; and
- 8047 (iv) if the declaration of candidacy is for a legislative office, inform the individual
8048 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a
8049 public office of profit or trust, under authority of the United States or Utah, from
8050 being a member of the Legislature.
- 8051 (b) Before accepting a declaration of candidacy for the office of county attorney, the
8052 county clerk shall ensure that the individual filing that declaration of candidacy is:
8053 (i) a United States citizen;

- 8054 (ii) an attorney licensed to practice law in the state who is an active member in good
8055 standing of the Utah State Bar;
- 8056 (iii) a registered voter in the county in which the individual is seeking office; and
8057 (iv) a current resident of the county in which the individual is seeking office and
8058 either has been a resident of that county for at least one year before the date of the
8059 election or was appointed and is currently serving as county attorney and became
8060 a resident of the county within 30 calendar days after appointment to the office.
- 8061 (c) Before accepting a declaration of candidacy for the office of district attorney, the
8062 county clerk shall ensure that, as of the date of the election, the individual filing that
8063 declaration of candidacy is:
- 8064 (i) a United States citizen;
- 8065 (ii) an attorney licensed to practice law in the state who is an active member in good
8066 standing of the Utah State Bar;
- 8067 (iii) a registered voter in the prosecution district in which the individual is seeking
8068 office; and
- 8069 (iv) a current resident of the prosecution district in which the individual is seeking
8070 office and either will have been a resident of that prosecution district for at least
8071 one year before the date of the election or was appointed and is currently serving
8072 as district attorney and became a resident of the prosecution district within 30
8073 calendar days after receiving appointment to the office.
- 8074 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
8075 county clerk shall ensure that the individual filing the declaration:
- 8076 (i) is a United States citizen;
- 8077 (ii) is a registered voter in the county in which the individual seeks office;
- 8078 (iii)(A) has successfully met the standards and training requirements established
8079 for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
8080 Training and Certification Act; or
8081 (B) has met the waiver requirements in Section 53-6-206;
- 8082 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
8083 53-13-103; and
- 8084 (v) before the date of the election, will have been a resident of the county in which
8085 the individual seeks office for at least one year.
- 8086 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
8087 governor, state auditor, state treasurer, attorney general, state legislator, or State

- 8088 Board of Education member, the filing officer shall ensure that the individual filing
8089 the declaration of candidacy also makes the conflict of interest disclosure described
8090 in Section 20A-11-1603.
- 8091 (4) If an individual who files a declaration of candidacy does not meet the qualification
8092 requirements for the office the individual is seeking, the filing officer may not accept the
8093 individual's declaration of candidacy.
- 8094 (5) If an individual who files a declaration of candidacy meets the requirements described
8095 in Subsection (3), the filing officer shall:
- 8096 (a) inform the individual that:
- 8097 (i) the individual's name will appear on the ballot as the individual's name is written
8098 on the individual's declaration of candidacy;
- 8099 (ii) the individual may be required to comply with state or local campaign finance
8100 disclosure laws; and
- 8101 (iii) the individual is required to file a financial statement before the individual's
8102 political convention under:
- 8103 (A) Section 20A-11-204 for a candidate for constitutional office;
- 8104 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 8105 (C) local campaign finance disclosure laws, if applicable;
- 8106 (b) except for a presidential candidate, provide the individual with a copy of the current
8107 campaign financial disclosure laws for the office the individual is seeking and inform
8108 the individual that failure to comply will result in disqualification as a candidate and
8109 removal of the individual's name from the ballot;
- 8110 (c)(i) provide the individual with a copy of Section 20A-7-801 regarding the
8111 Statewide Electronic Voter Information Website Program and inform the
8112 individual of the submission deadline under Subsection 20A-7-801(4)(a);
- 8113 (ii) inform the individual that the individual must provide the filing officer with an
8114 email address that the individual actively monitors:
- 8115 (A) to receive a communication from a filing officer or an election officer; and
- 8116 (B) if the individual wishes to display a candidate profile on the Statewide
8117 Electronic Voter Information Website, to submit to the website the
8118 biographical and other information described in Subsection 20A-7-801
8119 (4)(a)(ii);
- 8120 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is
8121 not a record under Title 63G, Chapter 2, Government Records Access and

8122 Management Act; and
 8123 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
 8124 (d) provide the candidate with a copy of the pledge of fair campaign practices described
 8125 under Section 20A-9-206 and inform the candidate that:
 8126 (i) signing the pledge is voluntary; and
 8127 (ii) signed pledges shall be filed with the filing officer;
 8128 (e) accept the individual's declaration of candidacy; and
 8129 (f) if the individual has filed for a partisan office, provide a certified copy of the
 8130 declaration of candidacy to the chair of the county or state political party of which the
 8131 individual is a member.

8132 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
 8133 shall:

8134 (a) accept the candidate's pledge; and
 8135 (b) if the candidate has filed for a partisan office, provide a certified copy of the
 8136 candidate's pledge to the chair of the county or state political party of which the
 8137 candidate is a member.

8138 (7)(a) Except for a candidate for president or vice president of the United States, the
 8139 form of the declaration of candidacy shall:

8140 (i) be substantially as follows:

8141 "State of Utah, County of ____

8142 I, _____, declare my candidacy for the office of _____, seeking the
 8143 nomination of the _____ party. I do solemnly swear, under penalty of perjury, that: I will meet
 8144 the qualifications to hold the office, both legally and constitutionally, if selected; I reside at
 8145 _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
 8146 knowingly violate any law governing campaigns and elections; if filing via a designated agent,
 8147 I will be out of the state of Utah during the entire candidate filing period; I will file all
 8148 campaign financial disclosure reports as required by law; and I understand that failure to do so
 8149 will result in my disqualification as a candidate for this office and removal of my name from
 8150 the ballot. The mailing address that I designate for receiving official election notices is
 8151 _____.

8152 _____
 8153 Subscribed and sworn before me this _____(month\day\year).

8154 Notary Public (or other officer qualified to administer oath)."; and

8155 (ii) require the candidate to state, in the sworn statement described in Subsection

- 8156 (7)(a)(i):
8157 (A) the registered political party of which the candidate is a member; or
8158 (B) that the candidate is not a member of a registered political party.
- 8159 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of
8160 candidacy may not sign the form described in Subsection (7)(a) or Section
8161 20A-9-408.5.
- 8162 (8)(a) Except for a candidate for president or vice president of the United States, the fee
8163 for filing a declaration of candidacy is:
- 8164 (i) \$50 for candidates for the local school district board; and
8165 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
8166 person holding the office for all other federal, state, and county offices.
- 8167 (b) Except for presidential candidates, the filing officer shall refund the filing fee to any
8168 candidate:
- 8169 (i) who is disqualified; or
8170 (ii) who the filing officer determines has filed improperly.
- 8171 (c)(i) The county clerk shall immediately pay to the county treasurer all fees received
8172 from candidates.
8173 (ii) The lieutenant governor shall:
- 8174 (A) apportion to and pay to the county treasurers of the various counties all fees
8175 received for filing of nomination certificates or acceptances; and
8176 (B) ensure that each county receives that proportion of the total amount paid to the
8177 lieutenant governor from the congressional district that the total vote of that
8178 county for all candidates for representative in Congress bears to the total vote
8179 of all counties within the congressional district for all candidates for
8180 representative in Congress.
- 8181 (d)(i) A person who is unable to pay the filing fee may file a declaration of candidacy
8182 without payment of the filing fee upon a prima facie showing of impecuniosity as
8183 evidenced by an affidavit of impecuniosity filed with the filing officer and, if
8184 requested by the filing officer, a financial statement filed at the time the affidavit
8185 is submitted.
- 8186 (ii) A person who is able to pay the filing fee may not claim impecuniosity.
- 8187 (iii)(A) False statements made on an affidavit of impecuniosity or a financial
8188 statement filed under this section shall be subject to the criminal penalties
8189 provided under Sections 76-8-503 and 76-8-504 and any other applicable

8190 criminal provision.

8191 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
8192 considered an offense under this title for the purposes of assessing the penalties
8193 provided in Subsection 20A-1-609(2).

8194 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially
8195 the following form:

8196 "Affidavit of Impecuniosity

8197 Individual Name

8198 _____Address_____

8199 Phone Number _____

8200 I, _____(name), do solemnly [swear] [affirm], under penalty of
8201 law for false statements, that, owing to my poverty, I am unable to pay the filing fee required
8202 by law.

8203 Date _____

8204 Signature_____ Affiant

8205 Subscribed and sworn to before me on _____ (month\day\year)

8206 _____
8207 (signature)

8208 Name and Title of Officer Authorized to Administer Oath _____".

8209 (v) The filing officer shall provide to a person who requests an affidavit of impecuniosity a
8210 statement printed in substantially the following form, which may be included on the affidavit
8211 of impecuniosity:

8212 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
8213 candidate who is found guilty of filing a false statement, in addition to being subject to
8214 criminal penalties, will be removed from the ballot."

8215 (vi) The filing officer may request that a person who makes a claim of impecuniosity
8216 under this Subsection (8)(d) file a financial statement on a form prepared by the
8217 election official.

8218 (9) An individual who fails to file a declaration of candidacy or certificate of nomination
8219 within the time provided in this chapter is ineligible for nomination to office.

8220 (10) A declaration of candidacy filed under this section may not be amended or modified
8221 after the final date established for filing a declaration of candidacy.

8222 Section 118. Section **20A-9-201.5** is amended to read:

8223 **20A-9-201.5 . Declaration of candidacy filing period for a qualified political**

8224 party.

8225 [~~(1)~~ In 2022, for a qualified political party, the filing period to file a declaration of
8226 candidacy for an elective office that is to be filled at the next regular general election
8227 begins at 8 a.m. on February 28, 2022, and ends at 5 p.m. on March 4, 2022.]

8228 [~~(2)~~ Beginning on January 1, 2024, for] For a qualified political party, the filing period to
8229 file a declaration of candidacy for an elective office that is to be filled at the next regular
8230 general election:

8231 [~~(a)~~] (1) begins at 8[:00] a.m. on the later of:

8232 [~~(i)~~] (a) January 2 of the year in which the next regular general election is held; or

8233 [~~(ii)~~] (b) if January 2 is not a business day, the first business day after January 2; and

8234 [~~(b)~~] (2) ends at 5 p.m. on the fourth business day after the day on which the filing period
8235 begins.

8236 Section 119. Section **20A-9-202** is amended to read:

8237 **20A-9-202 . Declarations of candidacy for regular general elections.**

8238 (1)(a) An individual seeking to become a candidate for an elective office that is to be
8239 filled at the next regular general election shall:

8240 (i) except as provided in Subsection (1)(c), file a declaration of candidacy in person
8241 with the filing officer on or after January 1 of the regular general election year,
8242 and, if applicable, before the individual circulates nomination petitions under
8243 Section 20A-9-405; and

8244 (ii) pay the filing fee.

8245 (b) Unless expressly provided otherwise in this title, for a registered political party that
8246 is not a qualified political party, the deadline for filing a declaration of candidacy for
8247 an elective office that is to be filled at the next regular general election is 5 p.m. on
8248 the first Monday after the fourth Saturday in April.

8249 (c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file
8250 a declaration of candidacy with the filing officer if:

8251 (i) the individual is located outside of the state during the entire filing period;

8252 (ii) the designated agent appears in person before the filing officer;

8253 (iii) the individual communicates with the filing officer using an electronic device
8254 that allows the individual and filing officer to see and hear each other; and

8255 (iv) the individual provides the filing officer with an email address to which the filing
8256 officer may send the individual the copies described in Subsection 20A-9-201(5).

8257 (d) Each county clerk who receives a declaration of candidacy from a candidate for

- 8258 multicounty office shall transmit the filing fee and a copy of the candidate's
8259 declaration of candidacy to the lieutenant governor within one business day after the
8260 candidate files the declaration of candidacy.
- 8261 (e) Each business day during the filing period, each county clerk shall notify the
8262 lieutenant governor electronically or by telephone of candidates who have filed a
8263 declaration of candidacy with the county clerk.
- 8264 (f) Each individual seeking the office of lieutenant governor, the office of district
8265 attorney, or the office of president or vice president of the United States shall comply
8266 with the specific declaration of candidacy requirements established by this section.
- 8267 (2)(a) Each individual intending to become a candidate for the office of district attorney
8268 within a multicounty prosecution district that is to be filled at the next regular general
8269 election shall:
- 8270 (i) file a declaration of candidacy with the clerk designated in the interlocal
8271 agreement creating the prosecution district on or after January 1 of the regular
8272 general election year, and before the individual circulates nomination petitions
8273 under Section 20A-9-405; and
- 8274 (ii) pay the filing fee.
- 8275 (b) The designated clerk shall provide to the county clerk of each county in the
8276 prosecution district a certified copy of each declaration of candidacy filed for the
8277 office of district attorney.
- 8278 (3)(a) Before the deadline described in Subsection (1)(b), each lieutenant governor
8279 candidate shall:
- 8280 (i) file a declaration of candidacy with the lieutenant governor;
- 8281 (ii) pay the filing fee; and
- 8282 (iii) submit a letter from a candidate for governor who has received certification for
8283 the primary-election ballot under Section 20A-9-403 that names the lieutenant
8284 governor candidate as a joint-ticket running mate.
- 8285 (b)(i) A candidate for lieutenant governor who fails to timely file is disqualified.
- 8286 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file
8287 to replace the disqualified candidate.
- 8288 (4) Before 5 p.m. no later than August 31, each registered political party shall:
- 8289 (a) certify the names of the political party's candidates for president and vice president of
8290 the United States to the lieutenant governor; or
- 8291 (b) provide written authorization for the lieutenant governor to accept the certification of

8292 candidates for president and vice president of the United States from the national
8293 office of the registered political party.

8294 (5)(a) A declaration of candidacy filed under this section is valid unless a written
8295 objection is filed with the clerk or lieutenant governor [~~before~~] no later than 5 p.m. on
8296 the last business day that is at least 10 calendar days before the deadline described in
8297 Subsection 20A-9-409(4)(c).

8298 (b) If an objection is made, the clerk or lieutenant governor shall:

8299 (i) mail or personally deliver notice of the objection to the affected candidate
8300 immediately; and

8301 (ii) decide any objection within 48 hours after it is filed.

8302 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
8303 problem by:

8304 (i) amending the declaration or petition [~~before 5 p.m. within~~] no later than 5 p.m. on
8305 the first business day that is at least three calendar days after the day on which the
8306 objection is sustained[~~or by~~]; or

8307 (ii) filing a new declaration [~~before 5 p.m. within~~] no later than 5 p.m. on the first
8308 business day that is at least three calendar days after the day on which the
8309 objection is sustained.

8310 (d)(i) The clerk's or lieutenant governor's decision upon objections to form is final.

8311 (ii) The clerk's or lieutenant governor's decision upon substantive matters is
8312 reviewable by a district court if prompt application is made to the court.

8313 (iii) The decision of the district court is final unless the Supreme Court, in the
8314 exercise of its discretion, agrees to review the lower court decision.

8315 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing
8316 a written affidavit with the clerk.

8317 (7)(a) Except for a candidate who is certified by a registered political party under
8318 Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later
8319 than August 31 of a general election year, each individual running as a candidate for
8320 vice president of the United States shall:

8321 (i) file a declaration of candidacy, in person or via a designated agent, on a form
8322 developed by the lieutenant governor, that:

8323 (A) contains the individual's name, address, and telephone number;

8324 (B) states that the individual meets the qualifications for the office of vice
8325 president of the United States;

- 8326 (C) names the presidential candidate, who has qualified for the general election
8327 ballot, with which the individual is running as a joint-ticket running mate;
8328 (D) states that the individual agrees to be the running mate of the presidential
8329 candidate described in Subsection (7)(a)(i)(C); and
8330 (E) contains any other necessary information identified by the lieutenant governor;
8331 (ii) pay the filing fee; and
8332 (iii) submit a letter from the presidential candidate described in Subsection
8333 (7)(a)(i)(C) that names the individual as a joint-ticket running mate as a vice
8334 presidential candidate.
- 8335 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of
8336 candidacy.
- 8337 (c) A vice presidential candidate who fails to meet the requirements described in this
8338 Subsection (7) may not appear on the general election ballot.
- 8339 (8) An individual filing a declaration of candidacy for president or vice president of the
8340 United States shall pay a filing fee of \$500.

8341 Section 120. Section **20A-9-203** is amended to read:

8342 **20A-9-203 . Declarations of candidacy -- Municipal general elections --**
8343 **Nomination petition -- Removal of signature.**

- 8344 (1) An individual may become a candidate for any municipal office if:
8345 (a) the individual is a registered voter; and
8346 (b)(i) the individual has resided within the municipality in which the individual seeks
8347 to hold elective office for the 12 consecutive months immediately before the date
8348 of the election; or
8349 (ii) the territory in which the individual resides was annexed into the municipality,
8350 the individual has resided within the annexed territory or the municipality the 12
8351 consecutive months immediately before the date of the election.
- 8352 (2)(a) For purposes of determining whether an individual meets the residency
8353 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than
8354 12 months before the election, the municipality is considered to have been
8355 incorporated 12 months before the date of the election.
- 8356 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
8357 council position shall, if elected from a district, be a resident of the council district
8358 from which the candidate is elected.
- 8359 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent

8360 individual, an individual convicted of a felony, or an individual convicted of treason
8361 or a crime against the elective franchise may not hold office in this state until the
8362 right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.

8363 (3)(a) An individual seeking to become a candidate for a municipal office shall,
8364 regardless of the nomination method by which the individual is seeking to become a
8365 candidate:

8366 (i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate
8367 Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a
8368 declaration of candidacy, in person with the city recorder or town clerk, during the
8369 filing period described in Subsection (3)(d) and the office hours described in [
8370 Section 10-3-301 and not later than the close of those office hours, between June 1
8371 and June 7 of any odd-numbered year] Subsection 10-3-301(3); and

8372 (ii) pay the filing fee, if one is required by municipal ordinance.

8373 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
8374 declaration of candidacy with the city recorder or town clerk if:

8375 (i) the individual is located outside of the state during the entire filing period;

8376 (ii) the designated agent appears in person before the city recorder or town clerk;

8377 (iii) the individual communicates with the city recorder or town clerk using an
8378 electronic device that allows the individual and city recorder or town clerk to see
8379 and hear each other; and

8380 (iv) the individual provides the city recorder or town clerk with an email address to
8381 which the city recorder or town clerk may send the individual the copies described
8382 in Subsection (4).

8383 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

8384 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
8385 Project, filing a nomination petition with the city recorder or town clerk during the
8386 filing period described in Subsection (3)(d) and the office hours described in [
8387 Section 10-3-301 and not later than the close of those office hours, between June 1
8388 and June 7 of any odd-numbered year] Subsection 10-3-301(3) that includes
8389 signatures in support of the nomination petition of the lesser of at least:

8390 (A) 25 registered voters who reside in the municipality; or

8391 (B) 20% of the registered voters who reside in the municipality; and

8392 (ii) paying the filing fee, if one is required by municipal ordinance.

8393 (d) The filing period to file a declaration of candidacy for an elective office that is to be

- 8394 filled at the next municipal general election:
- 8395 (i) begins at 8 a.m. on the later of:
- 8396 (A) June 1 of the year in which the next municipal general election is held; or
- 8397 (B) if June 1 is not a business day, the first business day after June 1; and
- 8398 (ii) ends at 5 p.m. on the fourth business day after the day on which the filing period
- 8399 begins.
- 8400 (4)(a) Before the filing officer may accept any declaration of candidacy or nomination
- 8401 petition, the filing officer shall:
- 8402 (i) read to the prospective candidate or individual filing the petition the constitutional
- 8403 and statutory qualification requirements for the office that the candidate is seeking;
- 8404 (ii) require the candidate or individual filing the petition to state whether the
- 8405 candidate meets the requirements described in Subsection (4)(a)(i); and
- 8406 (iii) inform the candidate or the individual filing the petition that an individual who
- 8407 holds a municipal elected office may not, at the same time, hold a county elected
- 8408 office.
- 8409 (b) If the prospective candidate does not meet the qualification requirements for the
- 8410 office, the filing officer may not accept the declaration of candidacy or nomination
- 8411 petition.
- 8412 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
- 8413 filing officer shall:
- 8414 (i) inform the candidate that the candidate's name will appear on the ballot as it is
- 8415 written on the declaration of candidacy;
- 8416 (ii) provide the candidate with a copy of the current campaign financial disclosure
- 8417 laws for the office the candidate is seeking and inform the candidate that failure to
- 8418 comply will result in disqualification as a candidate and removal of the candidate's
- 8419 name from the ballot;
- 8420 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
- 8421 Electronic Voter Information Website Program and inform the candidate of the
- 8422 submission deadline under Subsection 20A-7-801(4)(a);
- 8423 (iv) inform the candidate that the candidate must provide the filing officer with an
- 8424 email address that the candidate actively monitors:
- 8425 (A) to receive a communication from a filing officer or an election officer; and
- 8426 (B) if the candidate wishes to display a candidate profile on the Statewide
- 8427 Electronic Voter Information Website, to submit to the website the

8428 biographical and other information described in Subsection 20A-7-801

8429 (4)(a)(ii);

8430 (v) inform the candidate that the email address described in Subsection (4)(c)(iv) is
8431 not a record under Title 63G, Chapter 2, Government Records Access and
8432 Management Act;

8433 (vi) obtain from the candidate the email address described in Subsection (4)(c)(iv);

8434 (vii) provide the candidate with a copy of the pledge of fair campaign practices
8435 described under Section 20A-9-206 and inform the candidate that:

8436 (A) signing the pledge is voluntary; and

8437 (B) signed pledges shall be filed with the filing officer; and

8438 (viii) accept the declaration of candidacy or nomination petition.

8439 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
8440 shall:

8441 (i) accept the candidate's pledge; and

8442 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
8443 candidate's pledge to the chair of the county or state political party of which the
8444 candidate is a member.

8445 (5)(a) The declaration of candidacy shall be in substantially the following form:

8446 "I, (print name) _____, being first sworn and under penalty of perjury, say that I reside at
8447 _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number
8448 (if any) _____; that I am a registered voter; and that I am a candidate for the office of _____
8449 (stating the term). I will meet the legal qualifications required of candidates for this office. If
8450 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
8451 candidate filing period. I will file all campaign financial disclosure reports as required by law
8452 and I understand that failure to do so will result in my disqualification as a candidate for this
8453 office and removal of my name from the ballot. I request that my name be printed upon the
8454 applicable official ballots. (Signed) _____

8455 Subscribed and sworn to (or affirmed) before me by _____ on this
8456 _____(month\day\year).

8457 (Signed) _____ (Clerk or other officer qualified to administer oath)."

8458 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
8459 not sign the form described in Subsection (5)(a).

8460 (c)(i) A nomination petition shall be in substantially the following form:

8461 "NOMINATION PETITION

- 8462 The undersigned residents of (name of municipality), being registered voters, nominate
8463 (name of nominee) for the office of (name of office) for the (length of term of office)."
- 8464 (ii) The remainder of the petition shall contain lines and columns for the signatures of
8465 individuals signing the petition and each individual's address and phone number.
- 8466 (6) If the declaration of candidacy or nomination petition fails to state whether the
8467 nomination is for the two-year or four-year term, the clerk shall consider the nomination
8468 to be for the four-year term.
- 8469 (7)(a)(i) The clerk shall verify with the county clerk that all candidates are registered
8470 voters.
- 8471 (b) With the assistance of the county clerk, and using the procedures described in
8472 Section 20A-1-1002, the municipal clerk shall determine whether the required
8473 number of signatures of registered voters appears on a nomination petition.
- 8474 (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk
8475 shall:
- 8476 (a) publicize a list of the names of the candidates as they will appear on the ballot by
8477 publishing the list for the municipality, as a class A notice under Section 63G-30-102,
8478 for seven calendar days; and
- 8479 (b) notify the lieutenant governor of the names of the candidates as they will appear on
8480 the ballot.
- 8481 (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of
8482 candidacy or nomination petition filed under this section after the candidate filing period
8483 ends.
- 8484 (10)(a) A declaration of candidacy or nomination petition that an individual files under
8485 this section is valid unless a person files a written objection with the clerk [~~before 5~~
8486 ~~p.m. within~~] no later than 5 p.m. on the first business day that is at least 10 calendar
8487 days after the last day for filing.
- 8488 (b) If a person files an objection, the clerk shall:
- 8489 (i) mail or personally deliver notice of the objection to the affected candidate
8490 immediately; and
- 8491 (ii) decide any objection within 48 hours after the objection is filed.
- 8492 (c) If the clerk sustains the objection, the candidate may, [~~before 5 p.m. within~~] no later
8493 than 5 p.m. on the first business day that is at least three calendar days after the day
8494 on which the clerk sustains the objection, correct the problem for which the objection
8495 is sustained by amending the candidate's declaration of candidacy or nomination

- 8496 petition, or by filing a new declaration of candidacy.
- 8497 (d)(i) The clerk's decision upon objections to form is final.
- 8498 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
- 8499 prompt application is made to the district court.
- 8500 (iii) The decision of the district court is final unless the Supreme Court, in the
- 8501 exercise of its discretion, agrees to review the lower court decision.
- 8502 (11) A candidate who qualifies for the ballot under this section may withdraw as a
- 8503 candidate by filing a written affidavit with the municipal clerk.
- 8504 (12)(a) A voter who signs a nomination petition under this section may have the voter's
- 8505 signature removed from the petition by, no later than 5 p.m. three business days after
- 8506 the day on which the petition is filed with the city recorder or municipal clerk,
- 8507 submitting to the municipal clerk a statement requesting that the voter's signature be
- 8508 removed.
- 8509 (b) A statement described in Subsection (12)(a) shall comply with the requirements
- 8510 described in Subsection 20A-1-1003(2).
- 8511 (c) With the assistance of the county clerk and using the procedures described in
- 8512 Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an
- 8513 individual's signature from a petition after receiving a timely, valid statement
- 8514 requesting removal of the signature.
- 8515 Section 121. Section **20A-9-207** is amended to read:
- 8516 **20A-9-207 . Withdrawal of candidacy -- Notice.**
- 8517 As used in this section:
- 8518 (1) "Public office" means the offices of governor, lieutenant governor, attorney general,
- 8519 state auditor, state treasurer, state senator, state representative, state school board, or an
- 8520 elective office of a local political subdivision.
- 8521 (2) "Public office candidate" means a person who files a declaration of candidacy for a
- 8522 public office.
- 8523 (3) If a public office candidate withdraws as a candidate, an election officer shall:
- 8524 (a) no later than two business days after the day on which the election officer receives
- 8525 notice of the withdrawal, notify every opposing candidate for the public office that
- 8526 the public office candidate has withdrawn;
- 8527 (b) subject to Subsection (4), upon notice of a withdrawal that occurs 65 or fewer
- 8528 calendar days before the date of the election, send an email notification to each voter
- 8529 who is eligible to vote in the public office race for whom the election officer has an

- 8530 email address informing the voter:
- 8531 (i) that the public office candidate has withdrawn; and
- 8532 (ii) that a vote cast for the public office candidate will not be counted, regardless of
- 8533 whether the public office candidate's name appears on the ballot;
- 8534 (c) post notice of the withdrawal on a public website; and
- 8535 (d) if practicable, include with the ballot, including a military or overseas ballot, a
- 8536 written notice that:
- 8537 (i) contains the information described in Subsections (3)(b)(i) and (ii); or
- 8538 (ii) directs the voter to a public website to inform the voter whether a candidate on
- 8539 the ballot has withdrawn.

8540 (4) An election officer shall send the email notification described in Subsection (3)(b) on or

8541 before the earlier of:

8542 (a) the next day on which the election officer mails ballots in accordance with Section

8543 20A-3a-202; or

8544 (b) two business days before the date of the election.

8545 Section 122. Section **20A-9-401.1** is enacted to read:

8546 **20A-9-401.1 . Definitions.**

8547 As used in this part:

8548 (1) "Candidate nomination document" means:

8549 (a) a candidate signature packet; or

8550 (b) a written request to remove a signature from a candidate signature packet.

8551 (2) "Candidate signature packet" means a single packet of signature sheets that:

8552 (a) is bound together and circulated to gather signatures to qualify a candidate for

8553 placement on a primary election ballot; and

8554 (b) includes a cover sheet at the front of the packet and a circulator verification sheet at

8555 the end of the packet.

8556 Section 123. Section **20A-9-403** is amended to read:

8557 **20A-9-403 . Regular primary elections.**

8558 (1)(a) Candidates for elective office that are to be filled at the next regular general

8559 election shall be nominated in a regular primary election by direct vote of the people

8560 in the manner prescribed in this section. The regular primary election is held on the

8561 date specified in Section 20A-1-201.5. Nothing in this section shall affect a

8562 candidate's ability to qualify for a regular general election's ballot as an unaffiliated

8563 candidate under Section 20A-9-501 or to participate in a regular general election as a

- 8564 write-in candidate under Section 20A-9-601.
- 8565 (b) Each registered political party that chooses to have the names of the registered
8566 political party's candidates for elective office featured with party affiliation on the
8567 ballot at a regular general election shall comply with the requirements of this section
8568 and shall nominate the registered political party's candidates for elective office in the
8569 manner described in this section.
- 8570 (c) A filing officer may not permit an official ballot at a regular general election to be
8571 produced or used if the ballot denotes affiliation between a registered political party
8572 or any other political group and a candidate for elective office who is not nominated
8573 in the manner prescribed in this section or in Subsection 20A-9-202(4).
- 8574 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
8575 even-numbered year in which a regular general election will be held.
- 8576 (2)(a) Each registered political party, in a statement filed with the lieutenant governor,
8577 shall:
- 8578 (i) either declare the registered political party's intent to participate in the next regular
8579 primary election or declare that the registered political party chooses not to have
8580 the names of the registered political party's candidates for elective office featured
8581 on the ballot at the next regular general election; and
- 8582 (ii) if the registered political party participates in the upcoming regular primary
8583 election, identify one or more registered political parties whose members may
8584 vote for the registered political party's candidates and whether individuals
8585 identified as unaffiliated with a political party may vote for the registered political
8586 party's candidates.
- 8587 (b)(i) A registered political party that is a continuing political party shall file the
8588 statement described in Subsection (2)(a) with the lieutenant governor no later than
8589 5 p.m. on November 30 of each odd-numbered year.
- 8590 (ii) An organization that is seeking to become a registered political party under
8591 Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the
8592 time that the registered political party files the petition described in Section
8593 20A-8-103.
- 8594 (3)(a) Except as provided in Subsection (3)(e), an individual who submits a declaration
8595 of candidacy under Section 20A-9-202 shall appear as a candidate for elective office
8596 on the regular primary ballot of the registered political party listed on the declaration
8597 of candidacy only if the individual is certified by the appropriate filing officer as

- 8598 having submitted a nomination petition that was:
- 8599 (i) circulated and completed in accordance with Section 20A-9-405; and
- 8600 (ii) signed by at least 2% of the registered political party's members who reside in the
- 8601 political division of the office that the individual seeks.
- 8602 (b)(i) A candidate for elective office shall, in accordance with Section 20A-9-408.3,
- 8603 submit signatures for a nomination petition to the appropriate filing officer for
- 8604 verification and certification no later than 5 p.m. on [~~the final day in~~] March 31.
- 8605 (ii) A candidate may supplement the candidate's submissions at any time on or before
- 8606 the filing deadline.
- 8607 (c)(i) The lieutenant governor shall determine for each elective office the total
- 8608 number of signatures that must be submitted under Subsection (3)(a)(ii) or
- 8609 20A-9-408(8) by counting the aggregate number of individuals residing in each
- 8610 elective office's political division who have designated a particular registered
- 8611 political party on the individuals' voter registration forms on or before November
- 8612 15 of each odd-numbered year.
- 8613 (ii) The lieutenant governor shall publish the determination for each elective office
- 8614 no later than November 30 of each odd-numbered year.
- 8615 (d) The filing officer shall:
- 8616 (i) except as otherwise provided in Section 20A-21-201, and in accordance with
- 8617 Section 20A-9-408.3, verify signatures on nomination petitions in a transparent
- 8618 and orderly manner, no later than 14 calendar days after the day on which a
- 8619 candidate submits the signatures to the filing officer;
- 8620 (ii) for all qualifying candidates for elective office who submit nomination petitions
- 8621 to the filing officer, issue certifications referenced in Subsection (3)(a) no later
- 8622 than the deadline described in Subsection 20A-9-202(1)(b);
- 8623 (iii) consider active and inactive voters eligible to sign nomination petitions;
- 8624 (iv) consider an individual who signs a nomination petition a member of a registered
- 8625 political party for purposes of Subsection (3)(a)(ii) if the individual has designated
- 8626 that registered political party as the individual's party membership on the
- 8627 individual's voter registration form; and
- 8628 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of
- 8629 the county clerk as applicable, use the procedures described in Section 20A-1-1002
- 8630 to verify submitted nomination petition signatures, or use statistical sampling
- 8631 procedures to verify submitted nomination petition signatures in accordance with

- 8632 rules made under Subsection (3)(f).
- 8633 (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant
8634 governor may appear on the regular primary ballot of a registered political party
8635 without submitting nomination petitions if the candidate files a declaration of
8636 candidacy and complies with Subsection 20A-9-202(3).
- 8637 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8638 director of elections, within the Office of the Lieutenant Governor, may make rules
8639 that:
- 8640 (i) provide for the use of statistical sampling procedures that:
- 8641 (A) filing officers are required to use to verify signatures under Subsection (3)(d);
8642 and
- 8643 (B) reflect a bona fide effort to determine the validity of a candidate's entire
8644 submission, using widely recognized statistical sampling techniques; and
- 8645 (ii) provide for the transparent, orderly, and timely submission, verification, and
8646 certification of nomination petition signatures.
- 8647 (g) The county clerk shall:
- 8648 (i) review the declarations of candidacy filed by candidates for local boards of
8649 education to determine if more than two candidates have filed for the same seat;
- 8650 (ii) place the names of all candidates who have filed a declaration of candidacy for a
8651 local board of education seat on the nonpartisan section of the ballot if more than
8652 two candidates have filed for the same seat; and
- 8653 (iii) determine the order of the local board of education candidates' names on the
8654 ballot in accordance with Section 20A-6-305.
- 8655 (4)(a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
8656 governor shall provide to the county clerks:
- 8657 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
8658 county, and county offices who have received certifications under Subsection (3),
8659 along with instructions on how those names shall appear on the primary election
8660 ballot in accordance with Section 20A-6-305; and
- 8661 (ii) a list of unopposed candidates for elective office who have been nominated by a
8662 registered political party under Subsection (5)(c) and instruct the county clerks to
8663 exclude the unopposed candidates from the primary election ballot.
- 8664 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
8665 joint-ticket running mates shall appear jointly on the primary election ballot.

- 8666 (c) After the county clerk receives the certified list from the lieutenant governor under
8667 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
8668 substantially the following form:
- 8669 "Notice is given that a primary election will be held Tuesday, June _____,
8670 _____(year), to nominate party candidates for the parties and candidates for nonpartisan
8671 local school board positions listed on the primary ballot. The polling place for voting precinct
8672 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.
8673 Attest: county clerk."
- 8674 (5)(a) A candidate who, at the regular primary election, receives the highest number of
8675 votes cast for the office sought by the candidate is:
- 8676 (i) nominated for that office by the candidate's registered political party; or
8677 (ii) for a nonpartisan local school board position, nominated for that office.
- 8678 (b) If two or more candidates are to be elected to the office at the regular general
8679 election, those party candidates equal in number to positions to be filled who receive
8680 the highest number of votes at the regular primary election are the nominees of the
8681 candidates' party for those positions.
- 8682 (c)(i) As used in this Subsection (5)(c), a candidate is "unopposed" if:
- 8683 (A) no individual other than the candidate receives a certification under
8684 Subsection (3) for the regular primary election ballot of the candidate's
8685 registered political party for a particular elective office; or
8686 (B) for an office where more than one individual is to be elected or nominated, the
8687 number of candidates who receive certification under Subsection (3) for the
8688 regular primary election of the candidate's registered political party does not
8689 exceed the total number of candidates to be elected or nominated for that office.
- 8690 (ii) A candidate who is unopposed for an elective office in the regular primary
8691 election of a registered political party is nominated by the party for that office
8692 without appearing on the primary election ballot.
- 8693 (6) The expense of providing all ballots, blanks, or other supplies to be used at any primary
8694 election provided for by this section, and all expenses necessarily incurred in the
8695 preparation for or the conduct of that primary election shall be paid out of the treasury of
8696 the county or state, in the same manner as for the regular general elections.
- 8697 (7) An individual may not file a declaration of candidacy for a registered political party of
8698 which the individual is not a member, except to the extent that the registered political
8699 party permits otherwise under the registered political party's bylaws.

8700 Section 124. Section **20A-9-404** is amended to read:

8701 **20A-9-404 . Municipal primary elections.**

8702 (1)(a) Except as otherwise provided in this section or Chapter 4, Part 6, Municipal
8703 Alternate Voting Methods Pilot Project, candidates for municipal office in all
8704 municipalities shall be nominated at a municipal primary election.

8705 (b) Municipal primary elections shall be held:

8706 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
8707 Monday in the August before the regular municipal election; and

8708 (ii) whenever possible, at the same polling places as the regular municipal election.

8709 (c) Subsections (3) through (5) do not apply to an election to elect local school board
8710 members under Section 53G-3-302.

8711 (d) Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, does not apply
8712 to an election to elect local school board members under Section 53G-3-302.

8713 (2) Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting Methods
8714 Pilot Project, if the number of candidates for a particular municipal office does not
8715 exceed twice the number of individuals needed to fill that office, a primary election for
8716 that office may not be held and the candidates are considered nominated.

8717 (3)(a) For purposes of this Subsection (3), "convention" means an organized assembly of
8718 voters or delegates.

8719 (b)(i) By ordinance adopted before the May 1 that falls before a regular municipal
8720 election, any third, fourth, or fifth class city or town may exempt itself from a
8721 primary election by providing that the nomination of candidates for municipal
8722 office to be voted upon at a municipal election be nominated by a municipal party
8723 convention or committee.

8724 (ii) The municipal party convention or committee described in Subsection (3)(b)(i)
8725 shall be held on or before May 30 of an odd-numbered year.

8726 (iii) Any primary election exemption ordinance adopted under this Subsection (3)
8727 remains in effect until repealed by ordinance.

8728 (c)(i) A convention or committee may not nominate more than one candidate for each
8729 of the municipal offices to be voted upon at the municipal election.

8730 (ii) A convention or committee may not nominate an individual who has accepted the
8731 nomination of a different convention or committee.

8732 (iii) A municipal party may not have more than one group of candidates placed upon
8733 the ballot and may not group the same candidates on different tickets by the same

- 8734 party under a different name or emblem.
- 8735 (d)(i) On or before May 31 of an odd-numbered year, a convention or committee
8736 shall prepare and submit to the filing officer a certificate of nomination for each
8737 individual nominated.
- 8738 (ii) The certificate of nomination shall:
- 8739 (A) contain the name of the office for which each individual is nominated, the
8740 name, post office address, and, if in a city, the street number of residence and
8741 place of business, if any, of each individual nominated;
- 8742 (B) designate in not more than five words the party that the convention or
8743 committee represents;
- 8744 (C) contain a copy of the resolution passed at the convention that authorized the
8745 committee to make the nomination;
- 8746 (D) contain a statement certifying that the name of the candidate nominated by the
8747 political party will not appear on the ballot as a candidate for any other
8748 political party;
- 8749 (E) be signed by the presiding officer and secretary of the convention or
8750 committee; and
- 8751 (F) contain a statement identifying the residence and post office address of the
8752 presiding officer and secretary and certifying that the presiding officer and
8753 secretary were officers of the convention or committee and that the certificates
8754 are true to the best of their knowledge and belief.
- 8755 (iii) A candidate nominated by a municipal party convention or committee shall file a
8756 declaration with the filing officer in accordance with Subsection 20A-9-203(3)
8757 that includes:
- 8758 (A) the name of the municipal party or convention that nominated the candidate;
8759 and
- 8760 (B) the office for which the convention or committee nominated the candidate.
- 8761 (e) A committee appointed at a convention, if authorized by an enabling resolution, may
8762 also make nominations or fill vacancies in nominations made at a convention if the
8763 committee makes the nomination before the deadline for a write-in candidate to file a
8764 declaration of candidacy under Section 20A-9-601.
- 8765 (f) The election ballot shall substantially comply with the form prescribed in Chapter 6,
8766 Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
8767 be included with the candidate's name.

- 8768 (4)(a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the
8769 May 1 that falls before the regular municipal election that:
- 8770 (i) exempts the city or town from the other methods of nominating candidates to
8771 municipal office provided in this section; and
- 8772 (ii) provides for a municipal partisan convention method of nominating candidates as
8773 provided in this Subsection (4).
- 8774 (b)(i) Any party that was a registered political party at the last regular general
8775 election or regular municipal election is a municipal political party under this
8776 section.
- 8777 (ii) Any political party may qualify as a municipal political party by presenting a
8778 petition to the city recorder that:
- 8779 (A) is signed, with a holographic signature, by registered voters within the
8780 municipality equal to at least 20% of the number of votes cast for all
8781 candidates for mayor in the last municipal election at which a mayor was
8782 elected;
- 8783 (B) is filed with the city recorder or town clerk [~~before 5 p.m. no later than the~~ no
8784 later than 5 p.m. on the last business day before the day on which the municipal
8785 party holds a convention to nominate a candidate under this Subsection (4);
- 8786 (C) is substantially similar to the form of the signature sheets described in Section
8787 20A-7-303; and
- 8788 (D) contains the name of the municipal political party using not more than five
8789 words.
- 8790 (iii) With the assistance of the county clerk, the city recorder or town clerk shall use
8791 the procedures described in Section 20A-1-1002 to determine whether each signer
8792 is a registered voter who is qualified to sign the petition.
- 8793 (c)(i) If the number of candidates for a particular office does not exceed twice the
8794 number of offices to be filled at the regular municipal election, no primary
8795 election for that office shall be held and the candidates are considered to be
8796 nominated.
- 8797 (ii) If the number of candidates for a particular office exceeds twice the number of
8798 offices to be filled at the regular municipal election, those candidates for
8799 municipal office shall be nominated at a municipal primary election.
- 8800 (d) The clerk shall ensure that the partisan municipal primary ballot is similar to the
8801 ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.

- 8802 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the
8803 blank ballot box.
- 8804 (f) Immediately after the canvass, the election judges shall, without examination, destroy
8805 the tickets deposited in the blank ballot box.
- 8806 (5)(a) A voter who signs a petition under Subsection (4)(b)(ii) may have the voter's
8807 signature removed from the petition by, no later than 5 p.m. three business days after
8808 the day on which the petition is filed with the city recorder or town clerk, submitting
8809 to the city recorder or town clerk a statement requesting that the voter's signature be
8810 removed.
- 8811 (b) A statement described in Subsection (5)(a) shall comply with the requirements
8812 described in Subsection 20A-1-1003(2).
- 8813 (c) With the assistance of the county clerk and using the procedures described in
8814 Subsection 20A-1-1003(3), the city recorder or town clerk shall determine whether to
8815 remove an individual's signature from a petition after receiving a timely, valid
8816 statement requesting removal of the signature.

8817 Section 125. Section **20A-9-408** is amended to read:

8818 **20A-9-408 . Signature-gathering process to seek the nomination of a qualified**
8819 **political party -- Removal of signature.**

- 8820 (1) This section describes the requirements for a member of a qualified political party who
8821 is seeking the nomination of the qualified political party for an elective office through
8822 the signature-gathering process described in this section.
- 8823 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy
8824 for a member of a qualified political party who is nominated by, or who is seeking the
8825 nomination of, the qualified political party under this section shall be substantially as
8826 described in Section 20A-9-408.5.
- 8827 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
8828 20A-9-202(4), a member of a qualified political party who, under this section, is seeking
8829 the nomination of the qualified political party for an elective office that is to be filled at
8830 the next general election shall:
- 8831 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
8832 and before gathering signatures under this section, file with the filing officer on a
8833 form approved by the lieutenant governor a notice of intent to gather signatures for
8834 candidacy that includes:
- 8835 (i) the name of the member who will attempt to become a candidate for a registered

- 8836 political party under this section;
- 8837 (ii) the name of the registered political party for which the member is seeking
8838 nomination;
- 8839 (iii) the office for which the member is seeking to become a candidate;
- 8840 (iv) the address and telephone number of the member; and
- 8841 (v) other information required by the lieutenant governor;
- 8842 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in
8843 person, with the filing officer during the declaration of candidacy filing period
8844 described in Section 20A-9-201.5; and
- 8845 (c) pay the filing fee.
- 8846 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party
8847 who, under this section, is seeking the nomination of the qualified political party for the
8848 office of district attorney within a multicounty prosecution district that is to be filled at
8849 the next general election shall:
- 8850 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
8851 and before gathering signatures under this section, file with the filing officer on a
8852 form approved by the lieutenant governor a notice of intent to gather signatures for
8853 candidacy that includes:
- 8854 (i) the name of the member who will attempt to become a candidate for a registered
8855 political party under this section;
- 8856 (ii) the name of the registered political party for which the member is seeking
8857 nomination;
- 8858 (iii) the office for which the member is seeking to become a candidate;
- 8859 (iv) the address and telephone number of the member; and
- 8860 (v) other information required by the lieutenant governor;
- 8861 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in
8862 person, with the filing officer during the declaration of candidacy filing period
8863 described in Section 20A-9-201.5; and
- 8864 (c) pay the filing fee.
- 8865 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who
8866 files as the joint-ticket running mate of an individual who is nominated by a qualified
8867 political party, under this section, for the office of governor shall, during the declaration
8868 of candidacy filing period described in Section 20A-9-201.5, file a declaration of
8869 candidacy and submit a letter from the candidate for governor that names the lieutenant

- 8870 governor candidate as a joint-ticket running mate.
- 8871 (6) The lieutenant governor shall ensure that the certification described in Subsection
8872 20A-9-701(1) also includes the name of each candidate nominated by a qualified
8873 political party under this section.
- 8874 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is
8875 nominated by a qualified political party under this section, designate the qualified
8876 political party that nominated the candidate.
- 8877 (8) A member of a qualified political party may seek the nomination of the qualified
8878 political party for an elective office by:
- 8879 (a) complying with the requirements described in this section; and
- 8880 (b) collecting signatures, on a form approved by the lieutenant governor that complies
8881 with Subsection 20A-9-405(3), during the period beginning on the day on which the
8882 member files a notice of intent to gather signatures and ending at ~~[5 p.m. 14 days~~
8883 ~~before the day on which the qualified political party's convention for the office is held]~~
8884 the deadline described in Subsection (12), in the following amounts:
- 8885 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
8886 permitted by the qualified political party to vote for the qualified political party's
8887 candidates in a primary election;
- 8888 (ii) for a congressional district race, 7,000 signatures of registered voters who are
8889 residents of the congressional district and are permitted by the qualified political
8890 party to vote for the qualified political party's candidates in a primary election;
- 8891 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
8892 residents of the state Senate district and are permitted by the qualified political
8893 party to vote for the qualified political party's candidates in a primary election;
- 8894 (iv) for a state House district race, 1,000 signatures of registered voters who are
8895 residents of the state House district and are permitted by the qualified political
8896 party to vote for the qualified political party's candidates in a primary election;
- 8897 (v) for a State Board of Education race, the lesser of:
- 8898 (A) 2,000 signatures of registered voters who are residents of the State Board of
8899 Education district and are permitted by the qualified political party to vote for
8900 the qualified political party's candidates in a primary election; or
- 8901 (B) 3% of the registered voters of the qualified political party who are residents of
8902 the applicable State Board of Education district; and
- 8903 (vi) for a county office race, signatures of 3% of the registered voters who are

8904 residents of the area permitted to vote for the county office and are permitted by
8905 the qualified political party to vote for the qualified political party's candidates in
8906 a primary election.

8907 (9)(a) This Subsection (9) applies only to the manual candidate qualification process.

8908 (b) In order for a member of the qualified political party to qualify as a candidate for the
8909 qualified political party's nomination for an elective office under this section, using
8910 the manual candidate qualification process, the member shall:

8911 (i) collect the signatures on a form approved by the lieutenant governor, using the
8912 same circulation and verification requirements described in Sections 20A-7-105
8913 and 20A-7-204; and

8914 (ii) in accordance with Section 20A-9-408.3, submit the signatures to the election
8915 officer before ~~[5 p.m. no later than 14 days before the day on which the qualified~~
8916 ~~political party holds the party's convention to select candidates, for the elective~~
8917 ~~office, for the qualified political party's nomination]~~ the deadline described in
8918 Subsection (12).

8919 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), and in
8920 accordance with Section 20A-9-408.3, the election officer shall, no later than the
8921 earlier of 14 calendar days after the day on which the election officer receives the
8922 signatures, or one day before the day on which the qualified political party holds the
8923 convention to select a nominee for the elective office to which the signature packets
8924 relate:

8925 (i) check the name of each individual who completes the verification for a signature
8926 packet to determine whether each individual is a resident of Utah and is at least 18
8927 years old;

8928 (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not a
8929 Utah resident or who is not at least 18 years old to the attorney general and the
8930 county attorney;

8931 (iii) with the assistance of the county clerk as applicable, determine whether each
8932 signer is a registered voter who is qualified to sign the petition, using the same
8933 method, described in Section 20A-1-1002, used to verify a signature on a petition;
8934 and

8935 (iv) certify whether each name is that of a registered voter who is qualified to sign the
8936 signature packet.

8937 (d)(i) A registered voter who physically signs a form under Subsections (8) and (9)(b)

- 8938 may have the voter's signature removed from the form by, no later than 5 p.m.
8939 three business days after the day on which the member submits the signature form
8940 to the election officer, submitting to the election officer a statement requesting
8941 that the voter's signature be removed.
- 8942 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements
8943 described in Subsection 20A-1-1003(2).
- 8944 (iii) With the assistance of the county clerk as applicable, the election officer shall
8945 use the procedures described in Subsection 20A-1-1003(3) to determine whether
8946 to remove an individual's signature after receiving a timely, valid statement
8947 requesting removal of the signature.
- 8948 (e)(i) An election officer shall, in accordance with this Subsection (9)(e) and rules
8949 made under Section 20A-3a-106, conduct regular audits of signature comparisons
8950 made between signatures gathered under this section and voter signatures
8951 maintained by the election officer.
- 8952 (ii) An individual who conducts an audit of signature comparisons under this section
8953 may not audit the individual's own work.
- 8954 (iii) The election officer shall:
- 8955 (A) audit 1% of all signature comparisons described in Subsection (9)(e)(i) to
8956 determine the accuracy of the comparisons made;
- 8957 (B) record the individuals who conducted the audit;
- 8958 (C) record the audit results;
- 8959 (D) provide additional training or staff reassignments, as needed, based on the
8960 results of an audit described in Subsection (9)(e)(i); and
- 8961 (E) record any remedial action taken.
- 8962 (iv) The audit results described in Subsection (9)(e)(iii)(C) are a public record.
- 8963 (f) An election officer who certifies signatures under Subsection (9)(c) or
8964 20A-9-403(3)(d) shall, after certifying enough signatures to establish that a candidate
8965 has reached the applicable signature threshold described in Subsection (8) or
8966 20A-9-403(3)(a), as applicable, continue to certify signatures submitted for the
8967 candidate in excess of the number of signatures required, until the election officer
8968 either:
- 8969 (i) certifies signatures equal to 110% of the applicable signature threshold; or
8970 (ii) has reviewed all signatures submitted for the candidate before reaching an
8971 amount equal to 110% of the applicable signature threshold.

- 8972 (10)(a) This Subsection (10) applies only to the electronic candidate qualification
8973 process.
- 8974 (b) In order for a member of the qualified political party to qualify as a candidate for the
8975 qualified political party's nomination for an elective office under this section, the
8976 member shall, before [~~5 p.m. no later than 14 days before the day on which the~~
8977 ~~qualified political party holds the party's convention to select candidates, for the~~
8978 ~~elective office, for the qualified political party's nomination]~~ the deadline described in
8979 Subsection (12), collect signatures electronically:
- 8980 (i) in accordance with Section 20A-21-201; and
8981 (ii) using progressive screens, in a format approved by the lieutenant governor, that
8982 complies with Subsection 20A-9-405(4).
- 8983 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the
8984 election officer shall, no later than the earlier of 14 calendar days after the day on
8985 which the election officer receives the signatures, or one day before the day on which
8986 the qualified political party holds the convention to select a nominee for the elective
8987 office to which the signature packets relate:
- 8988 (i) check the name of each individual who completes the verification for a signature
8989 to determine whether each individual is a resident of Utah and is at least 18 years
8990 old; and
8991 (ii) submit the name of each individual described in Subsection (10)(c)(i) who is not
8992 a Utah resident or who is not at least 18 years old to the attorney general and the
8993 county attorney.
- 8994 (11)(a) An individual may not gather signatures under this section until after the
8995 individual files a notice of intent to gather signatures for candidacy described in this
8996 section.
- 8997 (b) An individual who files a notice of intent to gather signatures for candidacy,
8998 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the
8999 individual files the notice of intent to gather signatures for candidacy:
- 9000 (i) required to comply with the reporting requirements that a candidate for office is
9001 required to comply with; and
9002 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
9003 apply to a candidate for office in relation to the reporting requirements described
9004 in Subsection (11)(b)(i).
- 9005 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or

9006 Subsections (8) and (10)(b), the election officer shall, no later than [one] the day
 9007 before the day on which the qualified political party holds the convention to select a
 9008 nominee for the elective office to which the signature packets relate, notify the
 9009 qualified political party and the lieutenant governor of the name of each member of
 9010 the qualified political party who qualifies as a nominee of the qualified political
 9011 party, under this section, for the elective office to which the convention relates.

9012 (d) Upon receipt of a notice of intent to gather signatures for candidacy described in this
 9013 section, the lieutenant governor shall post the notice of intent to gather signatures for
 9014 candidacy on the lieutenant governor's website in the same location that the
 9015 lieutenant governor posts a declaration of candidacy.

9016 (12) The deadline before which a member of a qualified political party must collect and
 9017 submit signatures to the election officer under this section is 5 p.m. on the last business
 9018 day that is at least 14 calendar days before the day on which the qualified political
 9019 party's convention for the office begins.

9020 Section 126. Section **20A-9-408.1** is enacted to read:

9021 **20A-9-408.1 . Candidate nomination document -- Access - Limitations -- Storage.**

9022 (1) Except as provided in Subsection (4)(a), notwithstanding Section 63G-2-305.5, and
 9023 subject to Subsection (4)(b), the following may review a complete, unredacted candidate
 9024 nomination document:

9025 (a) the candidate to whose nomination petition the candidate nomination document
 9026 relates, or an individual representing the candidate's campaign;

9027 (b) a candidate who is seeking to qualify for placement on the primary election ballot for
 9028 the same office and party as the candidate to whose nomination petition the candidate
 9029 nomination document relates, or an individual representing the candidate's campaign;

9030 (c) the chair or vice chair of the state political party whose nomination the candidate
 9031 described in Subsection (1)(a) seeks; and

9032 (d) if the office sought by a candidate described in Subsection (1)(a) relates to a
 9033 jurisdiction that does not encompass all or a portion of more than one county, the
 9034 chair or vice chair of the county political party whose nomination petition the
 9035 candidate described in Subsection (1)(a) seeks.

9036 (2) No individual may view a complete, unredacted candidate nomination document, other
 9037 than:

9038 (a) an election officer;

9039 (b) a government entity or an authorized agent of a government entity, to the extent

- 9040 necessary to fulfill a duty of the government entity or the authorized agent; or
9041 (c) an individual described in Subsection (1), in accordance with the requirements of this
9042 section.
- 9043 (3) Subsection (2) does not prohibit:
- 9044 (a) an individual whose name or other personal identifying information appears on a
9045 candidate signature packet from viewing only the portion of the candidate signature
9046 packet showing the name or other personal identifying information of the individual;
9047 or
- 9048 (b) an individual whose name or other personal identifying information appears on a
9049 written request to remove a signature from a candidate signature packet from viewing
9050 the written request.
- 9051 (4)(a) An individual described in Subsection (1) or (3) may not view a candidate
9052 nomination document after the election officer certifies the results of the primary
9053 election race to which the candidate nomination document relates.
- 9054 (b) An individual who, under Subsection (1), views a candidate nomination document
9055 may not:
- 9056 (i) make a copy, image, or other recording of the candidate nomination document; or
9057 (ii) disclose a name or other information on the candidate nomination document that
9058 relates to an individual whose voter registration record is classified as a private
9059 record.
- 9060 (5) After an election officer certifies the results of the primary election race to which a
9061 candidate nomination document relates:
- 9062 (a) the election officer shall seal the candidate nomination document and store the
9063 candidate nomination document for 22 months; and
- 9064 (b) no person may access or view the candidate nomination document, except:
- 9065 (i) the lieutenant governor;
9066 (ii) the legislative auditor general; or
9067 (iii) as ordered by a court with jurisdiction.
- 9068 (6) A digital listing or report of a candidate nomination document may, only to the extent
9069 permitted under Section 63G-2-305.5, be disclosed before or after an election officer
9070 certifies the results of the primary election race to which the candidate nomination
9071 document relates.

9072 Section 127. Section **20A-9-408.2** is enacted to read:

9073 **20A-9-408.2 . Tracking signatures on candidate nomination petition.**

- 9074 (1) Beginning no later than January 1, 2026, the lieutenant governor shall, on the same
9075 website where a voter may track the status of a ballot returned by a voter, provide a
9076 voter information regarding:
- 9077 (a) each petition to qualify a candidate for placement on a primary election ballot that
9078 the voter signed during the preceding six months;
- 9079 (b) whether the signature was verified or rejected; and
- 9080 (c) if the signature was rejected, the reason for the rejection.
- 9081 (2) The lieutenant governor shall ensure that the information described in Subsection (1) is
9082 available to the voter no later than one business day after the day on which the voter's
9083 signature is verified or rejected.

9084 Section 128. Section **20A-9-408.3** is enacted to read:

9085 **20A-9-408.3 . Submission of candidate signature packet -- Requirements for**
9086 **submission -- Signature packet chain of custody and storage.**

- 9087 (1) To submit a candidate signature packet to an election officer, a person shall:
- 9088 (a) label the front of each candidate signature packet with a unique, consecutive number;
- 9089 (b) organize each candidate signature packet that is submitted at the same time in
9090 numerical order; and
- 9091 (c) with the candidate signature packets, provide the election officer with a document
9092 containing:
- 9093 (i) for each candidate signature packet submitted at the same time:
- 9094 (A) the number assigned to the candidate signature packet under Subsection (1)(a);
9095 and
- 9096 (B) the number of signatures in the candidate signature packet;
- 9097 (ii) the total number of candidate signature packets submitted at the same time;
- 9098 (iii) the sum of all signatures on all candidate signature packets submitted at the same
9099 time;
- 9100 (iv) a list of all individuals who collected signatures for the candidate signature
9101 packets submitted together, including for each the individual's:
- 9102 (A) full name;
- 9103 (B) residential address;
- 9104 (C) phone number; and
- 9105 (D) email address; and
- 9106 (v) a certification that each individual described in Subsection (1)(c)(iv) was at least
9107 18 years old when the individual collected the signatures.

- 9108 (2) If the election officer discovers that a candidate signature packet is verified by an
9109 individual who has not been disclosed under Subsection (1)(c)(iv), with all information
9110 required under Subsection (1)(c)(iv):
- 9111 (a) the election officer shall notify the candidate;
9112 (b) the candidate shall provide the information described in Subsection (1)(c)(iv) in
9113 relation to the individual no later than the first business day that is at least three
9114 calendar days after the day on which the election officer notifies the candidate under
9115 Subsection (2)(a); and
- 9116 (c) if the candidate fails to timely comply with Subsection (2)(b), the election officer
9117 shall reject the candidate signature packet, and all candidate signature packets
9118 collected by the same individual, that were submitted at the same time.
- 9119 (3) An election officer shall reject a candidate signature packet that is not submitted in
9120 accordance with Subsection (2).
- 9121 (4) In accordance with Title 63G, Chapter 2, Government Records Access and Management
9122 Act:
- 9123 (a) the information described in Subsection (1)(c)(iv)(A) is a public record; and
9124 (b) the information described in Subsections (1)(c)(iv)(B) through (D) is a private record.
- 9125 (5) An election officer shall preserve the chain of custody of all candidate signature packets
9126 and signature sheets in accordance with this section.
- 9127 (6) An election officer shall, upon receipt of a candidate signature packet:
- 9128 (a) review the candidate signature packet; and
9129 (b) assign the candidate signature packet a unique number in the election officer's
9130 petition processing system, to be used to track the candidate signature packet during
9131 processing.
- 9132 (7) An election officer shall ensure that, when workers review signatures in a candidate
9133 signature packet for verification, the workers record for the candidate signature packet:
- 9134 (a) the names of the workers who review signatures on the candidate signature packet;
9135 (b) if the signature packet is reviewed additional times, the names of the workers who
9136 conduct the review;
- 9137 (c) the total number of signatures in the candidate signature packet;
9138 (d) the total number of valid signatures in the candidate signature packet;
9139 (e) the total number of signatures in the candidate signature packet that were rejected,
9140 including the reasons for the rejection; and
9141 (f) if not all signatures in the candidate signature packet are reviewed:

- 9142 (i) the number of signatures that were not reviewed;
- 9143 (ii) the reason the signatures were not reviewed; and
- 9144 (iii) the name of the worker who pulled the candidate signature packet from further
- 9145 review.

9146 (8) An election officer shall store the candidate signature packets by:

9147 (a) making a log of the candidate signature packets as the signature packets are placed
9148 into storage that specifies:

9149 (i) the boxes into which the candidate signature packets for a particular candidate are
9150 placed; and

9151 (ii) which candidate signature packet is stored in which box; and

9152 (b) affixing to each box a description of the contents of the box.

9153 Section 129. Section **20A-9-502** is amended to read:

9154 **20A-9-502 . Certificate of nomination -- Contents -- Circulation -- Verification --**

9155 **Criminal penalty -- Removal of petition signature.**

9156 (1) The candidate shall:

9157 (a) prepare a certificate of nomination in substantially the following form:

9158 "State of Utah, County of _____

9159 I, _____, declare my intention of becoming an unaffiliated candidate for the

9160 political group designated as ____ for the office of _____. I do solemnly swear that I can

9161 qualify to hold that office both legally and constitutionally if selected, and that I reside at _____

9162 Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and

9163 that I am providing, or have provided, the required number of holographic signatures of

9164 registered voters required by law; that as a candidate at the next election I will not knowingly

9165 violate any election or campaign law; that, if filing via a designated agent for an office other

9166 than president of the United States, I will be out of the state of Utah during the entire candidate

9167 filing period; I will file all campaign financial disclosure reports as required by law; and I

9168 understand that failure to do so will result in my disqualification as a candidate for this office

9169 and removal of my name from the ballot.

9170 _____
9171 Subscribed and sworn to before me this _____(month\day\year).

9172 _____
9173 Notary Public (or other officer
9174 qualified to administer oaths)";

9175 (b) for each signature packet, bind signature sheets to a copy of the certificate of

- 9176 nomination and the circulator verification, that:
- 9177 (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 9178 (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that
- 9179 line blank for the purpose of binding;
- 9180 (iii) contain the name of the proposed candidate and the words "Unaffiliated
- 9181 Candidate Certificate of Nomination Petition" printed directly below the
- 9182 horizontal line;
- 9183 (iv) contain the word "Warning" printed directly under the words described in
- 9184 Subsection (1)(b)(iii);
- 9185 (v) contain, to the right of the word "Warning," the following statement printed in not less than
- 9186 eight-point, single leaded type:
- 9187 "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination
- 9188 signature sheet with any name other than the person's own name or more than once for the
- 9189 same candidate or if the person is not registered to vote in this state and does not intend to
- 9190 become registered to vote in this state before the county clerk certifies the signatures.";
- 9191 (vi) contain the following statement directly under the statement described in Subsection
- 9192 (1)(b)(v):
- 9193 "Each signer says:
- 9194 I have personally signed this petition with a holographic signature;
- 9195 I am registered to vote in Utah or intend to become registered to vote in Utah before the
- 9196 county clerk certifies my signature; and
- 9197 My street address is written correctly after my name.";
- 9198 (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in
- 9199 Subsection (1)(b)(vi); and
- 9200 (viii) be vertically divided into columns as follows:
- 9201 (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide,
- 9202 be headed with "For Office Use Only," and be subdivided with a light vertical
- 9203 line down the middle;
- 9204 (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's
- 9205 Printed Name (must be legible to be counted)";
- 9206 (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
- 9207 Registered Voter";
- 9208 (D) the next column shall be one inch wide, headed "Birth Date or Age
- 9209 (Optional)";

9210 (E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
9211 Code"; and

9212 (F) at the bottom of the sheet, contain the following statement: "Birth date or age
9213 information is not required, but it may be used to verify your identity with
9214 voter registration records. If you choose not to provide it, your signature may
9215 not be certified as a valid signature if you change your address before petition
9216 signatures are certified or if the information you provide does not match your
9217 voter registration records."; and

9218 (c) bind a final page to one or more signature sheets that are bound together that contains,
9219 except as provided by Subsection (3), the following printed statement:

9220 "Verification

9221 State of Utah, County of _____

9222 I, _____, of _____, hereby state that:

9223 I am at least 18 years old;

9224 All the names that appear on the signature sheets bound to this page were signed by
9225 persons who professed to be the persons whose names appear on the signature sheets, and each
9226 of them signed the person's name on the signature sheets in my presence;

9227 I believe that each has printed and signed the person's name and written the person's
9228 street address correctly, and that each signer is registered to vote in Utah or will register to
9229 vote in Utah before the county clerk certifies the signatures on the signature sheet.

9230

9231 (Signature) (Residence Address) (Date)".

9232 (2) An agent designated to file a certificate of nomination under Subsection 20A-9-503

9233 (2)(b) or (4)(b) may not sign the form described in Subsection (1)(a).

9234 (3)(a) The candidate shall circulate the nomination petition and ensure that the person in
9235 whose presence each signature sheet is signed:

9236 (i) is at least 18 years old; and

9237 (ii) verifies each signature sheet by completing the verification bound to one or more
9238 signature sheets that are bound together.

9239 (b) A person may not sign the circulator verification if the person signed a signature
9240 sheet bound to the verification.

9241 (4)(a) It is unlawful for any person to:

9242 (i) knowingly sign a certificate of nomination signature sheet:

9243 (A) with any name other than the person's own name;

- 9244 (B) more than once for the same candidate; or
- 9245 (C) if the person is not registered to vote in this state and does not intend to
- 9246 become registered to vote in this state before the county clerk certifies the
- 9247 signatures; or
- 9248 (ii) sign the verification of a certificate of nomination signature sheet if the person:
- 9249 (A) has not witnessed the signing by those persons whose names appear on the
- 9250 certificate of nomination signature sheet; or
- 9251 (B) knows that a person whose signature appears on the certificate of nomination
- 9252 signature sheet is not registered to vote in this state and does not intend to
- 9253 become registered to vote in this state.
- 9254 (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.
- 9255 (5)(a) To qualify for placement on the general election ballot, the candidate shall, no
- 9256 earlier than the start of the declaration of candidacy period described in Section
- 9257 20A-9-201.5 and no later than 5 p.m. on June 15 of the year in which the election
- 9258 will be held:
- 9259 (i) comply with Subsection 20A-9-503(1); and
- 9260 (ii) submit each signature packet to the county clerk where the majority of the
- 9261 signatures in the packet were collected, with signatures totaling:
- 9262 (A) at least 1,000 registered voters residing within the state when the nomination
- 9263 is for an office to be filled by the voters of the entire state; or
- 9264 (B) at least 300 registered voters residing within a political division or at least 5%
- 9265 of the registered voters residing within a political division, whichever is less,
- 9266 when the nomination is for an office to be filled by the voters of any political
- 9267 division smaller than the state.
- 9268 (b) A candidate has not complied with Subsection (5)(a)(ii), unless the county clerks
- 9269 verify that each required signature is a valid signature of a registered voter who is
- 9270 eligible to sign the signature packet and has not signed a signature packet to nominate
- 9271 another candidate for the same office.
- 9272 (c) In reviewing the signature packets, the county clerk shall count and certify only those
- 9273 persons who signed with a holographic signature, who:
- 9274 (i) are registered voters within the political division that the candidate seeks to
- 9275 represent; and
- 9276 (ii) did not sign any other certificate of nomination for that office.
- 9277 (d) The county clerk shall count and certify the number of registered voters who validly

9278 signed a signature packet, no later than 30 calendar days after the day on which the
9279 candidate submits the signature packet.

9280 (e) The candidate may supplement the signatures or amend the certificate of nomination
9281 or declaration of candidacy at any time on or before 5 p.m. on June 15 of the year in
9282 which the election will be held.

9283 (f) The county clerk shall use the procedures described in Section 20A-1-1002 to
9284 determine whether a signer is a registered voter who is qualified to sign the signature
9285 packet.

9286 (6)(a) A voter who signs a signature packet under this section may have the voter's
9287 signature removed from the signature packet by, no later than 5 p.m. three business
9288 days after the day on which the candidate submits the signature packet to the county
9289 clerk, submitting to the county clerk a statement requesting that the voter's signature
9290 be removed.

9291 (b) A statement described in Subsection (6)(a) shall comply with the requirements
9292 described in Subsection 20A-1-1003(2).

9293 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to
9294 determine whether to remove an individual's signature from a signature packet after
9295 receiving a timely, valid statement requesting removal of the signature.

9296 Section 130. Section **20A-9-601** is amended to read:

9297 **20A-9-601 . Qualifying as a write-in candidate.**

9298 (1)(a) Except as provided in Subsection (1)(b), an individual who wishes to become a
9299 valid write-in candidate shall file a declaration of candidacy in person, or through a
9300 designated agent for a candidate for president or vice president of the United States,
9301 with the appropriate filing officer [~~before 5 p.m.~~]no later than 5 p.m. on the last
9302 business day that is at least 65 calendar days before the date of the regular general
9303 election or the municipal general election in which the individual intends to be a
9304 write-in candidate.

9305 (b)(i) The provisions of this Subsection (1)(b) do not apply to an individual who files
9306 a declaration of candidacy for president of the United States.

9307 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a
9308 declaration of candidacy with the appropriate filing officer if:

9309 (A) the individual is located outside of the state during the entire filing period;

9310 (B) the designated agent appears in person before the filing officer; and

9311 (C) the individual communicates with the filing officer using an electronic device

9312 that allows the individual and filing officer to see and hear each other.

9313 (2)(a) The form of the declaration of candidacy for a write-in candidate for all offices, except
9314 president or vice president of the United States, is substantially as follows:

9315 "State of Utah, County of ____

9316 I, _____, declare my intention of becoming a candidate for the office of ____
9317 for the ____ district (if applicable). I do solemnly swear that: I will meet the qualifications to
9318 hold the office, both legally and constitutionally, if selected; I reside at _____ in the
9319 City or Town of ____, Utah, Zip Code ____, Phone No. ____; I will not knowingly violate
9320 any law governing campaigns and elections; if filing via a designated agent, I will be out of the
9321 state of Utah during the entire candidate filing period; I will file all campaign financial
9322 disclosure reports as required by law; and I understand that failure to do so will result in my
9323 disqualification as a candidate for this office and rejection of any votes cast for me. The
9324 mailing address that I designate for receiving official election notices is
9325 _____.

9326 _____
9327 Subscribed and sworn before me this _____(month\day\year).

9328 Notary Public (or other officer qualified to administer oath).".

9329 (b) The form of the declaration of candidacy for a write-in candidate for president of the
9330 United States is substantially as follows:

9331 "State of Utah, County of ____

9332 I, _____, declare my intention of becoming a candidate for the office of the
9333 president of the United States. I do solemnly swear that: I will meet the qualifications to hold
9334 the office, both legally and constitutionally, if selected; I reside at _____ in the City
9335 or Town of ____, State ____, Zip Code ____, Phone No. ____; I will not knowingly violate
9336 any law governing campaigns and elections. The mailing address that I designate for receiving
9337 official election notices is _____. I designate _____ as
9338 my vice presidential candidate.

9339 _____
9340 Subscribed and sworn before me this _____(month\day\year).

9341 Notary Public (or other officer qualified to administer oath).".

9342 (c) A declaration of candidacy for a write-in candidate for vice president of the United
9343 States shall be in substantially the same form as a declaration of candidacy described
9344 in Subsection 20A-9-202(7).

9345 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in

9346 Subsection (2)(a) or (b).

9347 (3)(a) The filing officer shall:

9348 (i) read to the candidate the constitutional and statutory requirements for the office;

9349 (ii) ask the candidate whether the candidate meets the requirements; and

9350 (iii) if the declaration of candidacy is for a legislative office, inform the individual

9351 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a

9352 public office of profit or trust, under authority of the United States or Utah, from

9353 being a member of the Legislature.

9354 (b) If the candidate cannot meet the requirements of office, the filing officer may not

9355 accept the write-in candidate's declaration of candidacy.

9356 (4)(a) Except as provided in Subsection (4)(b), a write-in candidate is subject to

9357 Subsection 20A-9-201(8).

9358 (b) A write-in candidate for president of the United States is subject to Subsection

9359 20A-9-201(8)(d) or 20A-9-803(1)(d), as applicable.

9360 (5) By November 1 of each regular general election year, the lieutenant governor shall

9361 certify to each county clerk the names of all write-in candidates who filed their

9362 declaration of candidacy with the lieutenant governor.

9363 Section 131. Section **20A-11-101** is amended to read:

9364 **20A-11-101 . Definitions.**

9365 As used in this chapter:

9366 (1)(a) "Address" means the number and street where an individual resides or where a

9367 reporting entity has its principal office.

9368 (b) "Address" does not include a post office box.

9369 (2) "Agent of a reporting entity" means:

9370 (a) a person acting on behalf of a reporting entity at the direction of the reporting entity;

9371 (b) a person employed by a reporting entity in the reporting entity's capacity as a

9372 reporting entity;

9373 (c) the personal campaign committee of a candidate or officeholder;

9374 (d) a member of the personal campaign committee of a candidate or officeholder in the

9375 member's capacity as a member of the personal campaign committee of the candidate

9376 or officeholder; or

9377 (e) a political consultant of a reporting entity.

9378 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional

9379 amendments, and any other ballot propositions submitted to the voters that are

- 9380 authorized by the Utah Code Annotated 1953.
- 9381 (4) "Candidate" means any person who:
- 9382 (a) files a declaration of candidacy for a public office; or
- 9383 (b) receives contributions, makes expenditures, or gives consent for any other person to
- 9384 receive contributions or make expenditures to bring about the person's nomination or
- 9385 election to a public office.
- 9386 (5) "Chief election officer" means:
- 9387 (a) the lieutenant governor for state office candidates, legislative office candidates,
- 9388 officeholders, political parties, political action committees, corporations, political
- 9389 issues committees, state school board candidates, judges, and labor organizations, as
- 9390 defined in Section 20A-11-1501; and
- 9391 (b) the county clerk for local school board candidates.
- 9392 (6)(a) "Contribution" means any of the following when done for political purposes:
- 9393 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
- 9394 value given to the filing entity;
- 9395 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
- 9396 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
- 9397 money or anything of value to the filing entity;
- 9398 (iii) any transfer of funds from another reporting entity to the filing entity;
- 9399 (iv) compensation paid by any person or reporting entity other than the filing entity
- 9400 for personal services provided without charge to the filing entity;
- 9401 (v) remuneration from:
- 9402 (A) any organization or its directly affiliated organization that has a registered
- 9403 lobbyist; or
- 9404 (B) any agency or subdivision of the state, including school districts;
- 9405 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 9406 (vii) in-kind contributions.
- 9407 (b) "Contribution" does not include:
- 9408 (i) services provided by individuals volunteering a portion or all of their time on
- 9409 behalf of the filing entity if the services are provided without compensation by the
- 9410 filing entity or any other person;
- 9411 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 9412 business;
- 9413 (iii) goods or services provided for the benefit of a political entity at less than fair

- 9414 market value that are not authorized by or coordinated with the political entity; or
9415 (iv) data or information described in Subsection (24)(b).
- 9416 (7) "Coordinated with" means that goods or services provided for the benefit of a political
9417 entity are provided:
- 9418 (a) with the political entity's prior knowledge, if the political entity does not object;
 - 9419 (b) by agreement with the political entity;
 - 9420 (c) in coordination with the political entity; or
 - 9421 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 9422 (8)(a) "Corporation" means a domestic or foreign, profit or nonprofit, business
9423 organization that is registered as a corporation or is authorized to do business in a
9424 state and makes any expenditure from corporate funds for:
- 9425 (i) the purpose of expressly advocating for political purposes; or
 - 9426 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
9427 proposition.
- 9428 (b) "Corporation" does not mean:
- 9429 (i) a business organization's political action committee or political issues committee;
9430 or
 - 9431 (ii) a business entity organized as a partnership or a sole proprietorship.
- 9432 (9) "County political party" means, for each registered political party, all of the persons
9433 within a single county who, under definitions established by the political party, are
9434 members of the registered political party.
- 9435 (10) "County political party officer" means a person whose name is required to be
9436 submitted by a county political party to the lieutenant governor in accordance with
9437 Section 20A-8-402.
- 9438 (11) "Detailed listing" means:
- 9439 (a) for each contribution or public service assistance:
 - 9440 (i) the name and address of the individual or source making the contribution or public
9441 service assistance, except to the extent that the name or address of the individual
9442 or source is unknown;
 - 9443 (ii) the amount or value of the contribution or public service assistance; and
 - 9444 (iii) the date the contribution or public service assistance was made; and
 - 9445 (b) for each expenditure:
 - 9446 (i) the amount of the expenditure;
 - 9447 (ii) the goods or services acquired by the expenditure; and

- 9448 (iii) the date the expenditure was made.
- 9449 (12)(a) "Donor" means a person that gives money, including a fee, due, or assessment
9450 for membership in the corporation, to a corporation without receiving full and
9451 adequate consideration for the money.
- 9452 (b) "Donor" does not include a person that signs a statement that the corporation may not
9453 use the money for an expenditure or political issues expenditure.
- 9454 (13) "Election" means each:
- 9455 (a) regular general election;
- 9456 (b) regular primary election; and
- 9457 (c) special election at which candidates are eliminated and selected.
- 9458 (14) "Electioneering communication" means a communication that:
- 9459 (a) has at least a value of \$10,000;
- 9460 (b) clearly identifies a candidate or judge; and
- 9461 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
9462 facility, direct mailing, broadcast, cable, or satellite provider within 45 ~~days of~~
9463 calendar days before the clearly identified candidate's or judge's election date.
- 9464 (15)(a) "Expenditure" means any of the following made by a reporting entity or an agent
9465 of a reporting entity on behalf of the reporting entity:
- 9466 (i) any disbursement from contributions, receipts, or from the separate bank account
9467 required by this chapter;
- 9468 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
9469 or anything of value made for political purposes;
- 9470 (iii) an express, legally enforceable contract, promise, or agreement to make any
9471 purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
9472 or anything of value for political purposes;
- 9473 (iv) compensation paid by a filing entity for personal services rendered by a person
9474 without charge to a reporting entity;
- 9475 (v) a transfer of funds between the filing entity and a candidate's personal campaign
9476 committee;
- 9477 (vi) goods or services provided by the filing entity to or for the benefit of another
9478 reporting entity for political purposes at less than fair market value; or
- 9479 (vii) an independent expenditure, as defined in Section 20A-11-1702.
- 9480 (b) "Expenditure" does not include:
- 9481 (i) services provided without compensation by individuals volunteering a portion or

- 9482 all of their time on behalf of a reporting entity;
- 9483 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
9484 business; or
- 9485 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
9486 candidates for office or officeholders in states other than Utah.
- 9487 (16) "Federal office" means the office of president of the United States, United States
9488 Senator, or United States Representative.
- 9489 (17) "Filing entity" means the reporting entity that is required to file a financial statement
9490 required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 9491 (18) "Financial statement" includes any summary report, interim report, verified financial
9492 statement, or other statement disclosing contributions, expenditures, receipts, donations,
9493 or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention
9494 Elections.
- 9495 (19) "Governing board" means the individual or group of individuals that determine the
9496 candidates and committees that will receive expenditures from a political action
9497 committee, political party, or corporation.
- 9498 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
9499 Incorporation, by which a geographical area becomes legally recognized as a city or
9500 town.
- 9501 (21) "Incorporation election" means the election conducted under Section 10-2a-210.
- 9502 (22) "Incorporation petition" means a petition described in Section 10-2a-208.
- 9503 (23) "Individual" means a natural person.
- 9504 (24)(a) "In-kind contribution" means anything of value, other than money, that is
9505 accepted by or coordinated with a filing entity.
- 9506 (b) "In-kind contribution" does not include survey results, voter lists, voter contact
9507 information, demographic data, voting trend data, or other information that:
- 9508 (i) is not commissioned for the benefit of a particular candidate or officeholder; and
9509 (ii) is offered at no cost to a candidate or officeholder.
- 9510 (25) "Interim report" means a report identifying the contributions received and expenditures
9511 made since the last report.
- 9512 (26) "Legislative office" means the office of state senator, state representative, speaker of
9513 the House of Representatives, president of the Senate, and the leader, whip, and assistant
9514 whip of any party caucus in either house of the Legislature.
- 9515 (27) "Legislative office candidate" means a person who:

- 9516 (a) files a declaration of candidacy for the office of state senator or state representative;
- 9517 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
- 9518 speaker of the House of Representatives, president of the Senate, or the leader, whip,
- 9519 and assistant whip of any party caucus in either house of the Legislature; or
- 9520 (c) receives contributions, makes expenditures, or gives consent for any other person to
- 9521 receive contributions or make expenditures to bring about the person's nomination,
- 9522 election, or appointment to a legislative office.
- 9523 (28) "Loan" means any of the following provided by a person that benefits a filing entity if
- 9524 the person expects repayment or reimbursement:
- 9525 (a) an expenditure made using any form of payment;
- 9526 (b) money or funds received by the filing entity;
- 9527 (c) the provision of a good or service with an agreement or understanding that payment
- 9528 or reimbursement will be delayed; or
- 9529 (d) use of any line of credit.
- 9530 (29) "Major political party" means either of the two registered political parties that have the
- 9531 greatest number of members elected to the two houses of the Legislature.
- 9532 (30) "Officeholder" means a person who holds a public office.
- 9533 (31) "Party committee" means any committee organized by or authorized by the governing
- 9534 board of a registered political party.
- 9535 (32) "Person" means both natural and legal persons, including individuals, business
- 9536 organizations, personal campaign committees, party committees, political action
- 9537 committees, political issues committees, and labor organizations, as defined in Section
- 9538 20A-11-1501.
- 9539 (33) "Personal campaign committee" means the committee appointed by a candidate to act
- 9540 for the candidate as provided in this chapter.
- 9541 (34) "Personal use expenditure" has the same meaning as provided under Section
- 9542 20A-11-104.
- 9543 (35)(a) "Political action committee" means an entity, or any group of individuals or
- 9544 entities within or outside this state, a major purpose of which is to:
- 9545 (i) solicit or receive contributions from any other person, group, or entity for political
- 9546 purposes; or
- 9547 (ii) make expenditures to expressly advocate for any person to refrain from voting or
- 9548 to vote for or against any candidate or person seeking election to a municipal or
- 9549 county office.

- 9550 (b) "Political action committee" includes groups affiliated with a registered political
9551 party but not authorized or organized by the governing board of the registered
9552 political party that receive contributions or makes expenditures for political purposes.
- 9553 (c) "Political action committee" does not mean:
- 9554 (i) a party committee;
- 9555 (ii) any entity that provides goods or services to a candidate or committee in the
9556 regular course of its business at the same price that would be provided to the
9557 general public;
- 9558 (iii) an individual;
- 9559 (iv) individuals who are related and who make contributions from a joint checking
9560 account;
- 9561 (v) a corporation, except a corporation a major purpose of which is to act as a
9562 political action committee; or
- 9563 (vi) a personal campaign committee.
- 9564 (36)(a) "Political consultant" means a person who is paid by a reporting entity, or paid
9565 by another person on behalf of and with the knowledge of the reporting entity, to
9566 provide political advice to the reporting entity.
- 9567 (b) "Political consultant" includes a circumstance described in Subsection (36)(a), where
9568 the person:
- 9569 (i) has already been paid, with money or other consideration;
- 9570 (ii) expects to be paid in the future, with money or other consideration; or
- 9571 (iii) understands that the person may, in the discretion of the reporting entity or
9572 another person on behalf of and with the knowledge of the reporting entity, be
9573 paid in the future, with money or other consideration.
- 9574 (37) "Political convention" means a county or state political convention held by a registered
9575 political party to select candidates.
- 9576 (38) "Political entity" means a candidate, a political party, a political action committee, or a
9577 political issues committee.
- 9578 (39)(a) "Political issues committee" means an entity, or any group of individuals or
9579 entities within or outside this state, a major purpose of which is to:
- 9580 (i) solicit or receive donations from any other person, group, or entity to assist in
9581 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off
9582 the ballot, or to advocate that a voter refrain from voting or vote for or vote
9583 against any ballot proposition;

- 9584 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
 9585 ballot proposition or incorporation petition or refrain from voting, vote for, or vote
 9586 against any proposed ballot proposition or an incorporation in an incorporation
 9587 election; or
- 9588 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
 9589 ballot or to assist in keeping a ballot proposition off the ballot.
- 9590 (b) "Political issues committee" does not mean:
- 9591 (i) a registered political party or a party committee;
- 9592 (ii) any entity that provides goods or services to an individual or committee in the
 9593 regular course of its business at the same price that would be provided to the
 9594 general public;
- 9595 (iii) an individual;
- 9596 (iv) individuals who are related and who make contributions from a joint checking
 9597 account;
- 9598 (v) a corporation, except a corporation a major purpose of which is to act as a
 9599 political issues committee; or
- 9600 (vi) a group of individuals who:
- 9601 (A) associate together for the purpose of challenging or supporting a single ballot
 9602 proposition, ordinance, or other governmental action by a county, city, town,
 9603 special district, special service district, or other local political subdivision of
 9604 the state;
- 9605 (B) have a common liberty, property, or financial interest that is directly impacted
 9606 by the ballot proposition, ordinance, or other governmental action;
- 9607 (C) do not associate together, for the purpose described in Subsection
 9608 (39)(b)(vi)(A), via a legal entity;
- 9609 (D) do not receive funds for challenging or supporting the ballot proposition,
 9610 ordinance, or other governmental action from a person other than an individual
 9611 in the group; and
- 9612 (E) do not expend a total of more than \$5,000 for the purpose described in
 9613 Subsection (39)(b)(vi)(A).
- 9614 (40)(a) "Political issues contribution" means any of the following:
- 9615 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money
 9616 or anything of value given to a political issues committee;
- 9617 (ii) an express, legally enforceable contract, promise, or agreement to make a

- 9618 political issues donation to influence the approval or defeat of any ballot
9619 proposition;
- 9620 (iii) any transfer of funds received by a political issues committee from a reporting
9621 entity;
- 9622 (iv) compensation paid by another reporting entity for personal services rendered
9623 without charge to a political issues committee; and
- 9624 (v) goods or services provided to or for the benefit of a political issues committee at
9625 less than fair market value.
- 9626 (b) "Political issues contribution" does not include:
- 9627 (i) services provided without compensation by individuals volunteering a portion or
9628 all of their time on behalf of a political issues committee; or
- 9629 (ii) money lent to a political issues committee by a financial institution in the
9630 ordinary course of business.
- 9631 (41)(a) "Political issues expenditure" means any of the following when made by a
9632 political issues committee or on behalf of a political issues committee by an agent of
9633 the reporting entity:
- 9634 (i) any payment from political issues contributions made for the purpose of
9635 influencing the approval or the defeat of:
- 9636 (A) a ballot proposition; or
- 9637 (B) an incorporation petition or incorporation election;
- 9638 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made
9639 for the express purpose of influencing the approval or the defeat of:
- 9640 (A) a ballot proposition; or
- 9641 (B) an incorporation petition or incorporation election;
- 9642 (iii) an express, legally enforceable contract, promise, or agreement to make any
9643 political issues expenditure;
- 9644 (iv) compensation paid by a reporting entity for personal services rendered by a
9645 person without charge to a political issues committee; or
- 9646 (v) goods or services provided to or for the benefit of another reporting entity at less
9647 than fair market value.
- 9648 (b) "Political issues expenditure" does not include:
- 9649 (i) services provided without compensation by individuals volunteering a portion or
9650 all of their time on behalf of a political issues committee; or
- 9651 (ii) money lent to a political issues committee by a financial institution in the

9652 ordinary course of business.

9653 (42) "Political purposes" means an act done with the intent or in a way to influence or tend
9654 to influence, directly or indirectly, any person to refrain from voting or to vote for or
9655 against any:

9656 (a) candidate or a person seeking a municipal or county office at any caucus, political
9657 convention, or election; or

9658 (b) judge standing for retention at any election.

9659 (43)(a) "Poll" means the survey of a person regarding the person's opinion or knowledge
9660 of an individual who has filed a declaration of candidacy for public office, or of a
9661 ballot proposition that has legally qualified for placement on the ballot, which is
9662 conducted in person or by telephone, facsimile, Internet, postal mail, or email.

9663 (b) "Poll" does not include:

9664 (i) a ballot; or

9665 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

9666 (A) the focus group consists of more than three, and less than thirteen, individuals;
9667 and

9668 (B) all individuals in the focus group are present during the interview.

9669 (44) "Primary election" means any regular primary election held under the election laws.

9670 (45) "Publicly identified class of individuals" means a group of 50 or more individuals
9671 sharing a common occupation, interest, or association that contribute to a political action
9672 committee or political issues committee and whose names can be obtained by contacting
9673 the political action committee or political issues committee upon whose financial
9674 statement the individuals are listed.

9675 (46) "Public office" means the office of governor, lieutenant governor, state auditor, state
9676 treasurer, attorney general, state school board member, state senator, state representative,
9677 speaker of the House of Representatives, president of the Senate, and the leader, whip,
9678 and assistant whip of any party caucus in either house of the Legislature.

9679 (47)(a) "Public service assistance" means the following when given or provided to an
9680 officeholder to defray the costs of functioning in a public office or aid the
9681 officeholder to communicate with the officeholder's constituents:

9682 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit
9683 of money or anything of value to an officeholder; or

9684 (ii) goods or services provided at less than fair market value to or for the benefit of
9685 the officeholder.

- 9686 (b) "Public service assistance" does not include:
- 9687 (i) anything provided by the state;
- 9688 (ii) services provided without compensation by individuals volunteering a portion or
- 9689 all of their time on behalf of an officeholder;
- 9690 (iii) money lent to an officeholder by a financial institution in the ordinary course of
- 9691 business;
- 9692 (iv) news coverage or any publication by the news media; or
- 9693 (v) any article, story, or other coverage as part of any regular publication of any
- 9694 organization unless substantially all the publication is devoted to information
- 9695 about the officeholder.
- 9696 (48) "Receipts" means contributions and public service assistance.
- 9697 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist
- 9698 Disclosure and Regulation Act.
- 9699 (50) "Registered political action committee" means any political action committee that is
- 9700 required by this chapter to file a statement of organization with the Office of the
- 9701 Lieutenant Governor.
- 9702 (51) "Registered political issues committee" means any political issues committee that is
- 9703 required by this chapter to file a statement of organization with the Office of the
- 9704 Lieutenant Governor.
- 9705 (52) "Registered political party" means an organization of voters that:
- 9706 (a) participated in the last regular general election and polled a total vote equal to 2% or
- 9707 more of the total votes cast for all candidates for the United States House of
- 9708 Representatives for any of its candidates for any office; or
- 9709 (b) has complied with the petition and organizing procedures of Chapter 8, Political
- 9710 Party Formation and Procedures.
- 9711 (53)(a) "Remuneration" means a payment:
- 9712 (i) made to a legislator for the period the Legislature is in session; and
- 9713 (ii) that is approximately equivalent to an amount a legislator would have earned
- 9714 during the period the Legislature is in session in the legislator's ordinary course of
- 9715 business.
- 9716 (b) "Remuneration" does not mean anything of economic value given to a legislator by:
- 9717 (i) the legislator's primary employer in the ordinary course of business; or
- 9718 (ii) a person or entity in the ordinary course of business:
- 9719 (A) because of the legislator's ownership interest in the entity; or

- 9720 (B) for services rendered by the legislator on behalf of the person or entity.
- 9721 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a
 9722 judge, a judge's personal campaign committee, an officeholder, a party committee, a
 9723 political action committee, a political issues committee, a corporation, or a labor
 9724 organization, as defined in Section 20A-11-1501.
- 9725 (55) "School board office" means the office of state school board.
- 9726 (56)(a) "Source" means the person or entity that is the legal owner of the tangible or
 9727 intangible asset that comprises the contribution.
- 9728 (b) "Source" means, for political action committees and corporations, the political action
 9729 committee and the corporation as entities, not the contributors to the political action
 9730 committee or the owners or shareholders of the corporation.
- 9731 (57) "State office" means the offices of governor, lieutenant governor, attorney general,
 9732 state auditor, and state treasurer.
- 9733 (58) "State office candidate" means a person who:
- 9734 (a) files a declaration of candidacy for a state office; or
- 9735 (b) receives contributions, makes expenditures, or gives consent for any other person to
 9736 receive contributions or make expenditures to bring about the person's nomination,
 9737 election, or appointment to a state office.
- 9738 (59) "Summary report" means the year end report containing the summary of a reporting
 9739 entity's contributions and expenditures.
- 9740 (60) "Supervisory board" means the individual or group of individuals that allocate
 9741 expenditures from a political issues committee.
- 9742 Section 132. Section **20A-11-103** is amended to read:
- 9743 **20A-11-103 . Notice of pending interim and summary reports -- Form of**
 9744 **submission -- Public availability -- Notice of reporting and filing requirements.**
- 9745 (1)(a) Except as provided under Subsection (1)(b), on the last business day that is at least
 9746 10 calendar days before an interim report or summary report is due under this chapter
 9747 or Chapter 12, Part 2, Judicial Retention Elections, the chief election officer shall
 9748 inform the filing entity by electronic mail unless postal mail is requested:
- 9749 (i) that the financial statement is due;
- 9750 (ii) of the date that the financial statement is due; and
- 9751 (iii) of the penalty for failing to file the financial statement.
- 9752 (b) The chief election officer is not required to provide notice:
- 9753 (i) to a candidate or political party of the financial statement that is due before the

- 9754 candidate's or political party's political convention;
- 9755 (ii) of a financial statement due in connection with a public hearing for an initiative
- 9756 under the requirements of Section 20A-7-204.1; or
- 9757 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.
- 9758 (2) A filing entity shall electronically file a financial statement via electronic mail or the
- 9759 Internet according to specifications established by the chief election officer.
- 9760 (3)(a) A financial statement is considered timely filed if the financial statement is
- 9761 received by the chief election officer's office before midnight, Mountain Time, at the
- 9762 end of the day on which the financial statement is due.
- 9763 (b) For a county clerk's office that is not open until midnight at the end of the day on
- 9764 which a financial statement is due, the county clerk shall permit a candidate to file
- 9765 the financial statement via email or another electronic means designated by the
- 9766 county clerk.
- 9767 (c) A chief election officer may extend the time in which a filing entity is required to file
- 9768 a financial statement if a filing entity notifies the chief election officer of the
- 9769 existence of an extenuating circumstance that is outside the control of the filing entity.
- 9770 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access
- 9771 and Management Act, the lieutenant governor shall:
- 9772 (a) make each campaign finance statement filed by a candidate available for public
- 9773 inspection and copying no later than one business day after the statement is filed; and
- 9774 (b) post on a website established by the lieutenant governor:
- 9775 (i) an electronic copy or the contents of each summary report or interim report filed
- 9776 under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention
- 9777 Elections, no later than three business days after the date on which the summary
- 9778 report or interim report is electronically filed; or
- 9779 (ii) for a campaign finance statement filed under the requirements of Section 10-3-208,
- 9780 for a municipality, or Section 17-16-6.5, for a county, a link to the municipal or
- 9781 county website that hosts the campaign finance statement, no later than seven
- 9782 business days after the date on which the lieutenant governor receives the link
- 9783 from:
- 9784 (A) the municipal clerk or recorder, in accordance with Subsection 10-3-208
- 9785 (10)(b)(ii); or
- 9786 (B) the county clerk, in accordance with Subsection 17-16-6.5(18)(b)(ii).
- 9787 (5) Between January 1 and January 15 of each year, the chief election officer shall provide

9788 notice, by postal mail or email, to each filing entity for which the chief election officer
 9789 has a physical or email address, of the reporting and filing requirements described in this
 9790 chapter.

9791 Section 133. Section **20A-11-105** is amended to read:

9792 **20A-11-105 . Deadline for payment of fine.**

9793 A person against whom the lieutenant governor imposes a fine under this chapter shall
 9794 pay the fine [~~before 5 p.m. within~~] no later than 5 p.m. on the last business day that is at least
 9795 30 calendar days after the day on which the lieutenant governor imposes the fine.

9796 Section 134. Section **20A-11-201** is amended to read:

9797 **20A-11-201 . State office -- Separate bank account for campaign funds -- No**
 9798 **personal use -- State office candidate reporting deadline -- Report other accounts --**
 9799 **Anonymous contributions.**

9800 (1)(a) Each state office candidate or the candidate's personal campaign committee shall
 9801 deposit each contribution received in one or more separate campaign accounts in a
 9802 financial institution.

9803 (b) A state office candidate or a candidate's personal campaign committee may not use
 9804 money deposited in a campaign account for:

9805 (i) a personal use expenditure; or

9806 (ii) an expenditure prohibited by law.

9807 (c) Each state officeholder or the state officeholder's personal campaign committee shall
 9808 deposit each contribution and public service assistance received in one or more
 9809 separate campaign accounts in a financial institution.

9810 (d) A state officeholder or a state officeholder's personal campaign committee may not
 9811 use money deposited in a campaign account for:

9812 (i) a personal use expenditure; or

9813 (ii) an expenditure prohibited by law.

9814 (2)(a) A state office candidate or the candidate's personal campaign committee may not
 9815 deposit or mingle any contributions received into a personal or business account.

9816 (b) A state officeholder or the state officeholder's personal campaign committee may not
 9817 deposit or mingle any contributions or public service assistance received into a
 9818 personal or business account.

9819 (3) If a person who is no longer a state office candidate chooses not to expend the money
 9820 remaining in a campaign account, the person shall continue to file the year-end summary
 9821 report required by Section 20A-11-203 until the statement of dissolution and final

- 9822 summary report required by Section 20A-11-205 are filed with the lieutenant governor.
- 9823 (4)(a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is
- 9824 no longer a state office candidate may not expend or transfer the money in a
- 9825 campaign account in a manner that would cause the former state office candidate to
- 9826 recognize the money as taxable income under federal tax law.
- 9827 (b) A person who is no longer a state office candidate may transfer the money in a
- 9828 campaign account in a manner that would cause the former state office candidate to
- 9829 recognize the money as taxable income under federal tax law if the transfer is made
- 9830 to a campaign account for federal office.
- 9831 (5)(a) As used in this Subsection (5), "received" means the same as that term is defined
- 9832 in Subsection 20A-11-204(1)(b).
- 9833 (b) Each state office candidate shall report to the lieutenant governor each contribution
- 9834 received by the state office candidate:
- 9835 (i) except as provided in Subsection (5)(b)(ii), within 31 calendar days after the day
- 9836 on which the contribution is received; or
- 9837 (ii) within seven business days after the day on which the contribution is received, if:
- 9838 (A) the state office candidate is contested in a convention and the contribution is
- 9839 received within 30 calendar days before the day on which the convention is
- 9840 held;
- 9841 (B) the state office candidate is contested in a primary election and the
- 9842 contribution is received within 30 calendar days before the day on which the
- 9843 primary election is held; or
- 9844 (C) the state office candidate is contested in a general election and the
- 9845 contribution is received within 30 calendar days before the day on which the
- 9846 general election is held.
- 9847 (c) Except as provided in Subsection (5)(d), for each contribution that a state office
- 9848 candidate fails to report within the time period described in Subsection (5)(b), the
- 9849 lieutenant governor shall impose a fine against the state office candidate in an amount
- 9850 equal to:
- 9851 (i) 10% of the amount of the contribution, if the state office candidate reports the
- 9852 contribution within 60 calendar days after the day on which the time period
- 9853 described in Subsection (5)(b) ends; or
- 9854 (ii) 20% of the amount of the contribution, if the state office candidate fails to report
- 9855 the contribution within 60 calendar days after the day on which the time period

- 9856 described in Subsection (5)(b) ends.
- 9857 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and issue
9858 a warning to the state office candidate if:
- 9859 (i) the contribution that the state office candidate fails to report is paid by the state
9860 office candidate from the state office candidate's personal funds;
- 9861 (ii) the state office candidate has not previously violated Subsection (5)(c) in relation
9862 to a contribution paid by the state office candidate from the state office candidate's
9863 personal funds; and
- 9864 (iii) the lieutenant governor determines that the failure to timely report the
9865 contribution is due to the state office candidate not understanding that the
9866 reporting requirement includes a contribution paid by a state office candidate from
9867 the state office candidate's personal funds.
- 9868 (e) The lieutenant governor shall:
- 9869 (i) deposit money received under Subsection (5)(c) into the General Fund; and
9870 (ii) report on the lieutenant governor's website, in the location where reports relating
9871 to each state office candidate are available for public access:
- 9872 (A) each fine imposed by the lieutenant governor against the state office candidate;
9873 (B) the amount of the fine;
9874 (C) the amount of the contribution to which the fine relates; and
9875 (D) the date of the contribution.
- 9876 (6)(a) As used in this Subsection (6), "account" means an account in a financial
9877 institution:
- 9878 (i) that is not described in Subsection (1)(a); and
9879 (ii) into which or from which a person who, as a candidate for an office, other than
9880 the state office for which the person files a declaration of candidacy or federal
9881 office, or as a holder of an office, other than a state office for which the person
9882 files a declaration of candidacy or federal office, deposits a contribution or makes
9883 an expenditure.
- 9884 (b) A state office candidate shall include on any financial statement filed in accordance
9885 with this part:
- 9886 (i) a contribution deposited in an account:
- 9887 (A) since the last campaign finance statement was filed; or
9888 (B) that has not been reported under a statute or ordinance that governs the
9889 account; or

- 9890 (ii) an expenditure made from an account:
- 9891 (A) since the last campaign finance statement was filed; or
- 9892 (B) that has not been reported under a statute or ordinance that governs the
- 9893 account.
- 9894 (7) Within 31 calendar days after [~~receiving~~] the day on which a state office candidate
- 9895 receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from
- 9896 an unknown source, [~~a~~] the state office candidate shall disburse the amount of the
- 9897 contribution to an organization that is exempt from federal income taxation under
- 9898 Section 501(c)(3), Internal Revenue Code.
- 9899 Section 135. Section **20A-11-204** is amended to read:
- 9900 **20A-11-204 . State office candidate and state officeholder -- Financial reporting**
- 9901 **requirements -- Interim reports.**
- 9902 (1) As used in this section:
- 9903 (a) "Campaign account" means a separate campaign account required under Subsection
- 9904 20A-11-201(1)(a) or (c).
- 9905 (b) "Received" means:
- 9906 (i) for a cash contribution, that the cash is given to a state office candidate or a
- 9907 member of the state office candidate's personal campaign committee;
- 9908 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
- 9909 instrument or check is negotiated;
- 9910 (iii) for a direct deposit made into a campaign account by a person not associated
- 9911 with the campaign, the earlier of:
- 9912 (A) the day on which the state office candidate or a member of the state office
- 9913 candidate's personal campaign committee becomes aware of the deposit and
- 9914 the source of the deposit;
- 9915 (B) the day on which the state office candidate or a member of the state office
- 9916 candidate's personal campaign committee receives notice of the deposit and the
- 9917 source of the deposit by mail, email, text, or similar means; or
- 9918 (C) 31 calendar days after the day on which the direct deposit occurs; or
- 9919 (iv) for any other type of contribution, that any portion of the contribution's benefit
- 9920 inures to the state office candidate.
- 9921 (2) Except as provided in Subsection (3), each state office candidate shall file an interim
- 9922 report at the following times in any year in which the candidate has filed a declaration of
- 9923 candidacy for a public office:

- 9924 (a)(i) seven calendar days before the candidate's political convention; or
 9925 (ii) for an unaffiliated candidate, the fourth Saturday in March;
 9926 (b) seven calendar days before the regular primary election date;
 9927 (c) September 30; and
 9928 (d) seven calendar days before the regular general election date.
- 9929 (3) If a state office candidate is a state office candidate seeking appointment for a midterm
 9930 vacancy, the state office candidate:
 9931 (a) shall file an interim report:
 9932 (i)(A) no later than seven calendar days before the day on which the political party
 9933 of the party for which the state office candidate seeks nomination meets to
 9934 declare a nominee for the governor to appoint in accordance with Section
 9935 20A-1-504; and
 9936 (B) two calendar days before the day on which the political party of the party for
 9937 which the state office candidate seeks nomination meets to declare a nominee
 9938 for the governor to appoint in accordance with Subsection 20A-1-504(1)(b)(i);
 9939 or
 9940 (ii) if a state office candidate decides to seek the appointment with less than seven
 9941 calendar days before the party meets, or the political party schedules the meeting
 9942 to declare a nominee less than seven calendar days before the day of the meeting,
 9943 no later than 5 p.m. on the last [~~day of~~]business day before the day on which the
 9944 party meets; and
 9945 (b) is not required to file an interim report at the times described in Subsection [~~(1)~~] (2).
- 9946 (4) Each interim report shall include the following information:
 9947 (a) the net balance of the last summary report, if any;
 9948 (b) a single figure equal to the total amount of receipts reported on all prior interim
 9949 reports, if any, during the calendar year in which the interim report is due;
 9950 (c) a single figure equal to the total amount of expenditures reported on all prior interim
 9951 reports, if any, filed during the calendar year in which the interim report is due;
 9952 (d) a detailed listing of:
 9953 (i) for a state office candidate, each contribution received since the last summary
 9954 report that has not been reported in detail on a prior interim report; or
 9955 (ii) for a state officeholder, each contribution and public service assistance received
 9956 since the last summary report that has not been reported in detail on a prior
 9957 interim report;

- 9958 (e) for each nonmonetary contribution:
- 9959 (i) the fair market value of the contribution with that information provided by the
- 9960 contributor; and
- 9961 (ii) a specific description of the contribution;
- 9962 (f) a detailed listing of each expenditure made since the last summary report that has not
- 9963 been reported in detail on a prior interim report;
- 9964 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 9965 (h) a net balance for the year consisting of the net balance from the last summary report,
- 9966 if any, plus all receipts since the last summary report minus all expenditures since the
- 9967 last summary report;
- 9968 (i) a summary page in the form required by the lieutenant governor that identifies:
- 9969 (i) beginning balance;
- 9970 (ii) total contributions and public service assistance received during the period since
- 9971 the last statement;
- 9972 (iii) total contributions and public service assistance received to date;
- 9973 (iv) total expenditures during the period since the last statement; and
- 9974 (v) total expenditures to date; and
- 9975 (j) the name of a political action committee for which the state office candidate or state
- 9976 officeholder is designated as an officer who has primary decision-making authority
- 9977 under Section 20A-11-601.

9978 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as

9979 of five calendar days before the required filing date of the report.

9980 (b) Any negotiable instrument or check received by a state office candidate or state

9981 officeholder more than five calendar days before the required filing date of a report

9982 required by this section shall be included in the interim report.

9983 Section 136. Section **20A-11-206** is amended to read:

9984 **20A-11-206 . State office candidate -- Failure to file reports -- Penalties.**

- 9985 (1) A state office candidate who fails to file a financial statement before the deadline is
- 9986 subject to a fine imposed in accordance with Section 20A-11-1005.
- 9987 (2) If a state office candidate fails to file an interim report described in Subsections
- 9988 20A-11-204(2)(b) through (d), the lieutenant governor may send an electronic notice to
- 9989 the state office candidate and the political party of which the state office candidate is a
- 9990 member, if any, that states:
- 9991 (a) that the state office candidate failed to timely file the report; and

- 9992 (b) that, if the state office candidate fails to file the report within 24 hours after the
9993 deadline for filing the report, the state office candidate will be disqualified and the
9994 political party will not be permitted to replace the candidate.
- 9995 (3)(a) The lieutenant governor shall disqualify a state office candidate and inform the
9996 county clerk and other appropriate election officials that the state office candidate is
9997 disqualified if the state office candidate fails to file an interim report described in
9998 Subsections 20A-11-204(2)(b) through (d) within 24 hours after the deadline for
9999 filing the report.
- 10000 (b) The political party of a state office candidate who is disqualified under Subsection
10001 (3)(a) may not replace the state office candidate.
- 10002 (4) If a state office candidate is disqualified under Subsection (3)(a), the election officer
10003 shall:
- 10004 (a) notify every opposing candidate for the state office that the state office candidate is
10005 disqualified;
- 10006 (b) send an email notification to each voter who is eligible to vote in the state office race
10007 for whom the lieutenant governor has an email address informing the voter that the
10008 state office candidate is disqualified and that votes cast for the state office candidate
10009 will not be counted;
- 10010 (c) post notice of the disqualification on the lieutenant governor's website; and
10011 (d) if practicable, remove the state office candidate's name from the ballot.
- 10012 (5) An election officer may fulfill the requirement described in Subsection (4) in relation to
10013 a mailed ballot, including a military or overseas ballot, by including with the ballot a
10014 written notice directing the voter to the lieutenant governor's website to inform the voter
10015 whether a candidate on the ballot is disqualified.
- 10016 (6) A state office candidate is not disqualified if:
- 10017 (a) the state office candidate timely files the reports described in Subsections
10018 20A-11-204(2)(b) through (d) no later than 24 hours after the applicable deadlines for
10019 filing the reports;
- 10020 (b) the reports are completed, detailing accurately and completely the information
10021 required by this part except for inadvertent omissions or insignificant errors or
10022 inaccuracies; and
- 10023 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in
10024 an amended report or the next scheduled report.
- 10025 (7)(a) Within 60 calendar 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]~~ no later than the first business day that is at least five days after the day on which the lieutenant governor discovers the violation or ~~[receipt of a]~~ receives the 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 calendar 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 137. Section **20A-11-301** is amended to read:

20A-11-301 . Legislative office -- Campaign finance requirements -- Candidate as a political action committee officer -- No personal use -- Contribution reporting deadline -- Report other accounts -- Anonymous contributions.

(1)(a)(i) Each legislative office candidate shall deposit each contribution received in one or more separate accounts in a financial institution that are dedicated only to that purpose.

(ii) A legislative office candidate may:

(A) receive a contribution from a political action committee registered under Section 20A-11-601; and

(B) be designated by a political action committee as an officer who has primary

- 10060 decision-making authority as described in Section 20A-11-601.
- 10061 (b) A legislative office candidate or the candidate's personal campaign committee may
10062 not use money deposited in an account described in Subsection (1)(a)(i) for:
- 10063 (i) a personal use expenditure; or
10064 (ii) an expenditure prohibited by law.
- 10065 (c)(i) Each legislative officeholder shall deposit each contribution and public service
10066 assistance received in one or more separate accounts in a financial institution that
10067 are dedicated only to that purpose.
- 10068 (ii) A legislative officeholder may:
- 10069 (A) receive a contribution or public service assistance from a political action
10070 committee registered under Section 20A-11-601; and
10071 (B) be designated by a political action committee as an officer who has primary
10072 decision-making authority as described in Section 20A-11-601.
- 10073 (d) A legislative officeholder or the legislative officeholder's personal campaign
10074 committee may not use money deposited in an account described in Subsection
10075 (1)(c)(i) for:
- 10076 (i) a personal use expenditure; or
10077 (ii) an expenditure prohibited by law.
- 10078 (2)(a) A legislative office candidate may not deposit or mingle any contributions
10079 received into a personal or business account.
- 10080 (b) A legislative officeholder may not deposit or mingle any contributions or public
10081 service assistance received into a personal or business account.
- 10082 (3) If a person who is no longer a legislative candidate chooses not to expend the money
10083 remaining in a campaign account, the person shall continue to file the year-end summary
10084 report required by Section 20A-11-302 until the statement of dissolution and final
10085 summary report required by Section 20A-11-304 are filed with the lieutenant governor.
- 10086 (4)(a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is
10087 no longer a legislative office candidate may not expend or transfer the money in a
10088 campaign account in a manner that would cause the former legislative office
10089 candidate to recognize the money as taxable income under federal tax law.
- 10090 (b) A person who is no longer a legislative office candidate may transfer the money in a
10091 campaign account in a manner that would cause the former legislative office
10092 candidate to recognize the money as taxable income under federal tax law if the
10093 transfer is made to a campaign account for federal office.

- 10094 (5)(a) As used in this Subsection (5), "received" means the same as that term is defined
10095 in Subsection 20A-11-303(1)(b).
- 10096 (b) Each legislative office candidate shall report to the lieutenant governor each
10097 contribution received by the legislative office candidate:
- 10098 (i) except as provided in Subsection (5)(b)(ii), within 31 calendar days after the day
10099 on which the contribution is received; or
- 10100 (ii) within seven business days after the day on which the contribution is received, if:
- 10101 (A) the legislative office candidate is contested in a convention and the
10102 contribution is received within 30 calendar days before the day on which the
10103 convention is held;
- 10104 (B) the legislative office candidate is contested in a primary election and the
10105 contribution is received within 30 calendar days before the day on which the
10106 primary election is held; or
- 10107 (C) the legislative office candidate is contested in a general election and the
10108 contribution is received within 30 calendar days before the day on which the
10109 general election is held.
- 10110 (c) Except as provided in Subsection (5)(d), for each contribution that a legislative office
10111 candidate fails to report within the time period described in Subsection (5)(b), the
10112 lieutenant governor shall impose a fine against the legislative office candidate in an
10113 amount equal to:
- 10114 (i) 10% of the amount of the contribution, if the legislative office candidate reports
10115 the contribution within 60 calendar days after the day on which the time period
10116 described in Subsection (5)(b) ends; or
- 10117 (ii) 20% of the amount of the contribution, if the legislative office candidate fails to
10118 report the contribution within 60 calendar days after the day on which the time
10119 period described in Subsection (5)(b) ends.
- 10120 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and issue
10121 a warning to the legislative office candidate if:
- 10122 (i) the contribution that the legislative office candidate fails to report is paid by the
10123 legislative office candidate from the legislative office candidate's personal funds;
- 10124 (ii) the legislative office candidate has not previously violated Subsection (5)(c) in
10125 relation to a contribution paid by the legislative office candidate from the
10126 legislative office candidate's personal funds; and
- 10127 (iii) the lieutenant governor determines that the failure to timely report the

10128 contribution is due to the legislative office candidate not understanding that the
10129 reporting requirement includes a contribution paid by a legislative office candidate
10130 from the legislative office candidate's personal funds.

10131 (e) The lieutenant governor shall:

10132 (i) deposit money received under Subsection (5)(c) into the General Fund; and

10133 (ii) report on the lieutenant governor's website, in the location where reports relating
10134 to each legislative office candidate are available for public access:

10135 (A) each fine imposed by the lieutenant governor against the legislative office
10136 candidate;

10137 (B) the amount of the fine;

10138 (C) the amount of the contribution to which the fine relates; and

10139 (D) the date of the contribution.

10140 (6) Within 31 calendar days after [~~receiving~~] the day on which a legislative office candidate
10141 receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from
10142 an unknown source, [a] the legislative office candidate shall disburse the amount of the
10143 contribution to an organization that is exempt from federal income taxation under
10144 Section 501(c)(3), Internal Revenue Code.

10145 (7)(a) As used in this Subsection (7), "account" means an account in a financial
10146 institution:

10147 (i) that is not described in Subsection (1)(a)(i); and

10148 (ii) into which or from which a person who, as a candidate for an office, other than a
10149 legislative office for which the person files a declaration of candidacy or federal
10150 office, or as a holder of an office, other than a legislative office for which the
10151 person files a declaration of candidacy or federal office, deposits a contribution or
10152 makes an expenditure.

10153 (b) A legislative office candidate shall include on any financial statement filed in
10154 accordance with this part:

10155 (i) a contribution deposited in an account:

10156 (A) since the last campaign finance statement was filed; or

10157 (B) that has not been reported under a statute or ordinance that governs the
10158 account; or

10159 (ii) an expenditure made from an account:

10160 (A) since the last campaign finance statement was filed; or

10161 (B) that has not been reported under a statute or ordinance that governs the

10162 account.

10163 Section 138. Section **20A-11-303** is amended to read:

10164 **20A-11-303 . Legislative office candidate and legislative officeholder -- Financial**
10165 **reporting requirements -- Interim reports.**

10166 (1) As used in this section:

10167 (a) "Campaign account" means a separate campaign account required under Subsection
10168 20A-11-301(1)(a)(i) or (c)(i).

10169 (b) "Received" means:

10170 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
10171 member of the legislative office candidate's personal campaign committee;

10172 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
10173 instrument or check is negotiated;

10174 (iii) for a direct deposit made into a campaign account by a person not associated
10175 with the campaign, the earlier of:

10176 (A) the day on which the legislative office candidate or a member of the
10177 legislative office candidate's personal campaign committee becomes aware of
10178 the deposit and the source of the deposit;

10179 (B) the day on which the legislative office candidate or a member of the
10180 legislative office candidate's personal campaign committee receives notice of
10181 the deposit and the source of the deposit by mail, email, text, or similar means;
10182 or

10183 (C) 31 calendar days after the day on which the direct deposit occurs; or

10184 (iv) for any other type of contribution, that any portion of the contribution's benefit
10185 inures to the legislative office candidate.

10186 (2) Except as provided in Subsection (3), each legislative office candidate shall file an
10187 interim report at the following times in any year in which the candidate has filed a
10188 declaration of candidacy for a public office:

10189 (a)(i) seven calendar days before the candidate's political convention; or

10190 (ii) for an unaffiliated candidate, the fourth Saturday in March;

10191 (b) seven calendar days before the regular primary election date;

10192 (c) September 30; and

10193 (d) seven calendar days before the regular general election date.

10194 (3) If a legislative office candidate is a legislative office candidate seeking appointment for
10195 a midterm vacancy, the legislative office candidate:

- 10196 (a) shall file an interim report:
- 10197 (i)(A) seven calendar days before the day on which the political party of the party
- 10198 for which the legislative office candidate seeks nomination meets to declare a
- 10199 nominee for the governor to appoint in accordance with Section 20A-1-503;
- 10200 and
- 10201 (B) two calendar days before the day on which the political party of the party for
- 10202 which the legislative office candidate seeks nomination meets to declare a
- 10203 nominee for the governor to appoint in accordance with Section 20A-1-503; or
- 10204 (ii) if the legislative office candidate decides to seek the appointment with less than
- 10205 seven calendar days before the party meets, or the political party schedules the
- 10206 meeting to declare a nominee less than seven calendar days before the day of the
- 10207 meeting, two calendar days before the day on which the party meets; and
- 10208 (b) is not required to file an interim report at the times described in Subsection (2)(a).
- 10209 (4) Each interim report shall include the following information:
- 10210 (a) the net balance of the last summary report, if any;
- 10211 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 10212 reports, if any, during the calendar year in which the interim report is due;
- 10213 (c) a single figure equal to the total amount of expenditures reported on all prior interim
- 10214 reports, if any, filed during the calendar year in which the interim report is due;
- 10215 (d) a detailed listing of:
- 10216 (i) for a legislative office candidate, each contribution received since the last
- 10217 summary report that has not been reported in detail on a prior interim report; or
- 10218 (ii) for a legislative officeholder, each contribution and public service assistance
- 10219 received since the last summary report that has not been reported in detail on a
- 10220 prior interim report;
- 10221 (e) for each nonmonetary contribution:
- 10222 (i) the fair market value of the contribution with that information provided by the
- 10223 contributor; and
- 10224 (ii) a specific description of the contribution;
- 10225 (f) a detailed listing of each expenditure made since the last summary report that has not
- 10226 been reported in detail on a prior interim report;
- 10227 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10228 (h) a net balance for the year consisting of the net balance from the last summary report,
- 10229 if any, plus all receipts since the last summary report minus all expenditures since the

- 10230 last summary report;
- 10231 (i) a summary page in the form required by the lieutenant governor that identifies:
- 10232 (i) beginning balance;
- 10233 (ii) total contributions and public service assistance received during the period since
- 10234 the last statement;
- 10235 (iii) total contributions and public service assistance received to date;
- 10236 (iv) total expenditures during the period since the last statement; and
- 10237 (v) total expenditures to date; and
- 10238 (j) the name of a political action committee for which the legislative office candidate or
- 10239 legislative officeholder is designated as an officer who has primary decision-making
- 10240 authority under Section 20A-11-601.
- 10241 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as
- 10242 of five calendar days before the required filing date of the report.
- 10243 (b) Any negotiable instrument or check received by a legislative office candidate or
- 10244 legislative officeholder more than five calendar days before the required filing date of
- 10245 a report required by this section shall be included in the interim report.
- 10246 Section 139. Section **20A-11-305** is amended to read:
- 10247 **20A-11-305 . Legislative office candidate -- Failure to file report -- Penalties.**
- 10248 (1) A legislative office candidate who fails to file a financial statement before the deadline
- 10249 is subject to a fine imposed in accordance with Section 20A-11-1005.
- 10250 (2) If a legislative office candidate fails to file an interim report described in Subsections
- 10251 20A-11-303(2)(b) through (d), the lieutenant governor may send an electronic notice to
- 10252 the legislative office candidate and the political party of which the legislative office
- 10253 candidate is a member, if any, that states:
- 10254 (a) that the legislative office candidate failed to timely file the report; and
- 10255 (b) that, if the legislative office candidate fails to file the report within 24 hours after the
- 10256 deadline for filing the report, the legislative office candidate will be disqualified and
- 10257 the political party will not be permitted to replace the candidate.
- 10258 (3)(a) The lieutenant governor shall disqualify a legislative office candidate and inform
- 10259 the county clerk and other appropriate election officials that the legislative office
- 10260 candidate is disqualified if the legislative office candidate fails to file an interim
- 10261 report described in Subsections 20A-11-303(2)(b) through (d) within 24 hours after
- 10262 the deadline for filing the report.
- 10263 (b) The political party of a legislative office candidate who is disqualified under

10264 Subsection (3)(a) may not replace the legislative office candidate.

10265 (4) If a legislative office candidate is disqualified under Subsection (3)(a), the election
10266 officer shall:

10267 (a) notify every opposing candidate for the legislative office that the legislative office
10268 candidate is disqualified;

10269 (b) send an email notification to each voter who is eligible to vote in the legislative
10270 office race for whom the election officer has an email address informing the voter
10271 that the legislative office candidate is disqualified and that votes cast for the
10272 legislative office candidate will not be counted;

10273 (c) post notice of the disqualification on the election officer's website; and

10274 (d) if practicable, remove the legislative office candidate's name from the ballot.

10275 (5) An election officer may fulfill the requirement described in Subsection (4) in relation to
10276 a mailed ballot, including a military or overseas ballot, by including with the ballot a
10277 written notice directing the voter to the election officer's website to inform the voter
10278 whether a candidate on the ballot is disqualified.

10279 (6) A legislative office candidate is not disqualified if:

10280 (a) the legislative office candidate files the reports described in Subsections
10281 20A-11-303(2)(b) through (d) no later than 24 hours after the applicable deadlines for
10282 filing the reports;

10283 (b) the reports are completed, detailing accurately and completely the information
10284 required by this part except for inadvertent omissions or insignificant errors or
10285 inaccuracies; and

10286 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in
10287 an amended report or the next scheduled report.

10288 (7)(a) Within 60 calendar days after a deadline for the filing of a summary report, the
10289 lieutenant governor shall review each filed summary report to ensure that:

10290 (i) each legislative office candidate that is required to file a summary report has filed
10291 one; and

10292 (ii) each summary report contains the information required by this part.

10293 (b) If it appears that any legislative office candidate has failed to file the summary report
10294 required by law, if it appears that a filed summary report does not conform to the law,
10295 or if the lieutenant governor has received a written complaint alleging a violation of
10296 the law or the falsity of any summary report, the lieutenant governor shall, [~~within~~
10297 ~~five days of discovery of a~~ no later than the first business day that is at least five

10298 calendar days after the day on which the lieutenant governor discovers the violation
10299 or [receipt of a] receives the written complaint, notify the legislative office candidate
10300 of the violation or written complaint and direct the legislative office candidate to file
10301 a summary report correcting the problem.

10302 (c)(i) It is unlawful for a legislative office candidate to fail to file or amend a
10303 summary report within seven calendar days after receiving notice from the
10304 lieutenant governor described in this Subsection (7).

10305 (ii) Each legislative office candidate who violates Subsection (7)(c)(i) is guilty of a
10306 class B misdemeanor.

10307 (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the
10308 attorney general.

10309 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the
10310 lieutenant governor shall impose a civil fine of \$100 against a legislative office
10311 candidate who violates Subsection (7)(c)(i).

10312 Section 140. Section **20A-11-401** is amended to read:

10313 **20A-11-401 . Officeholder financial reporting requirements -- Year-end**
10314 **summary report -- Officeholder as a political action committee officer -- Anonymous**
10315 **contribution or public service assistance.**

10316 (1)(a) Each officeholder shall file a summary report by January 10 of each year.

10317 (b) An officeholder that is required to file a summary report both as an officeholder and
10318 as a candidate for office under the requirements of this chapter may file a single
10319 summary report as a candidate and an officeholder, provided that the combined report
10320 meets the requirements of:

10321 (i) this section; and

10322 (ii) the section that provides the requirements for the summary report filed by the
10323 officeholder in the officeholder's capacity of a candidate for office.

10324 (2)(a) Each summary report shall include the following information as of December 31
10325 of the previous year:

10326 (i) the net balance of the last summary report, if any;

10327 (ii) a single figure equal to the total amount of receipts received since the last
10328 summary report, if any;

10329 (iii) a single figure equal to the total amount of expenditures made since the last
10330 summary report, if any;

10331 (iv) a detailed listing of each contribution and public service assistance received since

- 10332 the last summary report;
- 10333 (v) for each nonmonetary contribution:
- 10334 (A) the fair market value of the contribution with that information provided by the
- 10335 contributor; and
- 10336 (B) a specific description of the contribution;
- 10337 (vi) a detailed listing of each expenditure made since the last summary report;
- 10338 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10339 (viii) a net balance for the year consisting of the net balance from the last summary
- 10340 report plus all receipts minus all expenditures; and
- 10341 (ix) the name of a political action committee for which the officeholder is designated
- 10342 as an officer who has primary decision-making authority under Section
- 10343 20A-11-601.
- 10344 (b) In preparing the report, all receipts and expenditures shall be reported as of
- 10345 December 31 of the previous year.
- 10346 (3) The summary report shall contain a paragraph signed by the officeholder certifying that,
- 10347 to the best of the officeholder's knowledge, all receipts and all expenditures have been
- 10348 reported as of December 31 of the last calendar year and that there are no bills or
- 10349 obligations outstanding and unpaid except as set forth in that report.
- 10350 (4) An officeholder may:
- 10351 (a) receive public service assistance from a political action committee registered under
- 10352 Section 20A-11-601; and
- 10353 (b) be designated by a political action committee as an officer who has primary
- 10354 decision-making authority as described in Section 20A-11-601.
- 10355 (5) Within 31 calendar days after [~~receiving~~] the day on which an officeholder receives a
- 10356 contribution or public service assistance that is cash or a negotiable instrument, exceeds
- 10357 \$50, and is from an unknown source, [am] the officeholder shall disburse the amount of
- 10358 the contribution or public service assistance to:
- 10359 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 10360 political subdivision's general fund; or
- 10361 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
- 10362 Internal Revenue Code.
- 10363 Section 141. Section **20A-11-402** is amended to read:
- 10364 **20A-11-402 . Officeholder financial reporting requirements -- Statement of**
- 10365 **dissolution.**

- 10366 (1) An officeholder or former officeholder is active and subject to reporting requirements
10367 until the officeholder or former officeholder has filed a statement of dissolution with the
10368 lieutenant governor stating that:
- 10369 (a) the officeholder or former officeholder is no longer receiving contributions or public
10370 service assistance and is no longer making expenditures;
- 10371 (b) the ending balance on the last summary report filed is zero and the balance in the
10372 separate bank account required by Section 20A-11-201, 20A-11-301, or 20A-11-1301
10373 is zero; and
- 10374 (c) a final summary report in the form required by Section 20A-11-401 showing a zero
10375 balance is attached to the statement of dissolution.
- 10376 (2) A statement of dissolution and a final summary report may be filed at any time.
- 10377 (3)(a) Each officeholder shall report to the lieutenant governor each contribution or
10378 public service assistance received by the state officeholder within 31 calendar days
10379 after the day on which the officeholder receives the contribution or public service
10380 assistance.
- 10381 (b) For each contribution or public service assistance that an officeholder fails to report
10382 within the time period described in Subsection (3)(a), the lieutenant governor shall
10383 impose a fine against the officeholder in an amount equal to:
- 10384 (i) 10% of the amount of the contribution or public service assistance if the
10385 officeholder reports the contribution or public service assistance within 60
10386 calendar days after the day on which the time period described in Subsection (3)(a)
10387 ends; or
- 10388 (ii) 20% of the amount of the contribution or public service assistance if the
10389 officeholder fails to report the contribution or public service assistance within 60
10390 calendar days after the day on which the time period described in Subsection (3)(a)
10391 ends.
- 10392 (c) Each officeholder or former officeholder shall continue to file the year-end summary
10393 report required by Section 20A-11-401 until the statement of dissolution and final
10394 summary report required by this section are filed with the lieutenant governor.
- 10395 (4) An officeholder or former officeholder may not use a contribution or public service
10396 assistance deposited in an account in accordance with this chapter for:
- 10397 (a) a personal use expenditure; or
10398 (b) an expenditure prohibited by law.
- 10399 (5)(a) Except as provided in Subsection (5)(b), a former officeholder may not expend or

10400 transfer the money in a campaign account in a manner that would cause the former
10401 officeholder to recognize the money as taxable income under federal tax law.

10402 (b) A former officeholder may transfer the money in a campaign account in a manner
10403 that would cause the former officeholder to recognize the money as taxable income
10404 under federal tax law if the transfer is made to a campaign account for federal office.

10405 Section 142. Section **20A-11-403** is amended to read:

10406 **20A-11-403 . Failure to file -- Penalties.**

- 10407 (1) Within 60 calendar days after a deadline for the filing of a summary report, the
10408 lieutenant governor shall review each filed summary report to ensure that:
- 10409 (a) each officeholder that is required to file a summary report has filed one; and
10410 (b) each summary report contains the information required by this part.
- 10411 (2) If it appears that any officeholder has failed to file the summary report required by law,
10412 if it appears that a filed summary report does not conform to the law, or if the lieutenant
10413 governor has received a written complaint alleging a violation of the law or the falsity of
10414 any summary report, the lieutenant governor shall, if the lieutenant governor determines
10415 that a violation has occurred:
- 10416 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and
10417 (b) [~~within five days of discovery of a~~] no later than the first business day that is at least
10418 five calendar days after the day on which the lieutenant governor discovers the
10419 violation or [receipt of a] receives the written complaint, notify the officeholder of the
10420 violation or written complaint and direct the officeholder to file a summary report
10421 correcting the problem.
- 10422 (3)(a) It is unlawful for any officeholder to fail to file or amend a summary report within
10423 seven calendar days after receiving notice from the lieutenant governor under this
10424 section.
- 10425 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B misdemeanor.
10426 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney
10427 general.
10428 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
10429 governor shall impose a civil fine of \$100 against an officeholder who violates
10430 Subsection (3)(a).

10431 Section 143. Section **20A-11-507** is amended to read:

10432 **20A-11-507 . Political party financial reporting requirements -- Interim reports.**

- 10433 (1) The party committee of each registered political party shall file an interim report at the

- 10434 following times in any year in which there is a regular general election:
- 10435 (a) seven calendar days before the registered political party's political convention;
- 10436 (b) seven calendar days before the regular primary election date;
- 10437 (c) September 30; and
- 10438 (d) seven calendar days before the general election date.
- 10439 (2) Each interim report shall include the following information:
- 10440 (a) the net balance of the last financial statement, if any;
- 10441 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 10442 reports, if any, during the calendar year in which the interim report is due;
- 10443 (c) a single figure equal to the total amount of expenditures reported on all prior interim
- 10444 reports, if any, filed during the calendar year in which the interim report is due;
- 10445 (d) a detailed listing of each contribution received since the last summary report that has
- 10446 not been reported in detail on a prior interim report;
- 10447 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 10448 (f) a detailed listing of each expenditure made since the last summary report that has not
- 10449 been reported in detail on a prior interim report;
- 10450 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10451 (h) a net balance for the year consisting of the net balance from the last summary report,
- 10452 if any, plus all receipts since the last summary report minus all expenditures since the
- 10453 last summary report; and
- 10454 (i) a summary page in the form required by the lieutenant governor that identifies:
- 10455 (i) beginning balance;
- 10456 (ii) total contributions during the period since the last statement;
- 10457 (iii) total contributions to date;
- 10458 (iv) total expenditures during the period since the last statement; and
- 10459 (v) total expenditures to date.
- 10460 (3)(a) For all individual contributions of \$50 or less, a single aggregate figure may be
- 10461 reported without separate detailed listings.
- 10462 (b) Two or more contributions from the same source that have an aggregate total of
- 10463 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 10464 (4) In preparing each interim report, all receipts and expenditures shall be reported as of
- 10465 five calendar days before the required filing date of the report.

10466 Section 144. Section **20A-11-508** is amended to read:

10467 **20A-11-508 . Political party reporting requirements -- Criminal penalties -- Fines.**

- 10468 (1)(a) Each registered political party that fails to file a financial statement by the
 10469 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
 10470 (b) Each registered political party that fails to file an interim report described in
 10471 Subsections 20A-11-507(1)(b) through (d) is guilty of a class B misdemeanor.
 10472 (c) The lieutenant governor shall report all violations of Subsection (1)(b) to the attorney
 10473 general.
- 10474 (2) Within 60 calendar days after a deadline for the filing of a summary report required by
 10475 this part, the lieutenant governor shall review each filed report to ensure that:
 10476 (a) each political party that is required to file a report has filed one; and
 10477 (b) each report contains the information required by this part.
- 10478 (3) If it appears that any political party has failed to file a report required by law, if it
 10479 appears that a filed report does not conform to the law, or if the lieutenant governor has
 10480 received a written complaint alleging a violation of the law or the falsity of any report,
 10481 the lieutenant governor shall, [~~within five days of discovery of a~~] no later than the first
 10482 business day that is at least five calendar days after the day on which the lieutenant
 10483 governor discovers the violation or [~~receipt of a~~] receives the written complaint, notify
 10484 the political party of the violation or written complaint and direct the political party to
 10485 file a summary report correcting the problem.
- 10486 (4)(a) It is unlawful for any political party to fail to file or amend a summary report
 10487 within seven calendar days after receiving notice from the lieutenant governor under
 10488 this section.
 10489 (b) Each political party who violates Subsection (4)(a) is guilty of a class B
 10490 misdemeanor.
 10491 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney
 10492 general.
 10493 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
 10494 governor shall impose a civil fine of \$1,000 against a political party that violates
 10495 Subsection (4)(a).

10496 Section 145. Section **20A-11-511** is amended to read:

10497 **20A-11-511 . County political party financial reporting requirements -- Interim**
 10498 **reports.**

- 10499 (1)(a) A county political party officer of a county political party that has received
 10500 contributions totaling at least \$750, or disbursed expenditures totaling at least \$750,
 10501 during a calendar year shall file an interim report at the following times in any year in

- 10502 which there is a regular general election:
- 10503 (i) seven calendar days before the county political party's convention;
- 10504 (ii) seven calendar days before the regular primary election date;
- 10505 (iii) September 30; and
- 10506 (iv) seven calendar days before the general election date.
- 10507 (b) A county political party officer need not file an interim report if it received no
- 10508 contributions or made no expenditures during the reporting period.
- 10509 (2) Each interim report shall include the following information:
- 10510 (a) the net balance of the last financial statement, if any;
- 10511 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 10512 reports, if any, during the calendar year in which the interim report is due;
- 10513 (c) a single figure equal to the total amount of expenditures reported on all prior interim
- 10514 reports, if any, filed during the calendar year in which the interim report is due;
- 10515 (d) a detailed listing of each contribution received since the last summary report that has
- 10516 not been reported in detail on a prior interim report;
- 10517 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 10518 (f) a detailed listing of each expenditure made since the last summary report that has not
- 10519 been reported in detail on a prior interim report;
- 10520 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10521 (h) a net balance for the year consisting of the net balance from the last summary report,
- 10522 if any, plus all receipts since the last summary report minus all expenditures since the
- 10523 last summary report; and
- 10524 (i) a summary page in the form required by the lieutenant governor that identifies:
- 10525 (i) beginning balance;
- 10526 (ii) total contributions during the period since the last statement;
- 10527 (iii) total contributions to date;
- 10528 (iv) total expenditures during the period since the last statement; and
- 10529 (v) total expenditures to date.
- 10530 (3)(a) For all individual contributions of \$50 or less, a single aggregate figure may be
- 10531 reported without separate detailed listings.
- 10532 (b) Two or more contributions from the same source that have an aggregate total of
- 10533 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 10534 (4) In preparing each interim report, all receipts and expenditures shall be reported as of
- 10535 five calendar days before the required filing date of the report.

Section 146. Section **20A-11-512** is amended to read:

20A-11-512 . County political party -- Criminal penalties -- Fines.

- (1) A county political party that fails to file an interim report described in Subsections 20A-11-511(1)(a)(i) through (iv) before the deadline is subject to a fine in accordance with Section 20A-11-1005, which the chief election officer shall deposit [~~in~~] into the General Fund.
- (2) Within 60 calendar days after a deadline for the filing of the January 10 statement required by Section 20A-11-510, the lieutenant governor shall review each filed statement to ensure that:
- (a) a county political party officer who is required to file a statement has filed one; and
- (b) each statement contains the information required by Section 20A-11-510.
- (3) If it appears that any county political party officer has failed to file a financial statement before the deadline, if it appears that a filed financial statement 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 financial statement, the lieutenant governor shall, [~~within~~] no later than the first business day that is at least five calendar days after the day on which the lieutenant governor discovers the violation or receives the written complaint, notify the county political party officer of the violation or written complaint and direct the county political party officer to file a financial statement correcting the problem.
- (4)(a) A county political party that fails to file or amend a financial statement within seven calendar days after the day on which the county political party receives notice from the lieutenant governor under this section is subject to a fine of the lesser of:
- (i) 10% of the total contributions received, and the total expenditures made, by the county political party during the reporting period for the financial statement that the county political party failed to file or amend; or
- (ii) \$1,000.
- (b) The chief election officer shall deposit a fine collected under Subsection (4)(a) into the General Fund.

Section 147. Section **20A-11-601** is amended to read:

20A-11-601 . Political action committees -- Registration -- Name or acronym used by political action committee -- Criminal penalty for providing false information or accepting unlawful contribution.

- (1)(a) A political action committee shall file an initial statement of organization with the lieutenant governor's office no later than 5 p.m. on the first business day that is at

- 10570 least seven calendar days after the day on which the political action committee:
- 10571 (i) receives contributions totaling at least \$750; or
- 10572 (ii) distributes expenditures for political purposes totaling at least \$750.
- 10573 (b) Unless the political action committee has filed a notice of dissolution under
- 10574 Subsection (7), after filing an initial statement of organization, a political action
- 10575 committee shall file an updated statement of organization with the lieutenant
- 10576 governor's office each year after the year in which the political action committee files
- 10577 an initial statement of organization:
- 10578 (i) before 5 p.m. on January 10; or
- 10579 (ii) electronically, before midnight on January 10.
- 10580 (c) After filing an initial statement of organization, a political action committee shall,
- 10581 before January 10 each year after the year in which the political action committee
- 10582 files an initial statement of organization, file an updated statement of organization
- 10583 with the lieutenant governor's office.
- 10584 (2) A statement of organization described in Subsection (1) shall include:
- 10585 (a) the full name of the political action committee, a second name, if any, and an
- 10586 acronym, if any;
- 10587 (b) the address and phone number of the political action committee;
- 10588 (c) the name, address, telephone number, title, and occupation of:
- 10589 (i) the two officers described in Subsection (5) and the treasurer of the political action
- 10590 committee;
- 10591 (ii) all other officers, advisory members, and governing board members of the
- 10592 political action committee; and
- 10593 (iii) each individual or entity represented by, or affiliated with, the political action
- 10594 committee; and
- 10595 (d) other relevant information requested by the lieutenant governor.
- 10596 (3)(a) A political action committee may not use a name or acronym:
- 10597 (i) other than a name or acronym disclosed in the political action committee's latest
- 10598 statement of organization;
- 10599 (ii) that is the same, or deceptively similar to, the name or acronym of another
- 10600 political action committee; or
- 10601 (iii) that is likely to mislead a potential donor regarding the individuals or entities
- 10602 represented by, or affiliated with, the political action committee.
- 10603 (b) Within seven calendar days after the day on which a political action committee files

10604 an initial statement of organization, the lieutenant governor's office shall:

10605 (i) review the statement and determine whether a name or acronym used by the
10606 political action committee violates Subsection (3)(a)(ii) or (iii); and

10607 (ii) if the lieutenant governor's office determines that a name or acronym used by the
10608 political action committee violates Subsection (3)(a)(ii) or (iii), order, in writing,
10609 that the political action committee:

10610 (A) immediately cease and desist use of the name or acronym; and

10611 (B) within seven calendar days after the day of the order, electronically file an
10612 updated statement of organization with a name and acronym that does not
10613 violate Subsection (3)(a)(ii) or (iii).

10614 (c) If a political action committee uses a name or acronym that is the same, or
10615 deceptively similar to, the name or acronym of another political action committee,
10616 the lieutenant governor shall determine which political action committee has been
10617 using the name the longest and shall order, in writing, any other political action
10618 committee using the same, or a deceptively similar, name or acronym to:

10619 (i) immediately cease and desist use of the name or acronym; and

10620 (ii) within seven calendar days after the day of the order, electronically file an
10621 updated statement of organization with a name and acronym that does not violate
10622 Subsection (3)(a)(ii) or (iii).

10623 (d) If a political action committee uses a name or acronym other than a name or acronym
10624 disclosed in the political action committee's latest statement of organization:

10625 (i) the lieutenant governor shall order, in writing, that the political action committee
10626 cease and desist use of the name or acronym; and

10627 (ii) the political action committee shall immediately comply with the order described
10628 in Subsection (3)(d)(i).

10629 (4)(a) The lieutenant governor may, in addition to any other penalty provided by law,
10630 impose a \$100 fine against a political action committee, or against an individual who
10631 forms a political action committee, that:

10632 (i) fails to timely file a complete and accurate statement of organization or
10633 subsequent statement of organization; or

10634 (ii) fails to comply with an order described in Subsection (3).

10635 (b) If the lieutenant governor imposes a fine described in Subsection (4)(a)(i):

10636 (i) the person against whom the fine is imposed shall, [~~within~~] no later than the first
10637 business day that is at least seven calendar days after the day on which the

- 10638 lieutenant governor imposes the fine:
- 10639 (A) pay the fine; and
- 10640 (B) file a complete and accurate statement, or subsequent statement, of
- 10641 organization, as applicable; and
- 10642 (ii) the lieutenant governor shall provide written notice to the person against whom
- 10643 the fine is imposed:
- 10644 (A) of the requirements described in Subsection (4)(b)(i); and
- 10645 (B) that failure to timely comply with the requirement described in Subsection
- 10646 (4)(b)(i)(B) is a class B misdemeanor.
- 10647 (c) The attorney general, or a political action committee that is harmed by the action of a
- 10648 political action committee in violation of this section, may bring an action for an
- 10649 injunction against the violating political action committee, or an officer of the
- 10650 violating political action committee, to enforce the provisions of this section.
- 10651 (d) A political action committee may bring an action for damages against another
- 10652 political action committee that uses a name or acronym that is the same, or
- 10653 deceptively similar to, the name or acronym of the political action committee
- 10654 bringing the action.
- 10655 (5)(a) Each political action committee shall designate two officers who have primary
- 10656 decision-making authority for the political action committee.
- 10657 (b) An individual may not exercise primary decision-making authority for a political
- 10658 action committee if the individual is not designated under Subsection (5)(a).
- 10659 (6) A political action committee shall deposit each contribution received in one or more
- 10660 separate accounts in a financial institution that are dedicated only to that purpose.
- 10661 (7)(a) A registered political action committee that intends to permanently cease
- 10662 operations shall file a notice of dissolution with the lieutenant governor's office.
- 10663 (b) A notice of dissolution filed by a political action committee does not exempt the
- 10664 political action committee from complying with the financial reporting requirements
- 10665 described in this chapter in relation to all contributions received, and all expenditures
- 10666 made, before, at, or after dissolution.
- 10667 (c) A political action committee shall, before filing a notice of dissolution, dispose of
- 10668 any money remaining in an account described in Subsection (6) by:
- 10669 (i) returning the money to the donors;
- 10670 (ii) donating the money to the campaign account of a candidate or officeholder;
- 10671 (iii) donating the money to another political action committee;

- 10672 (iv) donating the money to a political party;
- 10673 (v) donating the money to an organization that is exempt from federal income
- 10674 taxation under Section 501(c)(3), Internal Revenue Code; or
- 10675 (vi) making another lawful expenditure of the money for a political purpose.
- 10676 (d) A political action committee shall report all money donated or expended in a
- 10677 financial report to the lieutenant governor, in accordance with the financial reporting
- 10678 requirements described in this chapter.
- 10679 (8)(a) Unless the political action committee has filed a notice of dissolution under
- 10680 Subsection (7), a political action committee shall file, with the lieutenant governor's
- 10681 office, notice of any change of an officer described in Subsection (5)(a).
- 10682 (b) A political action committee may not accept a contribution from a political issues
- 10683 committee, but may donate money to a political issues committee.
- 10684 (c) A political action committee shall:
- 10685 (i) electronically file a notice of a change of a primary officer described in Subsection
- 10686 (5)(a) [~~before 5 p.m.~~] within 10 calendar days after the day on which the change
- 10687 occurs; and
- 10688 (ii) include in the notice of change the name and title of the officer being replaced,
- 10689 and the name, address, occupation, and title of the new officer.
- 10690 (9)(a) A person is guilty of providing false information in relation to a political action
- 10691 committee if the person intentionally or knowingly gives false or misleading material
- 10692 information in a statement of organization or the notice of change of primary officer.
- 10693 (b) Each primary officer designated in Subsection (5)(a) or (8)(c) is guilty of accepting
- 10694 an unlawful contribution if the political action committee knowingly or recklessly
- 10695 accepts a contribution from a corporation that:
- 10696 (i) was organized less than 90 calendar days before the date of the general election;
- 10697 and
- 10698 (ii) at the time the political action committee accepts the contribution, has failed to
- 10699 file a statement of organization with the lieutenant governor's office as required by
- 10700 Section 20A-11-704.
- 10701 (c) A violation of this Subsection (9) is a third degree felony.
- 10702 Section 148. Section **20A-11-602** is amended to read:
- 10703 **20A-11-602 . Political action committees -- Financial reporting.**
- 10704 (1)(a) Each registered political action committee that has received contributions totaling
- 10705 at least \$750, or disbursed expenditures totaling at least \$750, during a calendar year

10706 shall file a verified financial statement with the lieutenant governor's office:

10707 (i) on January 10, reporting contributions and expenditures as of December 31 of the
10708 previous year;

10709 (ii) seven calendar days before the state political convention of each major political
10710 party;

10711 (iii) seven calendar days before the county political convention of a political party, if
10712 the political action committee makes an expenditure on or before the day
10713 described in Subsection (1)(b)(ii) in relation to a candidate that the party may
10714 nominate at the convention;

10715 (iv) seven calendar days before the regular primary election date;

10716 (v) on September 30; and

10717 (vi) seven calendar days before:

10718 (A) the municipal general election; and

10719 (B) the regular general election.

10720 (b) The registered political action committee shall report:

10721 (i) a detailed listing of all contributions received and expenditures made since the last
10722 statement; and

10723 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all
10724 contributions and expenditures as of five calendar days before the required filing
10725 date of the financial statement.

10726 (c) The registered political action committee need not file a statement under this section
10727 if [~~it received~~] the registered political action committee receives no contributions and [
10728 ~~made~~] makes no expenditures during the reporting period.

10729 (2)(a) The verified financial statement shall include:

10730 (i) the name and address of any individual who makes a contribution to the reporting
10731 political action committee, if known, and the amount of the contribution;

10732 (ii) the identification of any publicly identified class of individuals that makes a
10733 contribution to the reporting political action committee, if known, and the amount
10734 of the contribution;

10735 (iii) the name and address of any political action committee, group, or entity, if
10736 known, that makes a contribution to the reporting political action committee, and
10737 the amount of the contribution;

10738 (iv) for each nonmonetary contribution, the fair market value of the contribution;

10739 (v) the name and address of each reporting entity that received an expenditure from

- 10740 the reporting political action committee, and the amount of each expenditure;
- 10741 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10742 (vii) the total amount of contributions received and expenditures disbursed by the
- 10743 reporting political action committee;
- 10744 (viii) a statement by the political action committee's treasurer or chief financial
- 10745 officer certifying that, to the best of the person's knowledge, the financial report is
- 10746 accurate; and
- 10747 (ix) a summary page in the form required by the lieutenant governor that identifies:
- 10748 (A) beginning balance;
- 10749 (B) total contributions during the period since the last statement;
- 10750 (C) total contributions to date;
- 10751 (D) total expenditures during the period since the last statement; and
- 10752 (E) total expenditures to date.
- 10753 (b)(i) Contributions received by a political action committee that have a value of \$50
- 10754 or less need not be reported individually, but shall be listed on the report as an
- 10755 aggregate total.
- 10756 (ii) Two or more contributions from the same source that have an aggregate total of
- 10757 more than \$50 may not be reported in the aggregate, but shall be reported
- 10758 separately.
- 10759 (c) A political action committee is not required to report an independent expenditure
- 10760 under Part 17, Independent Expenditures, if, in the financial statement described in
- 10761 this section, the political action committee:
- 10762 (i) includes the independent expenditure;
- 10763 (ii) identifies the independent expenditure as an independent expenditure; and
- 10764 (iii) provides the information, described in Section 20A-11-1704, in relation to the
- 10765 independent expenditure.
- 10766 (3) A group or entity may not divide or separate into units, sections, or smaller groups for
- 10767 the purpose of avoiding the financial reporting requirements of this chapter, and
- 10768 substance shall prevail over form in determining the scope or size of a political action
- 10769 committee.
- 10770 (4)(a) As used in this Subsection (4), "received" means:
- 10771 (i) for a cash contribution, that the cash is given to a political action committee;
- 10772 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
- 10773 instrument or check is negotiated; and

- 10774 (iii) for any other type of contribution, that any portion of the contribution's benefit
10775 inures to the political action committee.
- 10776 (b) A political action committee shall report each contribution to the lieutenant governor
10777 within 31 calendar days after the contribution is received.
- 10778 (5) A political action committee may not expend a contribution for political purposes if the
10779 contribution:
- 10780 (a) is cash or a negotiable instrument;
10781 (b) exceeds \$50; and
10782 (c) is from an unknown source.
- 10783 (6) Within 31 calendar days after receiving a contribution that is cash or a negotiable
10784 instrument, exceeds \$50, and is from an unknown source, a political action committee
10785 shall disburse the amount of the contribution to:
- 10786 (a) the treasurer of the state or a political subdivision for deposit into the state's or
10787 political subdivision's general fund; or
10788 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
10789 Internal Revenue Code.
- 10790 Section 149. Section **20A-11-603** is amended to read:
10791 **20A-11-603 . Criminal penalties -- Fines.**
- 10792 (1)(a) As used in this Subsection (1), "completed" means that:
- 10793 (i) the financial statement accurately and completely details the information required
10794 by this part except for inadvertent omissions or insignificant errors or
10795 inaccuracies; and
10796 (ii) the political action committee corrects the omissions, errors, or inaccuracies
10797 described in Subsection (1)(a) in an amended report or the next scheduled report.
- 10798 (b) Each political action committee that fails to file a completed financial statement
10799 before the deadline is subject to a fine imposed in accordance with Section
10800 20A-11-1005.
- 10801 (c) Each political action committee that fails to file a completed financial statement
10802 described in Subsections 20A-11-602(1)(a)(iv) through (vi) is guilty of a class B
10803 misdemeanor.
- 10804 (d) The lieutenant governor shall report all violations of Subsection (1)(c) to the attorney
10805 general.
- 10806 (2) Within 60 calendar days after a deadline for the filing of the January 10 statement
10807 required by this part, the lieutenant governor shall review each filed statement to ensure

10808 that:

10809 (a) each political action committee that is required to file a statement has filed one; and

10810 (b) each statement contains the information required by this part.

10811 (3) If it appears that any political action committee has failed to file the January 10
 10812 statement, if it appears that a filed statement does not conform to the law, or if the
 10813 lieutenant governor has received a written complaint alleging a violation of the law or
 10814 the falsity of any statement, the lieutenant governor shall, [~~within five days~~] no later than
 10815 the first business day that is at least five calendar days after the day on which the
 10816 lieutenant governor discovers the violation or receives the written complaint, notify the
 10817 political action committee of the violation or written complaint and direct the political
 10818 action committee to file a statement correcting the problem.

10819 (4)(a) It is unlawful for any political action committee to fail to file or amend a
 10820 statement within seven calendar days after the day on which the political action
 10821 committee receives notice from the lieutenant governor under this section.

10822 (b) Each political action committee that violates Subsection (4)(a) is guilty of a class B
 10823 misdemeanor.

10824 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney
 10825 general.

10826 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
 10827 governor shall impose a civil fine of \$1,000 against a political action committee that
 10828 violates Subsection (4)(a).

10829 (5)(a) It is unlawful for a person to fail to file a complete and accurate statement of
 10830 organization, or a complete and accurate subsequent statement of organization,
 10831 within seven calendar days after the day on which the person receives the notice
 10832 described in Subsection 20A-11-601(4)(b)(ii).

10833 (b) A violation of Subsection (5)(a) is a class B misdemeanor.

10834 (c) The lieutenant governor shall report all violations of Subsection (5)(a) to the attorney
 10835 general.

10836 Section 150. Section **20A-11-701.5** is amended to read:

10837 **20A-11-701.5 . Campaign financial reporting by corporations -- Filing**
 10838 **requirements -- Statement contents.**

10839 (1)(a) Each corporation that has made expenditures for political purposes that total at
 10840 least \$750 during a calendar year shall file a verified financial statement with the
 10841 lieutenant governor's office:

- 10842 (i) on January 10, reporting expenditures as of December 31 of the previous year;
- 10843 (ii) seven calendar days before the state political convention for each major political
- 10844 party;
- 10845 (iii) seven calendar days before the regular primary election date;
- 10846 (iv) on September 30; and
- 10847 (v) seven calendar days before the regular general election date.
- 10848 (b) The corporation shall report:
- 10849 (i) a detailed listing of all expenditures made since the last financial statement;
- 10850 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all
- 10851 expenditures as of five calendar days before the required filing date of the
- 10852 financial statement; and
- 10853 (iii) whether the corporation, including an officer of the corporation, director of the
- 10854 corporation, or person with at least 10% ownership in the corporation:
- 10855 (A) has bid since the last financial statement on a contract, as defined in Section
- 10856 63G-6a-103, in excess of \$100,000;
- 10857 (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess
- 10858 of \$100,000; or
- 10859 (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of
- 10860 \$100,000.
- 10861 (c) The corporation need not file a financial statement under this section if the
- 10862 corporation made no expenditures during the reporting period.
- 10863 (d) The corporation is not required to report an expenditure made to, or on behalf of, a
- 10864 reporting entity that the reporting entity is required to include in a financial statement
- 10865 described in this chapter, Chapter 12, Part 2, Judicial Retention Elections, Section
- 10866 10-3-208, or Section 17-16-6.5.
- 10867 (2) The financial statement shall include:
- 10868 (a) the name and address of each reporting entity that received an expenditure from the
- 10869 corporation, and the amount of each expenditure;
- 10870 (b) the total amount of expenditures disbursed by the corporation; and
- 10871 (c) a statement by the corporation's treasurer or chief financial officer certifying the
- 10872 accuracy of the financial statement.
- 10873 Section 151. Section **20A-11-702** is amended to read:
- 10874 **20A-11-702 . Campaign financial reporting of political issues expenditures by**
- 10875 **corporations -- Financial reporting.**

- 10876 (1)(a) Each corporation that has made political issues expenditures on current or
 10877 proposed ballot issues that total at least \$750 during a calendar year shall file a
 10878 verified financial statement with the lieutenant governor's office:
- 10879 (i) on January 10, reporting expenditures as of December 31 of the previous year;
 - 10880 (ii) seven calendar days before the state political convention of each major political
 10881 party;
 - 10882 (iii) seven calendar days before the regular primary election date;
 - 10883 (iv) on September 30; and
 - 10884 (v) seven calendar days before the regular general election date.
- 10885 (b) The corporation shall report:
- 10886 (i) a detailed listing of all expenditures made since the last financial statement; and
 - 10887 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v),
 10888 expenditures as of five calendar days before the required filing date of the
 10889 financial statement.
- 10890 (c) The corporation need not file a statement under this section if it made no
 10891 expenditures during the reporting period.
- 10892 (2) That statement shall include:
- 10893 (a) the name and address of each individual, entity, or group of individuals or entities
 10894 that received a political issues expenditure of more than \$50 from the corporation,
 10895 and the amount of each political issues expenditure;
 - 10896 (b) the total amount of political issues expenditures disbursed by the corporation; and
 - 10897 (c) a statement by the corporation's treasurer or chief financial officer certifying the
 10898 accuracy of the verified financial statement.
- 10899 Section 152. Section **20A-11-703** is amended to read:
- 10900 **20A-11-703 . Criminal penalties -- Fines.**
- 10901 (1) Within 60 calendar days after a deadline for the filing of any statement required by this
 10902 part, the lieutenant governor shall review each filed statement to ensure that:
 - 10903 (a) each corporation that is required to file a statement has filed one; and
 - 10904 (b) each statement contains the information required by this part. - 10905 (2) If it appears that any corporation has failed to file any statement, if it appears that a filed
 10906 statement does not conform to the law, or if the lieutenant governor has received a
 10907 written complaint alleging a violation of the law or the falsity of any statement, the
 10908 lieutenant governor shall:
 - 10909 (a) impose a fine against the corporation in accordance with Section 20A-11-1005; and

- 10910 (b) within five days [~~of discovery of a~~] after the day on which the lieutenant governor
 10911 discovers the violation or [~~receipt of a~~] receives the written complaint, notify the
 10912 corporation of the violation or written complaint and direct the corporation to file a
 10913 statement correcting the problem.
- 10914 (3)(a) It is unlawful for any corporation to fail to file or amend a statement within seven
 10915 calendar days after receiving notice from the lieutenant governor under this section.
- 10916 (b) Each corporation that violates Subsection (3)(a) is guilty of a class B misdemeanor.
- 10917 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney
 10918 general.
- 10919 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
 10920 governor shall impose a civil fine of \$1,000 against a corporation that violates
 10921 Subsection (3)(a).
- 10922 Section 153. Section **20A-11-704** is amended to read:
- 10923 **20A-11-704 . Statement of organization required for certain new corporations.**
- 10924 (1) A corporation that is incorporated, organized, or otherwise created less than 90 calendar
 10925 days before the date of a general election shall file a statement of organization with the
 10926 lieutenant governor's office before making a contribution to a political action committee
 10927 or a political issues committee in association with the election.
- 10928 (2) The statement of organization shall include:
- 10929 (a) the name and street address of the corporation;
- 10930 (b) the name, street address, phone number, occupation, and title of one or more
 10931 individuals that have primary decision-making authority for the corporation;
- 10932 (c) the name, street address, phone number, occupation, and title of the corporation's
 10933 chief financial officer;
- 10934 (d) the name, street address, occupation, and title of all other officers or managers of the
 10935 corporation; and
- 10936 (e) the name, street address, and occupation of each member of the corporation's
 10937 governing and advisory boards, if any.
- 10938 (3)(a) A corporation shall file with the lieutenant governor's office a notice of intent to
 10939 cease making contributions, if the corporation:
- 10940 (i) has made a contribution described in Subsection (1); and
- 10941 (ii) intends to permanently cease making contributions described in Subsection (1).
- 10942 (b) A notice filed under Subsection (3)(a) does not exempt the corporation from
 10943 complying with the financial reporting requirements described in this chapter.

10944 Section 154. Section **20A-11-705** is amended to read:

10945 **20A-11-705 . Notice of in-kind contributions.**

- 10946 (1) A corporation that makes an in-kind contribution to a reporting entity shall, in
10947 accordance with Subsection (2), provide the reporting entity a written notice that
10948 includes:
- 10949 (a) the name and address of the corporation;
 - 10950 (b) the date of the in-kind expenditure;
 - 10951 (c) a description of the in-kind expenditure; and
 - 10952 (d) the value, in dollars, of the in-kind expenditure.
- 10953 (2) A corporation shall provide the written notice described in Subsection (1) to the
10954 reporting entity:
- 10955 (a) except as provided in Subsection (2)(b), within 31 calendar days after the day on
10956 which the corporation makes the in-kind contribution; or
 - 10957 (b) within seven business days after the day on which the corporation makes the in-kind
10958 contribution, if:
 - 10959 (i) the in-kind contribution is to a candidate who is contested in a convention and the
10960 corporation makes the in-kind contribution within 30 calendar days before the day
10961 on which the convention is held;
 - 10962 (ii) the in-kind contribution is to a candidate who is contested in a primary election
10963 and the corporation makes the in-kind contribution within 30 calendar days before
10964 the day on which the primary election is held; or
 - 10965 (iii) the in-kind contribution is to a candidate who is contested in a general election
10966 and the corporation makes the in-kind contribution within 30 calendar days before
10967 the day on which the general election is held.
- 10968 (3) A corporation that provides, and a reporting entity that receives, the written notice
10969 described in Subsection (1) shall retain a copy of the notice for five years after the day
10970 on which the written notice is provided to the reporting entity.
- 10971 (4) A corporation or reporting entity that fails to comply with the requirements of this
10972 section is guilty of a class B misdemeanor.
- 10973 (5) A person that intentionally or knowingly provides, or conspires to provide, false
10974 information on a written notice described in this section is guilty of a class B
10975 misdemeanor.

10976 Section 155. Section **20A-11-801** is amended to read:

10977 **20A-11-801 . Political issues committees -- Registration -- Criminal penalty for**

- 10978 **providing false information or accepting unlawful contribution.**
- 10979 (1)(a) Unless the political issues committee has filed a notice of dissolution under
- 10980 Subsection (4), each political issues committee shall file a statement of organization
- 10981 with the lieutenant governor's office:
- 10982 (i) before 5 p.m. on January 10 of each year; or
- 10983 (ii) electronically, before midnight on January 10 of each year.
- 10984 (b) If a political issues committee is organized after the filing deadline described in
- 10985 Subsection (1)(a), the political issues committee shall file an initial statement of
- 10986 organization no later than 5 p.m. on the first business day that is at least seven
- 10987 calendar days after the day on which the political issues committee:
- 10988 (i) receives political issues contributions totaling at least \$750; or
- 10989 (ii) distributes political issues expenditures totaling at least \$750.
- 10990 (c) Each political issues committee shall deposit each contribution received into one or
- 10991 more separate accounts in a financial institution that are dedicated only to that
- 10992 purpose.
- 10993 (2)(a) Each political issues committee shall designate two officers that have primary
- 10994 decision-making authority for the political issues committee.
- 10995 (b) An individual may not exercise primary decision-making authority for a political
- 10996 issues committee if the individual is not designated under Subsection (2)(a).
- 10997 (3) The statement of organization shall include:
- 10998 (a) the name and address of the political issues committee;
- 10999 (b) the name, address, phone number, occupation, and title of the two primary officers
- 11000 designated under Subsection (2);
- 11001 (c) the name, address, occupation, and title of all other officers of the political issues
- 11002 committee;
- 11003 (d) the name and address of the organization, individual, corporation, association, unit of
- 11004 government, or union that the political issues committee represents, if any;
- 11005 (e) the name and address of all affiliated or connected organizations and their
- 11006 relationships to the political issues committee;
- 11007 (f) the name, residential address, business address, occupation, and phone number of the
- 11008 committee's treasurer or chief financial officer;
- 11009 (g) the name, address, and occupation of each member of the supervisory and advisory
- 11010 boards, if any; and
- 11011 (h) the ballot proposition whose outcome they wish to affect, and whether they support

11012 or oppose it.

11013 (4)(a) A registered political issues committee that intends to permanently cease
11014 operations during a calendar year shall:

11015 (i) dispose of all remaining funds by returning the funds to donors or donating the
11016 funds to an organization that is exempt from federal income taxation under
11017 Section 501(c)(3), Internal Revenue Code; and

11018 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the
11019 lieutenant governor's office.

11020 (b) A political issues committee may not donate money to a political action committee,
11021 but may accept a contribution from a political action committee.

11022 (c) Any notice of dissolution filed by a political issues committee does not exempt that
11023 political issues committee from complying with the financial reporting requirements
11024 of this chapter in relation to all contributions received, and all expenditures made,
11025 before, at, or after dissolution.

11026 (d) A political issues committee shall report all money donated or expended under
11027 Subsection (4)(a) in a financial report to the lieutenant governor, in accordance with
11028 the financial reporting requirements described in this chapter.

11029 (5)(a) Unless the political issues committee has filed a notice of dissolution under
11030 Subsection (4), a political issues committee shall file, with the lieutenant governor's
11031 office, notice of any change of an officer described in Subsection (2).

11032 (b) A political issues committee shall:

11033 (i) electronically file a notice of a change of a primary officer described in Subsection
11034 (2)(a) [~~before 5 p.m.~~] within 10 calendar days after the day on which the change
11035 occurs; and

11036 (ii) include in the notice of change the name and title of the officer being replaced
11037 and the name, address, occupation, and title of the new officer.

11038 (6)(a) A person is guilty of providing false information in relation to a political issues
11039 committee if the person intentionally or knowingly gives false or misleading material
11040 information in the statement of organization or the notice of change of primary
11041 officer.

11042 (b) Each primary officer designated in Subsection (2)(a) or (5)(b) is guilty of accepting
11043 an unlawful contribution if the political issues committee knowingly or recklessly
11044 accepts a contribution from a corporation that:

11045 (i) was organized less than 90 calendar days before the date of the general election;

- 11046 and
- 11047 (ii) at the time the political issues committee accepts the contribution, has failed to
- 11048 file a statement of organization with the lieutenant governor's office as required by
- 11049 Section 20A-11-704.
- 11050 (c) A violation of this Subsection (6) is a third degree felony.
- 11051 (7)(a) As used in this Subsection (7), "received" means:
- 11052 (i) for a cash contribution, that the cash is given to a political issues committee;
- 11053 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
- 11054 instrument or check is negotiated; and
- 11055 (iii) for any other type of contribution, that any portion of the contribution's benefit
- 11056 inures to the political issues committee.
- 11057 (b) Each political issues committee shall report to the lieutenant governor each
- 11058 contribution received by the political issues committee within seven business days
- 11059 after the day on which the contribution is received if the contribution is received
- 11060 within 30 calendar days before the last day on which the sponsors of the initiative or
- 11061 referendum described in Subsection 20A-11-801(3)(h) may submit signatures to
- 11062 qualify the initiative or referendum for the ballot.
- 11063 (c) For each contribution that a political issues committee fails to report within the
- 11064 period described in Subsection (7)(b), the lieutenant governor shall impose a fine
- 11065 against the political issues committee in an amount equal to:
- 11066 (i) 10% of the amount of the contribution, if the political issues committee reports the
- 11067 contribution within 60 calendar days after the last day on which the political
- 11068 issues committee should have reported the contribution under Subsection (7)(b); or
- 11069 (ii) 20% of the amount of the contribution, if the political issues committee fails to
- 11070 report the contribution within 60 calendar days after the last day on which the
- 11071 political issues committee should have reported the contribution under Subsection
- 11072 (7)(b).
- 11073 (d) The lieutenant governor shall:
- 11074 (i) deposit money received under Subsection (7)(c) into the General Fund; and
- 11075 (ii) report on the lieutenant governor's website, in the location where reports relating
- 11076 to each political issues committee are available for public access:
- 11077 (A) each fine imposed by the lieutenant governor against the political issues
- 11078 committee;
- 11079 (B) the amount of the fine;

- 11080 (C) the amount of the contribution to which the fine relates; and
 11081 (D) the date of the contribution.

11082 Section 156. Section **20A-11-802** is amended to read:

11083 **20A-11-802 . Political issues committees -- Financial reporting.**

- 11084 (1)(a) Each registered political issues committee that has received political issues
 11085 contributions totaling at least \$750, or disbursed political issues expenditures totaling
 11086 at least \$750, during a calendar year, shall file a verified financial statement with the
 11087 lieutenant governor's office:
- 11088 (i) on January 10, reporting contributions and expenditures as of December 31 of the
 11089 previous year;
 - 11090 (ii) seven calendar days before the state political convention of each major political
 11091 party;
 - 11092 (iii) seven calendar days before the regular primary election date;
 - 11093 (iv) seven calendar days before the date of an incorporation election, if the political
 11094 issues committee has received or expended funds to affect an incorporation;
 - 11095 (v) at least three calendar days before the first public hearing held as required by
 11096 Section 20A-7-204.1;
 - 11097 (vi) if the political issues committee has received or expended funds in relation to an
 11098 initiative or referendum, five calendar days before the deadline for the initiative or
 11099 referendum sponsors to submit:
 - 11100 (A) the verified and certified initiative packets under Section 20A-7-105; or
 - 11101 (B) the signed and verified referendum packets under Section 20A-7-105;
 - 11102 (vii) on September 30; and
 - 11103 (viii) seven calendar days before:
 - 11104 (A) the municipal general election; and
 - 11105 (B) the regular general election.
- 11106 (b) The political issues committee shall report:
- 11107 (i) a detailed listing of all contributions received and expenditures made since the last
 11108 statement; and
 - 11109 (ii) all contributions and expenditures as of five calendar days before the required
 11110 filing date of the financial statement, except for a financial statement filed on
 11111 January 10.
- 11112 (c) The political issues committee need not file a statement under this section if it
 11113 received no contributions and made no expenditures during the reporting period.

- 11114 (2)(a) That statement shall include:
- 11115 (i) the name and address, if known, of any individual who makes a political issues
- 11116 contribution to the reporting political issues committee, and the amount of the
- 11117 political issues contribution;
- 11118 (ii) the identification of any publicly identified class of individuals that makes a
- 11119 political issues contribution to the reporting political issues committee, and the
- 11120 amount of the political issues contribution;
- 11121 (iii) the name and address, if known, of any political issues committee, group, or
- 11122 entity that makes a political issues contribution to the reporting political issues
- 11123 committee, and the amount of the political issues contribution;
- 11124 (iv) the name and address of each reporting entity that makes a political issues
- 11125 contribution to the reporting political issues committee, and the amount of the
- 11126 political issues contribution;
- 11127 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 11128 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
- 11129 entity, or group of individuals or entities that received a political issues
- 11130 expenditure of more than \$50 from the reporting political issues committee, and
- 11131 the amount of each political issues expenditure;
- 11132 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 11133 (viii) the total amount of political issues contributions received and political issues
- 11134 expenditures disbursed by the reporting political issues committee;
- 11135 (ix) a statement by the political issues committee's treasurer or chief financial officer
- 11136 certifying that, to the best of the person's knowledge, the financial statement is
- 11137 accurate; and
- 11138 (x) a summary page in the form required by the lieutenant governor that identifies:
- 11139 (A) beginning balance;
- 11140 (B) total contributions during the period since the last statement;
- 11141 (C) total contributions to date;
- 11142 (D) total expenditures during the period since the last statement; and
- 11143 (E) total expenditures to date.
- 11144 (b)(i) Political issues contributions received by a political issues committee that have
- 11145 a value of \$50 or less need not be reported individually, but shall be listed on the
- 11146 report as an aggregate total.
- 11147 (ii) Two or more political issues contributions from the same source that have an

11148 aggregate total of more than \$50 may not be reported in the aggregate, but shall be
11149 reported separately.

11150 (c) When reporting political issue expenditures made to circulators of initiative petitions,
11151 the political issues committee:

11152 (i) need only report the amount paid to each initiative petition circulator; and

11153 (ii) need not report the name or address of the circulator.

11154 (3)(a) As used in this Subsection (3), "received" means:

11155 (i) for a cash contribution, that the cash is given to a political issues committee;

11156 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
11157 instrument or check is negotiated; and

11158 (iii) for any other type of contribution, that any portion of the contribution's benefit
11159 inures to the political issues committee.

11160 (b) A political issues committee shall report each contribution to the lieutenant governor
11161 within 31 calendar days after the contribution is received.

11162 (4) A political issues committee may not expend a contribution for a political issues
11163 expenditure if the contribution:

11164 (a) is cash or a negotiable instrument;

11165 (b) exceeds \$50; and

11166 (c) is from an unknown source.

11167 (5) Within 31 calendar days after receiving a contribution that is cash or a negotiable
11168 instrument, exceeds \$50, and is from an unknown source, a political issues committee
11169 shall disburse the amount of the contribution to:

11170 (a) the treasurer of the state or a political subdivision for deposit into the state's or
11171 political subdivision's general fund; or

11172 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
11173 Internal Revenue Code.

11174 Section 157. Section **20A-11-803** is amended to read:

11175 **20A-11-803 . Criminal penalties -- Fines.**

11176 (1)(a) As used in this Subsection (1), "completed" means that:

11177 (i) the financial statement accurately and completely details the information required
11178 by this part except for inadvertent omissions or insignificant errors or
11179 inaccuracies; and

11180 (ii) the political issues committee corrects the omissions, errors, or inaccuracies
11181 described in Subsection (1)(a) in an amended report or the next scheduled report.

- 11182 (b) Each political issues committee that fails to file a completed financial statement
11183 before the deadline is subject to a fine imposed in accordance with Section
11184 20A-11-1005.
- 11185 (c) Each political issues committee that fails to file a completed financial statement
11186 described in Subsection 20A-11-802(1)(a)(vii) or (viii) is guilty of a class B
11187 misdemeanor.
- 11188 (d) The lieutenant governor shall report all violations of Subsection (1)(c) to the attorney
11189 general.
- 11190 (2) Within 60 calendar days after a deadline for the filing of the January 10 statement, the
11191 lieutenant governor shall review each filed statement to ensure that:
- 11192 (a) each political issues committee that is required to file a statement has filed one; and
11193 (b) each statement contains the information required by this part.
- 11194 (3) If it appears that any political issues committee has failed to file the January 10
11195 statement, if it appears that a filed statement does not conform to the law, or if the
11196 lieutenant governor has received a written complaint alleging a violation of the law or
11197 the falsity of any statement, the lieutenant governor shall, [~~within~~] no later than the first
11198 business day that is at least five calendar days after the day on which the lieutenant
11199 governor discovers the violation or receives the written complaint, notify the political
11200 issues committee of the violation or written complaint and direct the political issues
11201 committee to file a statement correcting the problem.
- 11202 (4)(a) It is unlawful for any political issues committee to fail to file or amend a statement
11203 within seven calendar days after the day on which the political issues committee
11204 receives notice from the lieutenant governor under this section.
- 11205 (b) Each political issues committee that violates Subsection (4)(a) is guilty of a class B
11206 misdemeanor.
- 11207 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney
11208 general.
- 11209 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
11210 governor shall impose a civil fine of \$1,000 against a political issues committee that
11211 violates Subsection (4)(a).
- 11212 Section 158. Section **20A-11-1203** is amended to read:
- 11213 **20A-11-1203 . Public entity prohibited from expending public funds on certain**
11214 **electoral matters.**
- 11215 (1) Unless specifically required by law, and except as provided in Subsection (5) or Section

- 11216 20A-11-1206, a public entity may not:
- 11217 (a) make an expenditure from public funds for political purposes, to influence a ballot
- 11218 proposition, or to influence a proposed initiative or proposed referendum; or
- 11219 (b) publish on the public entity's website an argument for or against a ballot proposition,
- 11220 a proposed initiative, or a proposed referendum.
- 11221 (2) A violation of this section does not invalidate an otherwise valid election.
- 11222 (3) This section does not prohibit the reasonable expenditure of public funds to gather
- 11223 information for, and respond directly to, an individual who makes an inquiry regarding a
- 11224 ballot proposition, a proposed initiative, or a proposed referendum.
- 11225 (4) This section does not prohibit:
- 11226 (a) a public entity from conducting research, or collecting and compiling information or
- 11227 arguments in relation to, a ballot proposition, a proposed initiative, or a proposed
- 11228 referendum;
- 11229 (b) an elected or appointed official of the public entity described in Subsection (4)(a)
- 11230 from using the research, information, or arguments described in Subsection (4)(a) for
- 11231 the purpose of advocating for or against a ballot proposition, proposed initiative, or
- 11232 proposed referendum via a website, or another medium, not owned or controlled by
- 11233 the public entity;
- 11234 (c) a public entity from posting on the public entity's website a link to another website,
- 11235 with a brief description, that is not owned or controlled by a public entity, or from
- 11236 publishing in any medium owned, controlled, or paid for by a public entity a website
- 11237 address, with a brief description, where an individual may view research,
- 11238 information, and arguments for or against a ballot proposition, proposed initiative, or
- 11239 proposed referendum if the public entity:
- 11240 (i) before posting the link or publishing the address, provides at least seven calendar
- 11241 days written notice to the sponsors of the ballot proposition, proposed initiative, or
- 11242 proposed referendum:
- 11243 (A) of the public entity's intent to post the link or publish the address;
- 11244 (B) a description of each medium in which the public entity intends to post the
- 11245 link or publish the address; and
- 11246 (C) the dates of the publication or posting; and
- 11247 (ii) posts, immediately adjacent to the link or address, and brief description described
- 11248 in Subsection (4)(c)(i), a link to, or an address for, a website, with a brief
- 11249 description, containing the sponsors' research, information, and arguments for or

11250 against the ballot proposition, proposed initiative, or proposed referendum, if the
11251 sponsors provide a link or address within seven calendar days after the day on
11252 which the sponsors receive the notice described in Subsection (4)(c)(i); or
11253 (d) a public entity from posting on the public entity's website, or any medium, a
11254 complete copy of a proposition information pamphlet described in Section
11255 20A-7-401.5 or a voter information pamphlet.

11256 (5) Subsection (1) does not prohibit a public entity from taking an action under Title 53G,
11257 Chapter 3, Part 3, Creating a New School District, that is necessary for the public entity
11258 to seek the creation of a new school district.

11259 Section 159. Section **20A-11-1301** is amended to read:

11260 **20A-11-1301 . School board office -- Campaign finance requirements --**
11261 **Candidate as a political action committee officer -- No personal use -- Contribution**
11262 **reporting deadline -- Report other accounts -- Anonymous contributions.**

11263 (1)(a)(i) Each school board office candidate shall deposit each contribution received
11264 in one or more separate accounts in a financial institution that are dedicated only
11265 to that purpose.

11266 (ii) A school board office candidate may:

11267 (A) receive a contribution from a political action committee registered under
11268 Section 20A-11-601; and

11269 (B) be designated by a political action committee as an officer who has primary
11270 decision-making authority as described in Section 20A-11-601.

11271 (b) A school board office candidate may not use money deposited in an account
11272 described in Subsection (1)(a)(i) for:

11273 (i) a personal use expenditure; or

11274 (ii) an expenditure prohibited by law.

11275 (c)(i) Each school board officeholder shall deposit each contribution and public
11276 service assistance received in one or more separate accounts in a financial
11277 institution that are dedicated only to that purpose.

11278 (ii) A school board officeholder may:

11279 (A) receive a contribution or public service assistance from a political action
11280 committee registered under Section 20A-11-601; and

11281 (B) be designated by a political action committee as an officer who has primary
11282 decision-making authority as described in Section 20A-11-601.

11283 (d) A school board officeholder may not use money deposited in an account described in

- 11284 Subsection (1)(a)(i) or (1)(c)(i) for:
- 11285 (i) a personal use expenditure; or
- 11286 (ii) an expenditure prohibited by law.
- 11287 (2)(a) A school board office candidate may not deposit or mingle any contributions
- 11288 received into a personal or business account.
- 11289 (b) A school board officeholder may not deposit or mingle any contributions or public
- 11290 service assistance received into a personal or business account.
- 11291 (3) A school board office candidate or school board officeholder may not make any
- 11292 political expenditures prohibited by law.
- 11293 (4) If a person who is no longer a school board office candidate chooses not to expend the
- 11294 money remaining in a campaign account, the person shall continue to file the year-end
- 11295 summary report required by Section 20A-11-1302 until the statement of dissolution and
- 11296 final summary report required by Section 20A-11-1304 are filed with the lieutenant
- 11297 governor.
- 11298 (5)(a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who is
- 11299 no longer a school board office candidate may not expend or transfer the money in a
- 11300 campaign account in a manner that would cause the former school board office
- 11301 candidate to recognize the money as taxable income under federal tax law.
- 11302 (b) A person who is no longer a school board office candidate may transfer the money in
- 11303 a campaign account in a manner that would cause the former school board office
- 11304 candidate to recognize the money as taxable income under federal tax law if the
- 11305 transfer is made to a campaign account for federal office.
- 11306 (6)(a) As used in this Subsection (6), "received" means the same as that term is defined
- 11307 in Subsection 20A-11-1303(1)(a).
- 11308 (b) Except as provided in Subsection (6)(d), each school board office candidate shall
- 11309 report to the chief election officer each contribution received by the school board
- 11310 office candidate:
- 11311 (i) except as provided in Subsection (6)(b)(ii), within 31 calendar days after the day
- 11312 on which the contribution is received; or
- 11313 (ii) within seven business days after the day on which the contribution is received, if:
- 11314 (A) the school board office candidate is contested in a convention and the
- 11315 contribution is received within 30 calendar days before the day on which the
- 11316 convention is held;
- 11317 (B) the school board office candidate is contested in a primary election and the

- 11318 contribution is received within 30 calendar days before the day on which the
11319 primary election is held; or
- 11320 (C) the school board office candidate is contested in a general election and the
11321 contribution is received within 30 calendar days before the day on which the
11322 general election is held.
- 11323 (c) For each contribution that a school board office candidate fails to report within the
11324 time period described in Subsection (6)(b), the chief election officer shall impose a
11325 fine against the school board office candidate in an amount equal to:
- 11326 (i) 10% of the amount of the contribution, if the school board office candidate reports
11327 the contribution within 60 calendar days after the day on which the time period
11328 described in Subsection (6)(b) ends; or
- 11329 (ii) 20% of the amount of the contribution, if the school board office candidate fails
11330 to report the contribution within 60 calendar days after the day on which the time
11331 period described in Subsection (6)(b) ends.
- 11332 (d) The lieutenant governor may waive the fine described in Subsection (6)(c) and issue
11333 a warning to the school board office candidate if:
- 11334 (i) the contribution that the school board office candidate fails to report is paid by the
11335 school board office candidate from the school board office candidate's personal
11336 funds;
- 11337 (ii) the school board office candidate has not previously violated Subsection (6)(c) in
11338 relation to a contribution paid by the school board office candidate from the
11339 school board office candidate's personal funds; and
- 11340 (iii) the lieutenant governor determines that the failure to timely report the
11341 contribution is due to the school board office candidate not understanding that the
11342 reporting requirement includes a contribution paid by a school board office
11343 candidate from the school board office candidate's personal funds.
- 11344 (e) The chief election officer shall:
- 11345 (i) deposit money received under Subsection (6)(c) into the General Fund; and
- 11346 (ii) report on the chief election officer's website, in the location where reports relating
11347 to each school board office candidate are available for public access:
- 11348 (A) each fine imposed by the chief election officer against the school board office
11349 candidate;
- 11350 (B) the amount of the fine;
- 11351 (C) the amount of the contribution to which the fine relates; and

- 11352 (D) the date of the contribution.
- 11353 (7) Within 31 calendar days after [~~receiving~~] the day on which a school board office
- 11354 candidate receives a contribution that is cash or a negotiable instrument, exceeds \$50,
- 11355 and is from an unknown source, [a] the school board office candidate shall disburse the
- 11356 contribution to an organization that is exempt from federal income taxation under
- 11357 Section 501(c)(3), Internal Revenue Code.
- 11358 (8)(a) As used in this Subsection (8), "account" means an account in a financial
- 11359 institution:
- 11360 (i) that is not described in Subsection (1)(a)(i); and
- 11361 (ii) into which or from which a person who, as a candidate for an office, other than a
- 11362 school board office for which the person files a declaration of candidacy or federal
- 11363 office, or as a holder of an office, other than a school board office for which the
- 11364 person files a declaration of candidacy or federal office, deposits a contribution or
- 11365 makes an expenditure.
- 11366 (b) A school board office candidate shall include on any financial statement filed in
- 11367 accordance with this part:
- 11368 (i) a contribution deposited in an account:
- 11369 (A) since the last campaign finance statement was filed; or
- 11370 (B) that has not been reported under a statute or ordinance that governs the
- 11371 account; or
- 11372 (ii) an expenditure made from an account:
- 11373 (A) since the last campaign finance statement was filed; or
- 11374 (B) that has not been reported under a statute or ordinance that governs the
- 11375 account.
- 11376 Section 160. Section **20A-11-1303** is amended to read:
- 11377 **20A-11-1303 . School board office candidate and school board officeholder --**
- 11378 **Financial reporting requirements -- Interim reports.**
- 11379 (1)(a) As used in this section, "received" means:
- 11380 (i) for a cash contribution, that the cash is given to a school board office candidate or
- 11381 a member of the school board office candidate's personal campaign committee;
- 11382 (ii) for a contribution that is a check or other negotiable instrument, that the check or
- 11383 other negotiable instrument is negotiated;
- 11384 (iii) for a direct deposit made into a campaign account by a person not associated
- 11385 with the campaign, the earlier of:

- 11386 (A) the day on which the school board office candidate or a member of the school
11387 board office candidate's personal campaign committee becomes aware of the
11388 deposit and the source of the deposit;
- 11389 (B) the day on which the school board office candidate or a member of the school
11390 board office candidate's personal campaign committee receives notice of the
11391 deposit and the source of the deposit by mail, email, text, or similar means; or
11392 (C) 31 calendar days after the day on which the direct deposit occurs; or
11393 (iv) for any other type of contribution, that any portion of the contribution's benefit
11394 inures to the school board office candidate.
- 11395 (b) As used in this Subsection (1), "campaign account" means a separate campaign
11396 account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).
- 11397 (c) Each school board office candidate shall file an interim report at the following times
11398 in any year in which the candidate has filed a declaration of candidacy for a public
11399 office:
- 11400 (i) May 15;
11401 (ii) seven calendar days before the regular primary election date;
11402 (iii) September 30; and
11403 (iv) seven calendar days before the regular general election date.
- 11404 (2) Each interim report shall include the following information:
- 11405 (a) the net balance of the last summary report, if any;
11406 (b) a single figure equal to the total amount of receipts reported on all prior interim
11407 reports, if any, during the calendar year in which the interim report is due;
11408 (c) a single figure equal to the total amount of expenditures reported on all prior interim
11409 reports, if any, filed during the calendar year in which the interim report is due;
11410 (d) a detailed listing of:
- 11411 (i) for a school board office candidate, each contribution received since the last
11412 summary report that has not been reported in detail on a prior interim report; or
11413 (ii) for a school board officeholder, each contribution and public service assistance
11414 received since the last summary report that has not been reported in detail on a
11415 prior interim report;
- 11416 (e) for each nonmonetary contribution:
- 11417 (i) the fair market value of the contribution with that information provided by the
11418 contributor; and
11419 (ii) a specific description of the contribution;

- 11420 (f) a detailed listing of each expenditure made since the last summary report that has not
 11421 been reported in detail on a prior interim report;
- 11422 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 11423 (h) a net balance for the year consisting of the net balance from the last summary report,
 11424 if any, plus all receipts since the last summary report minus all expenditures since the
 11425 last summary report;
- 11426 (i) a summary page in the form required by the lieutenant governor that identifies:
- 11427 (i) beginning balance;
- 11428 (ii) total contributions during the period since the last statement;
- 11429 (iii) total contributions to date;
- 11430 (iv) total expenditures during the period since the last statement; and
- 11431 (v) total expenditures to date; and
- 11432 (j) the name of a political action committee for which the school board office candidate
 11433 or school board officeholder is designated as an officer who has primary
 11434 decision-making authority under Section 20A-11-601.

11435 (3)(a) In preparing each interim report, all receipts and expenditures shall be reported as
 11436 of five calendar days before the required filing date of the report.

11437 (b) Any negotiable instrument or check received by a school board office candidate or
 11438 school board officeholder more than five calendar days before the required filing date
 11439 of a report required by this section shall be included in the interim report.

11440 Section 161. Section **20A-11-1305** is amended to read:

11441 **20A-11-1305 . School board office candidate -- Failure to file statement --**

11442 **Penalties.**

11443 (1) A school board office candidate who fails to file a financial statement by the deadline is
 11444 subject to a fine imposed in accordance with Section 20A-11-1005.

11445 (2) If a school board office candidate fails to file an interim report described in Subsections
 11446 20A-11-1303(1)(c)(i) through (iv), the lieutenant governor may send an electronic notice
 11447 to the school board office candidate and the political party of which the school board
 11448 office candidate is a member, if any, that states:

11449 (a) that the school board office candidate failed to timely file the report; and

11450 (b) that, if the school board office candidate fails to file the report within 24 hours after
 11451 the deadline for filing the report, the school board office candidate will be
 11452 disqualified and the political party will not be permitted to replace the candidate.

11453 (3)(a) The lieutenant governor shall disqualify a school board office candidate and

11454 inform the county clerk and other appropriate election officials that the school board
11455 office candidate is disqualified if the school board office candidate fails to file an
11456 interim report described in Subsections 20A-11-1303(1)(c)(i) through (iv) within 24
11457 hours after the deadline for filing the report.

11458 (b) The political party of a school board office candidate who is disqualified under
11459 Subsection (3)(a) may not replace the school board office candidate.

11460 (4) If a school board office candidate is disqualified under Subsection (3)(a), the election
11461 officer shall:

11462 (a) notify every opposing candidate for the school board office that the school board
11463 office candidate is disqualified;

11464 (b) send an email notification to each voter who is eligible to vote in the school board
11465 office race for whom the election officer has an email address informing the voter
11466 that the school board office candidate is disqualified and that votes cast for the school
11467 board office candidate will not be counted;

11468 (c) post notice of the disqualification on the election officer's website; and

11469 (d) if practicable, remove the school board office candidate's name from the ballot.

11470 (5) An election officer may fulfill the requirement described in Subsection (4) in relation to
11471 a mailed ballot, including a military or overseas ballot, by including with the ballot a
11472 written notice directing the voter to the election officer's website to inform the voter
11473 whether a candidate on the ballot is disqualified.

11474 (6) A school board office candidate is not disqualified if:

11475 (a) the school board office candidate files the reports described in Subsections
11476 20A-11-1303(1)(c)(i) through (iv) no later than 24 hours after the applicable
11477 deadlines for filing the reports;

11478 (b) the reports are completed, detailing accurately and completely the information
11479 required by this part except for inadvertent omissions or insignificant errors or
11480 inaccuracies; and

11481 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in
11482 an amended report or the next scheduled report.

11483 (7)(a) Within 60 calendar days after a deadline for the filing of a summary report, the
11484 lieutenant governor shall review each filed summary report to ensure that:

11485 (i) each school board office candidate who is required to file a summary report has
11486 filed the report; and

11487 (ii) each summary report contains the information required by this part.

(b) If it appears that a school board 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~~] the first business day that is at least five calendar days after the day on which the lieutenant governor discovers the violation or [~~receipt of a~~] receives the written complaint, notify the school board office candidate of the violation or written complaint and direct the school board office candidate to file a summary report correcting the problem.

(c)(i) It is unlawful for a school board office candidate to fail to file or amend a summary report within seven calendar days after receiving the notice described in Subsection (7)(b) from the lieutenant governor.

(ii) Each school board 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 school board office candidate who violates Subsection (7)(c)(i).

Section 162. Section **20A-11-1406** is amended to read:

20A-11-1406 . Enforcement of part -- Attorney general.

(1) Subject to the requirements of Subsections (2) and (3), the attorney general may bring an action to require the labor organization to comply with the requirements of this part.

(2) Before bringing an action under Subsection (1), the attorney general shall:

(a) notify the labor organization in writing of the precise nature of the violation of this part; and

(b) give the labor organization 10 calendar days to cease and desist the violation of this part.

(3) The attorney general may not bring an action under Subsection (1) if the labor organization:

(a) ceases and desists from violating this part within 10 calendar days; and

(b) provides the attorney general with written confirmation that the labor organization has ceased from engaging in the conduct the attorney general determined to be a violation of this part.

11522 Section 163. Section **20A-11-1502** is amended to read:

11523 **20A-11-1502 . Campaign financial reporting of expenditures -- Filing**
11524 **requirements -- Statement contents.**

11525 (1)(a) Each labor organization that has made expenditures for political purposes or
11526 political issues expenditures on current or proposed ballot issues that total at least
11527 \$750 during a calendar year shall file a verified financial statement with the
11528 lieutenant governor's office:

11529 (i) on January 10, reporting expenditures as of December 31 of the previous year;

11530 (ii) seven calendar days before the regular primary election date;

11531 (iii) on September 30; and

11532 (iv) seven calendar days before the regular general election date.

11533 (b) The labor organization shall report:

11534 (i) a detailed listing of all expenditures made since the last statement; and

11535 (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all
11536 expenditures as of five calendar days before the required filing date of the
11537 financial statement.

11538 (c) The labor organization is not required to file a financial statement under this section
11539 if the labor organization:

11540 (i) made no expenditures during the reporting period; or

11541 (ii) reports the labor organization's expenditures during the reporting period under
11542 another part of this chapter.

11543 (2) The financial statement shall include:

11544 (a) the name and address of each reporting entity that received an expenditure or
11545 political issues expenditure of more than \$50 from the labor organization, and the
11546 amount of each expenditure or political issues expenditure;

11547 (b) the total amount of expenditures disbursed by the labor organization; and

11548 (c) a statement by the labor organization's treasurer or chief financial officer certifying
11549 the accuracy of the financial statement.

11550 Section 164. Section **20A-11-1503** is amended to read:

11551 **20A-11-1503 . Criminal penalties -- Fines.**

11552 (1) Within 60 calendar days after a deadline for the filing of a financial statement required
11553 by this part, the lieutenant governor shall review each filed financial statement to ensure
11554 that:

11555 (a) each labor organization that is required to file a financial statement has filed one; and

11556 (b) each financial statement contains the information required by this part.

11557 (2) If it appears that any labor organization has failed to file a financial statement, if it
11558 appears that a filed financial statement does not conform to the law, or if the lieutenant
11559 governor has received a written complaint alleging a violation of the law or the falsity of
11560 a financial statement, the lieutenant governor shall:

11561 (a) impose a fine against the labor organization in accordance with Section 20A-11-1005;
11562 and

11563 (b) ~~[within five days of discovery of a]~~ no later than the first business day that is at least
11564 five calendar days after the day on which the lieutenant governor discovers the
11565 violation or [receipt of a] receives the written complaint, notify the labor organization
11566 of the violation or written complaint and direct the labor organization to file a
11567 financial statement correcting the problem.

11568 (3)(a) It is unlawful for any labor organization to fail to file or amend a financial
11569 statement within seven calendar days after receiving notice from the lieutenant
11570 governor under this section.

11571 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B
11572 misdemeanor.

11573 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney
11574 general.

11575 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
11576 governor shall impose a civil fine of \$1,000 against a labor organization that violates
11577 Subsection (3)(a).

11578 Section 165. Section **20A-11-1604** is amended to read:

11579 **20A-11-1604 . Failure to disclose conflict of interest -- Failure to comply with**
11580 **reporting requirements.**

11581 (1)(a) Before or during the execution of any order, settlement, declaration, contract, or
11582 any other official act of office in which a state constitutional officer has actual
11583 knowledge that the state constitutional officer has a conflict of interest that is not
11584 stated in the conflict of interest disclosure, the state constitutional officer shall
11585 publicly declare that the state constitutional officer may have a conflict of interest
11586 and what that conflict of interest is.

11587 (b) Before or during any vote on legislation or any legislative matter in which a
11588 legislator has actual knowledge that the legislator has a conflict of interest that is not
11589 stated in the conflict of interest disclosure, the legislator shall orally declare to the

- 11590 committee or body before which the matter is pending that the legislator may have a
11591 conflict of interest and what that conflict is.
- 11592 (c) Before or during any vote on any rule, resolution, order, or any other board matter in
11593 which a member of the State Board of Education has actual knowledge that the
11594 member has a conflict of interest that is not stated in the conflict of interest
11595 disclosure, the member shall orally declare to the board that the member may have a
11596 conflict of interest and what that conflict of interest is.
- 11597 (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall
11598 be noted:
- 11599 (a) on the official record of the action taken, for a state constitutional officer;
11600 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
11601 applicable, for a legislator; or
11602 (c) in the minutes of the meeting or on the official record of the action taken, for a
11603 member of the State Board of Education.
- 11604 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the
11605 website:
- 11606 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
11607 (ii) if the state constitutional officer takes office after January 10, within 10 calendar
11608 days after the day on which the state constitutional officer takes office; and
11609 (b) each time the state constitutional officer changes employment.
- 11610 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 11611 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
11612 (ii) if the legislator takes office after January 10, within 10 calendar days after the
11613 day on which the legislator takes office; and
11614 (b) each time the legislator changes employment.
- 11615 (5) A member of the State Board of Education shall make a complete conflict of interest
11616 disclosure on the website:
- 11617 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
11618 (ii) if the member takes office after January 10, within 10 calendar days after the day
11619 on which the member takes office; and
11620 (b) each time the member changes employment.
- 11621 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
- 11622 (a) the regulated officeholder's name;
11623 (b) the name and address of each of the regulated officeholder's current employers and

- 11624 each of the regulated officeholder's employers during the preceding year;
- 11625 (c) for each employer described in Subsection (6)(b), a brief description of the
- 11626 employment, including the regulated officeholder's occupation and, as applicable, job
- 11627 title;
- 11628 (d) for each entity in which the regulated officeholder is an owner or officer, or was an
- 11629 owner or officer during the preceding year:
- 11630 (i) the name of the entity;
- 11631 (ii) a brief description of the type of business or activity conducted by the entity; and
- 11632 (iii) the regulated officeholder's position in the entity;
- 11633 (e) in accordance with Subsection (7), for each individual from whom, or entity from
- 11634 which, the regulated officeholder has received \$5,000 or more in income during the
- 11635 preceding year:
- 11636 (i) the name of the individual or entity; and
- 11637 (ii) a brief description of the type of business or activity conducted by the individual
- 11638 or entity;
- 11639 (f) for each entity in which the regulated officeholder holds any stocks or bonds having a
- 11640 fair market value of \$5,000 or more as of the date of the disclosure form or during the
- 11641 preceding year, but excluding funds that are managed by a third party, including
- 11642 blind trusts, managed investment accounts, and mutual funds:
- 11643 (i) the name of the entity; and
- 11644 (ii) a brief description of the type of business or activity conducted by the entity;
- 11645 (g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated
- 11646 officeholder currently serves, or served in the preceding year, in a paid leadership
- 11647 capacity or in a paid or unpaid position on a board of directors:
- 11648 (i) the name of the entity or organization;
- 11649 (ii) a brief description of the type of business or activity conducted by the entity; and
- 11650 (iii) the type of position held by the regulated officeholder;
- 11651 (h) at the option of the regulated officeholder, a description of any real property in which
- 11652 the regulated officeholder holds an ownership or other financial interest that the
- 11653 regulated officeholder believes may constitute a conflict of interest, including a
- 11654 description of the type of interest held by the regulated officeholder in the property;
- 11655 (i) the name of the regulated officeholder's spouse and any other adult residing in the
- 11656 regulated officeholder's household who is not related by blood or marriage, as
- 11657 applicable;

- 11658 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
11659 is required to provide under Subsection (6)(b);
- 11660 (k) a brief description of the employment and occupation of each adult who:
11661 (i) resides in the regulated officeholder's household; and
11662 (ii) is not related to the regulated officeholder by blood or marriage;
- 11663 (l) at the option of the regulated officeholder, a description of any other matter or
11664 interest that the regulated officeholder believes may constitute a conflict of interest;
- 11665 (m) the date the form was completed;
- 11666 (n) a statement that the regulated officeholder believes that the form is true and accurate
11667 to the best of the regulated officeholder's knowledge; and
- 11668 (o) the signature of the regulated officeholder.
- 11669 (7) In making the disclosure described in Subsection (6)(e), a regulated officeholder who
11670 provides goods or services to multiple customers or clients as part of a business or a
11671 licensed profession is only required to provide the information described in Subsection
11672 (6)(e) in relation to the entity or practice through which the regulated officeholder
11673 provides the goods or services and is not required to provide the information described
11674 in Subsection (6)(e) in relation to the regulated officeholder's individual customers or
11675 clients.
- 11676 (8) The disclosure requirements described in this section do not prohibit a regulated
11677 officeholder from voting or acting on any matter.
- 11678 (9) A regulated officeholder may amend a conflict of interest disclosure described in this
11679 part at any time.
- 11680 (10) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a
11681 class B misdemeanor.
- 11682 (11)(a) A regulated officeholder who intentionally or knowingly violates a provision of
11683 this section, other than Subsection (1), is guilty of a class B misdemeanor.
- 11684 (b) In addition to the criminal penalty described in Subsection (11)(a), the lieutenant
11685 governor shall impose a civil penalty of \$100 against a regulated officeholder who
11686 violates a provision of this section, other than Subsection (1).
- 11687 Section 166. Section **20A-11-1605** is amended to read:
- 11688 **20A-11-1605 . Failure to file -- Penalties.**
- 11689 (1) Within 60 calendar days after the day on which a regulated officeholder is required to
11690 file a conflict of interest disclosure under Subsection 20A-11-1604(3), (4) or (5), the
11691 lieutenant governor shall review each filed conflict of interest disclosure to ensure that:

- 11692 (a) each regulated officeholder who is required to file a conflict of interest disclosure has
 11693 filed one; and
- 11694 (b) each conflict of interest disclosure contains the information required under Section
 11695 20A-11-1604.
- 11696 (2) The lieutenant governor shall take the action described in Subsection (3) if:
- 11697 (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;
- 11698 (b) a filed conflict of interest disclosure does not comply with the requirements of
 11699 Section 20A-11-1604; or
- 11700 (c) the lieutenant governor receives a written complaint alleging a violation of Section
 11701 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the
 11702 complaint and giving the regulated officeholder notice and an opportunity to be
 11703 heard, the lieutenant governor determines that a violation occurred.
- 11704 (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall, [
 11705 ~~within~~] no later than the first business day that is at least five calendar days after the day
 11706 on which the lieutenant governor determines that a violation occurred, notify the
 11707 regulated officeholder of the violation and direct the regulated officeholder to file an
 11708 amended report correcting the problem.
- 11709 (4)(a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of
 11710 interest disclosure within seven calendar days after the day on which the regulated
 11711 officeholder receives the notice described in Subsection (3).
- 11712 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B
 11713 misdemeanor.
- 11714 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney
 11715 general.
- 11716 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
 11717 governor shall impose a civil fine of \$100 against a regulated officeholder who
 11718 violates Subsection (4)(a).
- 11719 (5) The lieutenant governor shall deposit a fine collected under this part into the General
 11720 Fund as a dedicated credit to pay for the costs of administering the provisions of this part.
 11721 Section 167. Section **20A-11-1702** is amended to read:
- 11722 **20A-11-1702 . Definitions.**
- 11723 As used in this part:
- 11724 (1) "Clearly identified" means:
- 11725 (a) the name of the candidate appears;

- 11726 (b) a photograph or drawing of the candidate appears; or
11727 (c) the identity of the candidate or ballot proposition is apparent by unambiguous
11728 reference.
- 11729 (2)(a) "Independent expenditure" means an expenditure by a person expressly
11730 advocating the success or defeat of a clearly identified candidate or ballot proposition
11731 if the expenditure is not made in coordination with, or at the request or suggestion of:
11732 (i) a candidate;
11733 (ii) a candidate's personal campaign committee;
11734 (iii) a member of a candidate's personal campaign committee;
11735 (iv) a political action committee for which the candidate is an officer with primary
11736 decision making authority;
11737 (v) an agent of a candidate; or
11738 (vi) a political issues committee.
- 11739 (b) "Independent expenditure" includes:
11740 (i) the cost of creating and disseminating material for a public communication,
11741 including design and production costs; and
11742 (ii) a contract or other promise to make an expenditure described in Subsection (2)(a)
11743 or (2)(b)(i).
- 11744 (3)(a) "Public communication" means a communication by:
11745 (i) broadcast, cable, satellite communication, newspaper, magazine, outdoor
11746 advertising facility, mass mailing, or telephone bank; or
11747 (ii) another medium used for political advertising to the general public.
- 11748 (b) "Public communication" does not include:
11749 (i) a news story, a commentary, or an editorial disseminated by a broadcasting
11750 station, including a cable television operator, programmer, or producer, satellite
11751 television or radio provider, website, newspaper, magazine, or other periodical
11752 publication, that is not controlled by a candidate or political party; or
11753 (ii) a candidate debate or forum.
- 11754 (4) "Telephone bank" means 500 or more identical or substantially similar telephone calls
11755 within any [~~30-day~~] 30-calendar-day period.
- 11756 Section 168. Section **20A-11-1704** is amended to read:
11757 **20A-11-1704 . Independent expenditure report.**
- 11758 (1) Except as provided in Section 20A-11-1703, within 31 calendar days after the day on
11759 which a person has made a total of at least \$1,000 in independent expenditures during an

- 11760 election cycle, the person shall file an independent expenditure report with the chief
11761 election officer.
- 11762 (2) Except as provided in Section 20A-11-1703, within 31 calendar days after the day on
11763 which a person has made a total of at least \$1,000 in independent expenditures during an
11764 election cycle that were not reported in an independent expenditure report already filed
11765 with the chief election officer during the same election cycle, the person shall file
11766 another independent expenditure report with the chief election officer.
- 11767 (3) An independent expenditure report shall include the following information:
- 11768 (a) if the person who made the independent expenditures is an individual, the person's
11769 name, address, and phone number;
- 11770 (b) if the person who made the independent expenditures is not an individual:
- 11771 (i) the person's name, address, and phone number; and
- 11772 (ii) the name, address, and phone number of an individual who may be contacted by
11773 the chief election officer in relation to the independent expenditure report; and
- 11774 (c) for each independent expenditure made by the person during the current election
11775 cycle that was not reported in a previous independent expenditure report:
- 11776 (i) the date of the independent expenditure;
- 11777 (ii) the amount of the independent expenditure;
- 11778 (iii) the candidate or ballot proposition for which the independent expenditure
11779 expressly advocates the success or defeat and a description of whether the
11780 independent expenditure supports or opposes the candidate or ballot proposition;
- 11781 (iv) the identity, address, and phone number of the person to whom the independent
11782 expenditure was made;
- 11783 (v) a description of the goods or services obtained by the independent expenditure;
11784 and
- 11785 (vi) for each person who, for political purposes, made cumulative donations of
11786 \$1,000 or more during the current election cycle to the filer of the independent
11787 expenditure report:
- 11788 (A) the identity, address, and phone number of the person;
- 11789 (B) the date of the donation; and
- 11790 (C) the amount of the donation.
- 11791 (4)(a) If the person filing an independent expenditure report is an individual, the person
11792 shall sign the independent expenditure report and certify that the information
11793 contained in the report is complete and accurate.

- 11794 (b) If the person filing an independent expenditure report is not an individual:
11795 (i) the person filing the independent expenditure report shall designate an authorized
11796 individual to sign the independent expenditure report on behalf of the person; and
11797 (ii) the individual designated under Subsection (4)(b)(i) shall sign the independent
11798 expenditure report and certify that the information contained in the report is
11799 complete and accurate.
- 11800 (5) If a person who files an independent expenditure report previously filed an independent
11801 expenditure report during, or in relation to, the same election cycle that includes
11802 information, described in Subsection (3)(a) or (b), that has changed since the person
11803 filed the previous independent expenditure report, the person shall include in the most
11804 recent independent expenditure report a description of the information that has changed
11805 that includes both the old information and the new information.
- 11806 (6) An independent expenditure report is a public record under Title 63G, Chapter 2,
11807 Government Records Access and Management Act.
11808 Section 169. Section **20A-12-303** is amended to read:
11809 **20A-12-303 . Separate account for campaign funds -- Reporting contributions.**
- 11810 (1) The judge or the judge's personal campaign committee shall deposit each contribution in
11811 one or more separate personal campaign accounts in a financial institution.
- 11812 (2) The judge or the judge's personal campaign committee may not deposit or mingle any
11813 contributions received into a personal or business account.
- 11814 (3)(a) As used in this Subsection (3) and Section 20A-12-305, "received" means:
11815 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
11816 campaign committee;
11817 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
11818 instrument or check is negotiated; and
11819 (iii) for any other type of contribution, that any portion of the contribution's benefit
11820 inures to the judge.
- 11821 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
11822 governor each contribution received by the judge, within 31 calendar days after the
11823 day on which the contribution is received.
- 11824 (c) For each contribution that a judge fails to report within the time period described in
11825 Subsection (3)(b), the lieutenant governor shall impose a fine against the judge in an
11826 amount equal to:
11827 (i) 10% of the amount of the contribution if the judge reports the contribution within

- 11828 60 calendar days after the day on which the time period described in Subsection
 11829 (3)(b) ends; or
- 11830 (ii) 20% of the amount of the contribution, if the judge fails to report the contribution
 11831 within 60 calendar days after the day on which the time period described in
 11832 Subsection (3)(b) ends.
- 11833 (d) The lieutenant governor shall:
- 11834 (i) deposit money received under Subsection (3)(c) into the General Fund; and
- 11835 (ii) report on the lieutenant governor's website, in the location where reports relating
 11836 to each judge are available for public access:
- 11837 (A) each fine imposed by the lieutenant governor against the judge;
- 11838 (B) the amount of the fine;
- 11839 (C) the amount of the contribution to which the fine relates; and
- 11840 (D) the date of the contribution.

- 11841 (4) Within 31 calendar days after [~~receiving~~] the day on which a judge receives a
 11842 contribution that is cash or a negotiable instrument, exceeds \$50, and is from an
 11843 unknown source, [a] the judge [~~or the judge's personal campaign committee~~] shall
 11844 disburse the amount of the contribution to an organization that is exempt from federal
 11845 income taxation under Section 501(c)(3), Internal Revenue Code.

11846 Section 170. Section **20A-12-305** is amended to read:

11847 **20A-12-305 . Judicial retention election candidates -- Financial reporting**
 11848 **requirements -- Interim report.**

- 11849 (1) The judge's personal campaign committee shall file an interim report with the lieutenant
 11850 governor [~~on the date seven~~] seven calendar days before the regular general election date.
- 11851 (2) Each interim report shall include the following information:
- 11852 (a) a detailed listing of each contribution received since the last financial statement;
- 11853 (b) for each nonmonetary contribution, the fair market value of the contribution;
- 11854 (c) a detailed listing of each expenditure made since the last summary report;
- 11855 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 11856 (e) a net balance for the year consisting of all contributions since the last summary
 11857 report minus all expenditures since the last summary report.
- 11858 (3)(a) For all individual contributions of \$50 or less, a single aggregate figure may be
 11859 reported without separate detailed listings.
- 11860 (b) Two or more contributions from the same source that have an aggregate total of
 11861 more than \$50 may not be reported in the aggregate, but shall be reported separately.

11862 (4) In preparing each interim report, all contributions and expenditures shall be reported as
11863 of five calendar days before the required filing date of the report.

11864 (5) A negotiable instrument or check received by a judge or the judge's personal campaign
11865 committee more than five calendar days before the required filing date of a report
11866 required by this section shall be included in the interim report.

11867 Section 171. Section **20A-12-306** is amended to read:

11868 **20A-12-306 . Judges -- Failure to file reports -- Penalties.**

11869 (1)(a) If a judge's personal campaign committee fails to file the interim report due before
11870 the regular general election, the lieutenant governor shall, after making a reasonable
11871 attempt to discover if the report was timely filed:

11872 (i) inform the county clerk and other appropriate election officials who:

11873 (A)(I) shall, if practicable, remove the name of the judge from the ballots

11874 before the ballots are delivered to voters; or

11875 (II) shall, if removing the judge's name from the ballot is not practicable,

11876 inform the voters by any practicable method that the judge has been

11877 disqualified and that votes cast for the judge will not be counted; and

11878 (B) may not count any votes for that judge; and

11879 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

11880 (b) Any judge who fails to file timely a financial statement required by this part is
11881 disqualified.

11882 (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified and the
11883 lieutenant governor may not impose a fine if:

11884 (i) the candidate timely files the reports required by this section in accordance with
11885 Section 20A-11-103;

11886 (ii) the reports are completed, detailing accurately and completely the information
11887 required by this part except for inadvertent omissions or insignificant errors or
11888 inaccuracies; and

11889 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
11890 corrected in an amended report or in the next scheduled report.

11891 (2)(a) Within 30 calendar days after a deadline for the filing of a summary report, the
11892 lieutenant governor shall review each filed summary report to ensure that:

11893 (i) each judge that is required to file a summary report has filed one; and

11894 (ii) each summary report contains the information required by this part.

11895 (b) If it appears that any judge has failed to file the summary report required by law, if it

11896 appears that a filed summary report does not conform to the law, or if the lieutenant
 11897 governor has received a written complaint alleging a violation of the law or the
 11898 falsity of any summary report, the lieutenant governor shall, [~~within five days of~~
 11899 ~~discovery of a violation or receipt of a~~] no later than the first business day that is at
 11900 least five calendar days after the day on which the lieutenant governor discovers the
 11901 violation or receives the written complaint, notify the judge of the violation or written
 11902 complaint and direct the judge to file a summary report correcting the problem.

11903 (c)(i) It is unlawful for [~~any~~] a judge to fail to file or amend a summary report within
 11904 14 calendar days after [~~receiving~~] the day on which the judge receives notice from
 11905 the lieutenant governor under this section.

11906 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

11907 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
 11908 attorney general.

11909 Section 172. Section **20A-13-102.2** is amended to read:

11910 **20A-13-102.2 . County clerk, Utah Geospatial Resource Center, and lieutenant**
 11911 **governor responsibilities -- Maps and voting precinct boundaries.**

11912 (1) As used in this section[~~,"redistricting"~~] :

11913 (a) "Geospatial center" means the Utah Geospatial Resource Center.

11914 (b) "Redistricting boundary data" means the Congressional shapefile in the possession of
 11915 the lieutenant governor's office.

11916 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's
 11917 county from the lieutenant governor's office.

11918 (3)(a) A county clerk may create one or more county maps that identify the boundaries
 11919 of Utah's Congressional districts as generated from the redistricting boundary data.

11920 (b) Before publishing or distributing any map or data created by the county clerk that
 11921 identifies the boundaries of Utah's Congressional districts within the county, the
 11922 county clerk shall submit the county map and data to the lieutenant governor and to
 11923 the [~~Utah Geospatial Resource Center~~] geospatial center for review.

11924 (c) Within 30 [~~days after receipt of~~] calendar days after the day on which the geospatial
 11925 center receives a county map and data from a county clerk, the [~~Utah Geospatial~~
 11926 ~~Resource Center~~] geospatial center shall:

11927 (i) review the county map and data to evaluate if the county map and data accurately
 11928 reflect the boundaries of Utah's Congressional districts established by the
 11929 Legislature in the redistricting boundary data;

- 11930 (ii) determine whether the county map and data are correct or incorrect; and
 11931 (iii) communicate those findings to the lieutenant governor.
- 11932 (d) The lieutenant governor shall either notify the county clerk that the county map and
 11933 data are correct or notify the county clerk that the county map and data are incorrect.
- 11934 (e) If the county clerk receives notice from the lieutenant governor that the county map
 11935 and data submitted are incorrect, the county clerk shall:
- 11936 (i) make the corrections necessary to conform the county map and data to the
 11937 redistricting boundary data; and
- 11938 (ii) resubmit the corrected county map and data to the lieutenant governor and to the [
 11939 ~~Utah Geospatial Resource Center~~] geospatial center for a new review under this
 11940 Subsection (3).
- 11941 (4)(a) Subject to the requirements of this Subsection (4), each county clerk shall
 11942 establish voting precincts and polling places within each Utah Congressional district
 11943 according to the procedures and requirements of Section 20A-5-303.
- 11944 (b) Within five [~~working~~] business days after approval of voting precincts and polling
 11945 places by the county legislative body as required by Section 20A-5-303, each county
 11946 clerk shall submit a voting precinct map identifying the boundaries of each voting
 11947 precinct within the county to the lieutenant governor and to the [~~Utah Geospatial
 11948 Resource Center~~] geospatial center for review.
- 11949 (c) Within 30 [~~days after receipt of~~] calendar days after the day on which the geospatial
 11950 center receives a map from a county clerk, the [~~Utah Geospatial Resource Center~~]
 11951 geospatial center shall:
- 11952 (i) review the voting precinct map to evaluate if the voting precinct map accurately
 11953 reflects the boundaries of Utah's Congressional districts established by the
 11954 Legislature in the redistricting boundary data;
- 11955 (ii) determine whether the voting precinct map is correct or incorrect; and
 11956 (iii) communicate those findings to the lieutenant governor.
- 11957 (d) The lieutenant governor shall either notify the county clerk that the voting precinct
 11958 map is correct or notify the county clerk that the map is incorrect.
- 11959 (e) If the county clerk receives notice from the lieutenant governor that the voting
 11960 precinct map is incorrect, the county clerk shall:
- 11961 (i) make the corrections necessary to conform the voting precinct map to the
 11962 redistricting boundary data; and
- 11963 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the [

11964 ~~Utah Geospatial Resource Center]~~ geospatial center for a new review under this
 11965 Subsection (4).

11966 Section 173. Section **20A-13-104** is amended to read:

11967 **20A-13-104 . Uncertain boundaries -- How resolved.**

11968 (1) As used in this section, "affected party" means:

11969 (a) a representative whose Congressional district boundary is uncertain because the
 11970 boundary in the Congressional shapefile used to establish the district boundary has
 11971 been removed, modified, or is unable to be identified or who is uncertain about
 11972 whether the representative or another individual resides in a particular Congressional
 11973 district;

11974 (b) a candidate for Congressional representative whose Congressional district boundary
 11975 is uncertain because the boundary in the Congressional shapefile used to establish the
 11976 district boundary has been removed, modified, or is unable to be identified or who is
 11977 uncertain about whether the candidate or another individual resides in a particular
 11978 Congressional district; or

11979 (c) an individual who is uncertain about which Congressional district contains the
 11980 individual's residence because the boundary in the Congressional shapefile used to
 11981 establish the district boundary has been removed, modified, or is unable to be
 11982 identified.

11983 (2)(a) An affected party may file a written request petitioning the lieutenant governor to
 11984 determine:

11985 (i) the precise location of the Congressional district boundary;

11986 (ii) the number of the Congressional district in which an individual resides; or

11987 (iii) both Subsections (2)(a)(i) and (ii).

11988 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
 11989 governor shall review:

11990 (i) the Congressional block equivalency file and the resulting Congressional
 11991 shapefile; and

11992 (ii) any other relevant data such as aerial photographs, aerial maps, or other data
 11993 about the area.

11994 (c) Within five days ~~[of receipt of]~~ after the day on which the lieutenant governor receives
 11995 the request, the lieutenant governor shall:

11996 (i) complete the review described in Subsection (2)(b); and

11997 (ii) make a determination.

- 11998 (d) When the lieutenant governor determines the location of the Congressional district
 11999 boundary, the lieutenant governor shall:
 12000 (i) prepare a certification identifying the appropriate boundary and attaching a map, if
 12001 necessary; and
 12002 (ii) send a copy of the certification to:
 12003 (A) the affected party;
 12004 (B) the county clerk of the affected county; and
 12005 (C) the Utah Geospatial Resource Center created under Section 63A-16-505.

- 12006 (e) If the lieutenant governor determines the number of the Congressional district in
 12007 which a particular individual resides, the lieutenant governor shall send a letter
 12008 identifying that district by number to:

- 12009 (i) the individual;
 12010 (ii) the affected party who filed the petition, if different than the individual whose
 12011 Congressional district number was identified; and
 12012 (iii) the county clerk of the affected county.

12013 Section 174. Section **20A-13-301** is amended to read:

12014 **20A-13-301 . Presidential elections -- Effect of vote.**

- 12015 (1)(a) Each registered political party shall choose individuals to act as presidential
 12016 electors and to fill vacancies in the office of presidential electors for their party's
 12017 candidates for president and vice president of the United States according to the
 12018 procedures established in their bylaws.
 12019 (b) Each registered political party shall certify to the lieutenant governor the names and
 12020 addresses of the individuals selected by the political party as the party's presidential
 12021 electors before 5 p.m. no later than August 31.
 12022 (c) An unaffiliated candidate or write-in candidate for the office of president of the
 12023 United States shall, no later than 5 p.m. ~~ten~~ on the first business day that is at least
 12024 10 calendar days after the day on which the candidate files a declaration of
 12025 candidacy, certify to the lieutenant governor the names and addresses of each
 12026 individual selected by the candidate as a presidential elector for the candidate and
 12027 each individual selected by the candidate to fill a vacancy in the office of presidential
 12028 elector for the candidate.
 12029 (2) The highest number of votes cast for candidates for president and vice president of the
 12030 United States elects the presidential electors for:
 12031 (a) except as provided in Subsection (2)(b), the political party of those candidates; or

- 12032 (b) if the candidates receiving the highest number of votes are unaffiliated candidates or
12033 write-in candidates, the presidential electors selected for those candidates under
12034 Subsection (1)(c).

12035 Section 175. Section **20A-14-102.2** is amended to read:

12036 **20A-14-102.2 . Uncertain boundaries -- How resolved.**

12037 (1) As used in this section:

12038 (a) "Affected party" means:

12039 (i) a state school board member whose State Board of Education district boundary is
12040 uncertain because the feature used to establish the district boundary in the Board
12041 shapefile has been removed, modified, or is unable to be identified or who is
12042 uncertain about whether the member or another individual resides in a particular
12043 State Board of Education district;

12044 (ii) a candidate for state school board whose State Board of Education district
12045 boundary is uncertain because the feature used to establish the district boundary in
12046 the Board shapefile has been removed, modified, or is unable to be identified or
12047 who is uncertain about whether the candidate or another individual resides in a
12048 particular State Board of Education district; or

12049 (iii) an individual who is uncertain about which State Board of Education district
12050 contains the individual's residence because the feature used to establish the district
12051 boundary in the Board shapefile has been removed, modified, or is unable to be
12052 identified.

12053 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or
12054 political subdivision boundary that is used to establish a State Board of Education
12055 district boundary.

12056 (2)(a) An affected party may file a written request petitioning the lieutenant governor to
12057 determine:

12058 (i) the precise location of the State Board of Education district boundary;

12059 (ii) the number of the State Board of Education district in which an individual
12060 resides; or

12061 (iii) both Subsections (2)(a)(i) and (ii).

12062 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
12063 governor shall review:

12064 (i) the Board block equivalency file and the resulting Board shapefile; and

12065 (ii) any other relevant data such as aerial photographs, aerial maps, or other data

- 12066 about the area.
- 12067 (c) [~~Within five days of receipt of~~] No later than the first business day that is at least five
- 12068 calendar days after the day on which the lieutenant governor receives the request, the
- 12069 lieutenant governor shall:
- 12070 (i) complete the review described in Subsection (2)(b); and
- 12071 (ii) make a determination.
- 12072 (d) If the lieutenant governor determines the precise location of the State Board of
- 12073 Education district boundary, the lieutenant governor shall:
- 12074 (i) prepare a certification identifying the appropriate State Board of Education district
- 12075 boundary and attaching a map, if necessary; and
- 12076 (ii) send a copy of the certification to:
- 12077 (A) the affected party;
- 12078 (B) the county clerk of the affected county; and
- 12079 (C) the Utah Geospatial Resource Center created under Section 63A-16-505.
- 12080 (e) If the lieutenant governor determines the number of the State Board of Education
- 12081 district in which a particular individual resides, the lieutenant governor shall send a
- 12082 letter identifying that district by number to:
- 12083 (i) the individual;
- 12084 (ii) the affected party who filed the petition, if different than the individual whose
- 12085 State Board of Education district number was identified; and
- 12086 (iii) the county clerk of the affected county.
- 12087 Section 176. Section **20A-14-102.3** is amended to read:
- 12088 **20A-14-102.3 . County clerk, Utah Geospatial Resource Center, and lieutenant**
- 12089 **governor responsibilities -- Maps and voting precinct boundaries.**
- 12090 (1) As used in this section[~~,"redistricting"~~] :
- 12091 (a) "Geospatial center" means the Utah Geospatial Resource Center.
- 12092 (b) "Redistricting boundary data" means the Board shapefile in the possession of the
- 12093 lieutenant governor's office.
- 12094 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's
- 12095 county from the lieutenant governor's office.
- 12096 (3)(a) A county clerk may create one or more county maps that identify the boundaries
- 12097 of State Board of Education districts as generated from the redistricting boundary
- 12098 data.
- 12099 (b) Before publishing or distributing any map or data created by the county clerk that

- 12100 identifies the boundaries of State Board of Education districts within the county, the
 12101 clerk shall submit the county map and data to the lieutenant governor and to the [
 12102 ~~Utah Geospatial Resource Center~~] geospatial center for review.
- 12103 (c) Within 30 [~~days after receipt of~~] calendar days after the day on which the geospatial
 12104 center receives a county map and data from a county clerk, the [~~Utah Geospatial~~
 12105 ~~Resource Center~~] geospatial center shall:
- 12106 (i) review the county map and data to evaluate if the county map and data accurately
 12107 reflect the boundaries of State Board of Education districts established by the
 12108 Legislature in the redistricting boundary data;
- 12109 (ii) determine whether the county map and data are correct or incorrect; and
 12110 (iii) communicate those findings to the lieutenant governor.
- 12111 (d) The lieutenant governor shall either notify the county clerk that the county map and
 12112 data are correct or inform the county clerk that the county map and data are incorrect.
- 12113 (e) If the county clerk receives notice from the lieutenant governor that the county map
 12114 and data submitted are incorrect, the county clerk shall:
- 12115 (i) make the corrections necessary to conform the county map and data to the
 12116 redistricting boundary data; and
 12117 (ii) resubmit the corrected county map and data to the lieutenant governor for a new
 12118 review under this Subsection (3).
- 12119 (4)(a) Subject to the requirements of this Subsection (4), each county clerk shall
 12120 establish voting precincts and polling places within each State Board of Education
 12121 district according to the procedures and requirements of Section 20A-5-303.
- 12122 (b) Within five [~~working days after approval of voting precincts and polling places by~~]
 12123 business days after the day on which the county legislative body [as required by]
 12124 approves the voting precincts under Section 20A-5-303, each county clerk shall
 12125 submit a voting precinct map identifying the boundaries of each voting precinct
 12126 within the county to the lieutenant governor and to the [~~Utah Geospatial Resource~~
 12127 ~~Center~~] geospatial center for review.
- 12128 (c) Within 30 [~~days after receipt of~~] calendar days after the day on which the geospatial
 12129 center receives a voting precinct map from a county clerk, the [~~Utah Geospatial~~
 12130 ~~Resource Center~~] geospatial center shall:
- 12131 (i) review the voting precinct map to evaluate if the voting precinct map accurately
 12132 reflects the boundaries of State Board of Education districts established by the
 12133 Legislature in the redistricting boundary data;

- 12134 (ii) determine whether the voting precinct map is correct or incorrect; and
 12135 (iii) communicate those findings to the lieutenant governor.
 12136 (d) The lieutenant governor shall either notify the county clerk that the voting precinct
 12137 map is correct or notify the county clerk that the voting precinct map is incorrect.
 12138 (e) If the county clerk receives notice from the lieutenant governor that the voting
 12139 precinct map is incorrect, the county clerk shall:
 12140 (i) make the corrections necessary to conform the voting precinct map to the
 12141 redistricting boundary data; and
 12142 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the [
 12143 ~~Utah Geospatial Resource Center~~] geospatial center for a new review under this
 12144 Subsection (4).

12145 Section 177. Section **20A-14-201** is amended to read:

12146 **20A-14-201 . Boards of education -- School board districts -- Creation --**

12147 **Redistricting.**

- 12148 (1) The county legislative body, for local school districts whose boundaries encompass
 12149 more than a single municipality, and the municipal legislative body, for local school
 12150 districts contained completely within a municipality, shall divide the local school district
 12151 into local school board districts as required under Subsection 20A-14-202(1).
 12152 (2) The county and municipal legislative bodies shall divide the school district so that the
 12153 local school board districts are substantially equal in population and are as contiguous
 12154 and compact as practicable.
 12155 (3) County and municipal legislative bodies shall redistrict local school board districts to
 12156 meet the population, compactness, and contiguity requirements of this section:
 12157 (a) at least once every 10 years;
 12158 (b) for a new school district or a reorganized new school district that is approved by the
 12159 voters at a regular general election under Section 53G-3-301.1, 53G-3-301.3, or
 12160 53G-3-301.4, before April 1 of the following year;
 12161 (c) whenever school districts are consolidated;
 12162 (d) whenever a school district loses more than 20% of the population of the entire school
 12163 district to another school district;
 12164 (e) whenever a school district loses more than 50% of the population of a local school
 12165 board district to another school district;
 12166 (f) whenever a school district receives new residents equal to at least 20% of the
 12167 population of the school district at the time of the last redistricting because of a

- 12168 transfer of territory from another school district; and
- 12169 (g) whenever it is necessary to increase the membership of a board as a result of changes
12170 in student membership under Section 20A-14-202.
- 12171 (4) If a school district receives territory containing less than 20% of the population of the
12172 transferee district at the time of the last redistricting, the local school board may assign
12173 the new territory to one or more existing school board districts.
- 12174 (5) Except as provided in Subsection 53G-3-302(1)(b)(ii), redistricting does not affect the
12175 right of any school board member to complete the term for which the member was
12176 elected.
- 12177 (6)(a) After redistricting, representation in a local school board district shall be
12178 determined as provided in this Subsection (6).
- 12179 (b) If, after redistricting, only one board member whose term extends beyond
12180 redistricting lives within a local school board district, that board member shall
12181 represent that local school board district.
- 12182 (c) If, after redistricting, two or more members whose terms extend beyond redistricting
12183 live within a local school board district, the members involved shall select one
12184 member by lot to represent the local school board district.
- 12185 (d) The other members shall serve at-large for the remainder of their terms.
- 12186 (e) The at-large board members shall serve in addition to the designated number of
12187 board members for the board in question for the remainder of their terms.
- 12188 (f) If there is no board member living within a local school board district whose term
12189 extends beyond redistricting, the seat shall be treated as vacant and filled as provided
12190 in this part.
- 12191 (7)(a) If, before an election affected by redistricting, the county or municipal legislative
12192 body that conducted the redistricting determines that one or more members shall be
12193 elected to terms of two years to meet this part's requirements for staggered terms, the
12194 legislative body shall determine by lot which of the redistricted local school board
12195 districts will elect members to two-year terms and which will elect members to
12196 four-year terms.
- 12197 (b) All subsequent elections are for four-year terms.
- 12198 (8) Within 10 calendar days after [~~any~~] the day of a local school board district boundary
12199 change, the county or municipal legislative body making the change shall send an
12200 accurate map or plat of the boundary change to the Utah Geospatial Resource Center
12201 created under Section 63A-16-505.

12202 (9) Subsections (4) through (7) do not apply to a redistricting that occurs under Subsection
12203 (3)(b).

12204 Section 178. Section **20A-15-103** is amended to read:

12205 **20A-15-103 . Delegates -- Candidacy -- Qualifications -- Nominating procedures**
12206 **-- Removal of petition signature.**

12207 (1) Candidates for the office of delegate to the ratification convention shall be citizens,
12208 residents of Utah, and at least 21 years old.

12209 (2) Persons wishing to be delegates to the ratification convention shall:

12210 (a) circulate a nominating petition meeting the requirements of this section; and

12211 (b) obtain the signature of at least 100 registered voters.

12212 (3)(a) A single nominating petition may nominate any number of candidates up to 21,
12213 the total number of delegates to be elected.

12214 (b) Nominating petitions may not contain anything identifying a candidate's party or
12215 political affiliation.

12216 (c) Each nominating petition shall contain a written statement signed by each nominee,
12217 indicating either that the candidate will:

12218 (i) vote for ratification of the proposed amendment; or

12219 (ii) vote against ratification of the proposed amendment.

12220 (d) A nominating petition containing the names of more than one nominee may not
12221 contain the name of any nominee whose stated position in the nominating petition is
12222 inconsistent with that of any other nominee listed in the petition.

12223 (4)(a) [~~Candidates shall file their nominating petitions~~] A candidate shall file the
12224 candidate's nominating petition with the lieutenant governor [~~before 5 p.m.~~] no later
12225 than 5 p.m. on the last business day that is at least 40 calendar days before the
12226 proclaimed date of the election.

12227 (b) Within 10 calendar days after the last day for filing the petitions, the lieutenant
12228 governor shall:

12229 (i) use the procedures described in Section 20A-1-1002 to determine whether a signer
12230 is a registered voter;

12231 (ii) declare nominated the 21 nominees in favor of ratification and the 21 nominees
12232 against ratification whose nominating petitions have been signed by the largest
12233 number of registered voters;

12234 (iii) decide any ties by lot drawn by the lieutenant governor; and

12235 (iv) certify the nominated candidates of each group to the county clerk of each county

- 12236 within the state.
- 12237 (5)(a) A voter who signs a nomination petition under this section may have the voter's
 12238 signature removed from the petition by, no later than 5 p.m. three business days after
 12239 the last day for filing the petitions, submitting to the lieutenant governor a statement
 12240 requesting that the voter's signature be removed.
- 12241 (b) A statement described in Subsection (5)(a) shall comply with the requirements
 12242 described in Subsection 20A-1-1003(2).
- 12243 (c) The lieutenant governor shall use the procedures described in Subsection
 12244 20A-1-1003(3) to determine whether to remove an individual's signature from a
 12245 petition after receiving a timely, valid statement requesting removal of the signature.
 12246 Section 179. Section **20A-15-201** is amended to read:
- 12247 **20A-15-201 . Convening -- Vacancies -- Election of officers -- Journal of**
 12248 **proceedings.**
- 12249 (1) The delegates to the convention shall convene at the state capitol at noon on the 28th
 12250 calendar day after [~~their~~] the delegates' election to pass upon the question of whether [~~or~~
 12251 ~~not~~]the proposed amendment shall be ratified.
- 12252 (2)(a) If, at the time the convention convenes, there is a vacancy in the convention, the
 12253 delegates from the group from which the delegate creating the vacancy was elected
 12254 shall, by majority vote, appoint a person to fill the vacancy.
- 12255 (b) If the convention contains no other delegates from the group from which the delegate
 12256 creating the vacancy was elected, the governor shall appoint a person to fill the
 12257 vacancy.
- 12258 (3) The convention may:
- 12259 (a) elect a president, secretary, and other officers; and
 12260 (b) adopt its own rules.
- 12261 (4) The convention shall:
- 12262 (a) keep a journal of its proceedings;
 12263 (b) record in the journal the vote of each delegate on the question of ratification of the
 12264 proposed amendment; and
 12265 (c) file the journal with the lieutenant governor after the convention adjourns.
- 12266 (5)(a) Delegates to the ratification convention shall:
- 12267 (i) serve without pay;
 12268 (ii) receive a per diem of \$4 per day while the convention is in session; and
 12269 (iii) receive mileage at the rate of 10 cents per mile for the distance necessarily

12270 traveled in going to and returning from the place of meeting by the most usual
12271 route.

12272 (b) The lieutenant governor shall pay the per diem and mileage, together with the
12273 necessary expenses of the convention for printing and stenographic services, from the
12274 state treasury.

12275 Section 180. Section **20A-16-202** is amended to read:

12276 **20A-16-202 . Report on ballots.**

12277 (1) No later than 60 calendar days after each regular general election date, each county
12278 clerk shall submit a report to the lieutenant governor indicating:

12279 (a) the number of ballots sent to covered voters; and

12280 (b) the number of ballots returned by covered voters that were counted.

12281 (2) No later than 90 calendar days after each regular general election date, the lieutenant
12282 governor shall submit a statewide report to the Election Assistance Commission that
12283 includes the information required by Subsection (1).

12284 Section 181. Section **20A-16-403** is amended to read:

12285 **20A-16-403 . Transmission of unvoted ballots.**

12286 (1) For an election for which the state has not received a waiver pursuant to the Military
12287 and Overseas Voter Empowerment Act, 52 U.S.C. Sec. 20302(g)(2), not later than 45
12288 calendar days before the day of the election or, notwithstanding Section 20A-1-104, if
12289 the 45th calendar day before the day of the election is a weekend or holiday, not later
12290 than the business day preceding the 45th calendar day before the day of the election, the
12291 election official in each jurisdiction charged with distributing a ballot and balloting
12292 materials shall transmit a ballot and balloting materials to all covered voters who by that
12293 date submit a valid military-overseas ballot application.

12294 (2)(a) A covered voter who requests that a ballot and balloting materials be sent to the
12295 voter by electronic transmission may choose:

12296 (i) facsimile transmission;

12297 (ii) email delivery; or

12298 (iii) if offered by the voter's jurisdiction, Internet delivery.

12299 (b) The election official in each jurisdiction charged with distributing a ballot and
12300 balloting materials shall transmit the ballot and balloting materials to the voter using
12301 the means of transmission chosen by the voter.

12302 (3) If a ballot application from a covered voter arrives after the jurisdiction begins
12303 transmitting ballots and balloting materials to voters, the official charged with

12304 distributing a ballot and balloting materials shall transmit the ballot and balloting
 12305 materials to the voter no later than two business days after the day on which the
 12306 application arrives.

12307 Section 182. Section **20A-16-502** is amended to read:

12308 **20A-16-502 . Publication of election notice.**

- 12309 (1) At least 100 calendar days before the day of an election, other than a statewide special
 12310 election or local special election, and as soon as practicable before a statewide special
 12311 election or local special election, the election officer shall prepare an election notice for
 12312 the election officer's jurisdiction, to be used in conjunction with a federal write-in
 12313 absentee ballot.
- 12314 (2) The election notice must contain:
- 12315 (a) a list of all of the ballot propositions and federal, state, and local offices that as of
 12316 that date the election officer expects to be on the ballot on the date of the election; and
- 12317 (b) specific instructions for how a covered voter is to indicate on the federal write-in
 12318 absentee ballot the covered voter's choice for each office to be filled and for each
 12319 ballot proposition to be contested.
- 12320 (3)(a) A covered voter may request a copy of an election notice.
- 12321 (b) The election officer shall send the notice to the covered voter by facsimile, email, or
 12322 regular mail, as the covered voter requests.
- 12323 (4) As soon as the ballot is certified, and not later than the date ballots are required to be
 12324 transmitted to voters under Chapter 3a, Voting, the election officer charged with
 12325 preparing the election notice under Subsection (1) shall update the notice with the
 12326 certified candidates for each office and ballot propositions and make the updated notice
 12327 publicly available.
- 12328 (5) A political subdivision that maintains a website shall make the election notice prepared
 12329 under this section and updated versions of the election notice regularly available on the
 12330 website.

12331 Section 183. Section **20A-21-201** is amended to read:

12332 **20A-21-201 . Electronic signature gathering for an initiative, a referendum, or**
 12333 **candidate qualification.**

- 12334 (1)(a) After filing a petition for a statewide initiative or a statewide referendum, and
 12335 before gathering signatures, the sponsors shall, after consulting with the Office of the
 12336 Lieutenant Governor, sign a form provided by the Office of the Lieutenant Governor
 12337 indicating whether the sponsors will gather signatures manually or electronically.

- 12338 (b) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather
12339 signatures electronically:
- 12340 (i) in relation to a statewide initiative, signatures for that initiative:
- 12341 (A) may only be gathered and submitted electronically, in accordance with this
12342 section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and
- 12343 (B) may not be gathered or submitted using the manual signature-gathering
12344 process described in Sections 20A-7-105 and 20A-7-204; and
- 12345 (ii) in relation to a statewide referendum, signatures for that referendum:
- 12346 (A) may only be gathered and submitted electronically, in accordance with this
12347 section and Sections 20A-7-313, 20A-7-314, and 20A-7-315; and
- 12348 (B) may not be gathered or submitted using the manual signature-gathering
12349 process described in Sections 20A-7-105 and 20A-7-304.
- 12350 (c) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather
12351 signatures manually:
- 12352 (i) in relation to a statewide initiative, signatures for that initiative:
- 12353 (A) may only be gathered and submitted using the manual signature-gathering
12354 process described in Sections 20A-7-105 and 20A-7-204; and
- 12355 (B) may not be gathered or submitted electronically, as described in this section
12356 and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and
- 12357 (ii) in relation to a statewide referendum, signatures for that referendum:
- 12358 (A) may only be gathered and submitted using the manual signature-gathering
12359 process described in Sections 20A-7-105 and 20A-7-304; and
- 12360 (B) may not be gathered or submitted electronically, as described in this section
12361 and Sections 20A-7-313, 20A-7-314, and 20A-7-315.
- 12362 (2)(a) After filing a petition for a local initiative or a local referendum, and before
12363 gathering signatures, the sponsors shall, after consulting with the local clerk's office,
12364 sign a form provided by the local clerk's office indicating whether the sponsors will
12365 gather signatures manually or electronically.
- 12366 (b) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather
12367 signatures electronically:
- 12368 (i) in relation to a local initiative, signatures for that initiative:
- 12369 (A) may only be gathered and submitted electronically, in accordance with this
12370 section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and
- 12371 (B) may not be gathered or submitted using the manual signature-gathering

- 12372 process described in Sections 20A-7-105 and 20A-7-504; and
- 12373 (ii) in relation to a local referendum, signatures for that referendum:
- 12374 (A) may only be gathered and submitted electronically, in accordance with this
- 12375 section and Sections 20A-7-614, 20A-7-615, and 20A-7-616; and
- 12376 (B) may not be gathered or submitted using the manual signature-gathering
- 12377 process described in Sections 20A-7-105 and 20A-7-604.
- 12378 (c) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather
- 12379 signatures manually:
- 12380 (i) in relation to a local initiative, signatures for that initiative:
- 12381 (A) may only be gathered and submitted using the manual signature-gathering
- 12382 process described in Sections 20A-7-105 and 20A-7-504; and
- 12383 (B) may not be gathered or submitted electronically, as described in this section
- 12384 and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and
- 12385 (ii) in relation to a local referendum, signatures for that referendum:
- 12386 (A) may only be gathered and submitted using the manual signature-gathering
- 12387 process described in Sections 20A-7-105 and 20A-7-604; and
- 12388 (B) may not be gathered or submitted electronically, as described in this section
- 12389 and Sections 20A-7-614, 20A-7-615, and 20A-7-616.
- 12390 (3)(a) After a candidate files a notice of intent to gather signatures to qualify for a ballot,
- 12391 and before gathering signatures, the candidate shall, after consulting with the election
- 12392 officer, sign a form provided by the election officer indicating whether the candidate
- 12393 will gather signatures manually or electronically.
- 12394 (b) If a candidate indicates, under Subsection (3)(a), that the candidate will gather
- 12395 signatures electronically, signatures for the candidate:
- 12396 (i) may only be gathered and submitted using the electronic candidate qualification
- 12397 process; and
- 12398 (ii) may not be gathered or submitted using the manual candidate qualification
- 12399 process.
- 12400 (c) If a candidate indicates, under Subsection (3)(a), that the candidate will gather
- 12401 signatures manually, signatures for the candidate:
- 12402 (i) may only be gathered and submitted using the manual candidate qualification
- 12403 process; and
- 12404 (ii) may not be gathered or submitted using the electronic candidate qualification
- 12405 process.

- 12406 (4) To gather a signature electronically, a signature-gatherer shall:
- 12407 (a) use a device provided by the signature-gatherer or a sponsor of the petition that:
- 12408 (i) is approved by the lieutenant governor;
- 12409 (ii) except as provided in Subsection (4)(a)(iii), does not store a signature or any
- 12410 other information relating to an individual signing the petition in any location
- 12411 other than the location used by the website to store the information;
- 12412 (iii) does not, on the device, store a signature or any other information relating to an
- 12413 individual signing the petition except for the minimum time necessary to upload
- 12414 information to the website;
- 12415 (iv) does not contain any applications, software, or data other than those approved by
- 12416 the lieutenant governor; and
- 12417 (v) complies with cyber-security and other security protocols required by the
- 12418 lieutenant governor;
- 12419 (b) use the approved device to securely access a website designated by the lieutenant
- 12420 governor, directly, or via an application designated by the lieutenant governor; and
- 12421 (c) while connected to the website, present the approved device to an individual
- 12422 considering signing the petition and, while the signature-gatherer is in the physical
- 12423 presence of the individual:
- 12424 (i) wait for the individual to reach each screen presented to the individual on the
- 12425 approved device; and
- 12426 (ii) wait for the individual to advance to each subsequent screen by clicking on the
- 12427 acknowledgement at the bottom of the screen.
- 12428 (5) Each screen shown on an approved device as part of the signature-gathering process
- 12429 shall appear as a continuous electronic document that, if the entire document does not
- 12430 appear on the screen at once, requires the individual viewing the screen to, before
- 12431 advancing to the next screen, scroll through the document until the individual reaches
- 12432 the end of the document.
- 12433 (6) After advancing through each screen required for the petition, the signature process
- 12434 shall proceed as follows:
- 12435 (a) except as provided in Subsection (6)(b):
- 12436 (i) the individual desiring to sign the petition shall present the individual's driver
- 12437 license or state identification card to the signature-gatherer;
- 12438 (ii) the signature-gatherer shall verify that the individual pictured on the driver
- 12439 license or state identification card is the individual signing the petition;

- 12440 (iii) the signature-gatherer shall scan or enter the driver license number or state
12441 identification card number through the approved device; and
- 12442 (iv) immediately after the signature-gatherer complies with Subsection (6)(a)(iii), the
12443 website shall determine whether the individual desiring to sign the petition is
12444 eligible to sign the petition;
- 12445 (b) if the individual desiring to sign the petition is unable to provide a driver license or
12446 state identification card to the signature gatherer:
- 12447 (i) the individual may present other valid voter identification;
- 12448 (ii) if the valid voter identification contains a picture of the individual, the
12449 signature-gatherer shall verify that the individual pictured is the individual signing
12450 the petition;
- 12451 (iii) if the valid voter identification does not contain a picture of the individual, the
12452 signature-gatherer shall, to the extent reasonably practicable, use the individual's
12453 address or other available means to determine whether the identification relates to
12454 the individual presenting the identification;
- 12455 (iv) the signature-gatherer shall scan an image of the valid voter identification and
12456 immediately upload the image to the website; and
- 12457 (v) the individual:
- 12458 (A) shall enter the individual's address; and
- 12459 (B) may, at the discretion of the individual, enter the individual's date of birth or
12460 age after the individual clicks on the screen acknowledging that they have read
12461 and understand the following statement, "Birth date or age information is not
12462 required, but may be used to verify your identity with voter registration
12463 records. If you choose not to provide it, your signature may not be verified as a
12464 valid signature if you change your address before your signature is verified or
12465 if the information you provide does not match your voter registration records.";
- 12466 and
- 12467 (c) after completing the process described in Subsection (6)(a) or (b), the screen shall:
- 12468 (i) except for a petition to qualify a candidate for the ballot, give the individual
12469 signing the petition the opportunity to enter the individual's email address after the
12470 individual reads the following statement, "If you provide your email address, you
12471 may receive an email with additional information relating to the petition you are
12472 signing."; and
- 12473 (ii)(A) if the website determines, under Subsection (6)(a)(iv), that the individual is

12474 eligible to sign the petition, permit the individual to enter the individual's name
 12475 as the individual's electronic signature and, immediately after the
 12476 signature-gatherer timely complies with Subsection (10), certify the signature; or
 12477 (B) if the individual provides valid voter identification under Subsection (6)(b),
 12478 permit the individual to enter the individual's name as the individual's
 12479 electronic signature.

12480 (7) If an individual provides valid voter identification under Subsection (6)(b), the county
 12481 clerk shall, within seven calendar days after the day on which the individual submits the
 12482 valid voter identification, certify the signature if:

- 12483 (a) the individual is eligible to sign the petition;
- 12484 (b) the identification provided matches the information on file; and
- 12485 (c) the signature-gatherer timely complies with Subsection (10).

12486 (8) For each signature submitted under this section, the website shall record:

- 12487 (a) the information identifying the individual who signs;
- 12488 (b) the date the signature was collected; and
- 12489 (c) the name of the signature-gatherer.

12490 (9) An individual who is a signature-gatherer may not sign a petition unless another
 12491 individual acts as the signature-gatherer when the individual signs the petition.

12492 (10) Except for a petition for a candidate to seek the nomination of a registered political party,
 12493 each individual who gathers a signature under this section shall, within one business day after
 12494 the day on which the individual gathers a signature, electronically sign and submit the
 12495 following statement to the website:

12496 "VERIFICATION OF SIGNATURE-GATHERER

12497 State of Utah, County of ____

12498 I, _____, of _____, hereby state, under penalty of perjury, that:

12499 I am at least 18 years old;

12500 All the signatures that I collected on [Date signatures were gathered] were signed by
 12501 individuals who professed to be the individuals whose signatures I gathered, and each of the
 12502 individuals signed the petition in my presence;

12503 I did not knowingly make a misrepresentation of fact concerning the law or proposed
 12504 law to which the petition relates;

12505 I believe that each individual has signed the individual's name and written the
 12506 individual's residence correctly, that each signer has read and understands the law to which the
 12507 petition relates, and that each signer is registered to vote in Utah;

12508 Each signature correctly reflects the date on which the individual signed the petition; and
 12509 I have not paid or given anything of value to any individual who signed this petition to
 12510 encourage that individual to sign it."

12511 (11) Except for a petition for a candidate to seek the nomination of a registered political
 12512 party:

12513 (a) the county clerk may not certify a signature that is not timely verified in accordance
 12514 with Subsection (10); and

12515 (b) if a signature certified by a county clerk under Subsection (6)(c)(ii)(A) is not timely
 12516 verified in accordance with Subsection (10), the county clerk shall:

12517 (i) revoke the certification;

12518 (ii) remove the signature from the posting described in Subsection 20A-7-217(4),
 12519 20A-7-315(3), 20A-7-516(4), or 20A-7-616(3); and

12520 (iii) update the totals described in Subsections 20A-7-217(5)(a)(ii), 20A-7-315
 12521 (5)(a)(ii), 20A-7-516(5)(a)(ii), and 20A-7-616(5)(a)(ii).

12522 (12) For a petition for a candidate to seek the nomination of a registered political party, each
 12523 individual who gathers a signature under this section shall, within one business day after the
 12524 day on which the individual gathers a signature, electronically sign and submit the following
 12525 statement to the lieutenant governor in the manner specified by the lieutenant governor:

12526 "VERIFICATION OF SIGNATURE-GATHERER

12527 State of Utah, County of _____

12528 I, _____, of _____, hereby state that:

12529 I am at least 18 years old;

12530 All the signatures that I collected on [Date signatures were gathered] were signed by
 12531 individuals who professed to be the individuals whose signatures I gathered, and each of the
 12532 individuals signed the petition in my presence;

12533 I believe that each individual has signed the individual's name and written the
 12534 individual's residence correctly and that each signer is registered to vote in Utah; and

12535 Each signature correctly reflects the date on which the individual signed the petition."

12536 (13) For a petition for a candidate to seek the nomination of a registered political party, the
 12537 election officer may not certify a signature that is not timely verified in accordance with
 12538 Subsection (12).

12539 Section 184. Section **63G-1-301** is repealed and reenacted to read:

12540 **63G-1-301 . Legal holidays -- Personal preference day -- Governor authorized to**
 12541 **declare additional legal holidays.**

- 12542 (1) The following days are legal holidays in Utah:
- 12543 (a) except as provided in Subsection (2)(a) or (b):
- 12544 (i) January 1, New Year's Day;
- 12545 (ii) July 4, Independence Day;
- 12546 (iii) July 24, Pioneer Day;
- 12547 (iv) November 11, Veteran's Day;
- 12548 (v) December 25, Christmas; and
- 12549 (vi) a day designated by proclamation issued by the president of the United States or
- 12550 the governor as a day of fasting or thanksgiving;
- 12551 (b)(i) the third Monday of January, Dr. Martin Luther King, Jr. Day;
- 12552 (ii) the third Monday of February, Washington and Lincoln Day;
- 12553 (iii) the last Monday of May, Memorial Day;
- 12554 (iv) the first Monday of September, Labor Day;
- 12555 (v) the second Monday of October, Columbus Day;
- 12556 (vi) the fourth Thursday of November, Thanksgiving Day; and
- 12557 (vii) except as provided in Subsection (2)(c) or (d), June 19, Juneteenth National
- 12558 Freedom Day; and
- 12559 (c) except as provided in Subsection (3), every Sunday.
- 12560 (2)(a) If a day described in Subsection (1)(a) falls on a Saturday, the preceding Friday is
- 12561 the legal holiday.
- 12562 (b) If a day described in Subsection (1)(a) falls on a Sunday, the following Monday is
- 12563 the legal holiday.
- 12564 (c) If June 19 falls on a Tuesday, Wednesday, Thursday, or Friday, the preceding
- 12565 Monday is the legal holiday.
- 12566 (d) If June 19 falls on Saturday or Sunday, the following Monday is the legal holiday.
- 12567 (3) For purposes of Utah Constitution, Article VI, Section 16, Subsection (1), regarding the
- 12568 exclusion of state holidays from the 45-day legislative general session, Sunday is not
- 12569 considered a state holiday.
- 12570 (4) Each employee may select one additional day, called Personal Preference Day, to be
- 12571 scheduled in accordance with rules made, in accordance with Title 63G, Chapter 3, Utah
- 12572 Administrative Rulemaking Act, by the Division of Human Resource Management.
- 12573 (5)(a) If, in the governor's opinion, extraordinary conditions exist justifying the action,
- 12574 the governor may:
- 12575 (i) declare, by proclamation, legal holidays in addition to those legal holidays

- 12576 described in Subsections (1) and (2); or
 12577 (ii) limit the legal holidays described in Subsection (5)(a)(i) to certain classes of
 12578 business and activities to be designated by the governor.
 12579 (b) Except as provided in Subsection (5)(c), a legal holiday described in Subsection
 12580 (5)(a) may not extend for a longer period than 60 consecutive days.
 12581 (c) The governor may, by proclamation:
 12582 (i) renew a legal holiday described in Subsection (5)(a) for one or more periods not
 12583 exceeding 30 days each as the governor determines necessary; or
 12584 (ii) terminate a legal holiday described under Subsection (5)(a) or (b) earlier than the
 12585 time period described in a preceding proclamation.

12586 **Section 185. Effective Date.**

12587 This bill takes effect on May 7, 2025.

12588 **Section 186. Coordinating S.B. 164 with H.B. 351.**

12589 If S.B. 164, Modifications to Election Law, and H.B. 351, Election Day Amendments,
 12590 both pass and become law, the Legislature intends that, on January 1, 2026, the following
 12591 language be inserted as new Subsection 63G-1-301(1)(b)(vi) in S.B. 164 and that the
 12592 remaining subsections in Subsection 63G-1-301(1)(b) in S.B. 164 be renumbered accordingly:
 12593 "(vi) the first Tuesday after the first Monday in November, Election Day;"

12594 **Section 187. Coordinating S.B. 164 with S.B. 259.**

12595 If S.B. 164, Modifications to Election Law, and S.B. 259, State Holy Days, both pass
 12596 and become law, the Legislature intends that, on May 7, 2025:
 12597 (1) the following language be inserted as new Subsection 63G-1-301(1)(b)(i) in S.B. 164
 12598 and that the remaining subsections in Subsection 63G-1-301(1)(b) in S.B. 164 be renumbered
 12599 accordingly:
 12600 "(i) the first Sunday after the first full moon that occurs on or after the spring equinox,
 12601 Easter Sunday;"; and
 12602 (2) Subsection 63G-1-301(4) enacted in S.B. 164 be amended to read:
 12603 "(4) Each employee may select one additional day, called Personal Preference Day, to be
 12604 scheduled in accordance with rules made, in accordance with Title 63G, Chapter 3, Utah
 12605 Administrative Rulemaking Act, by the Division of Human Resource Management, which the
 12606 employee may use to observe a state holy day, as described in Section 63G-1-1101, or any
 12607 other day the employee chooses to recognize."