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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;

- 28 • 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 Easter Sunday as a legal holiday, to the repeal and reenactment of Section
 36 63G-1-301 in this bill, if this bill and S.B. 259, State Holy Days, both pass and
 37 become law; and
 38 • in the coordination clause described above, adding other changes made to Section
 39 63G-1-301 in S.B. 259 to the repeal and reenactment of that section in this bill; and
 40 ▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides coordination clauses.

Utah Code Sections Affected:

AMENDS:

- 47 **10-3-301**, as last amended by Laws of Utah 2023, Chapter 435
 48 **20A-1-102**, as last amended by Laws of Utah 2024, Chapter 438
 49 **20A-1-206**, as last amended by Laws of Utah 2023, Chapters 15, 435
 50 **20A-1-304**, as last amended by Laws of Utah 2024, Chapter 503
 51 **20A-1-502**, as last amended by Laws of Utah 2020, Chapter 13
 52 **20A-1-502.5**, as enacted by Laws of Utah 2020, Chapter 13
 53 **20A-1-503**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
 54 **20A-1-506**, as last amended by Laws of Utah 2018, Chapter 25
 55 **20A-1-508**, as last amended by Laws of Utah 2022, Chapters 13, 166 and 177
 56 **20A-1-509.1**, as last amended by Laws of Utah 2022, Chapter 13
 57 **20A-1-509.2**, as last amended by Laws of Utah 2019, Chapter 255
 58 **20A-1-510**, as last amended by Laws of Utah 2024, Chapters 438, 450
 59 **20A-1-510.1**, as enacted by Laws of Utah 2018, Chapter 365
 60 **20A-1-511**, as last amended by Laws of Utah 2020, Chapter 271
 61 **20A-1-512**, as last amended by Laws of Utah 2024, Chapter 388

- 62 **20A-1-513**, as last amended by Laws of Utah 2024, Chapter 448
- 63 **20A-1-802**, as enacted by Laws of Utah 2014, Chapter 254
- 64 **20A-1-803**, as enacted by Laws of Utah 2014, Chapter 254
- 65 **20A-2-101**, as last amended by Laws of Utah 2023, Chapter 15
- 66 **20A-2-101.1**, as last amended by Laws of Utah 2018, Chapter 223
- 67 **20A-2-104**, as last amended by Laws of Utah 2023, Chapters 327, 406
- 68 **20A-2-105**, as last amended by Laws of Utah 2023, Chapter 215
- 69 **20A-2-107**, as last amended by Laws of Utah 2023, Chapters 45, 89 and last amended by
- 70 Coordination Clause, Laws of Utah 2023, Chapter 89
- 71 **20A-2-204**, as last amended by Laws of Utah 2023, Chapter 237
- 72 **20A-2-205**, as last amended by Laws of Utah 2020, Chapter 31 and last amended by
- 73 Coordination Clause, Laws of Utah 2020, Chapter 95
- 74 **20A-2-304**, as last amended by Laws of Utah 2022, Chapter 156
- 75 **20A-2-502**, as renumbered and amended by Laws of Utah 2023, Chapter 297
- 76 **20A-2-503**, as renumbered and amended by Laws of Utah 2023, Chapter 297
- 77 **20A-2-504**, as renumbered and amended by Laws of Utah 2023, Chapter 297
- 78 **20A-2-505**, as last amended by Laws of Utah 2023, Chapters 327, 406 and renumbered
- 79 and amended by Laws of Utah 2023, Chapter 297
- 80 **20A-3a-106**, as enacted by Laws of Utah 2023, Chapter 297
- 81 **20A-3a-202**, as last amended by Laws of Utah 2023, Chapters 56, 106 and 297
- 82 **20A-3a-203**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 83 **20A-3a-401**, as last amended by Laws of Utah 2024, Chapter 477
- 84 **20A-3a-502**, as enacted by Laws of Utah 2020, Chapter 31
- 85 **20A-3a-601**, as last amended by Laws of Utah 2020, Chapter 95 and renumbered and
- 86 amended by Laws of Utah 2020, Chapter 31
- 87 **20A-3a-604**, as last amended by Laws of Utah 2023, Chapters 45, 435
- 88 **20A-3a-703**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 89 **20A-3a-801**, as last amended by Laws of Utah 2022, Chapters 18, 380
- 90 **20A-3a-803**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 91 **20A-3a-804**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 92 **20A-3a-807**, as enacted by Laws of Utah 2022, Chapter 380
- 93 **20A-4-104**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435
- 94 **20A-4-301**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 95 **20A-4-302**, as enacted by Laws of Utah 1993, Chapter 1

96 **20A-4-304**, as last amended by Laws of Utah 2024, Chapter 503
97 **20A-4-305**, as last amended by Laws of Utah 2023, Chapter 15
98 **20A-4-306**, as last amended by Laws of Utah 2024, Chapter 503
99 **20A-4-401**, as last amended by Laws of Utah 2024, Chapter 503
100 **20A-4-603**, as last amended by Laws of Utah 2022, Chapter 342
101 **20A-5-101**, as last amended by Laws of Utah 2023, Chapters 45, 56, 106, 297, and 435
102 **20A-5-303**, as last amended by Laws of Utah 2021, Chapters 162, 345
103 **20A-5-400.1**, as last amended by Laws of Utah 2021, Chapter 101
104 **20A-5-403.5**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435
105 **20A-5-405**, as last amended by Laws of Utah 2023, Chapters 45, 435
106 **20A-5-410**, as last amended by Laws of Utah 2022, Chapter 248
107 **20A-5-602**, as last amended by Laws of Utah 2023, Chapter 15
108 **20A-6-105**, as last amended by Laws of Utah 2023, Chapter 406
109 **20A-6-106**, as last amended by Laws of Utah 2019, Chapter 255
110 **20A-6-302**, as last amended by Laws of Utah 2020, Chapter 31
111 **20A-6-305**, as last amended by Laws of Utah 2020, Chapter 49
112 **20A-7-103**, as last amended by Laws of Utah 2024, Chapter 465
113 **20A-7-105**, as last amended by Laws of Utah 2024, Chapters 442, 465
114 **20A-7-201**, as last amended by Laws of Utah 2023, Chapter 107
115 **20A-7-202.5**, as last amended by Laws of Utah 2024, Chapter 442
116 **20A-7-204**, as last amended by Laws of Utah 2024, Chapter 442
117 **20A-7-204.1**, as last amended by Laws of Utah 2023, Chapters 107, 435 and last
118 amended by Coordination Clause, Laws of Utah 2023, Chapter 107
119 **20A-7-207**, as last amended by Laws of Utah 2023, Chapters 107, 116
120 **20A-7-211**, as last amended by Laws of Utah 2023, Chapter 107
121 **20A-7-212**, as last amended by Laws of Utah 2019, Chapter 206
122 **20A-7-214**, as last amended by Laws of Utah 2023, Chapter 107
123 **20A-7-216**, as last amended by Laws of Utah 2024, Chapter 442
124 **20A-7-217**, as last amended by Laws of Utah 2023, Chapter 107
125 **20A-7-302**, as last amended by Laws of Utah 2023, Chapter 107
126 **20A-7-304**, as last amended by Laws of Utah 2023, Chapter 107
127 **20A-7-307**, as last amended by Laws of Utah 2023, Chapters 107, 116 and last amended
128 by Coordination Clause, Laws of Utah 2023, Chapter 116
129 **20A-7-308**, as last amended by Laws of Utah 2024, Chapter 442

130 **20A-7-310**, as last amended by Laws of Utah 2023, Chapter 107
131 **20A-7-311**, as last amended by Laws of Utah 2023, Chapter 107
132 **20A-7-314**, as last amended by Laws of Utah 2024, Chapter 442
133 **20A-7-315**, as last amended by Laws of Utah 2023, Chapter 107
134 **20A-7-401.5**, as last amended by Laws of Utah 2023, Chapter 116
135 **20A-7-402**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
136 **20A-7-501**, as last amended by Laws of Utah 2024, Chapter 438
137 **20A-7-502.7**, as last amended by Laws of Utah 2024, Chapter 438
138 **20A-7-504**, as last amended by Laws of Utah 2024, Chapters 438, 442
139 **20A-7-507**, as last amended by Laws of Utah 2023, Chapters 107, 116
140 **20A-7-508**, as last amended by Laws of Utah 2024, Chapter 442
141 **20A-7-510**, as last amended by Laws of Utah 2023, Chapter 107
142 **20A-7-511**, as enacted by Laws of Utah 1994, Chapter 272
143 **20A-7-513**, as last amended by Laws of Utah 2023, Chapter 107
144 **20A-7-515**, as last amended by Laws of Utah 2024, Chapter 442
145 **20A-7-516**, as last amended by Laws of Utah 2023, Chapter 107
146 **20A-7-601**, as last amended by Laws of Utah 2024, Chapters 427, 438
147 **20A-7-602.7**, as last amended by Laws of Utah 2024, Chapter 438
148 **20A-7-602.8**, as last amended by Laws of Utah 2024, Chapter 438
149 **20A-7-604**, as last amended by Laws of Utah 2024, Chapters 438, 442
150 **20A-7-607**, as last amended by Laws of Utah 2023, Chapters 107, 116
151 **20A-7-608**, as last amended by Laws of Utah 2024, Chapter 442
152 **20A-7-609.5**, as last amended by Laws of Utah 2020, Chapter 31
153 **20A-7-610**, as last amended by Laws of Utah 2023, Chapter 107
154 **20A-7-611**, as last amended by Laws of Utah 2023, Chapter 107
155 **20A-7-613**, as last amended by Laws of Utah 2023, Chapter 116
156 **20A-7-615**, as last amended by Laws of Utah 2024, Chapter 442
157 **20A-7-616**, as last amended by Laws of Utah 2023, Chapter 107
158 **20A-7-702.5**, as enacted by Laws of Utah 2022, Chapter 11
159 **20A-7-703**, as last amended by Laws of Utah 2024, Chapter 465
160 **20A-7-703.1**, as enacted by Laws of Utah 2024, Chapter 465
161 **20A-7-705**, as last amended by Laws of Utah 2019, Chapters 217, 255
162 **20A-7-706**, as last amended by Laws of Utah 2019, Chapter 255
163 **20A-7-801**, as last amended by Laws of Utah 2021, Chapter 100

164 **20A-8-103**, as last amended by Laws of Utah 2023, Chapter 116
165 **20A-8-401**, as last amended by Laws of Utah 2019, Chapter 255
166 **20A-8-402**, as last amended by Laws of Utah 2019, Chapter 255
167 **20A-8-404**, as last amended by Laws of Utah 2023, Chapter 68
168 **20A-9-201**, as last amended by Laws of Utah 2024, Chapter 465
169 **20A-9-201.5**, as last amended by Laws of Utah 2023, Chapter 45
170 **20A-9-202**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
171 **20A-9-203**, as last amended by Laws of Utah 2024, Chapter 465
172 **20A-9-207**, as last amended by Laws of Utah 2024, Chapter 465
173 **20A-9-403**, as last amended by Laws of Utah 2024, Chapter 503
174 **20A-9-404**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
175 **20A-9-408**, as last amended by Laws of Utah 2023, Chapter 116
176 **20A-9-502**, as last amended by Laws of Utah 2024, Chapter 17
177 **20A-9-601**, as last amended by Laws of Utah 2024, Chapter 465
178 **20A-11-101**, as last amended by Laws of Utah 2024, Chapter 438
179 **20A-11-103**, as last amended by Laws of Utah 2024, Chapter 443
180 **20A-11-105**, as last amended by Laws of Utah 2019, Chapter 255
181 **20A-11-201**, as last amended by Laws of Utah 2021, Chapter 20
182 **20A-11-204**, as last amended by Laws of Utah 2021, Chapter 20
183 **20A-11-206**, as last amended by Laws of Utah 2023, Chapter 45
184 **20A-11-301**, as last amended by Laws of Utah 2021, Chapter 20
185 **20A-11-303**, as last amended by Laws of Utah 2021, Chapter 20
186 **20A-11-305**, as last amended by Laws of Utah 2023, Chapter 45
187 **20A-11-401**, as last amended by Laws of Utah 2018, Chapter 83
188 **20A-11-402**, as last amended by Laws of Utah 2019, Chapter 74
189 **20A-11-403**, as last amended by Laws of Utah 2021, Chapter 20
190 **20A-11-507**, as last amended by Laws of Utah 2019, Chapter 74
191 **20A-11-508**, as last amended by Laws of Utah 2020, Chapter 22
192 **20A-11-511**, as last amended by Laws of Utah 2019, Chapter 74
193 **20A-11-512**, as last amended by Laws of Utah 2020, Chapter 22
194 **20A-11-601**, as last amended by Laws of Utah 2022, Chapter 340
195 **20A-11-602**, as last amended by Laws of Utah 2019, Chapters 74, 116
196 **20A-11-603**, as last amended by Laws of Utah 2022, Chapter 340
197 **20A-11-701.5**, as renumbered and amended by Laws of Utah 2019, Chapter 74

198 **20A-11-702**, as last amended by Laws of Utah 2017, Chapter 276
199 **20A-11-703**, as last amended by Laws of Utah 2020, Chapter 22
200 **20A-11-704**, as last amended by Laws of Utah 2018, Chapter 83
201 **20A-11-705**, as last amended by Laws of Utah 2021, Chapter 20
202 **20A-11-801**, as last amended by Laws of Utah 2021, Chapter 20
203 **20A-11-802**, as last amended by Laws of Utah 2023, Chapter 116
204 **20A-11-803**, as last amended by Laws of Utah 2020, Chapter 22
205 **20A-11-1203**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
206 **20A-11-1301**, as last amended by Laws of Utah 2021, Chapter 20
207 **20A-11-1303**, as last amended by Laws of Utah 2021, Chapter 20
208 **20A-11-1305**, as last amended by Laws of Utah 2023, Chapter 45
209 **20A-11-1406**, as enacted by Laws of Utah 2003, Chapter 284
210 **20A-11-1502**, as last amended by Laws of Utah 2018, Chapter 83
211 **20A-11-1503**, as last amended by Laws of Utah 2020, Chapter 22
212 **20A-11-1604**, as last amended by Laws of Utah 2022, Chapter 170
213 **20A-11-1605**, as last amended by Laws of Utah 2021, Chapter 20
214 **20A-11-1702**, as enacted by Laws of Utah 2014, Chapter 60
215 **20A-11-1704**, as last amended by Laws of Utah 2018, Chapter 83
216 **20A-12-303**, as last amended by Laws of Utah 2021, Chapter 20
217 **20A-12-305**, as last amended by Laws of Utah 2019, Chapter 255
218 **20A-12-306**, as last amended by Laws of Utah 2010, Chapter 389
219 **20A-13-102.2**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2
220 **20A-13-104**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2
221 **20A-13-301**, as last amended by Laws of Utah 2020, Chapter 22
222 **20A-14-102.2**, as last amended by Laws of Utah 2021, Second Special Session, Chapter
223 10
224 **20A-14-102.3**, as last amended by Laws of Utah 2021, Second Special Session, Chapter
225 10
226 **20A-14-201**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
227 **20A-15-103**, as last amended by Laws of Utah 2023, Chapter 116
228 **20A-15-201**, as enacted by Laws of Utah 1995, Chapter 1
229 **20A-16-202**, as last amended by Laws of Utah 2020, Chapter 31
230 **20A-16-403**, as last amended by Laws of Utah 2023, Chapter 215
231 **20A-16-502**, as last amended by Laws of Utah 2023, Chapter 215

232 **20A-21-201**, as last amended by Laws of Utah 2024, Chapter 17

233 ENACTS:

234 **20A-9-401.1**, Utah Code Annotated 1953

235 **20A-9-408.1**, Utah Code Annotated 1953

236 **20A-9-408.2**, Utah Code Annotated 1953

237 **20A-9-408.3**, Utah Code Annotated 1953

238 REPEALS AND REENACTS:

239 **20A-1-104**, as renumbered and amended by Laws of Utah 2019, Chapter 255

240 **63G-1-301**, as last amended by Laws of Utah 2022, Chapter 331

241

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

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

244 **10-3-301 . Notice -- Eligibility and residency requirements for elected municipal**
 245 **office -- Mayor and recorder limitations.**

246 (1) As used in this section:

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

250 (b) "Principal place of residence" means the same as that term is defined in Section
 251 20A-2-105.

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

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

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

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

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

263 (b)(i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of
 264 each municipality shall maintain office hours from 8 a.m. to 5 p.m. [~~on the dates~~
 265 ~~described in Subsections 20A-9-203(3)(a)(i) and (c)(i)] during the filing period~~

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

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

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

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

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

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

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

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

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

314 Section 2. Section **20A-1-102** is amended to read:

315 **20A-1-102 . Definitions.**

316 As used in this title:

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

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

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

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

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

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

327 (b) a constitutional amendment;

328 (c) an initiative;

329 (d) a referendum;

330 (e) a bond proposition;

331 (f) a judicial retention question;

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

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

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

- 368 voting; or
- 369 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6,
- 370 Early Voting.
- 371 ~~[(18)]~~ (20) "Elected official" means:
- 372 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,
- 373 Municipal Alternate Voting Methods Pilot Project;
- 374 (b) a person who is considered to be elected to a municipal office in accordance with
- 375 Subsection 20A-1-206(1)(c)(ii); or
- 376 (c) a person who is considered to be elected to a special district office in accordance
- 377 with Subsection 20A-1-206(3)(b)(ii).
- 378 ~~[(19)]~~ (21) "Election" means a regular general election, a municipal general election, a
- 379 statewide special election, a local special election, a regular primary election, a
- 380 municipal primary election, and a special district election.
- 381 ~~[(20)]~~ (22) "Election Assistance Commission" means the commission established by the
- 382 Help America Vote Act of 2002, Pub. L. No. 107-252.
- 383 ~~[(21)]~~ (23) "Election cycle" means the period beginning on the first day ~~[persons]~~ on which
- 384 individuals are eligible to file declarations of candidacy and ending when the canvass is
- 385 completed.
- 386 ~~[(22)]~~ (24) "Election judge" means a poll worker that is assigned to:
- 387 (a) preside over other poll workers at a polling place;
- 388 (b) act as the presiding election judge; or
- 389 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 390 ~~[(23)]~~ (25) "Election officer" means:
- 391 (a) the lieutenant governor, for all statewide ballots and elections;
- 392 (b) the county clerk for:
- 393 (i) a county ballot and election; and
- 394 (ii) a ballot and election as a provider election officer as provided in Section
- 395 20A-5-400.1 or 20A-5-400.5;
- 396 (c) the municipal clerk for:
- 397 (i) a municipal 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 (d) the special district clerk or chief executive officer for:
- 401 (i) a special district 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; or
- 404 (e) the business administrator or superintendent of a school district for:
- 405 (i) a school 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.
- 408 ~~[(24)]~~ (26) "Election official" means any election officer, election judge, or poll worker.
- 409 ~~[(25)]~~ (27) "Election results" means:
- 410 (a) for an election other than a bond election, the count of votes cast in the election and
411 the election returns requested by the board of canvassers; or
- 412 (b) for bond elections, the count of those votes cast for and against the bond proposition
413 plus any or all of the election returns that the board of canvassers may request.
- 414 ~~[(26)]~~ (28) "Election returns" includes:
- 415 (a) the pollbook, the military and overseas absentee voter registration and voting
416 certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all
417 excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and
418 the total votes cast form; and
- 419 (b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a
420 ballot.
- 421 ~~[(27)]~~ (29) "Electronic signature" means an electronic sound, symbol, or process attached to
422 or logically associated with a record and executed or adopted by a person with the intent
423 to sign the record.
- 424 (30) "Holiday" means a legal holiday described in Subsections 63G-1-301(1) and (2).
- 425 ~~[(28)]~~ (31) "Inactive voter" means a registered voter who is listed as inactive by a county
426 clerk under Subsection 20A-2-505(4)(c)(i) or (ii).
- 427 ~~[(29)]~~ (32) "Judicial office" means the office filled by any judicial officer.
- 428 ~~[(30)]~~ (33) "Judicial officer" means any justice or judge of a court of record or any county
429 court judge.
- 430 ~~[(31)]~~ (34) "Local election" means a regular county election, a regular municipal election, a
431 municipal primary election, a local special election, a special district election, and a
432 bond election.
- 433 ~~[(32)]~~ (35) "Local political subdivision" means a county, a municipality, a special district, or
434 a local school district.
- 435 ~~[(33)]~~ (36) "Local special election" means a special election called by the governing body of

- 436 a local political subdivision in which all registered voters of the local political
437 subdivision may vote.
- 438 ~~[(34)]~~ (37) "Manual ballot" means a paper document produced by an election officer on
439 which an individual records an individual's vote by directly placing a mark on the paper
440 document using a pen or other marking instrument.
- 441 ~~[(35)]~~ (38) "Mechanical ballot" means a record, including a paper record, electronic record,
442 or mechanical record, that:
- 443 (a) is created via electronic or mechanical means; and
- 444 (b) records an individual voter's vote cast via a method other than an individual directly
445 placing a mark, using a pen or other marking instrument, to record an individual
446 voter's vote.
- 447 ~~[(36)]~~ (39) "Municipal executive" means:
- 448 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102; or
- 449 (b) the mayor in the council-manager form of government defined in Subsection
450 10-3b-103(6).
- 451 ~~[(37)]~~ (40) "Municipal general election" means the election held in municipalities and, as
452 applicable, special districts on the first Tuesday after the first Monday in November of
453 each odd-numbered year for the purposes established in Section 20A-1-202.
- 454 ~~[(38)]~~ (41) "Municipal legislative body" ~~[meansthe]~~ means the council of the city or town in
455 any form of municipal government.
- 456 ~~[(39)]~~ (42) "Municipal office" means an elective office in a municipality.
- 457 ~~[(40)]~~ (43) "Municipal officers" means those municipal officers that are required by law to
458 be elected.
- 459 ~~[(41)]~~ (44) "Municipal primary election" means an election held to nominate candidates for
460 municipal office.
- 461 ~~[(42)]~~ (45) "Municipality" means a city or town.
- 462 ~~[(43)]~~ (46) "Official ballot" means the ballots distributed by the election officer for voters to
463 record their votes.
- 464 ~~[(44)]~~ (47) "Official endorsement" means the information on the ballot that identifies:
- 465 (a) the ballot as an official ballot;
- 466 (b) the date of the election; and
- 467 (c)(i) for a ballot prepared by an election officer other than a county clerk, the
468 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or
- 469 (ii) for a ballot prepared by a county clerk, the words required by Subsection

- 470 20A-6-301(1)(b)(iii).
- 471 ~~[(45)]~~ (48) "Official register" means the official record furnished to election officials by the
472 election officer that contains the information required by Section 20A-5-401.
- 473 ~~[(46)]~~ (49) "Political party" means an organization of registered voters that has qualified to
474 participate in an election by meeting the requirements of Chapter 8, Political Party
475 Formation and Procedures.
- 476 ~~[(47)]~~ (50)(a) "Poll worker" means a person assigned by an election official to assist with
477 an election, voting, or counting votes.
- 478 (b) "Poll worker" includes election judges.
- 479 (c) "Poll worker" does not include a watcher.
- 480 ~~[(48)]~~ (51) "Pollbook" means a record of the names of voters in the order that they appear to
481 cast votes.
- 482 ~~[(49)]~~ (52) "Polling place" means a building where voting is conducted.
- 483 ~~[(50)]~~ (53) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
484 in which the voter marks the voter's choice.
- 485 ~~[(51)]~~ (54) "Presidential Primary Election" means the election established in Chapter 9, Part
486 8, Presidential Primary Election.
- 487 ~~[(52)]~~ (55) "Primary convention" means the political party conventions held during the year
488 of the regular general election.
- 489 ~~[(53)]~~ (56) "Protective counter" means a separate counter, which cannot be reset, that:
490 (a) is built into a voting machine; and
491 (b) records the total number of movements of the operating lever.
- 492 ~~[(54)]~~ (57) "Provider election officer" means an election officer who enters into a contract or
493 interlocal agreement with a contracting election officer to conduct an election for the
494 contracting election officer's local political subdivision in accordance with Section
495 20A-5-400.1.
- 496 ~~[(55)]~~ (58) "Provisional ballot" means a ballot voted provisionally by a person:
497 (a) whose name is not listed on the official register at the polling place;
498 (b) whose legal right to vote is challenged as provided in this title; or
499 (c) whose identity was not sufficiently established by a poll worker.
- 500 ~~[(56)]~~ (59) "Provisional ballot envelope" means an envelope printed in the form required by
501 Section 20A-6-105 that is used to identify provisional ballots and to provide information
502 to verify a person's legal right to vote.
- 503 ~~[(57)]~~ (60)(a) "Public figure" means an individual who, due to the individual being

504 considered for, holding, or having held a position of prominence in a public or
505 private capacity, or due to the individual's celebrity status, has an increased risk to the
506 individual's safety.

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

508 (i) elected to public office; or

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

510 [(58)] (61) "Qualify" or "qualified" means to take the oath of office and begin performing
511 the duties of the position for which the individual was elected.

512 [(59)] (62) "Receiving judge" means the poll worker that checks the voter's name in the
513 official register at a polling place and provides the voter with a ballot.

514 [(60)] (63) "Registration form" means a form by which an individual may register to vote
515 under this title.

516 [(61)] (64) "Regular ballot" means a ballot that is not a provisional ballot.

517 [(62)] (65) "Regular general election" means the election held throughout the state on the
518 first Tuesday after the first Monday in November of each even-numbered year for the
519 purposes established in Section 20A-1-201.

520 [(63)] (66) "Regular primary election" means the election, held on the date specified in
521 Section 20A-1-201.5, to nominate candidates of political parties and candidates for
522 nonpartisan local school board positions to advance to the regular general election.

523 [(64)] (67) "Resident" means a person who resides within a specific voting precinct in Utah.

524 [(65)] (68) "Return envelope" means the envelope, described in Subsection 20A-3a-202(4),
525 provided to a voter with a manual ballot:

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

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

529 [(66)] (69) "Sample ballot" means a mock ballot similar in form to the official ballot,
530 published as provided in Section 20A-5-405.

531 [(67)] (70) "Special district" means a local government entity under Title 17B, Limited
532 Purpose Local Government Entities - Special Districts, and includes a special service
533 district under Title 17D, Chapter 1, Special Service District Act.

534 [(68)] (71) "Special district officers" means those special district board members who are
535 required by law to be elected.

536 [(69)] (72) "Special election" means an election held as authorized by Section 20A-1-203.

537 [(70)] (73) "Spoiled ballot" means each ballot that:

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

- 572 (iii) a tribal treaty card; or
- 573 (c) two forms of identification not listed under Subsection ~~[(76)(a) or (b)]~~ (79)(a) or (b)
- 574 but that bear the name of the voter and provide evidence that the voter resides in the
- 575 voting precinct, which may include:
- 576 (i) a current utility bill or a legible copy thereof, dated within the 90 calendar days
- 577 before the day of the election;
- 578 (ii) a bank or other financial account statement, or a legible copy thereof;
- 579 (iii) a certified birth certificate;
- 580 (iv) a valid social security card;
- 581 (v) a check issued by the state or the federal government or a legible copy thereof;
- 582 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 583 (vii) a currently valid Utah hunting or fishing license;
- 584 (viii) certified naturalization documentation;
- 585 (ix) a currently valid license issued by an authorized agency of the United States;
- 586 (x) a certified copy of court records showing the voter's adoption or name change;
- 587 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 588 (xii) a currently valid identification card issued by:
- 589 (A) a local government within the state;
- 590 (B) an employer for an employee; or
- 591 (C) a college, university, technical school, or professional school located within
- 592 the state; or
- 593 (xiii) a current Utah vehicle registration.
- 594 ~~[(77)]~~ (80) "Valid write-in candidate" means a candidate who has qualified as a write-in
- 595 candidate by following the procedures and requirements of this title.
- 596 ~~[(78)]~~ (81) "Vote by mail" means to vote, using a manual ballot that is mailed to the voter,
- 597 by:
- 598 (a) mailing the ballot to the location designated in the mailing; or
- 599 (b) depositing the ballot in a ballot drop box designated by the election officer.
- 600 ~~[(79)]~~ (82) "Voter" means an individual who:
- 601 (a) meets the requirements for voting in an election;
- 602 (b) meets the requirements of election registration;
- 603 (c) is registered to vote; and
- 604 (d) is listed in the official register book.
- 605 ~~[(80)]~~ (83) "Voter registration deadline" means the registration deadline provided in Section

606 20A-2-102.5.

607 [~~(81)~~] (84) "Voting area" means the area within six feet of the voting booths, voting
608 machines, and ballot box.

609 [~~(82)~~] (85) "Voting booth" means:

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

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

613 [~~(83)~~] (86) "Voting device" means any device provided by an election officer for a voter to
614 vote a mechanical ballot.

615 [~~(84)~~] (87) "Voting precinct" means the smallest geographical voting unit, established under
616 Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

617 [~~(85)~~] (88) "Watcher" means an individual who complies with the requirements described in
618 Section 20A-3a-801 to become a watcher for an election.

619 [~~(86)~~] (89) "Write-in ballot" means a ballot containing any write-in votes.

620 [~~(87)~~] (90) "Write-in vote" means a vote cast for an individual, whose name is not printed on
621 the ballot, in accordance with the procedures established in this title.

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

623 **20A-1-104 . Computation of time.**

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

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

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

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

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

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

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

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

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

637 **20A-1-206 . Cancellation of local election or local race -- Municipalities -- Special**
638 **districts -- Notice.**

639 (1) As used in this section:

- 640 (a) "Contested race" means a race in a general election where the number of candidates,
641 including any eligible write-in candidates, exceeds the number of offices to be filled
642 in the race.
- 643 (b) "Election" means an event, run by an election officer, that includes one or more races
644 for public office or one or more ballot propositions.
- 645 (c)(i) "Race" means a contest between candidates to obtain the number of votes
646 necessary to take a particular public office.
- 647 (ii) "Race," as the term relates to a contest for an at-large position, includes all open
648 positions for the same at-large office.
- 649 (iii) "Race," as the term relates to a contest for a municipal council position that is not
650 an at-large position, includes only the contest to represent a particular district on
651 the council.
- 652 (2) A municipal legislative body may cancel a local election if:
- 653 (a) the ballot for the local election will not include any contested races or ballot
654 propositions; and
- 655 (b) the municipal legislative body passes, no later than 20 calendar days before the day
656 of the scheduled election, a resolution that cancels the election and certifies that:
- 657 (i) the ballot for the election would not include any contested races or ballot
658 propositions; and
- 659 (ii) the candidates who qualified for the ballot are considered elected.
- 660 (3) A municipal legislative body may cancel a race in a local election if:
- 661 (a) the ballot for the race will not include any contested races or ballot propositions; and
- 662 (b) the municipal legislative body passes, no later than 20 calendar days before the day
663 of the scheduled election, a resolution that cancels the race and certifies that:
- 664 (i) the ballot for the race would not include any contested races or ballot propositions;
665 and
- 666 (ii) the candidate for the race is considered elected.
- 667 (4) A municipal legislative body that cancels a local election in accordance with Subsection
668 (2) shall give notice that the election is cancelled by:
- 669 (a) subject to Subsection (8), providing notice to the lieutenant governor's office to be
670 posted on the Statewide Electronic Voter Information Website described in Section
671 20A-7-801, for at least 15 [consecutive] calendar days before the day of the scheduled
672 election; and
- 673 (b) providing notice for the municipality, as a class A notice under Section 63G-30-102,

- 674 for at least 15 calendar days before the day of the scheduled election.
- 675 (5) A special district board may cancel a local election if:
- 676 (a) the ballot for the local election will not include any contested races or ballot
- 677 propositions; and
- 678 (b) the special district board passes, no later than 20 calendar days before the day of the
- 679 scheduled election, a resolution that cancels the election and certifies that:
- 680 (i) the ballot for the election would not include any contested races or ballot
- 681 propositions; and
- 682 (ii) the candidates who qualified for the ballot are considered elected.
- 683 (6) A special district board may cancel a special district race if:
- 684 (a) the race is uncontested; and
- 685 (b) the special district board passes, no later than 20 calendar days before the day of the
- 686 scheduled election, a resolution that cancels the race and certifies that the candidate
- 687 who qualified for the ballot for that race is considered elected.
- 688 (7) A special district that cancels a local election in accordance with Subsection (5) shall
- 689 provide notice that the election is cancelled:
- 690 (a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter
- 691 Information Website described in Section 20A-7-801, for at least 15 [~~consecutive~~]
- 692 calendar days before the day of the scheduled election; and
- 693 (b) as a class A notice under Section 63G-30-102, for at least 15 calendar days before
- 694 the day of the scheduled election.
- 695 (8) A municipal legislative body that posts a notice in accordance with Subsection (4)(a) or
- 696 a special district that posts a notice in accordance with Subsection (7)(a) is not liable for
- 697 a notice that fails to post due to technical or other error by the publisher of the Statewide
- 698 Electronic Voter Information Website.
- 699 Section 5. Section **20A-1-304** is amended to read:
- 700 **20A-1-304 . Tie votes.**
- 702 (1) This section does not apply to a race conducted by instant runoff voting under Chapter
- 703 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
- 704 (2) Except as provided in Subsection (3), if, after conducting a recount under Subsection
- 705 20A-4-401(5), a tie vote occurs, the election officer shall, in a public meeting held no
- 706 later than the first business day that is at least three calendar days after the day on which
- 707 the recount canvass is completed:
- 708 (a) determine the winning candidate, by lot, in whatever manner the election officer

- 709 determines; and
- 710 (b) provide notice and an opportunity for each candidate involved in the tie to observe
- 711 the casting or drawing of the lot or to send a representative to observe the casting or
- 712 drawing of the lot.
- 713 (3)(a) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in
- 714 a primary election race for a national, statewide, or other office that represents more
- 715 than one county, the governor, lieutenant governor, and attorney general shall, at a
- 716 public meeting called by the governor and held no later than the first business day
- 717 that is at least three calendar days after the day on which the recount canvass is
- 718 completed:
- 719 (i) determine the winning nominee, by lot, in whatever manner the governor
- 720 determines; and
- 721 (ii) provide notice and an opportunity for each candidate involved in the tie to
- 722 observe the casting or drawing of the lot or to send a representative to observe the
- 723 casting or drawing of the lot.
- 724 (b) If, after conducting a recount under Subsection 20A-4-401(5), a tie vote occurs in a
- 725 primary election race for a county office, the district court judges of the district in
- 726 which the county is located shall, at a public meeting called by the judges and held no
- 727 later than the first business day that is at least three calendar days after the day on
- 728 which the recount canvass is completed:
- 729 (i) determine the winning nominee, by lot, in whatever manner the judges determine;
- 730 and
- 731 (ii) provide notice and an opportunity for each candidate involved in the tie to
- 732 observe the casting or drawing of the lot or to send a representative to observe the
- 733 casting or drawing of the lot.

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

735 **20A-1-502 . Midterm vacancy in office of United States senator.**

- 736 (1) Except as provided in Subsections (2) and (3), when a vacancy occurs in the office of
- 737 United States senator, the governor shall, within seven calendar days after the day on
- 738 which the vacancy occurs, issue a proclamation calling a special congressional election
- 739 to fill the vacancy that:
- 740 (a) sets a date for a primary congressional special election, and a later date for a general
- 741 congressional special election, on the same day as one of the following elections:
- 742 (i) a municipal general election;

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

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

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

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

- 879 (3)(a) Except as provided by Subsection (5), when a vacancy occurs for any reason in
880 the office of senator in the Legislature, it shall be filled for the unexpired term at the
881 next regular general election.
- 882 (b) The governor shall fill the vacancy until the next regular general election by
883 immediately appointing the person whose name was submitted by the party liaison of
884 the same political party as the prior senator.
- 885 (4)(a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but
886 before August 31 of an even-numbered year in which the term of office does not
887 expire, the lieutenant governor shall:
- 888 (i) establish a date and time, which is before the date for a candidate to be certified
889 for the ballot under Section 20A-9-701 and no later than 21 calendar days after the
890 day on which the vacancy occurred, by which a person intending to obtain a
891 position on the ballot for the vacant office shall file:
- 892 (A) a declaration of candidacy; or
893 (B) a certificate of nomination; and
- 894 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):
895 (A) on the lieutenant governor's website; and
896 (B) to each registered political party.
- 897 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 898 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of
899 candidacy or certificate of nomination according to the procedures and
900 requirements of Chapter 9, Candidate Qualifications and Nominating Procedures;
901 and
- 902 (ii) run in the regular general election if:
903 (A) nominated as a party candidate; or
904 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate
905 Qualifications and Nominating Procedures.
- 906 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in
907 Subsection 20A-9-202(1)(b) and before August 31, of an even-numbered year in
908 which the term of office does not expire, a party liaison from each registered political
909 party may submit a name of a person described in Subsection (4)(b) to the lieutenant
910 governor before 5 p.m. no later than August 30 for placement on the regular general
911 election ballot.
- 912 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an

913 even-numbered year in which a term does not expire, the governor shall fill the vacancy
 914 for the unexpired term by immediately appointing the person whose name was submitted
 915 by the party liaison of the same political party as the prior senator.

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

917 **20A-1-506 . Vacancy in the office of justice court judge.**

918 (1) As used in this section:

919 (a) "Appointing authority" means:

920 (i) for a county:

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

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

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

926 (b) "Local legislative body" means:

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

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

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

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

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

936 (b) The appointing authority shall notify the Administrative Office of the Courts in
 937 writing of an appointment of a municipal justice court judge under this section within
 938 30 calendar days after the day on which the appointment is made.

939 (3)(a) If a vacancy occurs in the office of a county justice court judge before the
 940 completion of the judge's term of office, the appointing authority shall fill the
 941 vacancy by following the procedures and requirements for appointments in Section
 942 78A-7-202.

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

946 (4)(a) When a vacancy occurs in the office of a justice court judge, the appointing

947 authority shall:

- 948 (i) advertise the vacancy and solicit applications for the vacancy;
- 949 (ii) appoint the best qualified candidate to office based solely upon fitness for office;
- 950 (iii) comply with the procedures and requirements of Title 52, Chapter 3, Prohibiting
- 951 Employment of Relatives, in making appointments to fill the vacancy; and
- 952 (iv) submit the name of the appointee to the local legislative body.
- 953 (b) If the local legislative body does not confirm the appointment within 30 calendar
- 954 days [of submission] after the day on which the appointing authority submits the
- 955 name of the appointee to the local legislative body, the appointing authority may
- 956 either appoint another of the applicants or reopen the vacancy by advertisement and
- 957 solicitations of applications.

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

959 **20A-1-508 . Midterm vacancies in county elected offices -- Temporary manager**

960 **-- Interim replacement.**

961 (1) As used in this section:

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

967 (b) "Party liaison" means the political party officer designated to serve as a liaison with

968 each county legislative body on all matters relating to the political party's relationship

969 with a county as required by Section 20A-8-401.

970 (2)(a) Except as provided in Subsection (2)(d), until a county legislative body appoints

971 an interim replacement to fill a vacant county office under Subsection (3), the

972 following shall temporarily discharge the duties of the county office as a temporary

973 manager:

- 974 (i) for a county office with one chief deputy, the chief deputy;
- 975 (ii) for a county office with more than one chief deputy:
- 976 (A) the chief deputy with the most cumulative time served as a chief deputy for
- 977 the county office; or
- 978 (B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer
- 979 vacates the office, the county officer files with the county clerk a written
- 980 statement designating one of the county officer's chief deputies to discharge the

981 duties of the county office in the event the county officer vacates the office, the
982 designated chief deputy; or

983 (iii) for a county office without a chief deputy:

984 (A) if one management-level employee serving under the county office has a
985 higher-seniority management level than any other employee serving under the
986 county office, that management-level employee;

987 (B) if two or more management-level employees serving under the county office
988 have the same and highest-seniority management level, the highest-seniority
989 management-level employee with the most cumulative time served in the
990 employee's current position; or

991 (C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county
992 officer vacates the office, the county officer files with the county clerk a
993 written statement designating one of the county officer's employees to
994 discharge the county officer's duties in the event the county officer vacates the
995 office, the designated employee.

996 (b) Except as provided in Subsection (2)(c), a temporary manager described in
997 Subsection (2)(a) who temporarily discharges the duties of a county office holds the
998 powers and duties of the county office until the county legislative body appoints an
999 interim replacement under Subsection (3).

1000 (c) The temporary manager described in Subsection (2)(a) who temporarily discharges
1001 the duties of a county office:

1002 (i) may not take an oath of office for the county office as a temporary manager;

1003 (ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for
1004 Counties, and the county's budget ordinances and policies;

1005 (iii) unless approved by the county legislative body, may not change the
1006 compensation of an employee;

1007 (iv) unless approved by the county legislative body, may not promote or demote an
1008 employee or change an employee's job title;

1009 (v) may terminate an employee only if the termination is conducted in accordance
1010 with:

1011 (A) personnel rules described in Subsection 17-33-5(4) that are approved by the
1012 county legislative body; and

1013 (B) applicable law;

1014 (vi) unless approved by the county legislative body, may not exceed by more than 5%

- 1015 an expenditure that was planned before the county office for which the temporary
1016 manager discharges duties was vacated;
- 1017 (vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or
1018 compensation; and
- 1019 (viii) if approved by the county legislative body, may receive a performance award
1020 after:
- 1021 (A) the county legislative body appoints an interim replacement under Subsection
1022 (3); and
- 1023 (B) the interim replacement is sworn into office.
- 1024 (d) This Subsection (2) does not apply to a vacancy in the office of county legislative
1025 body member.
- 1026 (3)(a) Until a replacement is selected as provided in this section and has qualified, the
1027 county legislative body shall appoint an interim replacement to fill the vacant office
1028 by following the procedures and requirements of this Subsection (3).
- 1029 (b)(i) To appoint an interim replacement, the county legislative body shall, within 10
1030 calendar days after the day on which the vacancy occurs, give notice of the
1031 vacancy to the party liaison of the same political party of the prior office holder
1032 and invite that party liaison to submit the name of an individual to fill the vacancy.
- 1033 (ii) That party liaison shall, [~~before 5 p.m. within~~] no later than 5 p.m. on the first
1034 business day that is at least 30 calendar days after the day on which the liaison
1035 receives the notice described in Subsection (3)(b)(i), or if the party liaison does
1036 not receive the notice, [~~before 5 p.m. within~~] no later than 5 p.m. on the first
1037 business day that is at least 40 calendar days after the day on which the vacancy
1038 occurs, submit to the county legislative body the name of an individual the party
1039 selects in accordance with the party's constitution or bylaws to serve as the interim
1040 replacement.
- 1041 (iii) The county legislative body shall, no later than [~~five~~] seven calendar days after
1042 the day on which a party liaison submits the name of the individual to serve as the
1043 interim replacement, appoint the individual to serve out the unexpired term.
- 1044 (c)(i) If the county legislative body fails to appoint an interim replacement to fill the
1045 vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall, no later
1046 than [~~five~~] seven calendar days after the day of the deadline described in
1047 Subsection (3)(b)(iii), send to the governor a letter that:
- 1048 (A) informs the governor that the county legislative body has failed to appoint a

- 1049 replacement within the statutory time period; and
- 1050 (B) contains the name of the individual submitted by the party liaison to fill the
- 1051 vacancy.
- 1052 (ii) The governor shall, within 10 calendar days after the day on which the governor
- 1053 receives the letter described in Subsection (3)(c)(i), appoint the individual named
- 1054 by the party liaison as an interim replacement to fill the vacancy.
- 1055 (d) An individual appointed as interim replacement under this Subsection (3) shall hold
- 1056 office until a successor is elected and has qualified.
- 1057 (4)(a) The requirements of this Subsection (4) apply to all county offices that become
- 1058 vacant if:
- 1059 (i) the vacant office has an unexpired term of two years or more; and
- 1060 (ii) the vacancy occurs after the election at which the officeholder was elected, but
- 1061 before the first day of the declaration of candidacy filing period described in
- 1062 Section 20A-9-201.5.
- 1063 (b)(i) When the conditions described in Subsection (4)(a) are met, the county clerk
- 1064 shall as soon as practicable, but no later than 180 calendar days before the next
- 1065 regular general election, notify the public and each registered political party that
- 1066 the vacancy exists.
- 1067 (ii) An individual intending to become a party candidate for the vacant office shall
- 1068 file a declaration of candidacy in accordance with:
- 1069 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
- 1070 and
- 1071 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6),
- 1072 if applicable.
- 1073 (iii) An individual who is nominated as a party candidate, who qualifies as an
- 1074 unaffiliated candidate for the vacant office under Chapter 9, Part 5, Candidates not
- 1075 Affiliated with a Party, or who qualifies as a write-in candidate for the vacant
- 1076 office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
- 1077 general election.
- 1078 (5)(a) The requirements of this Subsection (5) apply to all county offices that become
- 1079 vacant if:
- 1080 (i) the vacant office has an unexpired term of two years or more; and
- 1081 (ii) the vacancy occurs on or after the first day of the declaration of candidacy filing
- 1082 period described in Section 20A-9-201.5, but more than 75 calendar days before

- 1083 the regular primary election.
- 1084 (b) When the conditions described in Subsection (5)(a) are met, the county clerk shall as
1085 soon as practicable, but no later than 70 calendar days before the next regular primary
1086 election, notify the public and each registered political party:
- 1087 (i) that the vacancy exists; and
1088 (ii) of the deadlines described in Subsection (5)(c)(i) and the deadlines established
1089 under Subsection (5)(d)(ii).
- 1090 (c)(i) An individual intending to become a party candidate for a vacant office shall, [
1091 ~~within~~] no later than 5 p.m. on the first business day that is at least five calendar
1092 days after the day on which the notice is given, [ending at the close of normal
1093 office hours on the fifth day,] file a declaration of candidacy for the vacant office
1094 in accordance with:
- 1095 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
1096 and
1097 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6),
1098 if applicable.
- 1099 (ii) The county central committee of each party shall:
- 1100 (A) select a candidate or candidates from among those qualified candidates who
1101 have filed declarations of candidacy; and
1102 (B) certify the name of the candidate or candidates to the county clerk as soon as
1103 practicable, but [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last
1104 business day that is at least 60 calendar days before the day of the regular
1105 primary election.
- 1106 (d)(i) Except as provided in Subsection (5)(d)(ii), an individual intending to become a
1107 candidate for a vacant office who does not wish to affiliate with a registered
1108 political party shall file a verified certificate of nomination described in Section
1109 20A-9-502 with the county clerk in accordance with Chapter 9, Part 5, Candidates
1110 not Affiliated with a Party.
- 1111 (ii)(A) The county clerk shall establish, in the clerk's reasonable discretion, a
1112 deadline that is [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last
1113 business day that is at least 65 calendar days before the day of the next regular
1114 general election by which an individual who is not affiliated with a registered
1115 political party is required to submit a certificate of nomination under
1116 Subsection (5)(d)(i).

- 1117 (B) The county clerk shall establish the deadline described in Subsection
 1118 (5)(d)(ii)(A) in a manner that gives an unaffiliated candidate an equal
 1119 opportunity to access the regular general election ballot.
- 1120 (e) An individual who is nominated as a party candidate for the vacant office, who
 1121 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
 1122 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
 1123 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
 1124 general election.
- 1125 (6)(a) The requirements of this Subsection (6) apply to all county offices that become
 1126 vacant:
- 1127 (i) if the vacant office has an unexpired term of two years or more; and
 1128 (ii) when 75 calendar days or less remain before the day of the regular primary
 1129 election but more than 65 calendar days remain before the day of the regular
 1130 general election.
- 1131 (b) When the conditions described in Subsection (6)(a) are met, the county clerk shall, as
 1132 soon as practicable, notify the public and each registered political party:
- 1133 (i) that the vacancy exists; and
 1134 (ii) of the deadlines established under Subsection (6)(d).
- 1135 (c)(i) Before the deadline that the county clerk establishes under Subsection
 1136 (6)(d)(i)(A), the county central committee of each registered political party that
 1137 wishes to submit a candidate for the office shall certify the name of one candidate
 1138 to the county clerk for placement on the regular general election ballot.
- 1139 (ii) Before the deadline that the county clerk establishes under Subsection (6)(d)(i)(B),
 1140 a candidate who does not wish to affiliate with a registered political party shall file
 1141 a verified certificate of nomination described in Section 20A-9-502 with the
 1142 county clerk in accordance with Chapter 9, Part 5, Candidates not Affiliated with
 1143 a Party.
- 1144 (iii) Before the deadline that the county clerk establishes under Subsection
 1145 (6)(d)(i)(C), a write-in candidate shall submit to the county clerk a declaration of
 1146 candidacy described in Section 20A-9-601.
- 1147 (d)(i) The county clerk shall establish, in the clerk's reasonable discretion, deadlines
 1148 that are [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day
 1149 that is at least 65 calendar days before the day of the next regular general election
 1150 by which:

- 1151 (A) a registered political party is required to certify a name under Subsection
1152 (6)(c)(i);
- 1153 (B) an individual who does not wish to affiliate with a registered political party is
1154 required to submit a certificate of nomination under Subsection (6)(c)(ii); and
1155 (C) a write-in candidate is required to submit a declaration of candidacy under
1156 Subsection (6)(c)(iii).
- 1157 (ii) The county clerk shall establish deadlines under Subsection (6)(d)(i) in a manner
1158 that gives an unaffiliated candidate or a write-in candidate an equal opportunity to
1159 access the regular general election ballot.
- 1160 (e) An individual who is certified as a party candidate for the vacant office, who
1161 qualifies as an unaffiliated candidate for the vacant office under Chapter 9, Part 5,
1162 Candidates not Affiliated with a Party, or who qualifies as a write-in candidate for the
1163 vacant office under Chapter 9, Part 6, Write-in Candidates, shall run in the regular
1164 general election.
- 1165 (7)(a) The requirements of this Subsection (7) apply to all county offices that become
1166 vacant:
- 1167 (i) if the vacant office has an unexpired term of less than two years; or
1168 (ii) if the vacant office has an unexpired term of two years or more but 65 calendar
1169 days or less remain before the day of the next regular general election.
- 1170 (b)(i) When the conditions described in Subsection (7)(a) are met, the county
1171 legislative body shall as soon as practicable, but no later than 10 calendar days
1172 after the day on which the vacancy occurs, give notice of the vacancy to the party
1173 liaison of the same political party as the prior office holder and invite that party
1174 liaison to submit the name of an individual to fill the vacancy.
- 1175 (ii) That party liaison shall, [~~before 5 p.m. within~~] no later than 5 p.m. on the first
1176 business day that is at least 30 calendar days after the day on which the party
1177 liaison receives the notice described in Subsection (7)(b)(i), or if the party liaison
1178 does not receive the notice, [~~before 5 p.m. no later than~~] no later than 5 p.m. on the
1179 first business day that is at least 40 calendar days after the day on which the
1180 vacancy occurs, submit to the county legislative body the name of an individual to
1181 fill the vacancy.
- 1182 (iii) The county legislative body shall, no later than [~~five~~] seven calendar days after
1183 the day on which a party liaison submits the name of the individual to fill the
1184 vacancy, appoint the individual to serve out the unexpired term.

- 1185 (c)(i) If the county legislative body fails to appoint an individual to fill the vacancy in
 1186 accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor
 1187 a letter that:
- 1188 (A) informs the governor that the county legislative body has failed to appoint an
 1189 individual to fill the vacancy within the statutory time period; and
- 1190 (B) contains the name of the individual submitted by the party liaison to fill the
 1191 vacancy.
- 1192 (ii) The governor shall, within 10 calendar days after the day on which the governor
 1193 receives the letter described in Subsection (7)(c)(i), appoint the individual named
 1194 by the party liaison to fill the vacancy.
- 1195 (d) An individual appointed to fill the vacancy under this Subsection (7) shall hold office
 1196 until a successor is elected and has qualified.
- 1197 (8) Except as otherwise provided by law, the county legislative body may appoint
 1198 replacements to fill all vacancies that occur in those offices filled by appointment of the
 1199 county legislative body.
- 1200 (9) Nothing in this section prohibits a candidate that does not wish to affiliate with a
 1201 political party from filing a certificate of nomination for a vacant office within the same
 1202 time limits as a candidate that is affiliated with a political party.
- 1203 (10)(a) Each individual elected under Subsection (4), (5), or (6) to fill a vacancy in a
 1204 county office shall serve for the remainder of the unexpired term of the individual
 1205 who created the vacancy and until a successor is elected and qualified.
- 1206 (b) Nothing in this section may be construed to contradict or alter the provisions of
 1207 Section 17-16-6.
- 1208 Section 11. Section **20A-1-509.1** is amended to read:
- 1209 **20A-1-509.1 . Procedure for filling midterm vacancy in county or district with 15**
 1210 **or more attorneys.**
- 1211 (1) When a vacancy occurs in the office of county or district attorney in a county or district
 1212 having 15 or more attorneys who are licensed active members in good standing with the
 1213 Utah State Bar and registered voters, the vacancy shall be filled as provided in this
 1214 section.
- 1215 (2)(a) The requirements of this Subsection (2) apply when the office of county attorney
 1216 or district attorney becomes vacant and:
- 1217 (i) the vacant office has an unexpired term of two years or more; and
 1218 (ii) the vacancy occurs before the first day of the declaration of candidacy filing

- 1219 period described in Section 20A-9-201.5.
- 1220 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
1221 notify the public and each registered political party that the vacancy exists.
- 1222 (c) All persons intending to become candidates for the vacant office shall:
- 1223 (i) file a declaration of candidacy according to the procedures and requirements of
1224 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;
- 1225 (ii) if nominated as a party candidate or qualified as an independent or write-in
1226 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures,
1227 run in the regular general election; and
- 1228 (iii) if elected, complete the unexpired term of the person who created the vacancy.
- 1229 (d) If the vacancy occurs during the declaration of candidacy filing period described in
1230 Section 20A-9-201.5:
- 1231 (i) the time for filing a declaration of candidacy under Section 20A-9-202 shall be
1232 extended until 5 p.m. on the first business day that is no later than seven calendar
1233 days after the last day of the filing period described in Section 20A-9-201.5; and
- 1234 (ii) the county clerk shall notify the public and each registered political party that the
1235 vacancy exists.
- 1236 (3)(a) The requirements of this Subsection (3) apply when the office of county attorney
1237 or district attorney becomes vacant and:
- 1238 (i) the vacant office has an unexpired term of two years or more; and
- 1239 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year
1240 but more than 75 calendar days before the regular primary election.
- 1241 (b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:
- 1242 (i) notify the public and each registered political party that the vacancy exists; and
- 1243 (ii) identify the date and time by which a person interested in becoming a candidate
1244 shall file a declaration of candidacy.
- 1245 (c) All persons intending to become candidates for the vacant office shall:
- 1246 (i) [~~before 5 p.m. within~~] no later than 5 p.m. on the first business day that is at least
1247 five calendar days after the day on which the county clerk gives the notice
1248 described in Subsection (3)(b)(i), file a declaration of candidacy for the vacant
1249 office as required by Chapter 9, Part 2, Candidate Qualifications and Declarations
1250 of Candidacy; and
- 1251 (ii) if elected, complete the unexpired term of the person who created the vacancy.
- 1252 (d) The county central committee of each party shall:

- 1253 (i) select a candidate or candidates from among those qualified candidates who have
 1254 filed declarations of candidacy; and
- 1255 (ii) certify the name of the candidate or candidates to the county clerk:
- 1256 (A) [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is
 1257 at least 60 calendar days before the day of the regular primary election; or
- 1258 (B) electronically, before midnight no later than 60 calendar days before the day
 1259 of the regular primary election.
- 1260 (4)(a) The requirements of this Subsection (4) apply when the office of county attorney
 1261 or district attorney becomes vacant and:
- 1262 (i) the vacant office has an unexpired term of two years or more; and
- 1263 (ii) 75 calendar days or less remain before the regular primary election but more than
 1264 65 calendar days remain before the regular general election.
- 1265 (b) When the conditions established in Subsection (4)(a) are met, the county central
 1266 committees of each registered political party that wish to submit a candidate for the
 1267 office shall, not later than five calendar days after the day on which the vacancy
 1268 occurs, certify the name of one candidate to the county clerk for placement on the
 1269 regular general election ballot.
- 1270 (c) The candidate elected shall complete the unexpired term of the person who created
 1271 the vacancy.
- 1272 (5)(a) The requirements of this Subsection (5) apply when the office of county attorney
 1273 or district attorney becomes vacant and:
- 1274 (i) the vacant office has an unexpired term of less than two years; or
- 1275 (ii) the vacant office has an unexpired term of two years or more but 65 calendar days
 1276 or less remain before the next regular general election.
- 1277 (b) When the conditions established in Subsection (5)(a) are met, the county legislative
 1278 body shall give notice of the vacancy to the county central committee of the same
 1279 political party of the prior officeholder and invite that committee to submit the names
 1280 of three nominees to fill the vacancy.
- 1281 (c) That county central committee shall, within 30 calendar days after the day on which
 1282 the county legislative body gives the notice described in Subsection (5)(b), submit to
 1283 the county legislative body the names of three nominees to fill the vacancy.
- 1284 (d) The county legislative body shall, within 45 calendar days after the vacancy occurs,
 1285 appoint one of those nominees to serve out the unexpired term.
- 1286 (e) If the county legislative body fails to appoint a person to fill the vacancy within 45

- 1287 calendar days, the county clerk shall send to the governor a letter that:
- 1288 (i) informs the governor that the county legislative body has failed to appoint a
- 1289 person to fill the vacancy within the statutory time period; and
- 1290 (ii) contains the list of nominees submitted by the party central committee.
- 1291 (f) The governor shall appoint a person to fill the vacancy from that list of nominees
- 1292 within 30 calendar days after [~~receipt of the letter~~] the day on which the governor
- 1293 receives the letter described in Subsection (5)(e).
- 1294 (g) A person appointed to fill the vacancy under this Subsection (5) shall complete the
- 1295 unexpired term of the person who created the vacancy.
- 1296 (6) Nothing in this section prevents or prohibits independent candidates from filing a
- 1297 declaration of candidacy for the office within the required time limits.
- 1298 Section 12. Section **20A-1-509.2** is amended to read:
- 1299 **20A-1-509.2 . Procedure for filling vacancy in county or district with fewer than**
- 1300 **15 attorneys.**
- 1301 (1) When a vacancy occurs in the office of county or district attorney, including a vacancy
- 1302 created by the failure of a person to file as a candidate for the office of county or district
- 1303 attorney in an election, in a county or district having fewer than 15 attorneys who are
- 1304 licensed, active members in good standing with the Utah State Bar and registered voters,
- 1305 the vacancy shall be filled as provided in this section.
- 1306 (2) The county clerk shall send a letter to each attorney residing in the county or district
- 1307 who is a licensed, active member in good standing with the Utah State Bar and a
- 1308 registered voter that:
- 1309 (a) informs the attorney of the vacancy;
- 1310 (b) invites the attorney to apply for the vacancy; and
- 1311 (c) informs the attorney that if the attorney [~~has not responded~~] does not respond before 5
- 1312 p.m. [~~within~~] on the first business day that is at least 10 calendar days after the day on
- 1313 which the county clerk sends the letter, the attorney's candidacy to fill the vacancy
- 1314 will not be considered.
- 1315 (3)(a)(i) If, before the deadline described in Subsection (2)(c), more than three
- 1316 attorneys who are licensed, active members in good standing with the Utah State
- 1317 Bar and registered voters in the county or district have applied for the vacancy, the
- 1318 county clerk shall, except as provided in Subsection (3)(a)(ii), submit the
- 1319 applications to the county central committee of the same political party of the
- 1320 prior officeholder.

- 1321 (ii) In multicounty prosecution districts, the clerk shall submit the applications to the
1322 county central committee of each county within the prosecution district.
- 1323 (b) The central committee shall nominate three of the applicants and forward the
1324 applicants' names to the county legislative body [~~before 5 p.m. within~~] no later than 5
1325 p.m. on the first business day that is at least 20 calendar days after the day on which
1326 the county clerk submits the applicants' names under Subsection (3)(a).
- 1327 (c) The county legislative body shall appoint one of the nominees to fill the vacant
1328 position.
- 1329 (d) If the central committee of the political party fails to submit at least three names to
1330 the county legislative body before the deadline described in Subsection (3)(b), the
1331 county legislative body shall appoint one of the applicants to fill the vacant position.
- 1332 (e) If the county legislative body fails to appoint a person to fill the vacancy within 120
1333 calendar days after the day on which the vacancy occurs, the county clerk shall mail
1334 to the governor:
- 1335 (i) a letter informing the governor that the county legislative body has failed to
1336 appoint a person to fill the vacancy; and
- 1337 (ii)(A) the list of nominees, if any, submitted by the central committee of the
1338 political party; or
- 1339 (B) if the party central committee has not submitted a list of at least three
1340 nominees within the required time, the names of the persons who submitted
1341 applications for the vacant position to the county clerk.
- 1342 (f) The governor shall appoint, within 30 calendar days after the day on which the
1343 governor receives the letter described in Subsection (3)(e), a person from the list to
1344 fill the vacancy.
- 1345 (4)(a) If, before the deadline described in Subsection (2)(c), three or fewer attorneys who
1346 are licensed, active members in good standing with the Utah State Bar and registered
1347 voters in the county or district have applied for the vacancy, the county legislative
1348 body may:
- 1349 (i) appoint one of them to be county or district attorney; or
- 1350 (ii) solicit additional applicants and appoint a county or district attorney as provided
1351 in Subsection (4)(b).
- 1352 (b)(i) If three or fewer attorneys who are licensed members in good standing of the
1353 Utah State Bar and registered voters in the county or district submit applications,
1354 the county legislative body may publicly solicit and accept additional applications

- 1355 for the position from licensed, active members in good standing of the Utah State
1356 Bar who are not residents of the county or prosecution district.
- 1357 (ii) The county legislative body shall consider the applications submitted by the
1358 attorneys who are residents of and registered voters in the county or prosecution
1359 district and the applications submitted by the attorneys who are not residents of
1360 the county or prosecution district and shall appoint one of the applicants to be
1361 county attorney or district attorney.
- 1362 (c) If the legislative body fails to appoint a person to fill the vacancy within 120 calendar
1363 days after the day on which the vacancy occurs, the county clerk shall:
- 1364 (i) notify the governor that the legislative body has failed to fill the vacancy within
1365 the required time period; and
- 1366 (ii) provide the governor with a list of all the applicants.
- 1367 (d) The governor shall appoint a person to fill the vacancy within 30 calendar days after
1368 the day on which the governor receives the notification described in Subsection (4)(c).
- 1369 (5) The person appointed to fill the vacancy shall serve for the unexpired term of the person
1370 who created the vacancy.
- 1371 Section 13. Section **20A-1-510** is amended to read:
- 1372 **20A-1-510 . Midterm vacancies in municipal offices.**
- 1373 (1)(a) As used in this section:
- 1374 (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined
1375 in Section 20A-1-102.
- 1376 (ii) "Vacancy," if due to resignation, occurs on the effective date of the resignation.
- 1377 (b) Except as otherwise provided in this section, if any vacancy occurs in the office of
1378 municipal executive or member of a municipal legislative body, the municipal
1379 legislative body shall, within 30 calendar days after the day on which the vacancy
1380 occurs, appoint a registered voter in the municipality who meets the qualifications for
1381 office described in Section 10-3-301 to fill the unexpired term of the vacated office.
- 1382 (c) Before acting to fill the vacancy, the municipal legislative body shall:
- 1383 (i) give public notice of the vacancy at least 14 calendar days before the day on
1384 which the municipal legislative body meets to fill the vacancy;
- 1385 (ii) identify, in the notice:
- 1386 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 1387 (B) the person to whom an individual interested in being appointed to fill the
1388 vacancy may submit the interested individual's name for consideration; and

- 1389 (C) the deadline for submitting an interested individual's name; and
1390 (iii) in an open meeting, interview each individual whose name is submitted for
1391 consideration, and who meets the qualifications for office, regarding the
1392 individual's qualifications.
- 1393 (d)(i) The municipal legislative body shall take an initial vote to fill the vacancy from
1394 among the names of the candidates interviewed under Subsection (1)(c)(iii).
- 1395 (ii)(A) If no candidate receives a majority vote of the municipal legislative body
1396 in the initial vote described in Subsection (1)(d)(i), the two candidates that
1397 received the most votes in the initial vote, as determined by the tie-breaking
1398 procedures described in Subsections (1)(d)(ii)(B) through (D) if necessary,
1399 shall be placed before the municipal legislative body for a second vote to fill
1400 the vacancy.
- 1401 (B) If the initial vote results in a tie for second place, the candidates tied for
1402 second place shall be reduced to one by a coin toss conducted in accordance
1403 with Subsection (1)(d)(ii)(D), and the second vote described in Subsection
1404 (1)(d)(ii)(A) shall be between the candidate that received the most votes in the
1405 initial vote and the candidate that wins the coin toss described in this
1406 Subsection (1)(d)(ii)(B).
- 1407 (C) If the initial vote results in a tie among three or more candidates for first place,
1408 the candidates tied for first place shall be reduced to two by a coin toss
1409 conducted in accordance with Subsection (1)(d)(ii)(D), and the second vote
1410 described in Subsection (1)(d)(ii)(A) shall be between the two candidates that
1411 remain after the coin toss described in this Subsection (1)(d)(ii)(C).
- 1412 (D) A coin toss required under this Subsection (1)(d) shall be conducted by the
1413 municipal clerk or recorder in the presence of the municipal legislative body.
- 1414 (iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate
1415 receives a majority vote of the municipal legislative body, the vacancy shall be
1416 determined by a coin toss between the two candidates in accordance with
1417 Subsection (1)(d)(ii)(D).
- 1418 (e) If the municipal legislative body does not timely comply with Subsections (1)(b)
1419 through (d), the municipal clerk or recorder shall immediately notify the lieutenant
1420 governor.
- 1421 (f) After receiving notice that a municipal legislative body has failed to timely comply
1422 with Subsections (1)(b) through (d), the lieutenant governor shall:

- 1423 (i) notify the municipal legislative body of the violation; and
1424 (ii) direct the municipal legislative body to, within 30 calendar days after the day on
1425 which the lieutenant governor provides the notice described in this Subsection
1426 (1)(f), appoint an eligible individual to fill the vacancy in accordance with
1427 Subsections (1)(c) and (d).
- 1428 (g) If the municipality fails to timely comply with a directive described in Subsection
1429 (1)(f):
1430 (i) the lieutenant governor shall notify the governor of the municipality's failure to fill
1431 the vacancy; and
1432 (ii) the governor shall, within 45 calendar days after the day on which the governor
1433 receives the notice described in Subsection (1)(g)(i), provide public notice
1434 soliciting candidates to fill the vacancy in accordance with Subsection (1)(c) and
1435 appoint an individual to fill the vacancy.
- 1436 (2)(a) A vacancy in the office of municipal executive or member of a municipal
1437 legislative body shall be filled by an interim appointment, followed by an election to
1438 fill a two-year term, if:
1439 (i) the vacancy occurs, or a letter of resignation is received, by the municipal
1440 executive at least 14 calendar days before the deadline for filing for election in an
1441 odd-numbered year; and
1442 (ii) two years of the vacated term will remain after the first Monday of January
1443 following the next municipal election.
- 1444 (b) In appointing an interim replacement, the municipal legislative body shall:
1445 (i) comply with the notice requirements of this section; and
1446 (ii) in an open meeting, interview each individual whose name is submitted for
1447 consideration, and who meets the qualifications for office, regarding the
1448 individual's qualifications.
- 1449 (3)(a) In a municipality operating under the council-mayor form of government, as
1450 defined in Section 10-3b-102:
1451 (i) the council may appoint an individual to fill a vacancy in the office of mayor
1452 before the effective date of the mayor's resignation by making the effective date of
1453 the appointment the same as the effective date of the mayor's resignation; and
1454 (ii) if a vacancy in the office of mayor occurs before the effective date of an
1455 appointment under Subsection (1) or (2) to fill the vacancy, the remaining council
1456 members, by majority vote, shall appoint a council member to serve as acting

1457 mayor during the time between the creation of the vacancy and the effective date
1458 of the appointment to fill the vacancy.

1459 (b) A council member serving as acting mayor under Subsection (3)(a)(ii) continues to:

1460 (i) act as a council member; and

1461 (ii) vote at council meetings.

1462 (4)(a)(i) For a vacancy of a member of a municipal legislative body as described in
1463 this section, the municipal legislative body member whose resignation creates the
1464 vacancy on the municipal legislative body may:

1465 (A) interview an individual whose name is submitted for consideration under
1466 Subsection (1)(c)(iii) or (2)(b)(ii); and

1467 (B) vote on the appointment of an individual to fill the vacancy.

1468 (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is
1469 removed from office in accordance with state law may not cast a vote under
1470 Subsection (4)(a)(i).

1471 (b) A member of a municipal legislative body who submits his or her resignation to the
1472 municipal legislative body may not rescind the resignation.

1473 (c) A member of a municipal legislative body may not vote on an appointment under
1474 this section for himself or herself to fill a vacancy in the municipal legislative body.

1475 (5) In a municipality operating under the council-mayor form of government, the mayor
1476 may not:

1477 (a) participate in the vote to fill a vacancy;

1478 (b) veto a decision of the council to fill a vacancy; or

1479 (c) vote in the case of a tie.

1480 (6) A mayor whose resignation from the municipal legislative body is due to election or
1481 appointment as mayor may, in the case of a tie, participate in the vote under this section.

1482 (7) A municipal legislative body may, consistent with the provisions of state law, adopt
1483 procedures governing the appointment, interview, and voting process for filling
1484 vacancies in municipal offices.

1485 Section 14. Section **20A-1-510.1** is amended to read:

1486 **20A-1-510.1 . Candidate vacancies in local office.**

1487 (1) A vacancy that occurs in a candidacy for an elected office in a local political subdivision
1488 may be filled in accordance with the requirements of this section if:

1489 (a) a nonpartisan primary election is held for the office;

1490 (b) the vacancy occurs after the date of the primary election but before:

- 1491 (i) for a county office, August 31; or
 1492 (ii) for all other offices, 65 calendar days before the day of the applicable general
 1493 election; and
 1494 (c) after the vacancy occurs, the number of remaining candidates for the office is less
 1495 than or equal to the number of open positions to be filled for that office in the
 1496 applicable general election.

1497 (2) An election officer shall:

- 1498 (a) fill a candidate vacancy described in Subsection (1) by certifying the next available
 1499 candidate for the office for the general election ballot who received the highest
 1500 number of votes in the primary election without receiving a sufficient number of
 1501 votes to qualify for the general election ballot; and
 1502 (b) immediately notify the candidate described in Subsection (2)(a) that the candidate is
 1503 certified for the general election ballot.

1504 Section 15. Section **20A-1-511** is amended to read:

1505 **20A-1-511 . Midterm vacancy on a local school board.**

- 1506 (1)(a) A local school board shall fill a vacancy on the local school board by
 1507 appointment, except as otherwise provided in Subsections (1)(b) and (2).
 1508 (b) The county legislative body, or municipal legislative body in a city district, shall fill
 1509 a vacancy on a local school board by appointment if the local school board fails to
 1510 make an appointment to fill the vacancy:
 1511 (i) except as provided in Subsection (1)(b)(ii), within 30 calendar days after a
 1512 vacancy occurs on the local school board; or
 1513 (ii) within 45 calendar days after a vacancy occurs on the local school board due to
 1514 the death of a local school board member.
 1515 (c) A member appointed and qualified under this Subsection (1) shall serve until a
 1516 successor is elected or appointed and qualified.
 1517 (2)(a) A vacancy on the board shall be filled by an interim appointment, followed by an
 1518 election to fill a two-year term if:
 1519 (i) the vacancy on the board occurs, or a letter of resignation is received by the board,
 1520 at least 14 calendar days before the deadline for filing a declaration of candidacy;
 1521 and
 1522 (ii) two years of the vacated term will remain after the first Monday of January
 1523 following the next school board election.
 1524 (b) A member elected under this Subsection (2) shall serve for the remaining two years

- 1525 of the vacated term and until a successor is elected and qualified.
- 1526 (3) Before appointing an individual to fill a vacancy under this section, the local school
1527 board shall:
- 1528 (a) give public notice of the vacancy at least two weeks before the local school board
1529 meets to fill the vacancy;
- 1530 (b) identify, in the public notice:
- 1531 (i) the date, time, and place of the meeting where the vacancy will be filled; and
1532 (ii) the person to whom and the date and time before which an individual interested in
1533 being appointed to fill the vacancy may submit the individual's name for
1534 consideration; and
- 1535 (c) in an open meeting, interview each individual whose name is submitted for
1536 consideration and who meets the qualifications for office, regarding the individual's
1537 qualifications.
- 1538 (4)(a) Subject to Subsection (4)(b), a local school board may appoint an individual to fill
1539 a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member
1540 of the local school board submits a letter of resignation.
- 1541 (b) An individual appointed under Subsection (4)(a) may not take office until on or after
1542 the day on which the vacancy occurs for which the individual is appointed.
- 1543 (c) A member of a local school board who submits a letter of resignation under
1544 Subsection (4)(a) may not rescind the resignation after the local school board makes
1545 an appointment to fill the vacancy created by the resignation.
- 1546 Section 16. Section **20A-1-512** is amended to read:
- 1547 **20A-1-512 . Midterm vacancies on local district boards -- Notice.**
- 1548 (1)(a) When a vacancy occurs on any special district board for any reason, the following
1549 shall appoint a replacement to serve out the unexpired term in accordance with this
1550 section:
- 1551 (i) the special district board, if the person vacating the position was elected; or
1552 (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the
1553 appointing authority appointed the person vacating the position.
- 1554 (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the
1555 special district board or appointing authority shall:
- 1556 (i) give public notice of the vacancy for at least two weeks before the special district
1557 board or appointing authority meets to fill the vacancy by publishing the notice, as
1558 a class A notice under Section 63G-30-102, for the special district; and

- 1559 (ii) identify, in the notice:
- 1560 (A) the date, time, and place of the meeting where the vacancy will be filled;
- 1561 (B) the individual to whom an individual who is interested in an appointment to
- 1562 fill the vacancy may submit the individual's name for consideration; and
- 1563 (C) any submission deadline.
- 1564 (c) An appointing authority is not subject to Subsection (1)(b) if:
- 1565 (i)(A) the appointing authority appoints one of the appointing authority's own
- 1566 members; and
- 1567 (B) that member meets all applicable statutory board member qualifications; or
- 1568 (ii) the vacancy is on the board of trustees of an infrastructure financing district with
- 1569 no residents within the district's boundary.
- 1570 (d) When a vacancy occurs on the board of a water conservancy district located in more
- 1571 than one county:
- 1572 (i) the board shall give notice of the vacancy to the county legislative bodies that
- 1573 nominated the vacating trustee as provided in Section 17B-2a-1005;
- 1574 (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively
- 1575 compile a list of three nominees to fill the vacancy; and
- 1576 (iii) the governor shall, with the advice and consent of the Senate, appoint an
- 1577 individual to fill the vacancy from nominees submitted as provided in Subsection
- 1578 17B-2a-1005(2)(c).
- 1579 (2) If ~~[, 90 days after a vacancy occurs,]~~ the special district board ~~[has failed]~~ fails to appoint
- 1580 an individual to complete an elected board member's term within 90 calendar days after
- 1581 the day on which the vacancy occurs, the vacancy shall be filled:
- 1582 (a) in accordance with the procedure for a special district described in Subsection (1)(b);
- 1583 and
- 1584 (b) by, as applicable:
- 1585 (i) the legislative body of the county or municipality that created the special district;
- 1586 or
- 1587 (ii) for a vacancy on a board of trustees of an infrastructure financing district, the
- 1588 legislative body of the county whose unincorporated area contains or the
- 1589 municipality whose boundary contains more of the area within the infrastructure
- 1590 financing district than is contained within the unincorporated area of any other
- 1591 county or within the boundary of any other municipality.

1592 Section 17. Section **20A-1-513** is amended to read:

1593 **20A-1-513 . Temporary absence in elected office of a political subdivision for**
1594 **military service.**

1595 (1) As used in this section:

1596 (a)(i) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,
1597 Space Force, and Coast Guard.

1598 (ii) "Armed forces" includes the National Guard.

1599 (b)(i) "Elected official" means an individual who holds an office of a political
1600 subdivision that is required by law to be filled by an election.

1601 (ii) "Elected official" includes an individual who is appointed to fill a vacancy in an
1602 office described in Subsection (1)(b)(i).

1603 (c) "Elected official reservist" means an elected official who is:

1604 (i) a member of the armed forces reserves component;

1605 (ii) a member of the National Guard; or

1606 (iii) a retired member of the armed forces who may be called to active, full-time duty
1607 in the armed forces under Title 10, U.S.C., Armed Forces.

1608 (d)(i) "Military leave" means the temporary absence from an office:

1609 (A) by an elected official reservist called to active, full-time duty in the armed
1610 forces; and

1611 (B) for a period of time that exceeds 30 calendar days and does not exceed 400
1612 calendar days.

1613 (ii) "Military leave" includes the time an individual on leave, as described in
1614 Subsection (1)(d)(i), spends for:

1615 (A) out processing;

1616 (B) an administrative delay;

1617 (C) accrued leave; and

1618 (D) on rest and recuperation leave program of the armed forces.

1619 (e) "Political subdivision's governing body" means:

1620 (i) for a county, city, or town, the legislative body of the county, city, or town;

1621 (ii) for a special district, the board of trustees of the special district;

1622 (iii) for a local school district, the local school board;

1623 (iv) for a special service district:

1624 (A) the legislative body of the county, city, or town that established the special
1625 service district, if no administrative control board has been appointed under
1626 Section 17D-1-301; or

- 1627 (B) the administrative control board of the special service district, if an
1628 administrative control board has been appointed under Section 17D-1-301; and
1629 (v) for a political subdivision not listed in Subsections (1)(e)(i) through (iv), the body
1630 that governs the affairs of the political subdivision.
- 1631 (f) "Temporary replacement" means the individual appointed by the political
1632 subdivision's governing body in accordance with this section to exercise the powers
1633 and duties of the office of an elected official reservist who takes military leave.
- 1634 (2) An elected official reservist who takes military leave in accordance with this section
1635 does not create a vacancy in the elected official's office.
- 1636 (3)(a) An elected official reservist who is called to active, full-time duty in the armed
1637 forces under Title 10, U.S.C., Armed Forces, shall notify the political subdivision's
1638 governing body of the elected official's orders no later than 5 p.m. on the first
1639 business day that is at least five calendar days after the day on which the elected
1640 official receives the orders.
- 1641 (b) An elected official reservist described in Subsection (3)(a) may:
- 1642 (i) if the period of active, full-time duty does not exceed 270 calendar days:
- 1643 (A) continue to carry out the elected official's duties if possible while on active,
1644 full-time duty; or
- 1645 (B) take military leave if the elected official submits to the political subdivision's
1646 governing body written notice of the intent to take military leave and the
1647 expected duration of the military leave; or
- 1648 (ii) if the period of active, full-time duty exceeds 270 calendar days but does not
1649 exceed 400 calendar days, take military leave if the elected official submits to the
1650 political subdivision's governing body:
- 1651 (A) written notice of the intent to take military leave and the expected duration of
1652 the military leave; and
- 1653 (B) written certification that the secretary of the armed force of which the elected
1654 official is a member granted the elected official permission under U.S.
1655 Department of Defense Directive 1344.10 to continue to hold the elected
1656 official's office while on active, full-time duty.
- 1657 (4)(a) An elected official reservist who chooses to continue to carry out the elected
1658 official's duties under Subsection (3)(b)(i)(A) shall, no later than 10 calendar days
1659 after the day of the elected official's deployment, confirm in writing to the political
1660 subdivision's governing body that the elected official has the ability to carry out the

- 1661 elected official's duties.
- 1662 (b) If an elected official reservist does not submit the confirmation to the political
1663 subdivision's governing body before the deadline described in Subsection (4)(a), the
1664 political subdivision's governing body shall:
- 1665 (i) place the elected official in military leave status; and
 - 1666 (ii) appoint a temporary replacement in accordance with Subsection (8).
- 1667 (5)(a) An elected official reservist who chooses to take military leave under Subsection
1668 (3)(b)(ii) shall, no later than 21 calendar days after the date of the elected official's
1669 deployment, submit to the political subdivision's governing body the written notice
1670 and certification described in Subsection (3)(b)(ii).
- 1671 (b) If an elected official reservist does not submit the notice and certification to the
1672 political subdivision's governing body before the deadline described in Subsection
1673 (5)(a):
- 1674 (i) the political subdivision's governing body may not appoint a temporary
1675 replacement under Subsection (8); and
 - 1676 (ii) the elected official reservist creates a vacancy in the elected official's office.
- 1677 (6) An elected official reservist who is called to active, full-time duty in the armed forces
1678 under Title 10, U.S.C., Armed Forces, for a period of more than 400 calendar days
1679 creates a vacancy in the elected official's office.
- 1680 (7) An elected official reservist's military leave:
- 1681 (a) begins:
 - 1682 (i) for an elected official reservist described in Subsection (3)(b)(i), the later of:
 - 1683 (A) the day after the day on which the elected official notifies the political
1684 subdivision's governing body of the intent to take military leave;
 - 1685 (B) 11 calendar days after the day of the elected official's deployment if no
1686 confirmation is received by the political subdivision's governing body in
1687 accordance with Subsection (4)(a); or
 - 1688 (C) the day on which the elected official begins active, full-time duty in the armed
1689 forces; or
 - 1690 (ii) for an elected official reservist described in Subsection (3)(b)(ii), the day after the
1691 day on which the elected official submits to the political subdivision's governing
1692 body the written notice and certification described in Subsection (3)(b)(ii); and
 - 1693 (b) ends the sooner of:
 - 1694 (i) the expiration of the elected official reservist's term of office; or

- 1695 (ii) the day on which the elected official reservist ends active, full-time duty in the
1696 armed forces.
- 1697 (8) A temporary replacement shall:
- 1698 (a) meet the qualifications required to hold the office; and
- 1699 (b) be appointed:
- 1700 (i) when an elected official reservist:
- 1701 (A) takes military leave under Subsection (3)(b)(i)(B) or (b)(ii); or
- 1702 (B) is placed in military leave status under Subsection (4)(b)(i); and
- 1703 (ii) by the political subdivision's governing body:
- 1704 (A) if a registered political party nominated the elected official reservist as a
1705 candidate for the office, in the same manner as provided in Subsection
1706 20A-1-508(3) for the appointment of an interim replacement; or
- 1707 (B) if a registered political party did not nominate the elected official reservist as a
1708 candidate for the office, after submitting an application in accordance with
1709 Subsection (10)(b).
- 1710 (9)(a) A temporary replacement shall exercise the powers and duties of the office for
1711 which the temporary replacement is appointed for the duration of the elected official
1712 reservist's military leave.
- 1713 (b) An elected reservist may not exercise the powers or duties of the office while on
1714 military leave.
- 1715 (c) If a temporary replacement is not appointed as required by Subsection (8)(b), no
1716 individual may exercise the powers and duties of the elected official reservist's office
1717 during the elected official's military leave.
- 1718 (10) The political subdivision's governing body shall establish:
- 1719 (a) the distribution of the emoluments of the office between the elected official reservist
1720 and the temporary replacement; and
- 1721 (b) an application form and the date and time before which an individual shall submit
1722 the application to be considered by the political subdivision's governing body for
1723 appointment as a temporary replacement.
- 1724 (11) This section does not apply to an elected official who is not an elected official reservist.
- 1725 Section 18. Section **20A-1-802** is amended to read:
- 1726 **20A-1-802 . Definitions.**
- 1727 As used in this part:
- 1728 (1) "Bad faith" means that a person files a petition described in Subsection 20A-1-803(1):

- 1729 (a) under circumstances where a reasonable person would not believe that the allegations
 1730 are true; or
- 1731 (b)(i) within 60 calendar days before an election that the candidate to which the
 1732 petition relates will appear on the ballot; and
- 1733 (ii) under circumstances where a reasonable person would not believe that the
 1734 allegations constitute a significant violation of a provision of this title.
- 1735 (2) "Defendant" means each person against whom an allegation is made in the verified
 1736 petition described in Subsection 20A-1-803(1).
- 1737 (3) "Receiving official" means:
- 1738 (a) the lieutenant governor, unless the verified petition described in Section 20A-1-803
 1739 alleges a violation by the governor, the lieutenant governor, or an employee of the
 1740 lieutenant governor's office; or
- 1741 (b) the attorney general, if the verified petition described in Section 20A-1-803 alleges a
 1742 violation by the governor, the lieutenant governor, or an employee of the lieutenant
 1743 governor's office.
- 1744 (4) "Reviewing official" means:
- 1745 (a) except as provided in Subsection (4)(b), the receiving official; or
- 1746 (b) the reviewing official appointed under Subsection 20A-1-803(3)(a), if the receiving
 1747 official appoints another individual as the reviewing official under Subsection
 1748 20A-1-803(3)(a).
- 1749 (5) "Significant violation" means:
- 1750 (a) a violation that, if known by voters before the election, may have resulted in a
 1751 candidate, other than the candidate certified as having won the election, winning the
 1752 election; or
- 1753 (b) a violation that, had the violation not occurred, may have resulted in a candidate,
 1754 other than the candidate certified as having won the election, winning the election.
- 1755 Section 19. Section **20A-1-803** is amended to read:
- 1756 **20A-1-803 . Verified petition by registered voter -- Receiving and reviewing**
 1757 **official -- Special investigation -- Special counsel -- Civil action.**
- 1758 (1) A registered voter may file a verified petition alleging a violation of any provision of
 1759 this title, if the registered voter:
- 1760 (a) has information relating to the alleged violation; and
- 1761 (b) the allegation is against a candidate for whom the registered voter had the right to
 1762 vote, a personal campaign committee of that candidate, or a member of a personal

- 1763 campaign committee of that candidate.
- 1764 (2) The registered voter described in Subsection (1) shall file the verified petition with the
1765 receiving official.
- 1766 (3) If the receiving official determines, in writing, that the receiving official has a conflict
1767 of interest in relation to taking an action required in this part, the receiving official shall:
- 1768 (a) designate as the reviewing official an individual who does not have a conflict of
1769 interest, in the following order of precedence:
- 1770 (i) the attorney general;
- 1771 (ii) the state auditor;
- 1772 (iii) the state treasurer; or
- 1773 (iv) the governor; and
- 1774 (b) forward the petition to the reviewing official for further action.
- 1775 (4)(a) The reviewing official shall gather information and determine whether, in the
1776 discretion of the reviewing official, a special investigation is necessary.
- 1777 (b) In making the determination described in Subsection (4)(a), the reviewing official
1778 may consider the following:
- 1779 (i) whether, based on the information available to the reviewing official, the
1780 reviewing official is able to determine that a violation did not occur;
- 1781 (ii) the seriousness of the alleged violation;
- 1782 (iii) whether the alleged violation was intentional or accidental;
- 1783 (iv) whether the alleged violation could be resolved informally;
- 1784 (v) whether the petition is frivolous or filed for the purpose of harassment;
- 1785 (vi) whether the alleged violation should be addressed in, or is being adequately
1786 addressed in, another forum, including a criminal investigation or proceeding;
- 1787 (vii) whether additional investigation, as part of a civil proceeding in relation to the
1788 petition, is desirable;
- 1789 (viii) the likelihood that an action, based on the allegations, is likely to be successful;
- 1790 or
- 1791 (ix) other criteria relevant to making the determination.
- 1792 (5) If the reviewing official determines that a special investigation is necessary, the
1793 reviewing official shall:
- 1794 (a) except as provided in Subsection (5)(b), refer the information to the attorney general,
1795 who shall appoint special counsel; or
- 1796 (b) if the verified petition alleges that the attorney general violated a provision of this

1797 title, or if the reviewing official determines that the Office of the Attorney General
1798 has a conflict of interest in relation to the verified petition, appoint a person who is
1799 not an employee of the Office of the Attorney General as special counsel, in
1800 accordance with Title 63G, Chapter 6a, Utah Procurement Code.

1801 (6) The special counsel:

1802 (a) shall review the petition and any evidence relative to determining whether a
1803 defendant committed a violation of a provision of this title;

1804 (b) may interview individuals or gather additional evidence relative to determining
1805 whether a defendant committed a violation of a provision of this title;

1806 (c) shall advise the reviewing official whether, in the opinion of the special counsel,
1807 sufficient evidence exists to establish that a defendant committed a significant
1808 violation of a provision of this title; and

1809 (d) shall, [~~within~~] on or before the first business day that is at least three calendar days
1810 after the day on which the special counsel complies with Subsection (6)(c), prepare
1811 and provide to the reviewing official a document that:

1812 (i) states whether, in the opinion of the special counsel, sufficient evidence exists to
1813 establish that a defendant committed at least one significant violation of a
1814 provision of this title; and

1815 (ii) if the special counsel is of the opinion that sufficient evidence exists to establish
1816 that a defendant committed at least one significant violation of a provision of this
1817 title:

1818 (A) states the name of each defendant for which, in the opinion of the special
1819 counsel, sufficient evidence exists to establish that the defendant committed at
1820 least one significant violation of a provision of this title;

1821 (B) states each provision of this title for which, in the opinion of the special
1822 counsel, sufficient evidence exists to establish that the defendant violated; and

1823 (C) may not include a description of the evidence supporting the opinion of the
1824 special counsel.

1825 (7) The reviewing official shall:

1826 (a) [~~within~~] on or before the first business day that is at least three calendar days after the
1827 day on which the reviewing official receives the document described in Subsection
1828 (6)(d), post a conspicuous link to the document on the home page of the reviewing
1829 official's website; and

1830 (b) [~~within~~] on or before the first business day that is at least seven calendar days after

- 1831 the day on which the special counsel complies with Subsection (6)(c):
- 1832 (i) determine whether, in the opinion of the reviewing official, sufficient evidence
- 1833 exists to establish that a defendant committed a significant violation of a provision
- 1834 of this title; and
- 1835 (ii) if the reviewing official is of the opinion that sufficient evidence exists to
- 1836 establish that a defendant committed at least one significant violation of a
- 1837 provision of this title, direct the special counsel to file a civil action and serve
- 1838 summons in accordance with the Utah Rules of Civil Procedure:
- 1839 (A) against each defendant for whom the reviewing official determines that
- 1840 sufficient evidence exists that the defendant committed a significant violation
- 1841 of this title; and
- 1842 (B) that includes each significant violation for which the reviewing official
- 1843 determines that sufficient evidence exists.
- 1844 (8)(a) The purpose of the civil action described in Subsection (7)(b)(ii) is to determine
- 1845 whether a defendant committed a significant violation of a provision of this title.
- 1846 (b) For a civil action described in Subsection (7)(b)(ii), the complaint may include an
- 1847 allegation of any violation of a provision of this title by a defendant, regardless of
- 1848 whether the violation is alleged in the petition.
- 1849 (c) The special counsel may amend the complaint at any time after the complaint is filed,
- 1850 including by adding allegations to the complaint or amending allegations already
- 1851 made in the complaint, if the court determines that the amendment will not violate the
- 1852 due process rights of the defendant against whom the added or amended allegation is
- 1853 made.
- 1854 (9)(a) An action brought under this section shall:
- 1855 (i) be heard without a jury, with the court determining all issues of fact and issues of
- 1856 law; and
- 1857 (ii) have precedence over any other civil actions.
- 1858 (b) The court shall schedule discovery and hearings, and shall otherwise conduct
- 1859 proceedings relating to an action brought under this section, in an expedited manner
- 1860 while preserving the rights of the parties and the integrity of the proceedings.
- 1861 Section 20. Section **20A-2-101** is amended to read:
- 1862 **20A-2-101 . Eligibility for registration.**
- 1863 (1) Except as provided in Subsection (2), an individual may register to vote in an election
- 1864 who:

- 1865 (a) is a citizen of the United States;
- 1866 (b) has been a resident of Utah for at least the 30 calendar days immediately before the
1867 election;
- 1868 (c) will be:
- 1869 (i) at least 18 years of age on the day of the election; or
- 1870 (ii) if the election is a regular primary election, a municipal primary election, or a
1871 presidential primary election:
- 1872 (A) 17 years of age on or before the day of the regular primary election, municipal
1873 primary election, or presidential primary election; and
- 1874 (B) 18 years of age on or before the day of the general election that immediately
1875 follows the regular primary election, municipal primary election, or
1876 presidential primary election; and
- 1877 (d) currently resides within the voting district or precinct in which the individual applies
1878 to register to vote.
- 1879 (2)(a)(i) An individual who is involuntarily confined or incarcerated in a jail, prison,
1880 or other facility within a voting precinct is not a resident of that voting precinct
1881 and may not register to vote in that voting precinct unless the individual was a
1882 resident of that voting precinct before the confinement or incarceration.
- 1883 (ii) An individual who is involuntarily confined or incarcerated in a jail or prison is a
1884 resident of the voting precinct in which the individual resided before the
1885 confinement or incarceration.
- 1886 (b) An individual who has been convicted of a felony or a misdemeanor for an offense
1887 under this title may not register to vote or remain registered to vote unless the
1888 individual's right to vote has been restored as provided in Section 20A-2-101.3 or
1889 20A-2-101.5.
- 1890 (c) An individual whose right to vote has been restored, as provided in Section
1891 20A-2-101.3 or 20A-2-101.5, is eligible to register to vote.
- 1892 (3) An individual who is eligible to vote and who resides within the geographic boundaries
1893 of the entity in which the election is held may register to vote in a:
- 1894 (a) regular general election;
- 1895 (b) regular primary election;
- 1896 (c) municipal general election;
- 1897 (d) municipal primary election;
- 1898 (e) statewide special election;

- 1899 (f) local special election;
1900 (g) special district election;
1901 (h) bond election; and
1902 (i) presidential primary election.

1903 Section 21. Section **20A-2-101.1** is amended to read:

1904 **20A-2-101.1 . Preregistering to vote.**

1905 (1) An individual may preregister to vote if the individual:

- 1906 (a) is 16 or 17 years of age;
1907 (b) is not eligible to register to vote because the individual does not comply with the age
1908 requirements described in Subsection 20A-2-101(1)(c);
1909 (c) is a citizen of the United States;
1910 (d) has been a resident of Utah for at least 30 calendar days; and
1911 (e) currently resides within the voting district or precinct in which the individual
1912 preregisters to vote.

1913 (2) An individual described in Subsection (1) may not vote in an election and is not
1914 registered to vote until:

- 1915 (a) the individual is otherwise eligible to register to vote because the individual complies
1916 with the age requirements described in Subsection 20A-2-101(1)(c); and
1917 (b) the county clerk registers the individual to vote under Subsection (4).

1918 (3) An individual who preregisters to vote shall:

- 1919 (a) complete a voter registration form, including an indication that the individual is
1920 preregistering to vote; and
1921 (b) submit the voter registration form to a county clerk in person, by mail, or in any
1922 other manner authorized by this chapter for the submission of a voter registration
1923 form.

1924 (4)(a) A county clerk shall:

- 1925 (i) retain the voter registration form of an individual who meets the qualifications for
1926 preregistration and who submits a completed voter registration form to the county
1927 clerk under Subsection (3)(b);
1928 (ii) register the individual to vote in the next election in which the individual will be
1929 eligible to vote, before the voter registration deadline established in Section
1930 20A-2-102.5 for that election; and
1931 (iii) send a notice to the individual that:
1932 (A) informs the individual that the individual's voter registration form has been

- 1933 accepted as an application for preregistration;
- 1934 (B) informs the individual that the individual will be registered to vote in the next
- 1935 election in which the individual will be eligible to vote; and
- 1936 (C) indicates in which election the individual will be registered to vote.
- 1937 (b) An individual who the county clerk registers under Subsection (4)(a)(ii) is
- 1938 considered to have applied for voter registration on the earlier of:
- 1939 (i) the day of the voter registration deadline immediately preceding the election day
- 1940 on which the individual will be at least 18 years of age; or
- 1941 (ii) the day on which the individual turns 18 years of age.
- 1942 (c) A county clerk shall refer a voter registration form to the county attorney for
- 1943 investigation and possible prosecution if the clerk or the clerk's designee believes the
- 1944 individual is attempting to preregister to vote in an election in which the individual
- 1945 will not be legally entitled to vote.
- 1946 (5)(a) The lieutenant governor or a county clerk shall classify the voter registration
- 1947 record of an individual who preregisters to vote as a private record until the day on
- 1948 which the individual turns 18 years of age.
- 1949 (b) On the day on which the individual described in Subsection (5)(a) turns 18 years of
- 1950 age, the lieutenant governor or county clerk shall classify the individual's voter
- 1951 registration record as a public record in accordance with Subsection 63G-2-301(2)(1).
- 1952 (6) If an individual who is at least 18 years of age erroneously indicates on the voter
- 1953 registration form that the individual is preregistering to vote, the county clerk shall
- 1954 consider the form as a voter registration form and shall process the form in accordance
- 1955 with this chapter.
- 1956 Section 22. Section **20A-2-104** is amended to read:
- 1957 **20A-2-104 . Voter registration form -- Registered voter lists -- Fees for copies.**
- 1958 (1) As used in this section:
- 1959 (a) "Candidate for public office" means an individual:
- 1960 (i) who files a declaration of candidacy for a public office;
- 1961 (ii) who files a notice of intent to gather signatures under Section 20A-9-408; or
- 1962 (iii) employed by, under contract with, or a volunteer of, an individual described in
- 1963 Subsection (1)(a)(i) or (ii) for political campaign purposes.
- 1964 (b) "Dating violence" means the same as that term is defined in Section 78B-7-402 and
- 1965 the federal Violence Against Women Act of 1994, as amended.
- 1966 (c) "Domestic violence" means the same as that term is defined in Section 77-36-1 and

- 1967 the federal Violence Against Women Act of 1994, as amended.
- 1968 (d) "Hash Code" means a code generated by applying an algorithm to a set of data to
- 1969 produce a code that:
- 1970 (i) uniquely represents the set of data;
- 1971 (ii) is always the same if the same algorithm is applied to the same set of data; and
- 1972 (iii) cannot be reversed to reveal the data applied to the algorithm.
- 1973 (e) "Protected individual" means an individual:
- 1974 (i) who submits a withholding request form with the individual's voter registration
- 1975 record, or to the lieutenant governor or a county clerk, if the individual indicates
- 1976 on the form that the individual, or an individual who resides with the individual, is
- 1977 a victim of domestic violence or dating violence or is likely to be a victim of
- 1978 domestic violence or dating violence;
- 1979 (ii) who submits a withholding request form with the individual's voter registration
- 1980 record, or to the lieutenant governor or a county clerk, if the individual indicates
- 1981 on the form and provides verification that the individual, or an individual who
- 1982 resides with the individual, is a law enforcement officer, a member of the armed
- 1983 forces as defined in Section 20A-1-513, a public figure, or protected by a
- 1984 protective order or protection order; or
- 1985 (iii) whose voter registration record was classified as a private record at the request of
- 1986 the individual before May 12, 2020.

1987 (2)(a) An individual applying for voter registration, or an individual preregistering to vote,

1988 shall complete a voter registration form in substantially the following form:

1989 -----

1990 UTAH ELECTION REGISTRATION FORM

1991 Are you a citizen of the United States of America? Yes No

1992 If you checked "no" to the above question, do not complete this form.

1993 Will you be 18 years of age on or before election day? Yes No

1994 If you checked "no" to the above question, are you 16 or 17 years of age and

1995 preregistering to vote? Yes No

1996 If you checked "no" to both of the prior two questions, do not complete this form.

1997 Name of Voter

1998 _____

1999 First Middle Last

2000 Utah Driver License or Utah Identification Card

2001 Number _____
 2002 Date of Birth _____
 2003 Street Address of Principal Place of Residence
 2004 _____
 2005 City County State Zip Code
 2006 Telephone Number (optional) _____
 2007 Email Address (optional) _____
 2008 Last four digits of Social Security Number _____
 2009 Last former address at which I was registered to vote (if
 2010 known) _____

2011 _____
 2012 City County State Zip Code

2013 Political Party
 2014 (a listing of each registered political party, as defined in Section 20A-8-101 and
 2015 maintained by the lieutenant governor under Section 67-1a-2, with each party's name preceded
 2016 by a checkbox)
 2017 Unaffiliated (no political party preference) Other (Please
 2018 specify)_____

2019 I do swear (or affirm), subject to penalty of law for false statements, that the information
 2020 contained in this form is true, and that I am a citizen of the United States and a resident of the
 2021 state of Utah, residing at the above address. Unless I have indicated above that I am
 2022 preregistering to vote in a later election, I will be at least 18 years of age and will have resided
 2023 in Utah for 30 calendar days immediately before the next election. I am not a convicted felon
 2024 currently incarcerated for commission of a felony.

2025 Signed and sworn
 2026 _____

2027 Voter's Signature
 2028 _____(month/day/year).

2029 **PRIVACY INFORMATION**

2030 Voter registration records contain some information that is available to the public, such
 2031 as your name and address, some information that is available only to government entities, and
 2032 some information that is available only to certain third parties in accordance with the
 2033 requirements of law.

2034 Your driver license number, identification card number, social security number, email

2035 address, full date of birth, and phone number are available only to government entities. Your
 2036 year of birth is available to political parties, candidates for public office, certain third parties,
 2037 and their contractors, employees, and volunteers, in accordance with the requirements of law.

2038 You may request that all information on your voter registration records be withheld from
 2039 all persons other than government entities, political parties, candidates for public office, and
 2040 their contractors, employees, and volunteers, by indicating here:

2041 _____ Yes, I request that all information on my voter registration records be withheld
 2042 from all persons other than government entities, political parties, candidates for public office,
 2043 and their contractors, employees, and volunteers.

2044 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

2045 In addition to the protections provided above, you may request that identifying
 2046 information on your voter registration records be withheld from all political parties, candidates
 2047 for public office, and their contractors, employees, and volunteers, by submitting a
 2048 withholding request form, and any required verification, as described in the following
 2049 paragraphs.

2050 A person may request that identifying information on the person's voter registration
 2051 records be withheld from all political parties, candidates for public office, and their
 2052 contractors, employees, and volunteers, by submitting a withholding request form with this
 2053 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely
 2054 to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
 2055 violence.

2056 A person may request that identifying information on the person's voter registration
 2057 records be withheld from all political parties, candidates for public office, and their
 2058 contractors, employees, and volunteers, by submitting a withholding request form and any
 2059 required verification with this registration form, or to the lieutenant governor or a county clerk,
 2060 if the person is, or resides with a person who is, a law enforcement officer, a member of the
 2061 armed forces, a public figure, or protected by a protective order or a protection order.

2062 **CITIZENSHIP AFFIDAVIT**

2063 Name:

2064 Name at birth, if different:

2065 Place of birth:

2066 Date of birth:

2067 Date and place of naturalization (if applicable):

2068 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a

2069 citizen and that to the best of my knowledge and belief the information above is true and
2070 correct.

2071 _____
2072 Signature of Applicant

2073 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
2074 allowing yourself to be registered or preregistered to vote if you know you are not entitled to
2075 register or preregister to vote is up to one year in jail and a fine of up to \$2,500.

2076 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
2077 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
2078 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND
2079 PHOTOGRAPH; OR

2080 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME
2081 AND CURRENT ADDRESS.

2082 FOR OFFICIAL USE ONLY

2083 Type of I.D. _____
2084 Voting Precinct _____
2085 Voting I.D. Number _____

2086 -----

2087 (b) The voter registration form described in Subsection (2)(a) shall include a section in
2088 substantially the following form:

2089 -----

2090 **BALLOT NOTIFICATIONS**

2091 If you have provided a phone number or email address, you can receive notifications by
2092 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
2093 deposit in the mail or in a ballot drop box, by indicating here:

2094 _____ Yes, I would like to receive electronic notifications regarding the status of my
2095 ballot.

2096 -----

2097 (c)(i) Except as provided under Subsection (2)(c)(ii), the county clerk shall retain a
2098 copy of each voter registration form in a permanent countywide alphabetical file,
2099 which may be electronic or some other recognized system.

2100 (ii) The county clerk may transfer a superseded voter registration form to the
2101 Division of Archives and Records Service created under Section 63A-12-101.

2102 (3)(a) Each county clerk shall retain lists of currently registered voters.

- 2103 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.
- 2104 (c) If there are any discrepancies between the two lists, the county clerk's list is the
- 2105 official list.
- 2106 (d) The lieutenant governor and the county clerks may charge the fees established under
- 2107 the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy
- 2108 of the list of registered voters.
- 2109 (4)(a) As used in this Subsection (4), "qualified person" means:
- 2110 (i) a government official or government employee acting in the government official's
- 2111 or government employee's capacity as a government official or a government
- 2112 employee;
- 2113 (ii) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or
- 2114 independent contractor of a health care provider;
- 2115 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee,
- 2116 or independent contractor of an insurance company;
- 2117 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or
- 2118 independent contractor of a financial institution;
- 2119 (v) a political party, or an agent, employee, or independent contractor of a political
- 2120 party;
- 2121 (vi) a candidate for public office, or an employee, independent contractor, or
- 2122 volunteer of a candidate for public office;
- 2123 (vii) a person described in Subsections (4)(a)(i) through (vi) who, after obtaining a
- 2124 year of birth from the list of registered voters:
- 2125 (A) provides the year of birth only to a person described in Subsections (4)(a)(i)
- 2126 through [~~(vii)~~] (vi);
- 2127 (B) verifies that the person described in Subsection (4)(a)(vii)(A) is a person
- 2128 described in Subsections (4)(a)(i) through [~~(vii)~~] (vi);
- 2129 (C) ensures, using industry standard security measures, that the year of birth may
- 2130 not be accessed by a person other than a person described in Subsections
- 2131 (4)(a)(i) through [~~(vii)~~] (vi);
- 2132 (D) verifies that each person described in Subsections (4)(a)(ii) through (iv) to
- 2133 whom the person provides the year of birth will only use the year of birth to
- 2134 verify the accuracy of personal information submitted by an individual or to
- 2135 confirm the identity of a person in order to prevent fraud, waste, or abuse;
- 2136 (E) verifies that each person described in Subsection (4)(a)(i) to whom the person

- 2137 provides the year of birth will only use the year of birth in the person's capacity
2138 as a government official or government employee; and
- 2139 (F) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
2140 person provides the year of birth will only use the year of birth for a political
2141 purpose of the political party or candidate for public office; or
- 2142 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining
2143 information under Subsection (4)(n) and (o):
- 2144 (A) provides the information only to another person described in Subsection
2145 (4)(a)(v) or (vi);
- 2146 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a
2147 person described in Subsection (4)(a)(v) or (vi);
- 2148 (C) ensures, using industry standard security measures, that the information may
2149 not be accessed by a person other than a person described in Subsection
2150 (4)(a)(v) or (vi); and
- 2151 (D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the
2152 person provides the information will only use the information for a political
2153 purpose of the political party or candidate for public office.
- 2154 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in
2155 Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall,
2156 when providing the list of registered voters to a qualified person under this section,
2157 include, with the list, the years of birth of the registered voters, if:
- 2158 (i) the lieutenant governor or a county clerk verifies the identity of the person and
2159 that the person is a qualified person; and
- 2160 (ii) the qualified person signs a document that includes the following:
- 2161 (A) the name, address, and telephone number of the person requesting the list of
2162 registered voters;
- 2163 (B) an indication of the type of qualified person that the person requesting the list
2164 claims to be;
- 2165 (C) a statement regarding the purpose for which the person desires to obtain the
2166 years of birth;
- 2167 (D) a list of the purposes for which the qualified person may use the year of birth
2168 of a registered voter that is obtained from the list of registered voters;
- 2169 (E) a statement that the year of birth of a registered voter that is obtained from the
2170 list of registered voters may not be provided or used for a purpose other than a

- 2171 purpose described under Subsection (4)(b)(ii)(D);
- 2172 (F) a statement that if the person obtains the year of birth of a registered voter
- 2173 from the list of registered voters under false pretenses, or provides or uses the
- 2174 year of birth of a registered voter that is obtained from the list of registered
- 2175 voters in a manner that is prohibited by law, is guilty of a class A misdemeanor
- 2176 and is subject to a civil fine;
- 2177 (G) an assertion from the person that the person will not provide or use the year of
- 2178 birth of a registered voter that is obtained from the list of registered voters in a
- 2179 manner that is prohibited by law; and
- 2180 (H) notice that if the person makes a false statement in the document, the person is
- 2181 punishable by law under Section 76-8-504.
- 2182 (c) The lieutenant governor or a county clerk:
- 2183 (i) may not disclose the year of birth of a registered voter to a person that the
- 2184 lieutenant governor or county clerk reasonably believes:
- 2185 (A) is not a qualified person or a person described in Subsection (4)(l); or
- 2186 (B) will provide or use the year of birth in a manner prohibited by law; and
- 2187 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the
- 2188 lieutenant governor or county clerk reasonably believes:
- 2189 (A) is not a person described in Subsection (4)(a)(v) or (vi); or
- 2190 (B) will provide or use the information in a manner prohibited by law.
- 2191 (d) The lieutenant governor or a county clerk may not disclose the voter registration
- 2192 form of a person, or information included in the person's voter registration form,
- 2193 whose voter registration form is classified as private under Subsection (4)(h) to a
- 2194 person other than:
- 2195 (i) a government official or government employee acting in the government official's
- 2196 or government employee's capacity as a government official or government
- 2197 employee; or
- 2198 (ii) subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for
- 2199 a political purpose.
- 2200 (e)(i) Except as provided in Subsection (4)(e)(ii), when disclosing a record or
- 2201 information under Subsection (4)(d)(ii), the lieutenant governor or county clerk
- 2202 shall exclude the information described in Subsection 63G-2-302(1)(j), other than
- 2203 the year of birth.
- 2204 (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the

- 2205 voter registration record of a protected individual, the lieutenant governor or
2206 county clerk shall comply with Subsections (4)(n) through (p).
- 2207 (f) The lieutenant governor or a county clerk may not disclose a withholding request
2208 form, described in Subsections (7) and (8), submitted by an individual, or information
2209 obtained from that form, to a person other than a government official or government
2210 employee acting in the government official's or government employee's capacity as a
2211 government official or government employee.
- 2212 (g) A person is guilty of a class A misdemeanor if the person:
- 2213 (i) obtains from the list of registered voters, under false pretenses, the year of birth of
2214 a registered voter or information described in Subsection (4)(n) or (o);
- 2215 (ii) uses or provides the year of birth of a registered voter, or information described in
2216 Subsection (4)(n) or (o), that is obtained from the list of registered voters in a
2217 manner that is not permitted by law;
- 2218 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k)
2219 under false pretenses;
- 2220 (iv) uses or provides information obtained from a voter registration record described
2221 in Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;
- 2222 (v) unlawfully discloses or obtains a voter registration record withheld under
2223 Subsection (7) or a withholding request form described in Subsections (7) and (8);
2224 or
- 2225 (vi) unlawfully discloses or obtains information from a voter registration record
2226 withheld under Subsection (7) or a withholding request form described in
2227 Subsections (7) and (8).
- 2228 (h) The lieutenant governor or a county clerk shall classify the voter registration record
2229 of a voter as a private record if the voter:
- 2230 (i) submits a written application, created by the lieutenant governor, requesting that
2231 the voter's voter registration record be classified as private;
- 2232 (ii) requests on the voter's voter registration form that the voter's voter registration
2233 record be classified as a private record; or
- 2234 (iii) submits a withholding request form described in Subsection (7) and any required
2235 verification.
- 2236 (i) Except as provided in Subsections (4)(d)(ii) and (e)(ii), the lieutenant governor or a
2237 county clerk may not disclose to a person described in Subsection (4)(a)(v) or (vi) a
2238 voter registration record, or information obtained from a voter registration record, if

- 2239 the record is withheld under Subsection (7).
- 2240 (j) In addition to any criminal penalty that may be imposed under this section, the
2241 lieutenant governor may impose a civil fine against a person who violates a provision
2242 of this section, in an amount equal to the greater of:
- 2243 (i) the product of 30 and the square root of the total number of:
- 2244 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole
2245 dollar; or
- 2246 (B) records from which information is obtained, provided, or used unlawfully,
2247 rounded to the nearest whole dollar; or
- 2248 (ii) \$200.
- 2249 (k) A qualified person may not obtain, provide, or use the year of birth of a registered
2250 voter, if the year of birth is obtained from the list of registered voters or from a voter
2251 registration record, unless the person:
- 2252 (i) is a government official or government employee who obtains, provides, or uses
2253 the year of birth in the government official's or government employee's capacity
2254 as a government official or government employee;
- 2255 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or
2256 uses the year of birth only to verify the accuracy of personal information
2257 submitted by an individual or to confirm the identity of a person in order to
2258 prevent fraud, waste, or abuse;
- 2259 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,
2260 provides, or uses the year of birth for a political purpose of the political party or
2261 candidate for public office; or
- 2262 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or
2263 uses the year of birth to provide the year of birth to another qualified person to
2264 verify the accuracy of personal information submitted by an individual or to
2265 confirm the identity of a person in order to prevent fraud, waste, or abuse.
- 2266 (l) The lieutenant governor or a county clerk may provide a year of birth to a member of
2267 the media, in relation to an individual designated by the member of the media, in
2268 order for the member of the media to verify the identity of the individual.
- 2269 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose
2270 information from a voter registration record for a purpose other than a political
2271 purpose.
- 2272 (n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a

- 2273 county clerk shall, when providing the list of registered voters to a qualified person
2274 described in Subsection (4)(a)(v) or (vi), include, from the record of a voter whose
2275 record is withheld under Subsection (7), the information described in Subsection
2276 (4)(o), if:
- 2277 (i) the lieutenant governor or a county clerk verifies the identity of the person and
2278 that the person is a qualified person described in Subsection (4)(a)(v) or (vi); and
 - 2279 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document
2280 that includes the following:
 - 2281 (A) the name, address, and telephone number of the person requesting the list of
2282 registered voters;
 - 2283 (B) an indication of the type of qualified person that the person requesting the list
2284 claims to be;
 - 2285 (C) a statement regarding the purpose for which the person desires to obtain the
2286 information;
 - 2287 (D) a list of the purposes for which the qualified person may use the information;
 - 2288 (E) a statement that the information may not be provided or used for a purpose
2289 other than a purpose described under Subsection (4)(n)(ii)(D);
 - 2290 (F) a statement that if the person obtains the information under false pretenses, or
2291 provides or uses the information in a manner that is prohibited by law, the
2292 person is guilty of a class A misdemeanor and is subject to a civil fine;
 - 2293 (G) an assertion from the person that the person will not provide or use the
2294 information in a manner that is prohibited by law; and
 - 2295 (H) notice that if the person makes a false statement in the document, the person is
2296 punishable by law under Section 76-8-504.
 - 2297 (o) Except as provided in Subsection (4)(p), the information that the lieutenant governor
2298 or a county clerk is required to provide, under Subsection (4)(n), from the record of a
2299 protected individual is:
 - 2300 (i) a single hash code, generated from a string of data that includes both the voter's
2301 voter identification number and residential address;
 - 2302 (ii) the voter's residential address;
 - 2303 (iii) the voter's mailing address, if different from the voter's residential address;
 - 2304 (iv) the party affiliation of the voter;
 - 2305 (v) the precinct number for the voter's residential address;
 - 2306 (vi) the voter's voting history; and

- 2307 (vii) a designation of which age group, of the following age groups, the voter falls
2308 within:
- 2309 (A) 25 or younger;
2310 (B) 26 through 35;
2311 (C) 36 through 45;
2312 (D) 46 through 55;
2313 (E) 56 through 65;
2314 (F) 66 through 75; or
2315 (G) 76 or older.
- 2316 (p) The lieutenant governor or a county clerk may not disclose:
- 2317 (i) information described in Subsection (4)(o) that, due to a small number of voters
2318 affiliated with a particular political party, or due to another reason, would likely
2319 reveal the identity of a voter if disclosed; or
- 2320 (ii) the address described in Subsection (4)(o)(iii) if the lieutenant governor or the
2321 county clerk determines that the nature of the address would directly reveal
2322 sensitive information about the voter.
- 2323 (q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain, provide,
2324 or use the information described in Subsection (4)(n) or (o), except to the extent that
2325 the qualified person uses the information for a political purpose of a political party or
2326 candidate for public office.
- 2327 (5) When political parties not listed on the voter registration form qualify as registered
2328 political parties under [~~Title 20A, Chapter 8, Political Party Formation and Procedures~~]
2329 Chapter 8, Political Party Formation and Procedures, the lieutenant governor shall
2330 inform the county clerks of the name of the new political party and direct the county
2331 clerks to ensure that the voter registration form is modified to include that political party.
- 2332 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the
2333 clerk's designee shall:
- 2334 (a) review each voter registration form for completeness and accuracy; and
2335 (b) if the county clerk believes, based upon a review of the form, that an individual may
2336 be seeking to register or preregister to vote who is not legally entitled to register or
2337 preregister to vote, refer the form to the county attorney for investigation and
2338 possible prosecution.
- 2339 (7) The lieutenant governor or a county clerk shall withhold from a person, other than a
2340 person described in Subsection (4)(a)(i), the voter registration record, and information

- 2341 obtained from the voter registration record, of a protected individual.
- 2342 (8)(a) The lieutenant governor shall design and distribute [the] a withholding request
2343 form for the purpose described in [~~Subsection (7)~~] Subsections (1)(e)(i), (1)(e)(ii), (7),
2344 and this Subsection (8) to each election officer and to each agency that provides a
2345 voter registration form.
- 2346 (b) An individual described in Subsection (1)(e)(i) is not required to provide
2347 verification, other than the individual's attestation and signature on the withholding
2348 request form, that the individual, or an individual who resides with the individual, is a
2349 victim of domestic violence or dating violence or is likely to be a victim of domestic
2350 violence or dating violence.
- 2351 (c) The director of elections within the Office of the Lieutenant Governor shall make
2352 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2353 establishing requirements for providing the verification described in Subsection
2354 (1)(e)(ii).
- 2355 (9) An election officer or an employee of an election officer may not encourage an
2356 individual to submit, or discourage an individual from submitting, a withholding request
2357 form.
- 2358 (10)(a) The lieutenant governor shall make and execute a plan to provide notice to
2359 registered voters who are protected individuals, that includes the following
2360 information:
- 2361 (i) that the voter's classification of the record as private remains in effect;
- 2362 (ii) that certain non-identifying information from the voter's voter registration record
2363 may, under certain circumstances, be released to political parties and candidates
2364 for public office;
- 2365 (iii) that the voter's name, driver license or identification card number, social security
2366 number, email address, phone number, and the voter's day, month, and year of
2367 birth will remain private and will not be released to political parties or candidates
2368 for public office;
- 2369 (iv) that a county clerk will only release the information to political parties and
2370 candidates in a manner that does not associate the information with a particular
2371 voter; and
- 2372 (v) that a county clerk may, under certain circumstances, withhold other information
2373 that the county clerk determines would reveal identifying information about the
2374 voter.

- 2375 (b) The lieutenant governor may include in the notice described in this Subsection (10) a
2376 statement that a voter may obtain additional information on the lieutenant governor's
2377 website.
- 2378 (c) The plan described in Subsection (10)(a) may include providing the notice described
2379 in Subsection (10)(a) by:
- 2380 (i) publication on the Utah Public Notice Website, created in Section 63A-16-601;
2381 (ii) publication on the lieutenant governor's website or a county's website;
2382 (iii) posting the notice in public locations;
2383 (iv) publication in a newspaper;
2384 (v) sending notification to the voters by electronic means;
2385 (vi) sending notice by other methods used by government entities to communicate
2386 with citizens; or
2387 (vii) providing notice by any other method.
- 2388 (d) The lieutenant governor shall provide the notice included in a plan described in this
2389 Subsection (10) before June 16, 2023.

2390 Section 23. Section **20A-2-105** is amended to read:

2391 **20A-2-105 . Determining residency.**

- 2392 (1) As used in this section:
- 2393 (a) "Principal place of residence" means the single location where an individual's
2394 habitation is fixed and to which, whenever the individual is absent, the individual has
2395 the intention of returning, as evidenced by:
- 2396 (i) the intent expressed by the individual; and
2397 (ii) acts of the individual that are consistent or inconsistent with the intent expressed
2398 by the individual.
- 2399 (b) "Resident" means an individual whose principal place of residence is within a
2400 specific voting precinct in Utah.
- 2401 (2) Election officials and judges shall apply the standards and requirements of this section
2402 when determining whether an individual is a resident for purposes of interpreting this
2403 title or the Utah Constitution.
- 2404 (3) An individual may request that an election official or election judge assist the individual
2405 in determining the individual's principal place of residence for a purpose described in
2406 Subsection (2).
- 2407 (4)(a) An individual resides in Utah if:
- 2408 (i) the individual's principal place of residence is within Utah; and

- 2409 (ii) the individual has a present intention to maintain the individual's principal place
2410 of residence in Utah permanently or indefinitely.
- 2411 (b) An individual resides within a particular voting precinct if, on the date of registering
2412 to vote, the individual's principal place of residence is in that voting precinct.
- 2413 (c) An individual's principal place of residence does not change solely because the
2414 individual is present in Utah, present in a voting precinct, absent from Utah, or absent
2415 from the individual's voting precinct because the individual is:
- 2416 (i) employed in the service of the United States or of Utah;
- 2417 (ii) a student at an institution of learning;
- 2418 (iii) incarcerated in prison or jail; or
- 2419 (iv) residing upon an Indian or military reservation.
- 2420 (d)(i) A member of the armed forces of the United States is not a resident of Utah
2421 merely because that member is stationed at a military facility within Utah.
- 2422 (ii) In order to be a resident of Utah, a member of the armed forces described in this
2423 Subsection (4)(d) shall meet the other requirements of this section.
- 2424 (e)(i) Except as provided in Subsection (4)(e)(ii) or (iii), an individual does not lose
2425 the individual's principal place of residence in Utah or a precinct if the individual
2426 moves to a foreign country, another state, or another voting precinct within Utah,
2427 for temporary purposes with the intention of returning.
- 2428 (ii) If an individual leaves the state or a voting precinct and votes or registers to vote
2429 in another state or voting precinct, the individual is no longer a resident of the
2430 state or voting precinct that the individual left.
- 2431 (iii) An individual loses the individual's principal place of residence in Utah or in a
2432 precinct, if, after the individual moves to another state or another precinct under
2433 Subsection (4)(e)(i), the individual forms the intent of making the other state or
2434 precinct the individual's principal place of residence.
- 2435 (f) An individual is not a resident of a county or voting precinct if the individual comes
2436 to the county or voting precinct for temporary purposes and does not intend to make
2437 that county or voting precinct the individual's principal place of residence.
- 2438 (g) An individual loses the individual's principal place of residence in Utah or in a
2439 precinct if the individual moves to another state or precinct with the intention of
2440 making the other state or precinct the individual's principal place of residence.
- 2441 (h) If an individual moves to another state or precinct with the intent of remaining in the
2442 other state or precinct for an indefinite time as the individual's principal place of

2443 residence, the individual loses the individual's principal place of residence in Utah, or
2444 in the precinct, even though the individual intends to return at some future time.

2445 (5)(a) An individual may challenge a determination by a voter, election official, or
2446 election judge of a voter's principal place of residence, for the purpose of voting, in
2447 accordance with the applicable provisions of Sections 20A-3a-803, 20A-3a-804, and
2448 20A-3a-805.

2449 (b) If an election official or election judge has reasonable, articulable grounds to
2450 question the principal place of residence of an individual for a purpose described in
2451 Subsection (2), the election official or election judge may require the individual to
2452 provide information to resolve the question.

2453 (c) Reasonable, articulable grounds to question an individual's principal place of
2454 residence, and require additional information under Subsection (5)(b) include:
2455 (i) that the individual has a driver license or other identification from outside Utah;
2456 (ii) that the address claimed as the individual's principal place of residence does not
2457 match the address on the individual's driver license or other identification;
2458 (iii) that the individual owns residential property outside the location claimed as the
2459 individual's principal place of residence; or
2460 (iv) other articulable grounds that would lead a reasonable individual to question an
2461 individual's principal place of residence.

2462 (d) If an election official or election judge requires, under Subsection (5)(b), that an
2463 individual provide additional information, the clerk shall:
2464 (i) enter the voter registration into the statewide voter registration database; and
2465 (ii) indicate, in the statewide voter registration database, that the voter must provide
2466 additional information before the voter's ballot may be accepted.

2467 (6) Subject to Subsection (10), an election official or judge who, under Subsection (5),
2468 makes a determination regarding an individual's principal place of residence, shall, when
2469 making the determination, consider the following factors, to the extent that the factors
2470 are relevant:

- 2471 (a) where the individual's family resides;
2472 (b) whether the individual is single, married, separated, or divorced;
2473 (c) the age of the individual;
2474 (d) where the individual usually sleeps;
2475 (e) where the individual's minor children attend school;
2476 (f) the location of the individual's employment, income sources, or business pursuits;

- 2477 (g) the location of real property owned by the individual;
- 2478 (h) the individual's residence for purposes of taxation or tax exemption;
- 2479 (i) the location where the individual's motor vehicles are registered;
- 2480 (j) the address for which the individual pays utility services;
- 2481 (k) the address associated with the individual's hunting or fishing license;
- 2482 (l) the address associated with the individual's professional licenses; and
- 2483 (m) other relevant factors.
- 2484 (7)(a) An individual changes the individual's principal place of residence if the
- 2485 individual:
- 2486 (i) acts affirmatively to move from the state or a precinct in the state; and
- 2487 (ii) has the intent to remain in another state or precinct.
- 2488 (b) An individual may not have more than one principal place of residence.
- 2489 (c) An individual does not lose the individual's principal place of residence until the
- 2490 individual establishes another principal place of residence.
- 2491 (d) An individual who moves from one county in Utah to another county in Utah retains
- 2492 the right to vote in the county from which the individual moved for 30 calendar days
- 2493 after the day on which the individual moved from the county, unless the individual
- 2494 votes in the new county for that election.
- 2495 (e) An individual who is homeless may, in accordance with the other provisions of this
- 2496 section, establish a nontraditional location, including a location without a structure,
- 2497 as the individual's principal place of residence.
- 2498 (8) In computing the period that a person is a resident for a purpose described in Subsection
- 2499 (2), the period:
- 2500 (a) begins on the day on which the individual establishes the individual's principal place
- 2501 of residence; and
- 2502 (b) ends on the day before the day of the next applicable election.
- 2503 (9)(a) Except as provided in Subsection (12), there is a rebuttable presumption that an
- 2504 individual's principal place of residence is in Utah and in the voting precinct claimed
- 2505 by the individual, if the individual makes an oath or affirmation upon a registration
- 2506 application form or declaration of candidacy that the individual's principal place of
- 2507 residence is in Utah and in the voting precinct claimed by the individual.
- 2508 (b) Except as provided in Subsection (12), the election officers and election officials
- 2509 shall allow an individual described in Subsection (9)(a) to register and vote in the
- 2510 precinct for the residence claimed under Subsection (9)(a), or accept the individual's

- 2511 declaration of candidacy in the district for the residence claimed under Subsection
2512 (9)(a), unless, in accordance with Subsection (5), it is shown by law or by clear and
2513 convincing evidence that:
- 2514 (i) the individual's principal place of residence is not in Utah or not in the applicable
2515 precinct or district; or
- 2516 (ii) the individual is incarcerated in prison or jail and did not, before the individual
2517 was incarcerated in prison or jail, establish the individual's principal place of
2518 residence in the voting precinct where the prison or jail is located.
- 2519 (10)(a) The criteria described in this section for establishing an individual's principal
2520 place of residence for voting purposes do not apply in relation to the individual's
2521 location while the individual is incarcerated in prison or jail.
- 2522 (b) For voting registration purposes, the principal place of residence of an individual
2523 incarcerated in prison or jail is the state and voting precinct where the individual's
2524 principal place of residence was located before incarceration.
- 2525 (11) If an individual's principal place of residence is a residential parcel of one acre in size
2526 or smaller that is divided by the boundary line between two or more counties, that
2527 individual shall be considered a resident of the county in which a majority of the
2528 residential parcel lies.
- 2529 (12)(a) If an individual seeking to become a candidate for a political office that includes
2530 a durational residency requirement has been absent from the state for a period of
2531 more than 180 ~~[consecutive]~~ calendar days during the applicable residency period, the
2532 individual may, at the time that the candidate files a declaration of candidacy, submit
2533 evidence to the filing officer to show that the individual intended to return to the state
2534 during the time of the individual's absence from the state.
- 2535 (b) There is a rebuttable presumption that an individual described in Subsection (12)(a)
2536 intended to return to the state during the individual's absence if:
- 2537 (i) the individual submits evidence of the individual's intent to the filing officer at the
2538 time that the individual files a declaration of candidacy; or
- 2539 (ii) the individual was absent from the state because the individual was:
- 2540 (A) employed in the service of the United States or of Utah;
- 2541 (B) a student at an institution of learning; or
- 2542 (C) engaged solely in religious, missionary, philanthropic, or humanitarian
2543 activities.
- 2544 (c) If a valid written objection to an individual's declaration of candidacy is filed, there is

- 2545 a rebuttable presumption that an individual described in Subsection (12)(a) did not
 2546 intend to return to the state during the individual's absence if:
- 2547 (i) the individual did not submit evidence of the individual's intent to the filing officer
 2548 at the time that the individual filed a declaration of candidacy; and
 - 2549 (ii) the individual's absence from the state was not for one of the reasons described in
 2550 Subsection (12)(b)(ii).
- 2551 (d) An individual must rebut the presumption described in this Subsection (12) by clear
 2552 and convincing evidence.

2553 Section 24. Section **20A-2-107** is amended to read:

2554 **20A-2-107 . Designating or changing party affiliation -- Times permitted.**

- 2555 (1) As used in this section, "change of affiliation deadline" means:
- 2556 (a) for an election held in an even-numbered year in which a presidential election will be
 2557 held, the day after the declaration of candidacy deadline described in Subsection
 2558 20A-9-201.5(2)(b); or
 - 2559 (b) for an election held in an even-numbered year in which a presidential election will
 2560 not be held, April 1.
- 2561 (2) The county clerk shall:
- 2562 (a) except as provided in Subsection (6) or 20A-2-107.5(3), record the party affiliation
 2563 designated by the voter on the voter registration form as the voter's party affiliation; or
 - 2564 (b) if no political party affiliation is designated by the voter on the voter registration
 2565 form:
 - 2566 (i) except as provided in Subsection (2)(b)(ii), record the voter's party affiliation as
 2567 the party that the voter designated the last time that the voter designated a party on
 2568 a voter registration form, unless the voter more recently registered as
 2569 "unaffiliated"; or
 - 2570 (ii) record the voter's party affiliation as "unaffiliated" if the voter:
 - 2571 (A) did not previously designate a party;
 - 2572 (B) most recently designated the voter's party affiliation as "unaffiliated"; or
 - 2573 (C) did not previously register.
- 2574 (3)(a) Any registered voter may designate or change the voter's political party affiliation
 2575 by complying with the procedures and requirements of this Subsection (3).
- 2576 (b) A registered voter may designate or change the voter's political party affiliation by
 2577 filing with the county clerk, the municipal clerk, or the lieutenant governor a voter
 2578 registration form or another signed form that identifies the registered political party

- 2579 with which the voter chooses to affiliate.
- 2580 (c) Except as provided in Subsection (3)(d), a voter registration form or another signed
2581 form designating or changing a voter's political party affiliation takes effect when the
2582 county clerk receives the signed form.
- 2583 (d) The party affiliation of a voter who changes party affiliation, or who becomes
2584 unaffiliated from a political party, at any time on or after the change of affiliation
2585 deadline and on or before the date of the regular primary election, takes effect the day
2586 after the statewide canvass for the regular primary election.
- 2587 (4) For purposes of Subsection (3)(d), a form described in Subsection (3)(c) is received by
2588 the county clerk before the change of affiliation deadline if:
- 2589 (a) the individual submits the form in person at the county clerk's office no later than 5
2590 p.m. on the last business day before the change of affiliation deadline;
- 2591 (b) the individual submits the form electronically through the system described in
2592 Section 20A-2-206, at or before 11:59 p.m. before the day of the change of affiliation
2593 deadline; or
- 2594 (c) the individual's form is clearly postmarked before the change of affiliation deadline.
- 2595 (5) Subsection (3)(d) does not apply to the party affiliation designated by a voter on a voter
2596 registration form if:
- 2597 (a) the voter has not previously been registered to vote in the state; or
2598 (b) the voter's most recent party affiliation was changed to "unaffiliated" by a county
2599 clerk under Subsection (6).
- 2600 (6) If the most recent party affiliation designated by a voter is for a political party that is no
2601 longer a registered political party, the county clerk shall:
- 2602 (a) change the voter's party affiliation to "unaffiliated"; and
2603 (b) notify the voter electronically or by mail:
- 2604 (i) that the voter's affiliation has been changed to "unaffiliated" because the most
2605 recent party affiliation designated by the voter is for a political party that is no
2606 longer a registered political party; and
- 2607 (ii) of the methods and deadlines for changing the voter's party affiliation.
- 2608 Section 25. Section **20A-2-204** is amended to read:
- 2609 **20A-2-204 . Registering to vote when applying for or renewing a driver license.**
- 2610 (1) As used in this section, "voter registration form" means, when an individual named on a
2611 qualifying form, as defined in Section 20A-2-108, answers "yes" to the question
2612 described in Subsection 20A-2-108(2)(a), the information on the qualifying form that

- 2613 can be used for voter registration purposes.
- 2614 (2)(a) Except as provided in Subsection (2)(b), a citizen who is qualified to vote may
2615 register to vote, and a citizen who is qualified to preregister to vote may preregister to
2616 vote, by answering "yes" to the question described in Subsection 20A-2-108(2)(a)
2617 and completing the voter registration form.
- 2618 (b) A citizen who is a program participant in the Safe at Home Program created in
2619 Section 77-38-602 is not eligible to register to vote as described in Subsection (2)(a),
2620 but is eligible to register to vote by any other means described in this part.
- 2621 (3) The Driver License Division shall:
- 2622 (a) assist an individual in completing the voter registration form unless the individual
2623 refuses assistance;
- 2624 (b) electronically transmit each address change to the lieutenant governor [~~within~~] on or
2625 before the first business day that is at least five calendar days after the day on which
2626 the division receives the address change; and
- 2627 (c) [~~within~~] on or before the first business day that is at least five calendar days after the
2628 day on which the division receives a voter registration form, electronically transmit
2629 the form to the Office of the Lieutenant Governor, including the following for the
2630 individual named on the form:
- 2631 (i) the name, date of birth, driver license or state identification card number, last four
2632 digits of the social security number, Utah residential address, place of birth, and
2633 signature;
- 2634 (ii) a mailing address, if different from the individual's Utah residential address;
- 2635 (iii) an email address and phone number, if available;
- 2636 (iv) the desired political affiliation, if indicated;
- 2637 (v) an indication of whether the individual requested that the individual's voter
2638 registration record be classified as a private record under Subsection
2639 20A-2-108(2)(b); and
- 2640 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and
2641 any verification submitted with the form.
- 2642 (4) Upon receipt of an individual's voter registration form from the Driver License Division
2643 under Subsection (3), the lieutenant governor shall:
- 2644 (a) enter the information into the statewide voter registration database; and
- 2645 (b) if the individual requests on the individual's voter registration form that the
2646 individual's voter registration record be classified as a private record or the individual

- 2647 submits a withholding request form described in Subsections 20A-2-104(7) and (8)
2648 and any required verification, classify the individual's voter registration record as a
2649 private record.
- 2650 (5) The county clerk of an individual whose information is entered into the statewide voter
2651 registration database under Subsection (4) shall:
- 2652 (a) ensure that the individual meets the qualifications to be registered or preregistered to
2653 vote; and
- 2654 (b)(i) if the individual meets the qualifications to be registered to vote:
- 2655 (A) ensure that the individual is assigned to the proper voting precinct; and
2656 (B) send the individual the notice described in Section 20A-2-304; or
- 2657 (ii) if the individual meets the qualifications to be preregistered to vote, process the
2658 form in accordance with the requirements of Section 20A-2-101.1.
- 2659 (6)(a) When the county clerk receives a correctly completed voter registration form
2660 under this section, the clerk shall:
- 2661 (i) comply with the applicable provisions of this Subsection (6); or
2662 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.
- 2663 (b) If the county clerk receives a correctly completed voter registration form under this
2664 section no later than 5 p.m. or, if submitting the form electronically, midnight, 11
2665 calendar days before the date of an election, the county clerk shall:
- 2666 (i) accept the voter registration form; and
2667 (ii) unless the individual is preregistering to vote:
- 2668 (A) enter the individual's name on the list of registered voters for the voting
2669 precinct in which the individual resides; and
2670 (B) notify the individual that the individual is registered to vote in the upcoming
2671 election; and
- 2672 (iii) if the individual named in the form is preregistering to vote, comply with Section
2673 20A-2-101.1.
- 2674 (c) If the county clerk receives a correctly completed voter registration form under this
2675 section after the deadline described in Subsection (6)(b), the county clerk shall,
2676 unless the individual named in the form is preregistering to vote:
- 2677 (i) accept the application for registration of the individual;
2678 (ii) process the voter registration form; and
2679 (iii) unless the individual is preregistering to vote, and except as provided in
2680 Subsection 20A-2-207(6), inform the individual that the individual will not be

2681 registered to vote in the pending election, unless the individual registers to vote by
 2682 provisional ballot during the early voting period, if applicable, or on election day,
 2683 in accordance with Section 20A-2-207.

2684 (7)(a) If the county clerk determines that an individual's voter registration form received
 2685 from the Driver License Division is incorrect because of an error, because the form is
 2686 incomplete, or because the individual does not meet the qualifications to be registered
 2687 to vote, the county clerk shall mail notice to the individual stating that the individual
 2688 has not been registered or preregistered because of an error, because the registration
 2689 form is incomplete, or because the individual does not meet the qualifications to be
 2690 registered to vote.

2691 (b) If a county clerk believes, based upon a review of a voter registration form, that an
 2692 individual, who knows that the individual is not legally entitled to register or
 2693 preregister to vote, may be intentionally seeking to register or preregister to vote, the
 2694 county clerk shall refer the form to the county attorney for investigation and possible
 2695 prosecution.

2696 Section 26. Section **20A-2-205** is amended to read:

2697 **20A-2-205 . Registration at voter registration agencies.**

2698 (1) As used in this section:

2699 (a) "Discretionary voter registration agency" means the same as that term is defined in
 2700 Section 20A-2-300.5.

2701 (b) "Public assistance agency" means the same as that term is defined in Section
 2702 20A-2-300.5.

2703 (2) An individual may obtain and complete a registration form at a public assistance agency
 2704 or discretionary voter registration agency.

2705 (3) Each public assistance agency and discretionary voter registration agency shall provide,
 2706 either as part of existing forms or on a separate form, the following information in
 2707 substantially the following form:

2708 "REGISTERING TO VOTE

2709 If you are not registered to vote where you live now, would you like to apply to register
 2710 or preregister to vote here today? (The decision of whether to register or preregister to vote
 2711 will not affect the amount of assistance that you will be provided by this agency.) Yes___

2712 No___ IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO

2713 HAVE DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If

2714 you would like help in filling out the voter registration form, we will help you. The decision

2715 about whether to seek or accept help is yours. You may fill out the application form in private.
2716 If you believe that someone has interfered with your right to register or preregister or to
2717 decline to register or preregister to vote, your right to privacy in deciding whether to register or
2718 preregister, or in applying to register or preregister to vote, or your right to choose your own
2719 political party or other political preference, you may file a complaint with the Office of the
2720 Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number
2721 of the Office of the Lieutenant Governor)."

2722 (4) Unless an individual applying for service or assistance from a public assistance agency
2723 or discretionary voter registration agency declines, in writing, to register or preregister to
2724 vote, each public assistance agency and discretionary voter registration agency shall:
2725 (a) distribute a voter registration form with each application for service or assistance
2726 provided by the agency or office;
2727 (b) assist applicants in completing the voter registration form unless the applicant
2728 refuses assistance;
2729 (c) accept completed forms for transmittal to the appropriate election official; and
2730 (d) transmit a copy of each voter registration form to the appropriate election official [
2731 within] on or before the first business day that is at least five calendar days after the
2732 day on which the division receives the voter registration form.

2733 (5) An individual in a public assistance agency or a discretionary voter registration agency
2734 that helps an applicant complete the voter registration form may not:
2735 (a) seek to influence an applicant's political preference or party registration;
2736 (b) display any political preference or party allegiance;
2737 (c) make any statement to an applicant or take any action that has the purpose or effect
2738 of discouraging the applicant from registering to vote; or
2739 (d) make any statement to an applicant or take any action that has the purpose or effect
2740 of leading the applicant to believe that a decision of whether to register or preregister
2741 has any bearing upon the availability of services or benefits.

2742 (6) If the county clerk receives a correctly completed voter registration form under this
2743 section no later than [~~5 p.m.~~] 11 calendar days before the date of an election, the county
2744 clerk shall:
2745 (a) accept and process the voter registration form;
2746 (b) unless the individual named in the form is preregistering to vote:
2747 (i) enter the applicant's name on the list of registered voters for the voting precinct in
2748 which the applicant resides; and

- 2749 (ii) notify the applicant that the applicant is registered to vote in the upcoming
 2750 election; and
- 2751 (c) if the individual named in the form is preregistering to vote, comply with Section
 2752 20A-2-101.1.
- 2753 (7) If the county clerk receives a correctly completed voter registration form after the
 2754 deadline described in Subsection (6), the county clerk shall:
- 2755 (a) accept the application for registration of the individual; and
- 2756 (b) except as provided in Subsection 20A-2-207(6), if possible, promptly inform the
 2757 individual that the individual will not be registered to vote in the pending election,
 2758 unless the individual registers to vote by provisional ballot during the early voting
 2759 period, if applicable, or on election day, in accordance with Section 20A-2-207.
- 2760 (8) If the county clerk determines that a voter registration form received from a public
 2761 assistance agency or discretionary voter registration agency is incorrect because of an
 2762 error or because the voter registration form is incomplete, the county clerk shall mail
 2763 notice to the individual attempting to register or preregister to vote, stating that the
 2764 individual has not been registered or preregistered to vote because of an error or because
 2765 the voter registration form is incomplete.

2766 Section 27. Section **20A-2-304** is amended to read:

2767 **20A-2-304 . County clerk's responsibilities -- Notice of disposition.**

2768 Each county clerk shall:

- 2769 (1) register to vote each individual who meets the requirements for registration and who:
- 2770 (a) submits a completed voter registration form to the county clerk;
- 2771 (b) submits a completed voter registration form, as defined in Section 20A-2-204, to the
 2772 Driver License Division;
- 2773 (c) submits a completed voter registration form to a public assistance agency or a
 2774 discretionary voter registration agency; or
- 2775 (d) mails a completed voter registration form to the county clerk; and
- 2776 (2) within 30 calendar days after the day on which the county clerk processes a voter
 2777 registration form, send a notice to the individual who submits the form that:
- 2778 (a)(i) informs the individual that the individual's voter registration form has been
 2779 accepted and that the individual is registered to vote;
- 2780 (ii) informs the individual of the procedure for designating or changing the
 2781 individual's political affiliation;
- 2782 (iii) informs the individual of the procedure to cancel a voter registration;

- 2783 (iv) provides instructions to the voter on how the voter may sign up to receive
 2784 electronic ballot status notifications via the ballot tracking system described in
 2785 Section 20A-3a-401.5; and
- 2786 (v) confirms that the individual has chosen to receive electronic ballot status
 2787 notifications if the individual opted to receive electronic ballot status notifications
 2788 on the voter registration form;
- 2789 (b) informs the individual that the individual's voter registration form has been rejected
 2790 and the reason for the rejection; or
- 2791 (c)(i) informs the individual that the individual's voter registration form is being
 2792 returned to the individual for further action because the form is incomplete; and
 2793 (ii) gives instructions to the individual on how to properly complete the form.

2794 Section 28. Section **20A-2-502** is amended to read:

2795 **20A-2-502 . Statewide voter registration system -- Maintenance and update of**
 2796 **system -- Record security -- List of incarcerated felons -- Public document showing**
 2797 **compliance by county clerks.**

- 2798 (1) The lieutenant governor shall:
- 2799 (a) develop, manage, and maintain a statewide voter registration system to be used by
 2800 county clerks to maintain an updated statewide voter registration database in
 2801 accordance with this section and rules made under Section 20A-2-507;
- 2802 (b) except as provided in Subsection (2)(c), regularly update the system with
 2803 information relevant to voter registration, as follows:
- 2804 (i) on at least a weekly basis, information received from the Driver License Division
 2805 in relation to:
- 2806 (A) voter registration;
- 2807 (B) a registered voter's change of address; or
- 2808 (C) a registered voter's change of name;
- 2809 (ii) on at least a weekly basis, the information described in Subsection 26B-8-114(11)
 2810 from the state registrar, regarding deceased individuals;
- 2811 (iii) on at least a monthly basis, the information described in Subsection (3), received
 2812 from the Department of Corrections regarding incarcerated individuals;
- 2813 (iv) on at least a monthly basis, information received from other states, including
 2814 information received under an agreement described in Subsection (2); and
- 2815 (v) within 31 calendar days after [~~receiving~~] the day on which the lieutenant governor
 2816 receives information relevant to voter registration, other than the information

- 2817 described in Subsections (1)(b)(i) through ~~(iv)~~ (iv);
- 2818 (c) regularly monitor the system to ensure that each county clerk complies with the
- 2819 requirements of this part and rules made under Section 20A-2-507;
- 2820 (d) establish matching criteria and security measures for identifying a change described
- 2821 in Subsection (1)(b) to ensure the accuracy of a voter registration record; and
- 2822 (e) on at least a monthly basis:
- 2823 (i) use the matching criteria and security measures described in Subsection (1)(d) to
- 2824 compare information in the database to identify duplicate data, contradictory data,
- 2825 and changes in data;
- 2826 (ii) notify the applicable county clerk of the data identified; and
- 2827 (iii) notify the county clerk of the county in which a voter's principal place of
- 2828 residence is located of a change in a registered voter's principal place of residence
- 2829 or name.
- 2830 (2)(a) Subject to Subsection (2)(b), the lieutenant governor may cooperate or enter into
- 2831 an agreement with a governmental entity or another state to share information and
- 2832 increase the accuracy of the database.
- 2833 (b) For a record shared under Subsection (2)(a), the lieutenant governor shall ensure:
- 2834 (i) that the record is only used to maintain the accuracy of the database;
- 2835 (ii) compliance with Section 63G-2-206; and
- 2836 (iii) that the record is secure from unauthorized use by employing data encryption or
- 2837 another similar technology security system.
- 2838 (c) The lieutenant governor is not required to comply with an updating requirement
- 2839 described in Subsection (1)(b) to the extent that the person responsible to provide the
- 2840 information to the lieutenant governor fails to provide the information.
- 2841 (3)(a) The lieutenant governor shall maintain a current list of all incarcerated felons in
- 2842 Utah.
- 2843 (b) The Department of Corrections shall provide the lieutenant governor's office with:
- 2844 (i) the name and last-known address of each individual who:
- 2845 (A) was convicted of a felony in a Utah state court; and
- 2846 (B) is currently incarcerated for commission of a felony; and
- 2847 (ii) the name of each convicted felon who has been released from incarceration.
- 2848 (4) The lieutenant governor shall maintain on the lieutenant governor's website a document
- 2849 that:
- 2850 (a) describes the utilities and tools within the system that a county clerk is required to

- 2851 run;
- 2852 (b) describes the actions, if any, that a county clerk is required to take in relation to the
- 2853 results of running a utility or tool;
- 2854 (c) lists, by date, the recurring deadlines by which a county clerk must comply with
- 2855 Subsection (4)(a) or (b); and
- 2856 (d) indicates, by county:
- 2857 (i) whether the county clerk timely complies with each deadline described in
- 2858 Subsection (4)(c); and
- 2859 (ii) if the county clerk fails to timely comply with a deadline described in Subsection
- 2860 (4)(c), whether the county clerk subsequently complies with the deadline and the
- 2861 date on which the county clerk complies.

2862 Section 29. Section **20A-2-503** is amended to read:

2863 **20A-2-503 . County clerk's responsibilities -- Updating voter registration.**

- 2864 (1)(a) Each county clerk shall use the system to record or modify all voter registration
- 2865 records.
- 2866 (b) A county clerk shall:
- 2867 (i) at the time the county clerk enters a voter registration record into the system, run
- 2868 the system's voter identification verification tool in relation to the record; and
- 2869 (ii) in accordance with rules made under Section 20A-2-507, regularly report to the
- 2870 lieutenant governor the information described in Subsection 20A-2-502(4).
- 2871 (2) A county clerk who receives notification from the lieutenant governor, as provided in
- 2872 Subsection 20A-2-502(1)(e), of a change in a registered voter's principal place of
- 2873 residence or name may verify the change with the registered voter.
- 2874 (3) Unless the county clerk verifies that a change described in Subsection (2) is incorrect,
- 2875 the county clerk shall:
- 2876 (a) change the voter registration record to show the registered voter's current name and
- 2877 address; and
- 2878 (b) notify the registered voter of the change to the voter registration record.
- 2879 (4) A county clerk shall, in accordance with rules made under Section 20A-2-507:
- 2880 (a) on at least a monthly basis, run the duplicate voter utility and take the action required
- 2881 to resolve potential duplicate data identified by the utility; and
- 2882 (b) every December, run the annual maintenance utility.
- 2883 (5)(a) If a voter does not vote in any election during the period beginning on the date of any
- 2884 regular general election and ending on the day after the date of the next regular general

2885 election, and the county clerk has not sent the voter a notice described in Section 20A-2-505
 2886 during the period, the county clerk shall, within 14 calendar days after the day on which the
 2887 county clerk runs the annual maintenance utility, send to the voter a preaddressed return form
 2888 in substantially the following form:

2889 "VOTER REGISTRATION ADDRESS"

2890 To ensure the address on your voter registration is correct, please complete and return
 2891 this form if your address has changed. What is your current street address?

2892

2893 Street City County State ZIP

2894

2895 Signature of Voter

2896 (b) The county clerk shall mail the form described in Subsection (5)(a) with a postal
 2897 service that will notify the county clerk if the voter has changed the voter's address.

2898 Section 30. Section **20A-2-504** is amended to read:

2899 **20A-2-504 . Removing names from the official register -- General requirements.**

2900 (1) The county clerk may not remove a voter's name from the official register solely
 2901 because the voter has failed to vote in an election.

2902 (2) The county clerk shall remove a voter's name from the official register if:

2903 (a) the voter dies and the requirements of Subsection (3) are met;

2904 (b) the county clerk, after complying with the requirements of Section 20A-2-505,
 2905 receives written confirmation from the voter that the voter no longer resides within
 2906 the county clerk's county;

2907 (c)(i) the county clerk obtains evidence that the voter's residence has changed;

2908 (ii) the county clerk mails notice to the voter as required under Section 20A-2-505;

2909 (iii) the county clerk:

2910 (A) receives no response from the voter; or

2911 (B) does not receive information that confirms the voter's residence; and

2912 (iv) the voter does not vote or appear to vote in an election during the period
 2913 beginning on the date of the notice described in Section 20A-2-505 and ending on
 2914 the day after the date of the second regular general election occurring after the
 2915 date of the notice;

2916 (d) the voter requests, in writing, that the voter's name be removed from the official
 2917 register;

2918 (e) the county clerk receives notice that a voter has been convicted of any felony or a

- 2919 misdemeanor for an offense under this title and the voter's right to vote has not been
2920 restored as provided in Section 20A-2-101.3 or 20A-2-101.5; or
2921 (f) the county clerk receives notice that a voter has registered to vote in another state
2922 after the day on which the voter registered to vote in this state.
- 2923 (3) The county clerk shall remove a voter's name from the [-]official register within five
2924 business days after the day on which the county clerk receives [-]confirmation from the
2925 Office of Vital Records that the voter is deceased.
- 2926 (4) No later than 90 calendar days before each primary election day and general election day,
2927 the county clerk shall update the official register by reviewing the official register and
2928 taking the actions permitted or required by law under this section, Section 20A-2-503,
2929 and Section 20A-2-505.

2930 Section 31. Section **20A-2-505** is amended to read:

2931 **20A-2-505 . Removing names from the official register -- Determining and**
2932 **confirming change of residence.**

- 2933 (1) A county clerk may not remove a voter's name from the official register on the grounds
2934 that the voter has changed residence unless the voter:
- 2935 (a) confirms in writing that the voter has changed residence to a place outside the
2936 county; or
- 2937 (b)(i) does not vote in an election during the period beginning on the date of the
2938 notice described in Subsection (3), and ending on the day after the date of the
2939 second regular general election occurring after the date of the notice; and
2940 (ii) does not respond to the notice described in Subsection (3).
- 2941 (2)(a) Within 31 calendar days after the day on which a county clerk obtains information
2942 that a voter's address has changed, if it appears that the voter still resides within the
2943 same county, the county clerk shall:
- 2944 (i) change the official register to show the voter's new address; and
2945 (ii) send to the voter, by forwardable mail, the notice described in Subsection (3).
- 2946 (b) When a county clerk obtains information that a voter's address has changed and it
2947 appears that the voter now resides in a different county, the county clerk shall verify
2948 the changed residence by sending to the voter, by forwardable mail, the notice
2949 described in Subsection (3), printed on a postage prepaid, preaddressed return form.
- 2950 (3)(a) Each county clerk shall use substantially the following form to notify voters whose
2951 addresses have changed:
2952 "VOTER REGISTRATION NOTICE

2953 We have been notified that your residence has changed. Please read, complete, and
2954 return this form so that we can update our voter registration records. What is your current
2955 street address?

2956 _____
2957 Street City County State Zip

2958 What is your current phone number (optional)? _____

2959 What is your current email address (optional)? _____

2960 If you have not changed your residence, or have moved but stayed within the same
2961 county, you must complete and return this form to the county clerk so that it is received by the
2962 county clerk before 5 p.m. no later than 30 calendar days before the date of the election. If you
2963 fail to return this form within that time:

2964 - you may be required to show evidence of your address to the poll worker before being
2965 allowed to vote in either of the next two regular general elections; or

2966 - if you fail to vote at least once, from the date this notice was mailed until the passing of
2967 two regular general elections, you will no longer be registered to vote. If you have changed
2968 your residence and have moved to a different county in Utah, you may register to vote by
2969 contacting the county clerk in your county.

2970 _____
2971 Signature of Voter

2972 PRIVACY INFORMATION

2973 Voter registration records contain some information that is available to the public, such
2974 as your name and address, some information that is available only to government entities, and
2975 some information that is available only to certain third parties in accordance with the
2976 requirements of law.

2977 Your driver license number, identification card number, social security number, email
2978 address, full date of birth, and phone number are available only to government entities. Your
2979 year of birth is available to political parties, candidates for public office, certain third parties,
2980 and their contractors, employees, and volunteers, in accordance with the requirements of law.

2981 You may request that all information on your voter registration records be withheld from
2982 all persons other than government entities, political parties, candidates for public office, and
2983 their contractors, employees, and volunteers, by indicating here:

2984 _____ Yes, I request that all information on my voter registration records be withheld
2985 from all persons other than government entities, political parties, candidates for public office,
2986 and their contractors, employees, and volunteers.

2987 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

2988 In addition to the protections provided above, you may request that identifying
2989 information on your voter registration records be withheld from all political parties, candidates
2990 for public office, and their contractors, employees, and volunteers, by submitting a
2991 withholding request form, and any required verification, as described in the following
2992 paragraphs.

2993 A person may request that identifying information on the person's voter registration
2994 records be withheld from all political parties, candidates for public office, and their
2995 contractors, employees, and volunteers, by submitting a withholding request form with this
2996 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely
2997 to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
2998 violence.

2999 A person may request that identifying information on the person's voter registration
3000 records be withheld from all political parties, candidates for public office, and their
3001 contractors, employees, and volunteers, by submitting a withholding request form and any
3002 required verification with this registration form, or to the lieutenant governor or a county clerk,
3003 if the person is, or resides with a person who is, a law enforcement officer, a member of the
3004 armed forces, a public figure, or protected by a protective order or a protection order."

3005 (b) The form described in Subsection (3)(a) shall also include a section in substantially the
3006 following form:

3007 -----

3008 BALLOT NOTIFICATIONS

3009 If you have provided a phone number or email address, you can receive notifications by
3010 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
3011 deposit in the mail or in a ballot drop box, by indicating here:

3012 _____ Yes, I would like to receive electronic notifications regarding the status of my
3013 ballot.

3014 -----

3015 (4)(a) Except as provided in Subsection (4)(b), the county clerk may not remove the
3016 names of any voters from the official register during the 90 calendar days before a
3017 regular primary election or the 90 calendar days before a regular general election.

3018 (b) The county clerk may remove the names of voters from the official register during
3019 the 90 calendar days before a regular primary election or the 90 calendar days before
3020 a regular general election if:

- 3021 (i) the voter requests, in writing, that the voter's name be removed; or
 3022 (ii) the voter dies.
- 3023 (c)(i) After a county clerk mails a notice under this section, the county clerk shall,
 3024 unless otherwise prohibited by law, list that voter as inactive.
- 3025 (ii) If a county clerk receives a returned voter identification card, determines that
 3026 there was no clerical error causing the card to be returned, and has no further
 3027 information to contact the voter, the county clerk shall, unless otherwise
 3028 prohibited by law, list that voter as inactive.
- 3029 (iii) An inactive voter may vote, sign petitions, and have all other privileges of a
 3030 registered voter.
- 3031 (iv) A county is not required to:
 3032 (A) send routine mailings to an inactive voter; or
 3033 (B) count inactive voters when dividing precincts and preparing supplies.
- 3034 (5) The lieutenant governor shall make available to a county clerk United States Social
 3035 Security Administration data received by the lieutenant governor regarding deceased
 3036 individuals.
- 3037 (6) A county clerk shall, within [~~ten~~] 10 business days after the day on which the county
 3038 clerk receives the information described in Subsection (5) or Subsections 26B-8-114(11)
 3039 and (12) relating to a decedent whose name appears on the official register, remove the
 3040 decedent's name from the official register.
- 3041 (7) Ninety calendar days before each primary and general election the lieutenant governor
 3042 shall compare the information the lieutenant governor has received under Subsection
 3043 26B-8-114(11) with the official register of voters to ensure that all deceased voters have
 3044 been removed from the official register.
- 3045 Section 32. Section **20A-3a-106** is amended to read:
 3046 **20A-3a-106 . Rulemaking authority relating to conducting an election.**
 3047 The director of elections, within the Office of the Lieutenant Governor, may make rules,
 3048 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing
 3049 requirements for:
- 3050 (1) a return envelope described in Subsection 20A-3a-202(4), to ensure uniformity and
 3051 security of the envelopes;
- 3052 (2) complying with the signature comparison audit requirements described in Section
 3053 20A-3a-402.5;[~~or~~]
- 3054 (3) conducting and documenting the identity verification process described in Subsection

- 3055 20A-3a-401(7)(b)[-] ; or
- 3056 (4) establishing specific requirements and procedures for an election officer to:
- 3057 (a) perform the signature comparison audits described in Subsection 20A-9-408(9)(e); or
- 3058 (b) fulfill the chain of custody requirements described in Section 20A-9-408.3.
- 3059 Section 33. Section **20A-3a-202** is amended to read:
- 3060 **20A-3a-202 . Conducting election by mail.**
- 3061 (1)(a) Except as otherwise provided for an election conducted entirely by mail under
- 3062 Section 20A-7-609.5, an election officer shall administer an election primarily by
- 3063 mail, in accordance with this section.
- 3064 (b) An individual who did not provide valid voter identification at the time the voter
- 3065 registered to vote shall provide valid voter identification before voting.
- 3066 (2) An election officer who administers an election:
- 3067 (a) shall in accordance with Subsection (3), no sooner than 21 calendar days before
- 3068 election day and no later than seven calendar days before election day, mail to each
- 3069 active voter within a voting precinct:
- 3070 (i) a manual ballot;
- 3071 (ii) a return envelope;
- 3072 (iii) instructions for returning the ballot that include an express notice about any
- 3073 relevant deadlines that the voter must meet in order for the voter's vote to be
- 3074 counted;
- 3075 (iv) for an election administered by a county clerk, information regarding the location
- 3076 and hours of operation of any election day voting center at which the voter may
- 3077 vote or a website address where the voter may view this information;
- 3078 (v) for an election administered by an election officer other than a county clerk, if the
- 3079 election officer does not operate a polling place or an election day voting center, a
- 3080 warning, on a separate page of colored paper in bold face print, indicating that if
- 3081 the voter fails to follow the instructions included with the ballot, the voter will be
- 3082 unable to vote in that election because there will be no polling place for the voting
- 3083 precinct on the day of the election; and
- 3084 (vi) instructions on how a voter may sign up to receive electronic ballot status
- 3085 notifications via the ballot tracking system described in Section 20A-3a-401.5;
- 3086 (b) may not mail a ballot under this section to:
- 3087 (i) an inactive voter, unless the inactive voter requests a manual ballot; or
- 3088 (ii) a voter whom the election officer is prohibited from sending a ballot under

- 3089 Subsection (9)(c)(ii);
- 3090 (c) shall, on the outside of the envelope in which the election officer mails the ballot,
- 3091 include instructions for returning the ballot if the individual to whom the election
- 3092 officer mails the ballot does not live at the address to which the ballot is sent;
- 3093 (d) shall provide a method of accessible voting to a voter with a disability who is not
- 3094 able to vote by mail; and
- 3095 (e) shall include, on the election officer's website and with each ballot mailed,
- 3096 instructions regarding how a voter described in Subsection (2)(d) may vote.
- 3097 (3)(a) An election officer who mails a manual ballot under Subsection (2) shall mail the
- 3098 manual ballot to the address:
- 3099 (i) provided at the time of registration; or
- 3100 (ii) if, at or after the time of registration, the voter files an alternate address request
- 3101 form described in Subsection (3)(b), the alternate address indicated on the form.
- 3102 (b) The lieutenant governor shall make available to voters an alternate address request
- 3103 form that permits a voter to request that the election officer mail the voter's ballot to a
- 3104 location other than the voter's residence.
- 3105 (c) A voter shall provide the completed alternate address request form to the election
- 3106 officer no later than 11 calendar days before the day of the election.
- 3107 (4) The return envelope shall include:
- 3108 (a) the name, official title, and post office address of the election officer on the front of
- 3109 the envelope;
- 3110 (b) a space where a voter may write an email address and phone number by which the
- 3111 election officer may contact the voter if the voter's ballot is rejected;
- 3112 (c) a printed affidavit in substantially the following form:
- 3113 "County of ____ State of ____
- 3114 I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
- 3115 in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
- 3116 currently incarcerated for commission of a felony.
- 3117 _____
- 3118 Signature of Voter"; and
- 3119 (d) a warning that the affidavit must be signed by the individual to whom the ballot was
- 3120 sent and that the ballot will not be counted if the signature on the affidavit does not
- 3121 match the signature on file with the election officer of the individual to whom the
- 3122 ballot was sent.

- 3123 (5) If the election officer determines that the voter is required to show valid voter
3124 identification, the election officer may:
- 3125 (a) mail a ballot to the voter;
- 3126 (b) instruct the voter to include a copy of the voter's valid voter identification with the
3127 return ballot; and
- 3128 (c) provide instructions to the voter on how the voter may sign up to receive electronic
3129 ballot status notifications via the ballot tracking system described in Section
3130 20A-3a-401.5.
- 3131 (6) An election officer who administers an election shall:
- 3132 (a)(i) before the election, obtain the signatures of each voter qualified to vote in the
3133 election; or
- 3134 (ii) obtain the signature of each voter within the voting precinct from the county
3135 clerk; and
- 3136 (b) maintain the signatures on file in the election officer's office.
- 3137 (7) Upon receipt of a returned ballot, the election officer shall review and process the ballot
3138 under Section 20A-3a-401.
- 3139 (8) A county that administers an election:
- 3140 (a) shall provide at least one election day voting center in accordance with Part 7,
3141 Election Day Voting Center, and at least one additional election day voting center for
3142 every 5,000 active voters in the county who have requested to not receive a ballot by
3143 mail;
- 3144 (b) shall ensure that each election day voting center operated by the county has at least
3145 one voting device that is accessible, in accordance with the Help America Vote Act
3146 of 2002, Pub. L. No. 107-252, for individuals with disabilities;
- 3147 (c) may reduce the early voting period described in Section 20A-3a-601, if:
- 3148 (i) the county clerk conducts early voting on at least four days;
- 3149 (ii) the early voting days are within the period beginning on the date that is 14
3150 calendar days before the date of the election and ending on the day before the
3151 election; and
- 3152 (iii) the county clerk provides notice of the reduced early voting period in accordance
3153 with Section 20A-3a-604; and
- 3154 (d) is not required to pay return postage for a ballot.
- 3155 (9)(a) An individual may request that the election officer not send the individual a ballot
3156 by mail in the next and subsequent elections by submitting a written request to the

- 3157 election officer.
- 3158 (b) An individual shall submit the request described in Subsection (9)(a) to the election
3159 officer before 5 p.m. no later than 60 calendar days before an election if the
3160 individual does not wish to receive a ballot by mail in that election.
- 3161 (c) An election officer who receives a request from an individual under Subsection (9)(a):
3162 (i) shall remove the individual's name from the list of voters who will receive a ballot
3163 by mail; and
3164 (ii) may not send the individual a ballot by mail for:
3165 (A) the next election, if the individual submits the request described in Subsection
3166 (9)(a) before the deadline described in Subsection (9)(b); or
3167 (B) an election after the election described in Subsection (9)(c)(ii)(A).
- 3168 (d) An individual who submits a request under Subsection (9)(a) may resume the
3169 individual's receipt of a ballot by mail by submitting a written request to the election
3170 officer.

3171 (10) A county clerk shall, at least 90 calendar days before an election administered by the
3172 county clerk, contact local post offices to:

- 3173 (a) coordinate the handling of mail-in ballots for the upcoming election; and
3174 (b) take measures to ensure that:
3175 (i) ballots are clearly and properly postmarked, or otherwise marked in accordance
3176 with Subsection 20A-3a-204(2)(a)(i), with the date on which the ballot was
3177 mailed; and
3178 (ii) ballots are delivered in an expeditious manner to optimize the timely receipt of
3179 ballots.

3180 Section 34. Section **20A-3a-203** is amended to read:

3181 **20A-3a-203 . Voting at a polling place.**

- 3182 (1) Except as provided in Section 20A-7-609.5, a registered voter may vote at a polling
3183 place in an election in accordance with this section.
- 3184 (2)(a) The voter shall give the voter's name, and, if requested, the voter's residence, to
3185 one of the poll workers.
- 3186 (b) The voter shall present valid voter identification to one of the poll workers.
- 3187 (c) If the poll worker is not satisfied that the voter has presented valid voter
3188 identification, the poll worker shall:
3189 (i) indicate on the official register that the voter was not properly identified;
3190 (ii) issue the voter a provisional ballot;

- 3191 (iii) notify the voter that the voter will have until the close of normal office hours on
3192 Monday after the day of the election or, if Monday is a holiday, on the first
3193 business day after the holiday, to present valid voter identification:
3194 (A) to the county clerk at the county clerk's office; or
3195 (B) to an election officer who is administering the election; and
3196 (iv) follow the procedures and requirements of Section 20A-3a-205.
- 3197 (d) If the person's right to vote is challenged as provided in Section 20A-3a-803, the poll
3198 worker shall follow the procedures and requirements of Section 20A-3a-205.
- 3199 (3) A poll worker shall check the official register to determine whether:
3200 (a) a voter is registered to vote; and
3201 (b) if the election is a regular primary election or a presidential primary election,
3202 whether a voter's party affiliation designation in the official register allows the voter
3203 to vote the ballot that the voter requests.
- 3204 (4)(a) Except as provided in Subsection (5), if the voter's name is not found on the
3205 official register, the poll worker shall follow the procedures and requirements of
3206 Section 20A-3a-205.
- 3207 (b) If, in a regular primary election or a presidential primary election, the official register
3208 does not affirmatively identify the voter as being affiliated with a registered political
3209 party or if the official register identifies the voter as being "unaffiliated," the voter
3210 shall be considered to be "unaffiliated."
- 3211 (5) In a regular primary election or a presidential primary election:
3212 (a) if a voter's name is not found on the official register, and if it is not unduly disruptive
3213 to the election process, the poll worker may attempt to contact the county clerk's
3214 office to request oral verification of the voter's registration;
3215 (b) if oral verification is received from the county clerk's office, the poll worker shall:
3216 (i) record the verification on the official register;
3217 (ii) determine the voter's party affiliation and the ballot that the voter is qualified to
3218 vote; and
3219 (iii) except as provided in Subsection (6), comply with Subsection (3).
- 3220 (6)(a) Except as provided in Subsection (6)(b), if, in a regular primary election or a
3221 presidential primary election, the voter's political party affiliation listed in the official
3222 register does not allow the voter to vote the ballot that the voter requested, the poll
3223 worker shall inform the voter of that fact and inform the voter of the ballot or ballots
3224 that the voter's party affiliation does allow the voter to vote.

3225 (b) If, in a regular primary election or a presidential primary election, the voter is listed
 3226 in the official register as unaffiliated, or if the official register does not affirmatively
 3227 identify the voter as either unaffiliated or affiliated with a registered political party,
 3228 and the voter, as an unaffiliated voter, is not authorized to vote the ballot that the
 3229 voter requests, the poll worker shall:

3230 (i) ask the voter if the voter wishes to vote another registered political party ballot
 3231 that the voter, as unaffiliated, is authorized to vote, or remain unaffiliated; and

3232 (ii)(A) if the voter wishes to vote another registered political party ballot that the
 3233 unaffiliated voter is authorized to vote, the poll worker shall proceed as
 3234 required by Subsection (3); or

3235 (B) if the voter wishes to remain unaffiliated and does not wish to vote another
 3236 ballot that unaffiliated voters are authorized to vote, the poll worker shall
 3237 instruct the voter that the voter may not vote.

3238 (7) Except as provided in Subsection (6)(b)(ii)(B), and subject to the other provisions of
 3239 Subsection (6), if the poll worker determines that the voter is registered, a poll worker
 3240 shall:

3241 (a) direct the voter to sign the voter's name in the official register;

3242 (b) provide to the voter the ballot that the voter is qualified to vote; and

3243 (c) allow the voter to enter the voting booth.

3244 Section 35. Section **20A-3a-401** is amended to read:

3245 **20A-3a-401 . Custody of voted ballots mailed or deposited in a ballot drop box --**
 3246 **Disposition -- Notice -- Disclosures relating to unresolved ballots.**

3247 (1) This section governs ballots returned by mail or via a ballot drop box.

3248 (2)(a) Poll workers shall open return envelopes containing manual ballots that are in the
 3249 custody of the poll workers in accordance with this section.

3250 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of the
 3251 return envelope to the signature of the voter in the voter registration records.

3252 (3) After complying with Subsection (2), the poll workers shall determine whether:

3253 (a) the signatures correspond;

3254 (b) the affidavit is sufficient;

3255 (c) the voter is registered to vote in the correct precinct;

3256 (d) the voter's right to vote the ballot has been challenged;

3257 (e) the voter has already voted in the election;

3258 (f) the voter is required to provide valid voter identification; and

- 3259 (g) if the voter is required to provide valid voter identification, whether the voter has
3260 provided valid voter identification.
- 3261 (4)(a) The poll workers shall take the action described in Subsection (4)(b) if the poll
3262 workers determine:
- 3263 (i) in accordance with the rules made under Subsection (11):
 - 3264 (A) that the signature on the affidavit of the return envelope is reasonably
3265 consistent with the individual's signature in the voter registration records; or
 - 3266 (B) for an individual who checks the box described in Subsection (5)(c)(v), that
3267 the signature is verified by alternative means;
 - 3268 (ii) that the affidavit is sufficient;
 - 3269 (iii) that the voter is registered to vote in the correct precinct;
 - 3270 (iv) that the voter's right to vote the ballot has not been challenged;
 - 3271 (v) that the voter has not already voted in the election; and
 - 3272 (vi) for a voter required to provide valid voter identification, that the voter has
3273 provided valid voter identification.
- 3274 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
3275 workers shall:
- 3276 (i) remove the manual ballot from the return envelope in a manner that does not
3277 destroy the affidavit on the return envelope;
 - 3278 (ii) ensure that the ballot does not unfold and is not otherwise examined in
3279 connection with the return envelope; and
 - 3280 (iii) place the ballot with the other ballots to be counted.
- 3281 (c) If the poll workers do not make all of the findings described in Subsection (4)(a), the
3282 poll workers shall:
- 3283 (i) disallow the vote;
 - 3284 (ii) without opening the return envelope, record the ballot as "rejected" and state the
3285 reason for the rejection; and
 - 3286 (iii) place the return envelope, unopened, with the other rejected return envelopes.
- 3287 (5)(a) If the poll workers reject an individual's ballot because the poll workers
3288 determine, in accordance with rules made under Subsection (11), that the signature
3289 on the return envelope is not reasonably consistent with the individual's signature in
3290 the voter registration records, the election officer shall:
- 3291 (i) contact the individual in accordance with Subsection (6); and
 - 3292 (ii) inform the individual:

- 3293 (A) that the individual's signature is in question;
- 3294 (B) how the individual may resolve the issue; and
- 3295 (C) that, in order for the ballot to be counted, the individual is required to deliver
- 3296 to the election officer a correctly completed affidavit, provided by the county
- 3297 clerk, that meets the requirements described in Subsection (5)(c).
- 3298 (b) The election officer shall ensure that the notice described in Subsection (5)(a)
- 3299 includes:
- 3300 (i) when communicating the notice by mail, a printed copy of the affidavit described
- 3301 in Subsection (5)(c) and a courtesy reply envelope;
- 3302 (ii) when communicating the notice electronically, a link to a copy of the affidavit
- 3303 described in Subsection (5)(c) or information on how to obtain a copy of the
- 3304 affidavit; or
- 3305 (iii) when communicating the notice by phone, either during a direct conversation
- 3306 with the voter or in a voicemail, arrangements for the voter to receive a copy of
- 3307 the affidavit described in Subsection (5)(c), either in person from the clerk's
- 3308 office, by mail, or electronically.
- 3309 (c) An affidavit described in Subsection (5)(a)(ii)(C) shall include:
- 3310 (i) an attestation that the individual voted the ballot;
- 3311 (ii) a space for the individual to enter the individual's name, date of birth, and driver
- 3312 license number or the last four digits of the individual's social security number;
- 3313 (iii) a space for the individual to sign the affidavit;
- 3314 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
- 3315 governor's and county clerk's use of the individual's signature on the affidavit for
- 3316 voter identification purposes; and
- 3317 (v) a check box accompanied by language in substantially the following form: "I am
- 3318 a voter with a qualifying disability under the Americans with Disabilities Act that
- 3319 impacts my ability to sign my name consistently. I can provide appropriate
- 3320 documentation upon request. To discuss accommodations, I can be contacted at
- 3321 _____".
- 3322 (d) In order for an individual described in Subsection (5)(a) to have the individual's
- 3323 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(c)
- 3324 to the election officer.
- 3325 (e) An election officer who receives a signed affidavit under Subsection (5)(d) shall
- 3326 immediately:

- 3327 (i) scan the signature on the affidavit electronically and keep the signature on file in
3328 the statewide voter registration database developed under Section 20A-2-502;
- 3329 (ii) if the election officer receives the affidavit no later than [~~5 p.m. three days~~] noon
3330 on the last business day before the day on which the canvass begins, count the
3331 individual's ballot; and
- 3332 (iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the
3333 rules described in Subsection (11)(c).
- 3334 (6)(a) The election officer shall, within two business days after the day on which an
3335 individual's ballot is rejected, notify the individual of the rejection and the reason for
3336 the rejection, by phone, mail, email, or SMS text message, unless:
- 3337 (i) the ballot is cured within one business day after the day on which the ballot is
3338 rejected; or
- 3339 (ii) the ballot is rejected because the ballot is received late or for another reason that
3340 cannot be cured.
- 3341 (b) If an individual's ballot is rejected for a reason described in Subsection (6)(a)(ii), the
3342 election officer shall notify the individual of the rejection and the reason for the
3343 rejection by phone, mail, email, or SMS text message, within the later of:
- 3344 (i) 30 calendar days after the day of the rejection; or
3345 (ii) 30 calendar days after the day of the election.
- 3346 (c) The election officer may, when notifying an individual by phone under this
3347 Subsection (6), use auto-dial technology.
- 3348 (7) An election officer may not count the ballot of an individual whom the election officer
3349 contacts under Subsection (5) or (6) unless, no later than [~~5 p.m. three days~~] noon on the
3350 last business day before the day on which the canvass begins, the election officer:
- 3351 (a) receives a signed affidavit from the individual under Subsection (5); or
3352 (b)(i) contacts the individual;
- 3353 (ii) if the election officer has reason to believe that an individual, other than the voter
3354 to whom the ballot was sent, signed the ballot affidavit, informs the individual that
3355 it is unlawful to sign a ballot affidavit for another person, even if the person gives
3356 permission;
- 3357 (iii) verifies the identity of the individual by:
- 3358 (A) requiring the individual to provide at least two types of personal identifying
3359 information for the individual; and
3360 (B) comparing the information provided under Subsection (7)(b)(iii)(A) to records

- 3361 relating to the individual that are in the possession or control of an election
 3362 officer; and
- 3363 (iv) documenting the verification described in Subsection (7)(b)(iii), by recording:
 3364 (A) the name and voter identification number of the individual contacted;
 3365 (B) the name of the individual who conducts the verification;
 3366 (C) the date and manner of the communication;
 3367 (D) the type of personal identifying information provided by the individual;
 3368 (E) a description of the records against which the personal identifying information
 3369 provided by the individual is compared and verified; and
 3370 (F) other information required by the lieutenant governor.
- 3371 (8) The election officer shall:
- 3372 (a) retain and preserve the return envelopes in the manner provided by law for the
 3373 retention and preservation of ballots voted at that election;
 3374 (b) retain and preserve the documentation described in Subsection (7)(b)(iv); and
 3375 (c) if the election officer complies with Subsection (8)(b) by including the
 3376 documentation in the voter's voter registration record, make, retain, and preserve a
 3377 record of the name and voter identification number of each voter contacted under
 3378 Subsection (7)(b).
- 3379 (9)(a) The election officer shall record the following in the database used to verify
 3380 signatures:
- 3381 (i) any initial rejection of a ballot under Subsection (4)(c), within one business day
 3382 after the day on which the election officer rejects the ballot; and
 3383 (ii) any resolution of a rejection of a ballot under Subsection (7), within one business
 3384 day after the day on which the ballot rejection is resolved.
- 3385 (b) An election officer shall include, in the canvass report, a final report of the
 3386 disposition of all rejected and resolved ballots, including, for ballots rejected, the
 3387 following:
- 3388 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and
 3389 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in
 3390 records on file, do not correspond.
- 3391 (10) Willful failure to comply with this section constitutes willful neglect of duty under
 3392 Section 20A-5-701.
- 3393 (11) The director of elections within the Office of the Lieutenant Governor shall make
 3394 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to

- 3395 establish:
- 3396 (a) criteria and processes for use by poll workers in determining if a signature
3397 corresponds with the signature on file for the voter under Subsections (3)(a) and
3398 (4)(a)(i)(A);
- 3399 (b) training and certification requirements for election officers and employees of election
3400 officers regarding the criteria and processes described in Subsection (11)(a); and
- 3401 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C.
3402 Secs. 12131 through 12165, an alternative means of verifying the identity of an
3403 individual who checks the box described in Subsection (5)(c)(v).
- 3404 (12) Subject to Subsection (13), if, in response to a request, and in accordance with the
3405 requirements of law, an election officer discloses the name or address of voters whose
3406 ballots have been rejected and not yet resolved, the election officer shall:
- 3407 (a) make the disclosure within two business days after the day on which the request is
3408 made;
- 3409 (b) respond to each request in the order the requests were made; and
- 3410 (c) make each disclosure in a manner, and within a period of time, that does not reflect
3411 favoritism to one requestor over another.
- 3412 (13) A disclosure described in Subsection (12) may not include the name or address of a
3413 protected individual, as defined in Subsection 20A-2-104(1).
- 3414 Section 36. Section **20A-3a-502** is amended to read:
- 3415 **20A-3a-502 . Intimidation -- Undue influence.**
- 3416 (1) It is unlawful for a person to induce or compel an individual to vote or refrain from
3417 voting at an election provided by law or to vote or refrain from voting for a particular
3418 individual or measure at an election provided by law, directly or indirectly, by:
- 3419 (a) using force, violence, or restraint;
- 3420 (b) inflicting or threatening to inflict injury, damage, harm, or loss; or
- 3421 (c) by intimidation.
- 3422 (2) It is unlawful for a person to, by abduction, force, or fraud, impede, prevent, or
3423 otherwise interfere with the free exercise of the elective franchise of any voter, either in
3424 voting at any election provided by law or voting or refraining from voting for a
3425 particular individual or measure at an election provided by law.
- 3426 (3) It is unlawful for a person to:
- 3427 (a) enclose in the salary or wage envelopes of an employee of the person, political
3428 mottoes, devices, or arguments containing threats, express or implied, intended or

- 3429 calculated to influence the political opinion, views, or action of the employee; or
 3430 (b) within 90 calendar days before the day of an election provided by law, post or
 3431 otherwise exhibit, in a location where the person's employees may be working or may
 3432 be present in the course of employment, any handbill, notice, or placard containing
 3433 any threat, notice, or information, that if any particular ticket or candidate is or is not
 3434 elected:
 3435 (i) work performed by the person's employees will cease in whole or in part;
 3436 (ii) the workplace will close;
 3437 (iii) wages of workforce will be reduced; or
 3438 (iv) other adverse consequences, under the control of the person, will result.

3439 (4) Violation of this section is a class B misdemeanor.

3440 Section 37. Section **20A-3a-601** is amended to read:

3441 **20A-3a-601 . Early voting.**

- 3442 (1) Except as provided in Section 20A-7-609.5:
 3443 (a) an individual who is registered to vote may vote at a polling place before the election
 3444 date in accordance with this section; and
 3445 (b) except as provided in Subsection 20A-2-207(6), an individual who is not registered
 3446 to vote may register to vote and vote at a polling place before the election date in
 3447 accordance with this section if the individual:
 3448 (i) is otherwise legally entitled to vote the ballot; and
 3449 (ii) casts a provisional ballot in accordance with Section 20A-2-207.
- 3450 (2) Except as provided in Section 20A-1-308 or Subsection (3), the early voting period:
 3451 (a) begins on the date that is 14 calendar days before the date of the election; and
 3452 (b) continues through the Friday before the election if the election date is a Tuesday.
- 3453 (3)(a) An election officer may extend the end of the early voting period to the day before
 3454 the election date if the election officer provides notice of the extension in accordance
 3455 with Section 20A-3a-604.
- 3456 (b) For a municipal election, the municipal clerk may reduce the early voting period
 3457 described in this section if:
 3458 (i) the municipal clerk conducts early voting on at least four days;
 3459 (ii) the early voting days are within the period beginning on the date that is 14
 3460 calendar days before the date of the election and ending on the day before the
 3461 election; and
 3462 (iii) the municipal clerk provides notice of the reduced early voting period in

- 3463 accordance with Section 20A-3a-604.
- 3464 (c) For a county election, the county clerk may reduce the early voting period described
- 3465 in this section if:
- 3466 (i) the county clerk conducts early voting on at least four days;
- 3467 (ii) the early voting days are within the period beginning on the date that is 14
- 3468 calendar days before the date of the election and ending on the day before the
- 3469 election; and
- 3470 (iii) the county clerk provides notice of the reduced early voting period in accordance
- 3471 with Section 20A-3a-604.
- 3472 (4) Except as provided in Section 20A-1-308, during the early voting period, the election
- 3473 officer:
- 3474 (a) for a local special election, a municipal primary election, and a municipal general
- 3475 election:
- 3476 (i) shall conduct early voting on a minimum of four days during each week of the
- 3477 early voting period; and
- 3478 (ii) shall conduct early voting on the last day of the early voting period; and
- 3479 (b) for all other elections:
- 3480 (i) shall conduct early voting on each weekday; and
- 3481 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.
- 3482 (5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308, early
- 3483 voting shall be administered in accordance with the requirements of this title.
- 3484 Section 38. Section **20A-3a-604** is amended to read:
- 3485 **20A-3a-604 . Notice of time and place of early voting.**
- 3486 (1) Except as provided in Section 20A-1-308 or Subsection 20A-3a-603(2), the election
- 3487 officer shall, for at least 28 calendar days before the date of the election, provide notice
- 3488 of the dates, times, and locations of early voting by publishing notice for the county, as a
- 3489 class A notice under Section 63G-30-102.
- 3490 (2) Instead of specifying all dates, times, and locations of early voting, a notice required
- 3491 under Subsection (1) may specify the following sources where a voter may view or
- 3492 obtain a copy of all dates, times, and locations of early voting:
- 3493 (a) the county's website;
- 3494 (b) the physical address of the county's offices; and
- 3495 (c) a mailing address and telephone number.
- 3496 (3) The election officer shall include in the notice described in Subsection (1):

- 3497 (a) the address of the Statewide Electronic Voter Information Website and, if available,
 3498 the address of the election officer's website, with a statement indicating that the
 3499 election officer will post on the website the location of each early voting polling
 3500 place, including any changes to the location of an early voting polling place and the
 3501 location of additional early voting polling places; and
- 3502 (b) a phone number that a voter may call to obtain information regarding the location of
 3503 an early voting polling place.

3504 Section 39. Section **20A-3a-703** is amended to read:

3505 **20A-3a-703 . Election day voting centers as polling places -- Location --**
 3506 **Notification.**

- 3507 (1) The election officer may designate one or more polling places as an election day voting
 3508 center if:
- 3509 (a) except as provided in Subsection (2), the election officer notifies the lieutenant
 3510 governor of the designation and location of the election day voting center at least 15
 3511 calendar days before the election;
- 3512 (b) the polling place meets the requirements for a polling place under Chapter 5,
 3513 Election Administration; and
- 3514 (c) the polling place is located in a government building or office, unless the election
 3515 officer determines that there is no government building or office available, in the area
 3516 designated by the election officer, that:
- 3517 (i) can be scheduled for use during election day voting hours;
- 3518 (ii) has the physical facilities necessary to accommodate election day voting
 3519 requirements;
- 3520 (iii) has adequate space for voting equipment, poll workers, and voters; and
- 3521 (iv) has adequate security, public accessibility, and parking.
- 3522 (2)(a) The election officer may, after the deadline described in Subsection (1)(a):
- 3523 (i) if necessary, change the location of an election day voting center; or
- 3524 (ii) if the election officer determines that the number of election day voting centers is
 3525 insufficient due to the number of registered voters who are voting, designate
 3526 additional election day voting centers.
- 3527 (b) Except as provided in Section 20A-1-308, if an election officer changes the location
 3528 of an election day voting center or designates an additional election day voting
 3529 center, the election officer shall, as soon as is reasonably possible, give notice of the
 3530 dates, times, and location of the changed election day voting center or the additional

- 3531 election day voting center:
- 3532 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter
- 3533 Information Website;
- 3534 (ii) by posting the information on the website of the election officer, if available; and
- 3535 (iii) by posting notice:
- 3536 (A) of a change in the location of an election day voting center, at the new
- 3537 location and, if possible, the old location; and
- 3538 (B) of an additional election day voting center, at the additional election day
- 3539 voting center.

3540 Section 40. Section **20A-3a-801** is amended to read:

3541 **20A-3a-801 . Watchers.**

- 3542 (1) As used in this section[~~,"administering"~~] :
- 3543 (a) "Administering election officer" means:
- 3544 [~~(a)~~] (i) the election officer; or
- 3545 [~~(b)~~] (ii) if the election officer is the lieutenant governor, the county clerk of the
- 3546 county in which an individual will act as a watcher.
- 3547 (b) "Candidate signature packet" means the same as that term is defined in Section
- 3548 20A-9-401.1.
- 3549 (c) "Election process" means each process of an election, including a process described
- 3550 in Subsections (4) and (5).
- 3551 (2)(a) Any individual who is registered or preregistered to vote in Utah may, at any time,
- 3552 become a watcher of any election process in relation to an election[~~at any time~~] by
- 3553 registering as a watcher with the administering election officer.
- 3554 (b) An individual who registers under Subsection (2)(a) is not required to be certified by
- 3555 a person under Subsection (3) in order to act as a watcher.
- 3556 (c) An individual who registers as a watcher shall notify the administering election
- 3557 officer of the dates, times, and locations that the individual intends to act as a watcher.
- 3558 (d) An election official may not prohibit a watcher from performing a function described
- 3559 in Subsection (4) because the watcher did not provide the notice described in
- 3560 Subsection (2)(c).
- 3561 (e) An administering election officer shall provide a copy of this section, or instructions
- 3562 on how to access an electronic copy of this section, to a watcher at the time the
- 3563 watcher registers under this Subsection (2).
- 3564 (3)(a) A person that is a candidate whose name will appear on the ballot, a qualified

- 3565 write-in candidate for the election, a registered political party, or a political issues
 3566 committee may certify an individual as an official watcher for the person:
- 3567 (i) by filing an affidavit with the administering election officer responsible to
 3568 designate an individual as an official watcher for the certifying person; and
 - 3569 (ii) if the individual registers as a watcher under Subsection (2)(a).
- 3570 (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the
 3571 same function described in Subsection (4) at the same time and in the same location
 3572 as another watcher who is certified by that person.
- 3573 (c) A watcher who is certified by a person under Subsection (3)(a) may designate
 3574 another individual to serve in the watcher's stead during the watcher's temporary
 3575 absence by filing with a poll worker an affidavit that designates the individual as a
 3576 temporary replacement.
- 3577 (4) A watcher may:
- 3578 (a) observe the setup or takedown of a polling place;
 - 3579 (b) observe a voter checking in at a polling place;
 - 3580 (c) observe the collection, receipt, and processing of a ballot, including a provisional
 3581 ballot or a ballot cast by a covered voter as defined in Section 20A-16-102;
 - 3582 (d) observe the transport or transmission of a ballot that is in an election official's
 3583 custody;
 - 3584 (e) observe the opening and inspection of a manual ballot;
 - 3585 (f) observe ballot replication;
 - 3586 (g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;
 - 3587 (h) observe ballot tabulation;
 - 3588 (i) observe the process of storing and securing a ballot;
 - 3589 (j) observe a post-election audit;
 - 3590 (k) observe a canvassing board meeting described in [~~Title 20A, Chapter 4, Part 3,~~
 3591 ~~Canvassing Returns~~] Chapter 4, Part 3, Canvassing Returns;
 - 3592 (l) observe the certification of the results of an election;
 - 3593 (m) observe a recount; or
 - 3594 (n) observe signature verification[-] :
 3595 (i) of signatures on a return envelope containing a ballot; or
 3596 (ii) relating to a candidate signature packet.
- 3597 (5) To observe signature verification relating to a candidate signature packet, a watcher may
 3598 observe:

- 3599 (a) the receipt, initial review, and processing that occurs at the time an individual
 3600 submits a candidate signature packet to an election officer;
- 3601 (b) all subsequent processing, handling, and securing of a candidate signature packet;
 3602 (c) verification of signatures in a candidate signature packet;
 3603 (d) the processing, handling, and securing of a written request to remove a signature
 3604 from a candidate signature packet;
 3605 (e) verification of a signature on a written request to remove a signature from a
 3606 candidate signature packet; or
 3607 (f) the removal of a signature from a candidate signature packet.
- 3608 [(5)] (6) An administering election officer shall:
- 3609 (a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an
 3610 election process;
- 3611 (b) establish locations for a watcher to observe an event described in Subsection (4) or
 3612 (5), other than an event described in Subsection (4)(d) or (k), from no further than six
 3613 feet away; and
- 3614 (c) except for a county of the fourth, fifth, or sixth class, for any ballot adjudication, or
 3615 upload of votes from a voting machine or scanner, that is conducted on a computer
 3616 screen, project the activity onto a screen that is large enough to be viewed by each
 3617 watcher.
- 3618 [(6)] (7)(a) A watcher may not:
- 3619 (i) record an activity described in Subsection (4) if the recording would reveal a vote[
 3620 ~~or otherwise violate a voter's privacy or~~], violate a voter's right to cast a secret
 3621 ballot, or otherwise violate a voter's privacy;
- 3622 (ii) record an activity described in Subsection (5), except that a watcher may take
 3623 notes that do not include the name or other personal identifying information of an
 3624 individual who signs a candidate signature packet or a written request to remove a
 3625 signature from a candidate signature packet;
- 3626 [(iii)] (iii) interfere with an activity described in Subsection (4) or (5), except to
 3627 challenge an individual's eligibility to vote under Section 20A-3a-803;[~~or~~]
- 3628 [(iii)] (iv) divulge information related to the number of votes counted, tabulated, or
 3629 cast for a candidate or ballot proposition until after the election officer makes the
 3630 information public[-]; or
- 3631 (v) divulge information related to:
- 3632 (A) the number of signatures collected to qualify a candidate for placement on a

3633 primary election ballot; or
 3634 (B) the names or other personal identifying information of an individual who signs
 3635 a candidate signature packet or a written request to remove a signature from a
 3636 candidate signature packet.

3637 (b) A person who violates Subsection [~~(6)(a)(iii)~~] (7)(a)(iv) or (v) is guilty of a third
 3638 degree felony.

3639 [~~(7)~~] (8)(a) Notwithstanding Subsection [~~(2)(a) or (4)~~] (2)(a), (4), or (5), in order to
 3640 maintain a safe working environment for an election official or to protect the safety
 3641 or security of a ballot, an administering election officer may take reasonable action to:

- 3642 (i) limit the number of watchers at a single location;
 3643 (ii) remove a watcher for violating a provision of this section;
 3644 (iii) remove a watcher for interfering with an activity described in Subsection (4) or
 3645 (5);
 3646 (iv) designate areas for a watcher to reasonably observe the activities described in
 3647 Subsection (4) or (5); or
 3648 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.

3649 (b) If an administering election officer limits the number of watchers at a single location
 3650 under Subsection [~~(6)(a)(i)~~] (8)(a)(i), the administering election officer shall give
 3651 preferential access to the location to a watcher designated under Subsection (3).

3652 (c) An administering election officer may provide a watcher a badge that identifies the
 3653 watcher and require the watcher to wear the badge while acting as a watcher.

3654 Section 41. Section **20A-3a-803** is amended to read:

3655 **20A-3a-803 . Challenges to a voter's eligibility -- Basis for challenge --**

3656 **Procedures.**

- 3657 (1) An individual may challenge another individual's eligibility to vote on any of the
 3658 following grounds:
 3659 (a) the individual is not the individual in whose name the individual tries to vote;
 3660 (b) the individual is not a resident of Utah;
 3661 (c) the individual is not a citizen of the United States;
 3662 (d) the individual has not or will not have resided in Utah for 30 calendar days
 3663 immediately before the date of the election;
 3664 (e) the individual's principal place of residence is not in the voting precinct that the
 3665 individual claims;
 3666 (f) the individual's principal place of residence is not in the geographic boundaries of the

- 3667 election area;
- 3668 (g) the individual has already voted in the election;
- 3669 (h) the individual is not at least the minimum age required to vote in the election;
- 3670 (i) the individual has been convicted of a misdemeanor for an offense under this title and
- 3671 the individual's right to vote in an election has not been restored under Section
- 3672 20A-2-101.3;
- 3673 (j) the individual is a convicted felon and the voter's right to vote in an election has not
- 3674 been restored under Section 20A-2-101.5; or
- 3675 (k) in a regular primary election or presidential primary election, the individual does not
- 3676 meet the political party affiliation requirements for the ballot the individual seeks to
- 3677 vote.

3678 (2) An individual who challenges another individual's right to vote in an election shall make

3679 the challenge in accordance with:

- 3680 (a) Section 20A-3a-804, for a challenge that is not made in person at the time an
- 3681 individual votes; or
- 3682 (b) Section 20A-3a-805, for challenges made in person at the time an individual votes.

3683 Section 42. Section **20A-3a-804** is amended to read:

3684 **20A-3a-804 . Pre-election challenges to a voter's eligibility in writing --**

3685 **Procedure -- Form of challenge.**

3686 (1)(a) An individual may challenge an individual's eligibility to vote by filing a written

3687 statement with the election officer in accordance with Subsection (1)(b) that:

- 3688 (i) lists the name and address of the individual filing the challenge;
- 3689 (ii) for each individual who is challenged:
- 3690 (A) identifies the name of the challenged individual;
- 3691 (B) lists the last known address or telephone number of the challenged individual;
- 3692 (C) provides the basis for the challenge, as provided under Section 20A-3a-803;
- 3693 (D) provides facts and circumstances supporting the basis provided; and
- 3694 (E) may include supporting documents, affidavits, or other evidence; and
- 3695 (iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:
- 3696 (A) the filer exercised due diligence to personally verify the facts and
- 3697 circumstances establishing the basis for the challenge; and
- 3698 (B) according to the filer's personal knowledge and belief, the basis for the
- 3699 challenge under Section 20A-3a-803 for each challenged individual is valid.
- 3700 (b) An individual who files a written statement under Subsection (1)(a) shall file the

- 3701 written statement during the election officer's regular business hours:
- 3702 (i) at least 45 calendar days before the day of the election; or
- 3703 (ii) if the challenge is to an individual who registered to vote between the day that is
- 3704 45 calendar days before the election and the day of the election:
- 3705 (A) on or before the day of the election; and
- 3706 (B) before the individual's ballot is removed from a ballot envelope or otherwise
- 3707 separated from any information that could be used to identify the ballot as the
- 3708 individual's ballot.
- 3709 (c) The challenge may not be based on unsupported allegations or allegations by an
- 3710 anonymous individual.
- 3711 (d) An election officer may require an individual who files a challenge under this section
- 3712 to file the challenge on a form provided by the election officer that meets the
- 3713 requirements of this section.
- 3714 (2) If the challenge is not in the proper form, is incomplete, or if the basis for the challenge
- 3715 does not meet the requirements of this part, the election officer shall dismiss the
- 3716 challenge and notify the filer in writing of the reasons for the dismissal.
- 3717 (3)(a) Upon receipt of a challenge that meets the requirements for filing under this
- 3718 section, the election officer shall attempt to notify each challenged individual in
- 3719 accordance with Subsection (3)(b):
- 3720 (i) at least 28 calendar days before the date of the election, if the election officer
- 3721 receives the challenge under Subsection (1)(b)(i); or
- 3722 (ii) within one business day, if the election officer receives the challenge under
- 3723 Subsection (1)(b)(ii).
- 3724 (b) The election officer shall attempt to notify each challenged individual:
- 3725 (i) that a challenge has been filed against the challenged individual;
- 3726 (ii) that the challenged individual may be required to cast a provisional ballot at the
- 3727 time the individual votes if the individual votes in person;
- 3728 (iii) that if the individual votes by mail, the individual's ballot will be treated as a
- 3729 provisional ballot unless the challenge is resolved;
- 3730 (iv) of the basis for the challenge, which may include providing a copy of the
- 3731 challenge the filer filed with the election officer; and
- 3732 (v) that the challenged individual may submit information, a sworn statement,
- 3733 supporting documents, affidavits, or other evidence supporting the challenged
- 3734 individual's eligibility to vote in the election to the election officer no later than:

- 3735 (A) 21 calendar days before the date of the election, if the election officer receives
3736 the challenge under Subsection (1)(b)(i); or
- 3737 (B) five calendar days before the day on which the canvass is held, if the election
3738 officer receives the challenge under Subsection (1)(b)(ii).
- 3739 (4)(a) The election officer shall determine whether each challenged individual is eligible
3740 to vote before the day on which:
- 3741 (i) early voting commences, if the election officer receives the challenge under
3742 Subsection (1)(b)(i); or
- 3743 (ii) the canvass is held, if the election officer receives the challenge under Subsection
3744 (1)(b)(ii).
- 3745 (b)(i) The filer has the burden to prove, by clear and convincing evidence, that the
3746 basis for challenging the individual's eligibility to vote is valid.
- 3747 (ii) The election officer shall resolve the challenge based on the available facts and
3748 information submitted, which may include voter registration records and other
3749 documents or information available to the election officer.
- 3750 (5) An individual who files a challenge in accordance with the requirements of this section
3751 is subject to criminal penalties for false statements as provided under Sections 76-8-503
3752 and 76-8-504 and any other applicable criminal provision.
- 3753 (6)(a) A challenged individual may appeal an election officer's decision regarding the
3754 individual's eligibility to vote to the district court having jurisdiction over the location
3755 where the challenge was filed.
- 3756 (b) The district court shall uphold the decision of the election officer unless the district
3757 court determines that the decision was arbitrary, capricious, or unlawful.
- 3758 (c) In making the district court's determination, the district court's review is limited to:
- 3759 (i) the information filed under Subsection (1)(a) by the filer;
- 3760 (ii) the information submitted under Subsection (3)(b)(v) by the challenged
3761 individual; and
- 3762 (iii) any additional facts and information used by the election official to determine
3763 whether the challenged individual is eligible to vote, as indicated by the election
3764 official.
- 3765 (7) A challenged individual may register to vote or change the location of the individual's
3766 voter registration if otherwise permitted by law.
- 3767 (8) A document pertaining to a challenge filed under this section is a public record.
- 3768 Section 43. Section **20A-3a-807** is amended to read:

3769 **20A-3a-807 . Notification of ballot processes.**

3770 (1) As used in this section, "ballot process" includes:

- 3771 (a) signature verification;
- 3772 (b) opening ballots;
- 3773 (c) scanning ballots;
- 3774 (d) adjudicating ballots;
- 3775 (e) replicating damaged or defective ballots; or
- 3776 (f) tabulating votes.

3777 (2) A county clerk shall:

- 3778 (a) beginning at least three calendar days before the day on which the county clerk
- 3779 begins mailing ballots for an election, and ending on the first day of the canvass, post
- 3780 on the county clerk's website a schedule of the hours, over the next three calendar
- 3781 days, during which the county clerk plans to conduct one or more ballot processes;
- 3782 and
- 3783 (b) update any changes to the schedule at least 24 hours before the clerk modifies the
- 3784 hours.

3785 Section 44. Section **20A-4-104** is amended to read:

3786 **20A-4-104 . Counting ballots electronically -- Notice of testing tabulating**
 3787 **equipment.**

- 3788 (1)(a) Before beginning to count ballots using automatic tabulating equipment, the
- 3789 election officer shall test the automatic tabulating equipment to ensure that it will
- 3790 accurately count the votes cast for all offices and all measures.
- 3791 (b) The election officer shall provide public notice of the time and place of the test by
- 3792 publishing the notice, as a class A notice under Section 63G-30-102, for the county,
- 3793 municipality, or jurisdiction where the equipment is used, for at least 10 calendar
- 3794 days before the day of the test.
- 3795 (c) The election officer shall conduct the test by processing a preaudited group of ballots.
- 3796 (d) The election officer shall ensure that:
- 3797 (i) a predetermined number of valid votes for each candidate and measure are
- 3798 recorded on the ballots;
- 3799 (ii) for each office, one or more ballots have votes in excess of the number allowed
- 3800 by law in order to test the ability of the automatic tabulating equipment to reject
- 3801 those votes; and
- 3802 (iii) a different number of valid votes are assigned to each candidate for an office, and

- 3803 for and against each measure.
- 3804 (e) If any error is detected, the election officer shall determine the cause of the error and
3805 correct it.
- 3806 (f) The election officer shall ensure that:
- 3807 (i) the automatic tabulating equipment produces an errorless count before beginning
3808 the actual counting; and
- 3809 (ii) before the election returns are approved as official , the automatic [~~tabulating~~]
3810 tabulating equipment passes a post election audit conducted in accordance with
3811 the rules described in Subsection 20A-1-108(1).
- 3812 (2)(a) The election officer or the election officer's designee shall supervise and direct all
3813 proceedings at the counting center.
- 3814 (b)(i) Proceedings at the counting center are public and may be observed by
3815 interested persons.
- 3816 (ii) Only those persons authorized to participate in the count may touch any ballot or
3817 return.
- 3818 (c) The election officer shall deputize and administer an oath or affirmation to all
3819 persons who are engaged in processing and counting the ballots that they will
3820 faithfully perform their assigned duties.
- 3821 (3)(a) If any ballot is damaged or defective so that it cannot properly be counted by the
3822 automatic tabulating equipment, the election officer shall ensure that two counting
3823 judges jointly:
- 3824 (i) make a true replication of the ballot with an identifying serial number;
3825 (ii) substitute the replicated ballot for the damaged or defective ballot;
3826 (iii) label the replicated ballot "replicated"; and
3827 (iv) record the replicated ballot's serial number on the damaged or defective ballot.
- 3828 (b) The lieutenant governor shall provide to each election officer a standard form on
3829 which the election officer shall maintain a log of all replicated ballots, that includes,
3830 for each ballot:
- 3831 (i) the serial number described in Subsection (3)(a);
3832 (ii) the identification of the individuals who replicated the ballot;
3833 (iii) the reason for the replication; and
3834 (iv) any other information required by the lieutenant governor.
- 3835 (c) An election officer shall:
- 3836 (i) maintain the log described in Subsection (3)(b) in a complete and legible manner,

- 3837 as ballots are replicated;
- 3838 (ii) at the end of each day during which one or more ballots are replicated, make an
- 3839 electronic copy of the log; and
- 3840 (iii) keep each electronic copy made under Subsection (3)(c)(ii) for at least 22 months.
- 3841 (4) The election officer may:
- 3842 (a) conduct an unofficial count before conducting the official count in order to provide
- 3843 early unofficial returns to the public;
- 3844 (b) release unofficial returns from time to time after the polls close; and
- 3845 (c) report the progress of the count for each candidate during the actual counting of
- 3846 ballots.
- 3847 (5) Beginning on the day after the date of the election, if an election officer releases early
- 3848 unofficial returns or reports the progress of the count for each candidate under
- 3849 Subsection (4), the election officer shall, with each release or report, disclose an estimate
- 3850 of the total number of voted ballots in the election officer's custody that have not yet
- 3851 been counted.
- 3852 (6) The election officer shall review and evaluate the provisional ballot envelopes and
- 3853 prepare any valid provisional ballots for counting as provided in Section 20A-4-107.
- 3854 (7)(a) The election officer or the election officer's designee shall:
- 3855 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
- 3856 (ii) complete the standard form provided by the clerk for recording valid write-in
- 3857 votes.
- 3858 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
- 3859 more votes for an office than that voter is entitled to vote for that office, the poll
- 3860 workers shall count the valid write-in vote as being the obvious intent of the voter.
- 3861 (8)(a) The election officer shall certify the return printed by the automatic tabulating
- 3862 equipment, to which have been added write-in and absentee votes, as the official
- 3863 return of each voting precinct.
- 3864 (b) Upon completion of the count, the election officer shall make official returns open to
- 3865 the public.
- 3866 (9) If for any reason it becomes impracticable to count all or a part of the ballots with
- 3867 tabulating equipment, the election officer may direct that they be counted manually
- 3868 according to the procedures and requirements of this part.
- 3869 (10) After the count is completed, the election officer shall seal and retain the programs,
- 3870 test materials, and ballots as provided in Section 20A-4-202.

3871 Section 45. Section **20A-4-301** is amended to read:

3872 **20A-4-301 . Board of canvassers.**

3873 (1)(a) Each county legislative body is the board of county canvassers for:

3874 (i) the county; and

3875 (ii) each special district whose election is conducted by the county if:

3876 (A) the election relates to the creation of the special district;

3877 (B) the county legislative body serves as the governing body of the special
3878 district; or

3879 (C) there is no duly constituted governing body of the special district.

3880 (b) The board of county canvassers shall meet to canvass the returns at the usual place of
3881 meeting of the county legislative body, at a date and time determined by the county
3882 clerk that is no sooner than seven calendar days after the day of the election and no
3883 later than 14 calendar days after the day of the election.

3884 (c) If one or more of the county legislative body fails to attend the meeting of the board
3885 of county canvassers, the remaining members shall replace the absent member by
3886 appointing in the order named:

3887 (i) the county treasurer;

3888 (ii) the county assessor; or

3889 (iii) the county sheriff.

3890 (d) Attendance of the number of persons equal to a simple majority of the county
3891 legislative body, but not less than three persons, shall constitute a quorum for
3892 conducting the canvass.

3893 (e) The county clerk is the clerk of the board of county canvassers.

3894 (2)(a) The mayor and the municipal legislative body are the board of municipal
3895 canvassers for the municipality.

3896 (b) The board of municipal canvassers shall meet to canvass the returns at the usual
3897 place of meeting of the municipal legislative body:

3898 (i) for canvassing of returns from a municipal general election, no sooner than seven
3899 calendar days after the day of the election and no later than 14 calendar days after
3900 the day of the election; or

3901 (ii) for canvassing of returns from a municipal primary election, no sooner than seven
3902 calendar days after the day of the election and no later than 14 calendar days after
3903 the election.

3904 (c) Attendance of a simple majority of the municipal legislative body shall constitute a

3905 quorum for conducting the canvass.

3906 (3)(a) The legislative body of the entity authorizing a bond election is the board of
3907 canvassers for each bond election.

3908 (b) The board of canvassers for the bond election shall comply with the canvassing
3909 procedures and requirements of Section 11-14-207.

3910 (c) Attendance of a simple majority of the legislative body of the entity authorizing a
3911 bond election shall constitute a quorum for conducting the canvass.

3912 (4)(a) If a board of trustees or an administrative control board is the governing body of a
3913 special district, the board of trustees or the administrative control board is the board
3914 of special district canvassers for the special district.

3915 (b) The board of special district canvassers shall meet to canvass the returns at the usual
3916 place of meeting for the board of trustees or the administrative control board, as
3917 applicable, at a date and time determined by the special district clerk that is no sooner
3918 than seven calendar days after the day of the election and no later than 14 calendar
3919 days after the day of the election.

3920 (c) Attendance of a simple majority of the board of trustees or the administrative control
3921 board is a quorum for conducting the canvass.

3922 (5) In relation to an election for the creation of a new school district under Section
3923 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, or in relation to an election of members of a
3924 local school board for a new school district or a reorganized new school district under
3925 Section 53G-3-302, the board of canvassers is:

3926 (a) if the voters permitted to vote in the election are all residents of the same
3927 municipality, the mayor and the municipal legislative body;

3928 (b) if the voters permitted to vote in the election are not all residents of the same
3929 municipality, but are all residents of the same county, the county legislative body; or

3930 (c) if the voters permitted to vote in the election are not all residents of the same
3931 municipality and are not all residents of the same county, the county legislative body
3932 of the county where the majority of the voters permitted to vote in the election are
3933 residents.

3934 Section 46. Section **20A-4-302** is amended to read:

3935 **20A-4-302 . Duties of the board of canvassers -- Receiving returns.**

3936 (1) If the election returns from each voting precinct in which polls were opened have been
3937 received at the time the board of canvassers convenes, the board of canvassers shall
3938 canvass the election returns as provided in this part.

- 3939 (2) If all of the election returns have not been received, the board shall postpone the canvass
3940 from day to day, Sundays and legal holidays excepted, until:
3941 (a) all of the election returns are received; or
3942 (b) the board has postponed the canvass seven times.
- 3943 (3)(a) If the election officer has not received the election returns from any voting
3944 precinct within seven calendar days after the election, the election officer shall send a
3945 messenger to the judges to obtain the missing election returns.
3946 (b) The messenger shall obtain the election returns from the judges and return the
3947 election returns to the election officer.
3948 (c) The election officer shall pay the messenger 10 cents per mile for the distance
3949 necessarily traveled.
- 3950 (4) If the board determines that election returns were not received from a voting precinct
3951 because the polls did not open in that precinct, the board shall:
3952 (a) sign a certificate attesting to that fact; and
3953 (b) file the certificate with the election officer.
- 3954 Section 47. Section **20A-4-304** is amended to read:
3955 **20A-4-304 . Declaration of results -- Canvassers' report.**
- 3956 (1)(a) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a
3957 board of canvassers shall declare "elected" or "nominated" those persons who:
3958 (i) had the highest number of votes; and
3959 (ii) sought election or nomination to an office completely within the board's
3960 jurisdiction.
- 3961 (b) Except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project, a
3962 board of canvassers shall declare a "tie vote" if:
3963 (i) two or more candidates for an office receive an equal and the highest number of
3964 votes for that office; or
3965 (ii) in a race for an at-large office:
3966 (A) two or more candidates receive an equal number of votes; and
3967 (B) a recount is necessary to determine which candidates are elected to the at-large
3968 office.
- 3969 (c) A board of canvassers shall declare:
3970 (i) "approved" those ballot propositions that:
3971 (A) had more "yes" votes than "no" votes; and
3972 (B) were submitted only to the voters within the board's jurisdiction; or

- 3973 (ii) "rejected" those ballot propositions that:
- 3974 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and
- 3975 "yes" votes; and
- 3976 (B) were submitted only to the voters within the board's jurisdiction.
- 3977 (d) A board of canvassers shall:
- 3978 (i) certify the vote totals for persons and for and against ballot propositions that were
- 3979 submitted to voters within and beyond the board's jurisdiction and transmit those
- 3980 vote totals to the lieutenant governor; and
- 3981 (ii) if applicable, certify the results of each special district election to the special
- 3982 district clerk.
- 3983 (2) The election officer shall submit a report to the board of canvassers that includes the
- 3984 following information:
- 3985 (a) the total number of votes cast in the board's jurisdiction;
- 3986 (b) the names of each candidate whose name appeared on the ballot;
- 3987 (c) the title of each ballot proposition that appeared on the ballot;
- 3988 (d) each office that appeared on the ballot;
- 3989 (e) from each voting precinct:
- 3990 (i) the number of votes for each candidate;
- 3991 (ii) for each race conducted by instant runoff voting under Part 6, Municipal
- 3992 Alternate Voting Methods Pilot Project, the number of valid votes cast for each
- 3993 candidate for each potential ballot-counting phase and the name of the candidate
- 3994 excluded in each ballot-counting phase; and
- 3995 (iii) the number of votes for and against each ballot proposition;
- 3996 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
- 3997 and against each ballot proposition;
- 3998 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:
- 3999 (i) the number of ballots counted;
- 4000 (ii) provisional ballots; and
- 4001 (iii) the number of ballots rejected;
- 4002 (h) a final ballot reconciliation report;
- 4003 (i) other information required by law to be provided to the board of canvassers; and
- 4004 (j) a statement certifying that the information contained in the report is accurate.
- 4005 (3) The election officer and the board of canvassers shall:
- 4006 (a) review the report to ensure that the report is correct; and

- 4007 (b) sign the report.
- 4008 (4) The election officer shall:
- 4009 (a) record or file the certified report in a book kept for that purpose;
- 4010 (b) prepare and transmit a certificate of nomination or election under the officer's seal to
- 4011 each nominated or elected candidate;
- 4012 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 4013 (d) file a copy of the certified report with the lieutenant governor.
- 4014 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
- 4015 calendar days after the day on which the board of canvassers declares the election
- 4016 results, publicize the certified report described in Subsection (2) for the jurisdiction, as a
- 4017 class A notice under Section 63G-30-102, for at least seven calendar days.
- 4018 (6) Instead of including a copy of the entire certified report, a notice required under
- 4019 Subsection (5) may contain a statement that:
- 4020 (a) includes the following: "The Board of Canvassers for [indicate name of jurisdiction]
- 4021 has prepared a report of the election results for the [indicate type and date of
- 4022 election]."; and
- 4023 (b) specifies the following sources where an individual may view or obtain a copy of the
- 4024 entire certified report:
- 4025 (i) if the jurisdiction has a website, the jurisdiction's website;
- 4026 (ii) the physical address for the jurisdiction; and
- 4027 (iii) a mailing address and telephone number.
- 4028 (7) When there has been a regular general or a statewide special election for statewide
- 4029 officers, for officers that appear on the ballot in more than one county, or for a statewide
- 4030 or two or more county ballot proposition, each board of canvassers shall:
- 4031 (a) prepare a separate report detailing the number of votes for each candidate and the
- 4032 number of votes for and against each ballot proposition; and
- 4033 (b) transmit the separate report by registered mail to the lieutenant governor.
- 4034 (8) In each county election, municipal election, school election, special district election, and
- 4035 local special election, the election officer shall transmit the reports to the lieutenant
- 4036 governor within 14 calendar days after the date of the election.
- 4037 (9) In a regular primary election and in a presidential primary election, the board shall
- 4038 transmit to the lieutenant governor:
- 4039 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
- 4040 governor not later than the second Tuesday after the election; and

4041 (b) a complete tabulation showing voting totals for all primary races, precinct by
 4042 precinct, to be mailed to the lieutenant governor on or before the third Friday
 4043 following the primary election.

4044 Section 48. Section **20A-4-305** is amended to read:

4045 **20A-4-305 . Delivery of checked official register to county clerk after canvass.**

4046 Within 10 calendar days after the canvass of a November municipal election, special
 4047 district election, bond election, or special election, the clerk or recorder shall transmit the
 4048 checked official register to the county clerk.

4049 Section 49. Section **20A-4-306** is amended to read:

4050 **20A-4-306 . Statewide canvass.**

4051 (1)(a) The state board of canvassers shall convene:

4052 (i) on the fourth Monday of November, at noon; or

4053 (ii) at noon on the day following the [~~receipt by~~] day on which the lieutenant governor [
 4054 ~~of~~] receives the last of the returns of a statewide special election.

4055 (b) The state auditor, the state treasurer, and the attorney general are the state board of
 4056 canvassers.

4057 (c) Attendance of all members of the state board of canvassers is required to constitute a
 4058 quorum for conducting the canvass.

4059 (2)(a) The state board of canvassers shall:

4060 (i) meet in the lieutenant governor's office; and

4061 (ii) compute and determine the vote for officers and for and against any ballot
 4062 propositions voted upon by the voters of the entire state or of two or more
 4063 counties.

4064 (b) The lieutenant governor, as secretary of the board shall file a report in the lieutenant
 4065 governor's office that details:

4066 (i) for each statewide officer and ballot proposition:

4067 (A) the name of the statewide office or ballot proposition that appeared on the
 4068 ballot;

4069 (B) the candidates for each statewide office whose names appeared on the ballot,
 4070 plus any recorded write-in candidates;

4071 (C) the number of votes from each county cast for each candidate and for and
 4072 against each ballot proposition;

4073 (D) the total number of votes cast statewide for each candidate and for and against
 4074 each ballot proposition; and

- 4075 (E) the total number of votes cast statewide; and
- 4076 (ii) for each officer or ballot proposition voted on in two or more counties:
- 4077 (A) the name of each of those offices and ballot propositions that appeared on the
- 4078 ballot;
- 4079 (B) the candidates for those offices, plus any recorded write-in candidates;
- 4080 (C) the number of votes from each county cast for each candidate and for and
- 4081 against each ballot proposition; and
- 4082 (D) the total number of votes cast for each candidate and for and against each
- 4083 ballot proposition.
- 4084 (c) Except as provided in Subsection (2)(d), the lieutenant governor shall:
- 4085 (i) prepare certificates of election for:
- 4086 (A) each successful candidate; and
- 4087 (B) each of the presidential electors of the candidate for president who received a
- 4088 majority of the votes;
- 4089 (ii) authenticate each certificate with the lieutenant governor's seal; and
- 4090 (iii) deliver a certificate of election to:
- 4091 (A) each candidate who had the highest number of votes for each office; and
- 4092 (B) each of the presidential electors of the candidate for president who received a
- 4093 majority of the votes.
- 4094 (d) The lieutenant governor shall, in the report described in Subsection (2)(b), declare a
- 4095 tie vote if:
- 4096 (i) two or more officers receive an equal and the highest number of votes for an
- 4097 office; or
- 4098 (ii) in a race for an at-large office:
- 4099 (A) two or more candidates receive an equal number of votes; and
- 4100 (B) a recount is necessary to determine which candidates are elected to the at-large
- 4101 office.
- 4102 (3) If the lieutenant governor has not received election returns from all counties on the fifth
- 4103 calendar day before the day designated for the meeting of the state board of canvassers,
- 4104 the lieutenant governor shall:
- 4105 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
- 4106 county;
- 4107 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
- 4108 required by Section 20A-4-304 from the clerk; and

- 4109 (c) pay the messenger the per diem provided by law as compensation.
- 4110 (4) The state board of canvassers may not withhold the declaration of the result or any
4111 certificate of election because of any defect or informality in the returns of any election
4112 if the board can determine from the returns, with reasonable certainty, what office is
4113 intended and who is elected to it.
- 4114 (5)(a) At noon on the fourth Monday after the regular primary election, the lieutenant
4115 governor shall:
- 4116 (i) canvass the returns for all multicounty candidates required to file with the office
4117 of the lieutenant governor; and
- 4118 (ii) publish and file the results of the canvass in the lieutenant governor's office.
- 4119 (b) Not later than the August 1 after the primary election, the lieutenant governor shall
4120 certify the results of the primary canvass to the county clerks.
- 4121 (6)(a) At noon on the fourth Tuesday in March of a year in which a presidential election
4122 will be held, the lieutenant governor shall:
- 4123 (i) canvass the returns of the presidential primary election; and
- 4124 (ii) publish and file the results of the canvass in the lieutenant governor's office.
- 4125 (b) The lieutenant governor shall certify the results of the presidential primary election
4126 canvass to each registered political party that participated in the primary not later
4127 than the April 15 after the primary election.
- 4128 Section 50. Section **20A-4-401** is amended to read:
- 4129 **20A-4-401 . Recounts -- Procedure.**
- 4130 (1) This section does not apply to a race conducted by instant runoff voting under Chapter
4131 4, Part 6, Municipal Alternate Voting Methods Pilot Project.
- 4132 (2) The election officer shall conduct a recount of votes cast in a race if:
- 4133 (a) two or more candidates for an office receive an equal and the highest number of
4134 votes for that office; or
- 4135 (b) in a race for an at-large office, two or more candidates receive an equal number of
4136 votes and at least one of the candidates must be eliminated to determine which
4137 candidates are elected.
- 4138 (3)(a) Except as provided in Subsection (2) or (3)(b), for a race between candidates, if
4139 the difference between the number of votes cast for a winning candidate in the race
4140 and a losing candidate in the race is equal to or less than .25% of the total number of
4141 votes cast for all candidates in the race, the losing candidate may file a request for a
4142 recount in accordance with Subsection (4).

- 4143 (b) Except as provided in Subsection (2), for a race between candidates where the total
4144 of all votes cast in the race is 400 or less, if the difference between the number of
4145 votes cast for a winning candidate in the race and a losing candidate in the race is one
4146 vote, the losing candidate may file a request for a recount in accordance with
4147 Subsection (4).
- 4148 (4) A losing candidate who files a request for a recount under Subsection (3)(a) or (b) shall
4149 file the request:
- 4150 (a) for a municipal primary election, with the municipal clerk, [~~before 5 p.m., no later~~
4151 ~~than three~~] no later than 5 p.m. on the first business day that is at least three calendar
4152 days after the day on which the canvass is completed; or
- 4153 (b) for all other elections, [~~before 5 p.m., no later than seven~~] no later than 5 p.m. on the
4154 first business day that is at least three calendar days after the day on which the
4155 canvass is completed, with:
- 4156 (i) the municipal clerk, if the election is a municipal general election;
4157 (ii) the special district clerk, if the election is a special district election;
4158 (iii) the county clerk, for a race voted on entirely within a single county; or
4159 (iv) the lieutenant governor, for a statewide race or multi-county race.
- 4160 (5)(a) The election officer shall conduct the recount:
- 4161 (i) for a race described in Subsection (2), no later than 10 calendar days after the day
4162 on which the board of canvassers certifies the vote totals; or
- 4163 (ii) for a race described in Subsection (3), no later than seven calendar days after the
4164 day on which the losing candidate requests the recount.
- 4165 (b) In conducting the recount, the election officer shall:
- 4166 (i) supervise the recount;
4167 (ii) recount all ballots cast in the race;
4168 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
4169 Disposition of Ballots; and
- 4170 (iv)(A) for a race between candidates for a single office, declare elected the
4171 candidate who receives the highest number of votes on the recount;
- 4172 (B) for a race for an at-large office, declare elected the candidate who receives the
4173 highest number of votes on the recount, until all offices are filled by the
4174 candidates who received the highest number of votes;
- 4175 (C) for a race described in Subsection (5)(b)(iv)(A) in which two or more
4176 candidates receive an equal and the highest number of votes, declare a tie vote;

4177 or
4178 (D) for a race described in Subsection (5)(b)(iv)(B) in which two or more
4179 candidates receive an equal number of votes, declare a tie vote if the selection
4180 of the winning candidate by lot under Section 20A-1-304 is necessary to
4181 determine which candidate is elected to the at-large office.

4182 (6) The cost of a recount under Subsection (5) shall be paid by:
4183 (a) for a statewide race or multi-county race, the state; or
4184 (b) for all other races:
4185 (i) the political subdivision that conducts the election; or
4186 (ii) the political subdivision that enters into a contract or interlocal agreement under
4187 Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer
4188 to conduct the election.

4189 (7)(a) Except as provided in Subsection (7)(b), for a ballot proposition or a bond
4190 proposition, if the proposition passes or fails by a margin that is equal to or less than
4191 .25% of the total votes cast for or against the proposition, any 10 voters who voted in
4192 the election where the proposition was on the ballot may file a request for a recount [
4193 ~~before 5 p.m. within seven~~] no later than 5 p.m. on the first business day that is at
4194 least seven calendar days after the day of the canvass with the person described in
4195 Subsection (8).

4196 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or
4197 against the proposition is 400 or less, if the difference between the number of votes
4198 cast for the proposition and the number of votes cast against the proposition is one
4199 vote, any 10 voters who voted in the election where the proposition was on the ballot
4200 may file a request for a recount [~~before 5 p.m. within seven~~] no later than 5 p.m. on
4201 the first business day that is at least seven calendar days after the day of the canvass
4202 with the person described in Subsection (8).

4203 (8) The 10 voters who file a request for a recount under Subsection (7)(a) or (b) shall file
4204 the request with:

4205 (a) the municipal clerk, if the election is a municipal election;
4206 (b) the special district clerk, if the election is a special district election;
4207 (c) the county clerk, for a proposition voted on entirely within a single county; or
4208 (d) the lieutenant governor, for a statewide proposition or multi-county proposition.

4209 (9)(a) In conducting the recount, the election officer shall:
4210 (i) supervise the recount;

- 4211 (ii) recount all ballots cast for the ballot proposition or bond proposition;
4212 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,
4213 Disposition of Ballots; and
4214 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
4215 based upon the results of the recount.
- 4216 (b) Proponents and opponents of the ballot proposition or bond proposition may
4217 designate representatives to witness the recount.
- 4218 (10) The voters requesting a recount under Subsection (7)(a) or (b) shall pay the costs of the
4219 recount.
- 4220 (11)(a) Upon completing a recount described in Subsection (5) or (9), the election
4221 officer shall immediately convene the board of canvassers.
- 4222 (b) The board of canvassers shall:
- 4223 (i) canvass the election returns for the race or proposition that was the subject of the
4224 recount; and
4225 (ii) with the assistance of the election officer, prepare and sign the report required by
4226 Section 20A-4-304 or 20A-4-306.
- 4227 (c) If the recount is for a statewide race, multi-county race, or a statewide proposition,
4228 the board of county canvassers shall prepare and transmit a separate report to the
4229 lieutenant governor as required by Subsection 20A-4-304(7).
- 4230 (d) The canvassers' report prepared as provided in this Subsection (11) is the official
4231 result of the race or proposition that is the subject of the recount.
- 4232 Section 51. Section **20A-4-603** is amended to read:
- 4233 **20A-4-603 . Instant runoff voting.**
- 4234 (1) In a multi-candidate race, the election officer for a participating municipality shall:
- 4235 (a)(i) conduct the first ballot-counting phase by counting the valid first preference
4236 rankings for each candidate; and
4237 (ii) if one of the candidates receives more than 50% of the valid first preference
4238 rankings counted, declare that candidate elected;
- 4239 (b) if, after counting the valid first preference rankings for each candidate, no candidate
4240 receives more than 50% of the valid first preference rankings counted, conduct the
4241 second ballot-counting phase by:
- 4242 (i) excluding from the multi-candidate race:
- 4243 (A) the candidate who received the fewest valid first preference rankings counted;
4244 or

- 4245 (B) in the event of a tie for the fewest valid first preference rankings counted, one
4246 of the tied candidates, determined by the election officer by lot, in accordance
4247 with Subsection (6);
- 4248 (ii) adding, to the valid first preference rankings counted for the remaining
4249 candidates, the next valid preference rankings cast for the remaining candidates by
4250 the voters who cast a valid first preference ranking for the excluded candidate; and
- 4251 (iii) if, after adding the rankings in accordance with Subsection (1)(b)(ii), one
4252 candidate receives more than 50% of the valid rankings counted, declaring that
4253 candidate elected; and
- 4254 (c) if, after adding the next valid preference rankings in accordance with Subsection
4255 (1)(b)(ii), no candidate receives more than 50% of the valid rankings counted,
4256 conduct subsequent ballot-counting phases by continuing the process described in
4257 Subsection (1)(b) until a candidate receives more than 50% of the valid rankings
4258 counted, as follows:
- 4259 (i) excluding from consideration the candidate who has the fewest valid rankings
4260 counted or, in the event of a tie for the fewest valid rankings counted, excluding
4261 one of the tied candidates, by lot, in accordance with Subsection (6); and
- 4262 (ii) adding the next valid preference ranking cast by each voter whose ranking was
4263 counted for the last excluded candidate to one of the remaining candidates, in the
4264 order of the next preference indicated by the voter.
- 4265 (2) The election officer shall declare elected the first candidate who receives more than
4266 50% of the valid rankings counted under the process described in Subsection (1).
- 4267 (3) A ranking is valid for a particular ballot-counting phase of a multi-candidate race if:
- 4268 (a) the voter indicates the voter's preference for that ballot-counting phase and all
4269 previous ballot-counting phases; or
- 4270 (b) in the event that the voter skips a number in filling out the rankings on a ballot:
- 4271 (i) the voter clearly indicates an order of preference for the candidates;
- 4272 (ii) the voter does not skip two or more consecutive numbers at any point before the
4273 preference ranking that would otherwise be counted for the current ballot-counting
4274 phase;
- 4275 (iii) the candidate next preferred by the voter is clearly indicated by a subsequent
4276 number that most closely follows the number assigned by the voter for the
4277 previously-ranked candidate; and
- 4278 (iv) the voter did not give the same rank to more than one candidate for the

- 4279 applicable ballot-counting phase or a previous ballot-counting phase.
- 4280 (4) A ranking is not valid for a particular ballot-counting phase of a multi-candidate race,
4281 and for all subsequent ballot-counting phases, if:
- 4282 (a) the voter indicates the same rank for more than one candidate for that ballot-counting
4283 phase; or
- 4284 (b) the voter skips two or more consecutive numbers before ranking another candidate.
- 4285 (5) If, for a ballot-counting phase, a voter ranks a candidate who has withdrawn from the
4286 race, the next-ranked candidate who has not withdrawn from the race will be counted for
4287 that ballot-counting phase.
- 4288 (6) For each ballot-counting phase after the first phase, if two or more candidates tie as
4289 having received the fewest valid rankings counted at that point in the ballot count, the
4290 election officer shall eliminate one of those candidates from consideration, by lot, in the
4291 following manner:
- 4292 (a) determine the names of the candidates who tie as having received the fewest valid
4293 rankings for that ballot-counting phase;
- 4294 (b) cast the lot in the presence of at least two election officials and any counting poll
4295 watchers who are present and desire to witness the casting of the lot; and
- 4296 (c) sign a public document that:
- 4297 (i) certifies the method used for casting the lot and the result of the lot; and
4298 (ii) includes the name of each individual who witnessed the casting of the lot.
- 4299 (7) In a multi-candidate race for an at-large office, where the number of candidates who
4300 qualify for the race exceeds the total number of at-large seats to be filled for the office,
4301 the election officer shall count the rankings by:
- 4302 (a) except as provided in Subsection (8), counting rankings in the same manner as
4303 described in Subsections (1) through (6), until a candidate is declared elected;
- 4304 (b) repeating the process described in Subsection (7)(a) for all candidates that are not
4305 declared elected until another candidate is declared elected; and
- 4306 (c) continuing the process described in Subsection (7)(b) until all at-large seats in the
4307 race are filled.
- 4308 (8) After a candidate is declared elected under Subsection (7), the election officer shall, in
4309 repeating the process described in Subsections (1) through (6) to declare the next
4310 candidate elected, add to the ranking totals the next valid preference vote of each voter
4311 whose ranking was counted for a candidate already declared elected.
- 4312 (9) An election officer for a participating municipality may choose to conduct a primary

- 4313 election by using instant runoff voting in the manner described in Subsections (1)
 4314 through (6), except that:
- 4315 (a) instead of determining whether a candidate receives more than 50% of the valid
 4316 preference rankings for a particular ballot-counting phase, the election officer shall
 4317 proceed to a subsequent ballot-counting stage, and exclude the candidate who
 4318 receives the fewest valid preference rankings in that phase, until twice the number of
 4319 seats to be filled in the race remain; and
- 4320 (b) after complying with Subsection (9)(a), the election officer shall declare the
 4321 remaining candidates nominated to participate in the municipal general election.
- 4322 (10) After completing all ballot-counting phases in a multi-candidate race, the election
 4323 officer shall order a full recount of the ballots cast for that race if, in one or more of the
 4324 ballot-counting phases:
- 4325 (a) the difference between the number of rankings counted for a candidate who is
 4326 declared elected and the number of rankings counted for any other candidate in the
 4327 same ballot-counting phase is equal to or less than the product of the following,
 4328 rounded up to the nearest whole number:
- 4329 (i) the total number of voters who cast a valid ranking counted in that ballot-counting
 4330 phase; and
- 4331 (ii) the recount threshold; or
- 4332 (b) the difference between the number of rankings counted for the candidate who
 4333 received the fewest valid rankings in a ballot-counting phase and the number of
 4334 rankings counted for any other candidate in the same ballot-counting phase is equal
 4335 to or less than the product of the following, rounded up to the nearest whole number:
- 4336 (i) the total number of voters who cast a valid ranking counted in that ballot-counting
 4337 phase; and
- 4338 (ii) the recount threshold.
- 4339 (11) A recount described in Subsection (10):
- 4340 (a) requires rescanning and tabulating all valid ballots; and
- 4341 (b) provides for only one recount.
- 4342 (12) Notwithstanding Section 20A-4-301, a board of municipal canvassers may extend the
 4343 canvass deadline by up to seven additional calendar days, if necessary, to conduct a
 4344 recount required under Subsection (10).
- 4345 Section 52. Section **20A-5-101** is amended to read:
- 4346 **20A-5-101 . Notice of election.**

- 4347 (1) On or before November 15 in the year before each regular general election year, the
4348 lieutenant governor shall prepare and transmit a written notice to each county clerk that:
4349 (a) designates the offices to be filled at the next year's regular general election;
4350 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
4351 certifying nomination petition signatures, as applicable, under Sections 20A-9-403,
4352 20A-9-407, and 20A-9-408 for those offices; and
4353 (c) contains a description of any ballot propositions to be decided by the voters that have
4354 qualified for the ballot as of that date.
- 4355 (2)(a) No later than seven business days after the day on which the lieutenant governor
4356 transmits the written notice described in Subsection (1), each county clerk shall
4357 provide notice for the county, as a class A notice under Section 63G-30-102, for
4358 seven business days before the day of the election and in accordance with Subsection
4359 (3).
- 4360 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a),
4361 showing a copy of the notice and the places where the notice was posted.
- 4362 (3) The notice described in Subsection (2) shall:
- 4363 (a) designate the offices to be voted on in that election; and
4364 (b) identify the dates for filing a declaration of candidacy for those offices.
- 4365 (4) Except as provided in Subsection (6), before each election, the election officer shall give
4366 printed notice of the following information:
- 4367 (a) the date of election;
4368 (b) the hours during which the polls will be open;
4369 (c) the polling places for each voting precinct, early voting polling place, and election
4370 day voting center;
4371 (d) the address of the Statewide Electronic Voter Information Website and, if available,
4372 the address of the election officer's website, with a statement indicating that the
4373 election officer will post on the website any changes to the location of a polling place
4374 and the location of any additional polling place;
4375 (e) a phone number that a voter may call to obtain information regarding the location of
4376 a polling place;
4377 (f) the qualifications for persons to vote in the election: and
4378 (g) instructions regarding how an individual with a disability, who is not able to vote a
4379 manual ballot by mail, may obtain information on voting in an accessible manner.
- 4380 (5) The election officer shall provide the notice described in Subsection (4) for the

4381 jurisdiction, as a class A notice under Section 63G-30-102, for at least seven business
 4382 days before the day of the election.

4383 (6) Instead of including the information described in Subsection (4) in the notice, the
 4384 election officer may give printed notice that:

4385 (a) is entitled "Notice of Election";

4386 (b) includes the following: "A [indicate election type] will be held in [indicate the
 4387 jurisdiction] on [indicate date of election]. Information relating to the election,
 4388 including polling places, polling place hours, and qualifications of voters may be
 4389 obtained from the following sources:"; and

4390 (c) specifies the following sources where an individual may view or obtain the
 4391 information described in Subsection (4):

4392 (i) if the jurisdiction has a website, the jurisdiction's website;

4393 (ii) the physical address of the jurisdiction offices; and

4394 (iii) a mailing address and telephone number.

4395 Section 53. Section **20A-5-303** is amended to read:

4396 **20A-5-303 . Establishing, dividing, abolishing, and changing voting precincts --**

4397 **Common polling places -- Combined voting precincts.**

4398 (1)(a) After receiving recommendations from the county clerk, the county legislative
 4399 body may establish, divide, abolish, and change voting precincts.

4400 (b) Within 30 calendar days after the establishment, division, abolition, or change of a
 4401 voting precinct under this section, the county legislative body shall file with the Utah
 4402 Geospatial Resource Center, created under Section 63A-16-505, a notice describing
 4403 the action taken and specifying the resulting boundaries of each voting precinct
 4404 affected by the action.

4405 (2)(a) The county legislative body shall alter or divide voting precincts so that each
 4406 voting precinct contains not more than 1,250 active voters.

4407 (b) The county legislative body shall:

4408 (i) identify those precincts that may reach the limit of active voters in a precinct
 4409 under Subsection (2)(a) or that becomes too large to facilitate the election process;
 4410 and

4411 (ii) except as provided by Subsection (3), divide those precincts on or before January
 4412 1 of a general election year.

4413 (3) A county legislative body shall divide a precinct identified under Subsection (2)(b)(i) on
 4414 or before January 31 of a regular general election year that immediately follows the

- 4415 calendar year in which the Legislature divides the state into districts in accordance with
 4416 Utah Constitution, Article IX, Section 1.
- 4417 (4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5), the county
 4418 legislative body may not:
- 4419 (a) establish or abolish any voting precinct after January 1 of a regular general election
 4420 year;
- 4421 (b) alter or change the boundaries of any voting precinct after January 1 of a regular
 4422 general election year; or
- 4423 (c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a
 4424 year immediately preceding the year in which an enumeration is required by the
 4425 United States Constitution and the day on which the Legislature divides the state into
 4426 districts in accordance with Utah Constitution, Article IX, Section 1.
- 4427 (5) A county legislative body may establish, divide, abolish, alter, or change a voting
 4428 precinct on or before January 31 of a regular general election year that immediately
 4429 follows the calendar year in which the Legislature divides the state into districts in
 4430 accordance with Utah Constitution, Article IX, Section 1.
- 4431 (6)(a) For the purpose of voting in an election, the county legislative body may establish
 4432 a common polling place for two or more whole voting precincts.
- 4433 (b) At least 90 calendar days before the election, the county legislative body shall
 4434 designate:
- 4435 (i) the voting precincts that will vote at the common polling place; and
 4436 (ii) the location of the common polling place.
- 4437 (c) A county may use one set of election judges for the common polling place under this
 4438 Subsection (6).
- 4439 (7) Each county shall have at least two polling places open for voting on the date of the
 4440 election.
- 4441 (8) Each common polling place shall have at least one voting device that is accessible for
 4442 individuals with disabilities in accordance with Public Law 107-252, the Help America
 4443 Vote Act of 2002.
- 4444 Section 54. Section **20A-5-400.1** is amended to read:
- 4445 **20A-5-400.1 . Contracting with an election officer to conduct elections -- Fees --**
 4446 **Contracts and interlocal agreements -- Private providers.**
- 4447 (1)(a) In accordance with this section, a local political subdivision may enter into a
 4448 contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal

- 4449 Cooperation Act, with a provider election officer to conduct an election.
- 4450 (b) If the boundaries of a local political subdivision holding the election extend beyond a
- 4451 single local political subdivision, the local political subdivision may have more than
- 4452 one provider election officer conduct an election.
- 4453 (c) Upon approval by the lieutenant governor, a municipality may enter into a contract
- 4454 or agreement under Subsection (1)(a) with any local political subdivision in the state,
- 4455 regardless of whether the municipality is located in, next to, or near, the local
- 4456 political subdivision, to conduct an election during which the municipality is
- 4457 participating in the Municipal Alternate Voting Methods Pilot Project.
- 4458 (d) If a municipality enters into a contract or agreement, under Subsection (1)(c), with a
- 4459 local political subdivision other than a county within which the municipality exists,
- 4460 the municipality, the local political subdivision, and the county within which the
- 4461 municipality exists shall enter into a cooperative agreement to ensure the proper
- 4462 functioning of the election.
- 4463 (2) A provider election officer shall conduct an election:
- 4464 (a) under the direction of the contracting election officer; and
- 4465 (b) in accordance with a contract or interlocal agreement.
- 4466 (3) A provider election officer shall establish fees for conducting an election for a
- 4467 contracting election officer that:
- 4468 (a) are consistent with the contract or interlocal agreement; and
- 4469 (b) do not exceed the actual costs incurred by the provider election officer.
- 4470 (4) The contract or interlocal agreement under this section may specify that a contracting
- 4471 election officer request, within a specified number of calendar days before the election,
- 4472 that the provider election officer conduct the election to allow adequate preparations by
- 4473 the provider election officer.
- 4474 (5) An election officer conducting an election may appoint or employ an agent or
- 4475 professional service to assist in conducting the election.
- 4476 Section 55. Section **20A-5-403.5** is amended to read:
- 4477 **20A-5-403.5 . Ballot drop boxes -- Notice.**
- 4478 (1)(a) An election officer:
- 4479 (i) shall designate at least one ballot drop box in each municipality and reservation
- 4480 located in the jurisdiction to which the election relates;
- 4481 (ii) may designate additional ballot drop boxes for the election officer's jurisdiction;
- 4482 (iii) shall clearly mark each ballot drop box as an official ballot drop box for the

- 4483 election officer's jurisdiction;
- 4484 (iv) shall provide 24-hour recorded video surveillance, without audio, of each
- 4485 unattended ballot drop box;
- 4486 (v) shall post a sign on or near each unattended ballot drop box indicating that the
- 4487 ballot drop box is under 24-hour video surveillance; and
- 4488 (vi) shall ensure that a camera, a video, or a recording of a video described in
- 4489 Subsection (1)(a)(iv) may only be accessed:
- 4490 (A) by the election officer;
- 4491 (B) by a custodian of the camera, video, or recording;
- 4492 (C) by the lieutenant governor;
- 4493 (D) by the legislative auditor general, when performing an audit; or
- 4494 (E) by, or pursuant to an order of, a court of competent jurisdiction.
- 4495 (b) An individual may not view a video, or a recording of a video, described in
- 4496 Subsection (1)(a)(iv), unless the individual:
- 4497 (i) is an individual described in Subsection (1)(a)(vi); and
- 4498 (ii) views the video to the extent necessary to:
- 4499 (A) ensure compliance with Subsection (1)(a)(iv), (1)(a)(vi), or (1)(c); or
- 4500 (B) investigate a concern relating to ballots or the ballot box.
- 4501 (c) The election officer, or the custodian of the recording, shall keep a recording
- 4502 described in Subsection (1)(a)(iv) until the later of:
- 4503 (i) the end of the calendar year in which the election was held; or
- 4504 (ii) if the election is contested, when the contest is resolved.
- 4505 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer shall, at
- 4506 least 28 calendar days before the date of the election, provide notice of the location of
- 4507 each ballot drop box designated under Subsection (1), by publishing notice for the
- 4508 jurisdiction holding the election, as a class A notice under Section 63G-30-102, for at
- 4509 least 28 calendar days before the day of the election.
- 4510 (3) Instead of including the location of ballot drop boxes, a notice required under
- 4511 Subsection (2) may specify the following sources where a voter may view or obtain a
- 4512 copy of all ballot drop box locations:
- 4513 (a) the jurisdiction's website;
- 4514 (b) the physical address of the jurisdiction's offices; and
- 4515 (c) a mailing address and telephone number.
- 4516 (4) The election officer shall include in the notice described in Subsection (2):

- 4517 (a) the address of the Statewide Electronic Voter Information Website and, if available,
4518 the address of the election officer's website, with a statement indicating that the
4519 election officer will post on the website the location of each ballot drop box,
4520 including any changes to the location of a ballot drop box and the location of
4521 additional ballot drop boxes; and
- 4522 (b) a phone number that a voter may call to obtain information regarding the location of
4523 a ballot drop box.
- 4524 (5)(a) Except as provided in Section 20A-1-308, the election officer may, after the
4525 deadline described in Subsection (2):
- 4526 (i) if necessary, change the location of a ballot drop box; or
4527 (ii) if the election officer determines that the number of ballot drop boxes is
4528 insufficient due to the number of registered voters who are voting, designate
4529 additional ballot drop boxes.
- 4530 (b) Except as provided in Section 20A-1-308, if an election officer changes the location
4531 of a ballot box or designates an additional ballot drop box location, the election
4532 officer shall, as soon as is reasonably possible, give notice of the changed ballot drop
4533 box location or the additional ballot drop box location:
- 4534 (i) to the lieutenant governor, for posting on the Statewide Voter Information
4535 Website;
- 4536 (ii) by posting the information on the website of the election officer, if available; and
4537 (iii) by posting notice:
- 4538 (A) for a change in the location of a ballot drop box, at the new location and, if
4539 possible, the old location; and
- 4540 (B) for an additional ballot drop box location, at the additional ballot drop box
4541 location.
- 4542 (6) An election officer may, at any time, authorize two or more poll workers to remove a
4543 ballot drop box from a location, or to remove ballots from a ballot drop box for
4544 processing.
- 4545 (7)(a) At least two poll workers must be present when a poll worker collects ballots from
4546 a ballot drop box and delivers the ballots to the location where the ballots will be
4547 opened and counted.
- 4548 (b) An election officer shall ensure that the chain of custody of ballots placed in a ballot
4549 box are recorded and tracked from the time the ballots are removed from the ballot
4550 box until the ballots are delivered to the location where the ballots will be opened and

4551 counted.

4552 Section 56. Section **20A-5-405** is amended to read:

4553 **20A-5-405 . Election officer to provide ballots -- Notice of sample ballot.**

4554 (1) An election officer shall:

4555 (a) provide ballots for every election of public officers in which the voters, or any of the
4556 voters, within the election officer's jurisdiction participate;

4557 (b) cause the name of every candidate whose nomination has been certified to or filed
4558 with the election officer in the manner provided by law to be included on each ballot;

4559 (c) cause any ballot proposition that has qualified for the ballot as provided by law to be
4560 included on each ballot;

4561 (d) ensure that the ballots are prepared and in the possession of the election officer at
4562 least seven calendar days before the commencement of early voting as described in
4563 Section 20A-3a-601;

4564 (e) allow candidates and their agents and the sponsors of ballot propositions that have
4565 qualified for the official ballot to inspect the ballots;

4566 (f) no later than 45 calendar days before the day of the election, make sample ballots
4567 available for inspection, in the same form as official ballots and that contain the same
4568 information as official ballots, by:

4569 (i) posting a copy of the sample ballot in the election officer's office;

4570 (ii) sending a copy of the sample ballot to:

4571 (A) each candidate listed on the ballot; and

4572 (B) the lieutenant governor; and

4573 (iii) providing a copy of the sample ballot for the jurisdiction holding the election, as
4574 a class A notice under Section 63G-30-102, for at least seven calendar days;

4575 (g) deliver a copy of the sample ballot to poll workers for each polling place and direct
4576 the poll workers to post the sample ballot as required by Section 20A-5-102; and

4577 (h) print and deliver, at the expense of the jurisdiction conducting the election, enough
4578 ballots, sample ballots, and instructions to meet the voting demands of the qualified
4579 voters in each voting precinct.

4580 (2) Instead of posting the entire sample ballot under Subsection (1)(f)(iii), the election
4581 officer may post a statement that:

4582 (a) is entitled, "sample ballot";

4583 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
4584 upcoming [indicate type and date of election] may be obtained from the following

- 4585 sources:"; and
- 4586 (c) specifies the following sources where an individual may view or obtain a copy of the
4587 sample ballot:
- 4588 (i) if the jurisdiction has a website, the jurisdiction's website;
- 4589 (ii) the physical address of the jurisdiction's offices; and
- 4590 (iii) a mailing address and telephone number.
- 4591 (3)(a) Each election officer shall, without delay, correct any error discovered in any
4592 ballot, if the correction can be made without interfering with the timely distribution
4593 of the ballots.
- 4594 (b)(i) If the election officer discovers an error or omission in a manual ballot, and it is
4595 not possible to correct the error or omission, the election officer shall direct the
4596 poll workers to make the necessary corrections on the manual ballots before the
4597 ballots are distributed.
- 4598 (ii) If the election officer discovers an error or omission in an electronic ballot and it
4599 is not possible to correct the error or omission by revising the electronic ballot, the
4600 election officer shall direct the poll workers to post notice of each error or
4601 omission with instructions on how to correct each error or omission in a
4602 prominent position at each polling booth.
- 4603 (4)(a) If the election officer refuses or fails to correct an error or omission in a ballot, a
4604 candidate or a candidate's agent may file a verified petition with the district court
4605 asserting that:
- 4606 (i) an error or omission has occurred in:
- 4607 (A) the publication of the name or description of a candidate;
- 4608 (B) the preparation or display of an electronic ballot; or
- 4609 (C) the posting of sample ballots or the printing of official manual ballots; and
- 4610 (ii) the election officer has failed to correct or provide for the correction of the error
4611 or omission.
- 4612 (b) The district court shall issue an order requiring correction of any error in a ballot or
4613 an order to show cause why the error should not be corrected if it appears to the court
4614 that the error or omission has occurred and the election officer has failed to correct or
4615 provide for the correction of the error or omission.
- 4616 (c) A party aggrieved by the district court's decision may appeal the matter to the Utah
4617 Supreme Court within five days after the day on which the district court enters the
4618 decision.

- 4619 Section 57. Section **20A-5-410** is amended to read:
- 4620 **20A-5-410 . Election officer to provide voting history information and status.**
- 4621 (1) As used in this section, "voting history record" means the information about the
4622 existence and status of absentee ballot requests required by this section.
- 4623 (2)(a) Each election officer shall maintain, in the election officer's office, a voting
4624 history record of those voters registered to vote in the election officer's jurisdiction.
- 4625 (b) Except as it relates to a voter whose voter registration record is classified as private
4626 under Subsection 63G-2-302(1)(k), the voting history record is a public record under
4627 Title 63G, Chapter 2, Government Records Access and Management Act.
- 4628 (3)(a) When an election officer reports voting history for an election, the election officer
4629 shall, for each voter whose voter registration is classified as private under Subsection
4630 20A-2-104(4)(h), report the following, for that election only, without disclosing the
4631 identity of the voter:
- 4632 (i) for voting by mail, the information described in Subsection (4)(a);
4633 (ii) for early voting, the date the individual voted; and
4634 (iii) for voting on election day, the date the individual voted.
- 4635 (b) In relation to the information of a voter whose voter registration is classified as
4636 private under Subsection 20A-2-104(4)(h), a report described in Subsection (3)(a)
4637 may not disclose, by itself or in conjunction with any other public information, the
4638 identity or any other personal identifying information of the voter.
- 4639 (4) The election officer shall ensure that the voting history record for each voting precinct
4640 contains:
- 4641 (a) for voting by mail:
- 4642 (i) the date that the manual ballot was mailed to the voter; and
4643 (ii) the date that the voted manual ballot was received by the election officer;
- 4644 (b) for early voting:
- 4645 (i) the name and address of each individual who participated in early voting; and
4646 (ii) the date the individual voted; and
- 4647 (c) for voting on election day, the name and address of each individual who voted on
4648 election day.
- 4649 (5)(a) Notwithstanding the time limits for response to a request for records under
4650 Section 63G-2-204 or the time limits for a request for records established in any
4651 ordinance, the election officer shall ensure that the information required by this
4652 section is recorded and made available to the public no later than one business day

4653 after ~~[its receipt]~~ the day on which the election officer receives the information in the
 4654 election officer's office.

4655 (b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements
 4656 established in any ordinance, the election officer shall make copies of the voting
 4657 history record available to the public for the actual cost of production or copying.

4658 Section 58. Section **20A-5-602** is amended to read:

4659 **20A-5-602 . Appointment of poll workers in elections where candidates are not**
 4660 **distinguished by registered political parties.**

4661 (1)(a) This section governs appointment of poll workers in elections where candidates
 4662 are not distinguished by registered political parties.

4663 (b) An election officer shall appoint the poll worker at least 15 calendar days before the
 4664 date of the local election.

4665 (2)(a) The election officer shall appoint, or provide for the appointment of, at least three
 4666 poll workers as follows:

4667 (i) three registered voters; or

4668 (ii) two registered voters, one of whom is at least 21 years old, and one individual
 4669 who is 16 or 17 years old.

4670 (b) The election officer may appoint additional poll workers to serve in the polling place
 4671 as needed.

4672 (3) The election officer may not appoint any candidate's parent, sibling, spouse, child,
 4673 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or
 4674 son-in-law to serve as a poll worker at a polling place where the candidate appears on
 4675 the ballot.

4676 (4)(a) The clerk shall compensate poll workers for their services.

4677 (b) The clerk of a municipality or special district may not compensate poll workers at a
 4678 rate higher than that paid by the county to the county's poll workers.

4679 Section 59. Section **20A-6-105** is amended to read:

4680 **20A-6-105 . Provisional ballot envelopes.**

4681 (1) Each election officer shall ensure that provisional ballot envelopes are printed in
 4682 substantially the following form:

4683 "AFFIRMATION

4684 Are you a citizen of the United States of America? Yes No

4685 Will you be 18 years old on or before election day? Yes No

4686 If you checked "no" in response to either of the two above questions, do not complete

4687 this form.

4688 Name of Voter _____

4689 First Middle Last

4690 Driver License or Identification Card Number _____

4691 State of Issuance of Driver License or Identification Card Number _____

4692 Date of Birth _____

4693 Street Address of Principal Place of Residence

4694 _____

4695 City County State Zip Code

4696 Telephone Number (optional) _____

4697 Email Address (optional) _____

4698 Last four digits of Social Security Number _____

4699 Last former address at which I was registered to vote (if known)

4700 _____

4701 City County State Zip Code

4702 Voting Precinct (if known) _____

4703 I, (please print your full name) _____ do solemnly swear or

4704 affirm:

4705 That I am eligible to vote in this election; that I have not voted in this election in any
4706 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted
4707 to vote in this precinct; and

4708 Subject to penalty of law for false statements, that the information contained in this form
4709 is true, and that I am a citizen of the United States and a resident of Utah, residing at the above
4710 address; and that I am at least 18 years old and have resided in Utah for the 30 calendar days
4711 immediately before this election.

4712 Signed _____

4713 _____

4714 Dated _____

4715 _____

4716 In accordance with Section 20A-3a-506, wilfully providing false information above is a
4717 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

4718 **PRIVACY INFORMATION**

4719 Voter registration records contain some information that is available to the public, such
4720 as your name and address, some information that is available only to government entities, and

4721 some information that is available only to certain third parties in accordance with the
4722 requirements of law.

4723 Your driver license number, identification card number, social security number, email
4724 address, full date of birth, and phone number are available only to government entities. Your
4725 year of birth is available to political parties, candidates for public office, certain third parties,
4726 and their contractors, employees, and volunteers, in accordance with the requirements of law.

4727 You may request that all information on your voter registration records be withheld from
4728 all persons other than government entities, political parties, candidates for public office, and
4729 their contractors, employees, and volunteers, by indicating here:

4730 _____ Yes, I request that all information on my voter registration records be withheld
4731 from all persons other than government entities, political parties, candidates for public office,
4732 and their contractors, employees, and volunteers.

4733 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

4734 In addition to the protections provided above, you may request that identifying
4735 information on your voter registration records be withheld from all political parties, candidates
4736 for public office, and their contractors, employees, and volunteers, by submitting a
4737 withholding request form, and any required verification, as described in the following
4738 paragraphs.

4739 A person may request that identifying information on the person's voter registration
4740 records be withheld from all political parties, candidates for public office, and their
4741 contractors, employees, and volunteers, by submitting a withholding request form with this
4742 registration record, or to the lieutenant governor or a county clerk, if the person is or is likely
4743 to be, or resides with a person who is or is likely to be, a victim of domestic violence or dating
4744 violence.

4745 A person may request that identifying information on the person's voter registration
4746 records be withheld from all political parties, candidates for public office, and their
4747 contractors, employees, and volunteers, by submitting a withholding request form and any
4748 required verification with this registration form, or to the lieutenant governor or a county clerk,
4749 if the person is, or resides with a person who is, a law enforcement officer, a member of the
4750 armed forces, a public figure, or protected by a protective order or a protection order.

4751 CITIZENSHIP AFFIDAVIT

4752 Name:

4753 Name at birth, if different:

4754 Place of birth:

4755 Date of birth:

4756 Date and place of naturalization (if applicable):

4757 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
 4758 citizen and that to the best of my knowledge and belief the information above is true and
 4759 correct.

4760 _____

4761 Signature of Applicant

4762 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
 4763 allowing yourself to be registered to vote if you know you are not entitled to register to vote is
 4764 up to one year in jail and a fine of up to \$2,500.".

4765 (2) The provisional ballot envelope shall include:

4766 (a) a unique number;

4767 (b) a detachable part that includes the unique number;

4768 (c) a telephone number, internet address, or other indicator of a means, in accordance
 4769 with Section 20A-6-105.5, where the voter can find out if the provisional ballot was
 4770 counted; and

4771 (d) an insert containing written instructions on how a voter may sign up to receive ballot
 4772 status notifications via the ballot tracking system described in Section 20A-3a-401.5.

4773 Section 60. Section **20A-6-106** is amended to read:

4774 **20A-6-106 . Deadline for submission of ballot titles.**

4775 Unless otherwise specifically provided for by statute, the certified ballot title of each
 4776 ballot proposition, ballot question, or ballot issue shall be submitted to the election officer
 4777 before 5 p.m. no later than 65 calendar days before the date of the election at which the matter
 4778 will be submitted to the voters.

4779 Section 61. Section **20A-6-302** is amended to read:

4780 **20A-6-302 . Manual ballots -- Placement of candidates' names.**

4781 (1) An election officer shall ensure, for manual ballots in regular general elections, that:

4782 (a) each candidate is listed by party, if nominated by a registered political party under
 4783 Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

4784 (b) candidates' surnames are listed in alphabetical order on the ballots when two or more
 4785 candidates' names are required to be listed on a ticket under the title of an office; and

4786 (c) the names of candidates are placed on the ballot in the order specified under Section
 4787 20A-6-305.

4788 (2)(a) When there is only one candidate for county attorney at the regular general

- 4789 election in counties that have three or fewer registered voters of the county who are
4790 licensed active members in good standing of the Utah State Bar, the county clerk
4791 shall cause that candidate's name and party affiliation, if any, to be placed on a
4792 separate section of the ballot with the following question: "Shall (name of candidate)
4793 be elected to the office of county attorney? Yes ____ No ____.".
- 4794 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
4795 elected to the office of county attorney.
- 4796 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
4797 elected and may not take office, nor may the candidate continue in the office past the
4798 end of the term resulting from any prior election or appointment.
- 4799 (d) When the name of only one candidate for county attorney is printed on the ballot
4800 under authority of this Subsection (2), the county clerk may not count any write-in
4801 votes received for the office of county attorney.
- 4802 (e) If no qualified individual files for the office of county attorney or if the candidate is
4803 not elected by the voters, the county legislative body shall appoint the county
4804 attorney as provided in Section 20A-1-509.2.
- 4805 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
4806 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a)
4807 to the two consecutive terms immediately preceding the term for which the candidate
4808 is seeking election, Subsection (2)(a) does not apply and that candidate shall be
4809 considered to be an unopposed candidate the same as any other unopposed candidate
4810 for another office, unless a petition is filed with the county clerk before 5 p.m. no
4811 later than ~~one~~ the day before that year's primary election that:
- 4812 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and
4813 (ii) contains the signatures of registered voters in the county representing in number
4814 at least 25% of all votes cast in the county for all candidates for governor at the
4815 last election at which a governor was elected.
- 4816 (3)(a) When there is only one candidate for district attorney at the regular general
4817 election in a prosecution district that has three or fewer registered voters of the
4818 district who are licensed active members in good standing of the Utah State Bar, the
4819 county clerk shall cause that candidate's name and party affiliation, if any, to be
4820 placed on a separate section of the ballot with the following question: "Shall (name of
4821 candidate) be elected to the office of district attorney? Yes ____ No ____.".
- 4822 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is

- 4823 elected to the office of district attorney.
- 4824 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
4825 elected and may not take office, nor may the candidate continue in the office past the
4826 end of the term resulting from any prior election or appointment.
- 4827 (d) When the name of only one candidate for district attorney is printed on the ballot
4828 under authority of this Subsection (3), the county clerk may not count any write-in
4829 votes received for the office of district attorney.
- 4830 (e) If no qualified individual files for the office of district attorney, or if the only
4831 candidate is not elected by the voters under this subsection, the county legislative
4832 body shall appoint a new district attorney for a four-year term as provided in Section
4833 20A-1-509.2.
- 4834 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
4835 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a)
4836 to the two consecutive terms immediately preceding the term for which the candidate
4837 is seeking election, Subsection (3)(a) does not apply and that candidate shall be
4838 considered to be an unopposed candidate the same as any other unopposed candidate
4839 for another office, unless a petition is filed with the county clerk before 5 p.m. no
4840 later than ~~[one]~~ the day before that year's primary election that:
- 4841 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
4842 (ii) contains the signatures of registered voters in the county representing in number
4843 at least 25% of all votes cast in the county for all candidates for governor at the
4844 last election at which a governor was elected.

4845 Section 62. Section **20A-6-305** is amended to read:

4846 **20A-6-305 . Master ballot position list -- Random selection -- Procedures --**

4847 **Publication -- Surname -- Exemptions -- Ballot order.**

- 4848 (1) As used in this section, "master ballot position list" means an official list of the 26
4849 characters in the alphabet listed in random order and numbered from one to 26 as
4850 provided under Subsection (2).
- 4851 (2) The lieutenant governor shall:
- 4852 (a) within 30 calendar days after the day of the candidate filing deadline in each
4853 even-numbered year, conduct a random selection to create a master ballot position
4854 list for all elections in accordance with procedures established under Subsection (2)(c);
- 4855 (b) publish the master ballot position list on the lieutenant governor's election website no
4856 later than 15 calendar days after ~~[creating]~~ the day on which the lieutenant governor

- 4857 creates the list; and
- 4858 (c) establish written procedures for:
- 4859 (i) the election official to use the master ballot position list; and
- 4860 (ii) the lieutenant governor in:
- 4861 (A) conducting the random selection in a fair manner; and
- 4862 (B) providing a record of the random selection process used.
- 4863 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an
- 4864 election officer shall use the master ballot position list for the current year to determine
- 4865 the order in which to list candidates on the ballot for an election held during the year.
- 4866 (4) To determine the order in which to list candidates on the ballot required under
- 4867 Subsection (3), the election officer shall apply the randomized alphabet using:
- 4868 (a) the candidate's surname;
- 4869 (b) for candidates with a surname that has the same spelling, the candidate's given name;
- 4870 and
- 4871 (c) the surname of the president and the surname of the governor for an election for the
- 4872 offices of president and vice president and governor and lieutenant governor.
- 4873 (5) Subsections (1) through (4) do not apply to:
- 4874 (a) an election for an office for which only one candidate is listed on the ballot; or
- 4875 (b) a judicial retention election under Section 20A-12-201.
- 4876 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall
- 4877 appear separately, in the following order:
- 4878 (a) for federal office:
- 4879 (i) president and vice president of the United States;
- 4880 (ii) United States Senate office; and
- 4881 (iii) United States House of Representatives office;
- 4882 (b) for state office:
- 4883 (i) governor and lieutenant governor;
- 4884 (ii) attorney general;
- 4885 (iii) state auditor;
- 4886 (iv) state treasurer;
- 4887 (v) state Senate office;
- 4888 (vi) state House of Representatives office; and
- 4889 (vii) State Board of Education member;
- 4890 (c) for county office:

- 4891 (i) county executive office;
- 4892 (ii) county legislative body member;
- 4893 (iii) county assessor;
- 4894 (iv) county or district attorney;
- 4895 (v) county auditor;
- 4896 (vi) county clerk;
- 4897 (vii) county recorder;
- 4898 (viii) county sheriff;
- 4899 (ix) county surveyor;
- 4900 (x) county treasurer; and
- 4901 (xi) local school board member;
- 4902 (d) for municipal office:
- 4903 (i) mayor; and
- 4904 (ii) city or town council member;
- 4905 (e) elected planning and service district council member;
- 4906 (f) judicial retention questions; and
- 4907 (g) ballot propositions not described in Subsection (6)(f).

4908 (7)(a) A ticket for a race for a combined office shall appear on the ballot in the place of
 4909 the earliest ballot ticket position that is reserved for an office that is subsumed in the
 4910 combined office.

4911 (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:

- 4912 (i) each candidate in accordance with Subsections (1) through (4); and
- 4913 (ii) except as otherwise provided in this title, the party name, initials, or title
- 4914 following each candidate's name.

4915 Section 63. Section **20A-7-103** is amended to read:

4916 **20A-7-103 . Constitutional amendments and other questions submitted by the**
 4917 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

- 4918 (1) The procedures contained in this section govern when the Legislature submits a
 4919 proposed constitutional amendment or other question to the voters.
- 4920 (2) The lieutenant governor shall, not more than 60 calendar days or less than 14 calendar
 4921 days before the date of the election, publish the full text of the amendment, question, or
 4922 statute for the state, as a class A notice under Section 63G-30-102, through the date of
 4923 the election.
- 4924 (3) The presiding officers shall:

- 4925 (a) entitle each proposed constitutional amendment "Constitutional Amendment ___" and
 4926 assign a letter to the constitutional amendment in accordance with the requirements
 4927 of Section 20A-6-107;
- 4928 (b) entitle each proposed question "Proposition Number ___" with the number assigned to
 4929 the proposition under Section 20A-6-107 placed in the blank;
- 4930 (c) draft and designate a ballot title for each proposed amendment or question submitted
 4931 by the Legislature that:
 4932 (i) summarizes the subject matter of the amendment or question; and
 4933 (ii) for a proposed constitutional amendment, summarizes any legislation that is
 4934 enacted and will become effective upon the voters' adoption of the proposed
 4935 constitutional amendment; and
- 4936 (d) deliver each letter or number and ballot title to the lieutenant governor.
- 4937 (4) The lieutenant governor shall certify the letter or number and ballot title of each
 4938 amendment or question to the county clerk of each county no later than 65 calendar days
 4939 before the date of the election.
- 4940 (5) The county clerk of each county shall:
 4941 (a) ensure that the letter or number and the ballot title of each amendment and question
 4942 prepared in accordance with this section are included in the sample ballots and
 4943 official ballots; and
 4944 (b) publish the sample ballots and official ballots as provided by law.
- 4945 Section 64. Section **20A-7-105** is amended to read:
 4946 **20A-7-105 . Manual petition processes -- Obtaining signatures -- Verification --**
 4947 **Submitting the petition -- Certification of signatures -- Transfer to lieutenant governor --**
 4948 **Removal of signature.**
- 4949 (1) This section applies only to the manual initiative process and the manual referendum
 4950 process.
- 4951 (2) As used in this section:
 4952 (a) "Local petition" means:
 4953 (i) a manual local initiative petition described in Part 5, Local Initiatives -
 4954 Procedures; or
 4955 (ii) a manual local referendum petition described in Part 6, Local Referenda -
 4956 Procedures.
- 4957 (b) "Packet" means an initiative packet or referendum packet.
 4958 (c) "Petition" means a local petition or statewide petition.

- 4959 (d) "Statewide petition" means:
- 4960 (i) a manual statewide initiative petition described in Part 2, Statewide Initiatives; or
- 4961 (ii) a manual statewide referendum petition described in Part 3, Statewide Referenda.
- 4962 (3)(a) A Utah voter may sign a statewide petition if the voter is a legal voter.
- 4963 (b) A Utah voter may sign a local petition if the voter:
- 4964 (i) is a legal voter; and
- 4965 (ii) resides in the local jurisdiction.
- 4966 (4)(a) The sponsors shall ensure that the individual in whose presence each signature
- 4967 sheet was signed:
- 4968 (i) is at least 18 years old;
- 4969 (ii) verifies each signature sheet by completing the verification printed on the last
- 4970 page of each packet; and
- 4971 (iii) is informed that each signer is required to read and understand:
- 4972 (A) for an initiative petition, the law proposed by the initiative; or
- 4973 (B) for a referendum petition, the law that the referendum seeks to overturn.
- 4974 (b) An individual may not sign the verification printed on the last page of a packet if the
- 4975 individual signed a signature sheet in the packet.
- 4976 (5)(a) The sponsors, or an agent of the sponsors, shall submit a signed and verified
- 4977 packet to the county clerk of the county in which the packet was circulated before 5
- 4978 p.m. no later than the earlier of:
- 4979 (i) for a statewide initiative:
- 4980 (A) ~~[30]~~ the first business day that is at least 30 calendar days after the day on
- 4981 which the first individual signs the initiative packet;
- 4982 (B) ~~[316]~~ the last business day that is no more than 316 calendar days after the day
- 4983 on which the application for the initiative petition is filed; or
- 4984 (C) the February 15 immediately before the next regular general election
- 4985 immediately after the application is filed under Section 20A-7-202;
- 4986 (ii) for a statewide referendum:
- 4987 (A) ~~[30]~~ the first business day that is at least 30 calendar days after the day on
- 4988 which the first individual signs the referendum packet; or
- 4989 (B) ~~[40]~~ the first business day that is at least 40 calendar days after the day on
- 4990 which the legislative session at which the law passed ends;
- 4991 (iii) for a local initiative:
- 4992 (A) ~~[30]~~ the first business day that is at least 30 calendar days after the day on

4993 which the first individual signs the initiative packet;

4994 (B) [~~316~~] the last business day that is no more than 316 calendar days after the day
4995 on which the application is filed;

4996 (C) the April 15 immediately before the next regular general election immediately
4997 after the application is filed under Section 20A-7-502, if the local initiative is a
4998 county initiative; or

4999 (D) the April 15 immediately before the next municipal general election
5000 immediately after the application is filed under Section 20A-7-502, if the local
5001 initiative is a municipal initiative; or

5002 (iv) for a local referendum:

5003 (A) [~~30~~] the first business day that is at least 30 calendar days after the day on
5004 which the first individual signs the referendum packet; or

5005 (B) [~~45~~] the first business day that is at least 45 calendar days after the day on
5006 which the sponsors receive the items described in Subsection 20A-7-604(3)
5007 from the local clerk.

5008 (b) A person may not submit a packet after the applicable deadline described in
5009 Subsection (5)(a).

5010 (c) Before delivering an initiative packet to the county clerk under this Subsection (5),
5011 the sponsors shall send an email to each individual who provides a legible, valid
5012 email address on the signature sheet that includes the following:

5013 (i) the subject of the email shall include the following statement, "Notice Regarding
5014 Your Petition Signature"; and

5015 (ii) the body of the email shall include the following statement in 12-point type:

5016 "You signed a petition for the following initiative:

5017 [insert title of initiative]

5018 To access a copy of the initiative petition, the initiative, the fiscal impact statement, and
5019 information on the deadline for removing your signature from the petition, please visit the
5020 following link: [insert a uniform resource locator that takes the individual directly to the page
5021 on the lieutenant governor's or county clerk's website that includes the information referred to
5022 in the email]."

5023 (d) For a statewide initiative, the sponsors shall, no later than 5 p.m. on the day on which
5024 the sponsors submit the last initiative packet to the county clerk, submit to the
5025 lieutenant governor:

5026 (i) a list containing:

5027 (A) the name and email address of each individual the sponsors sent, or caused to
 5028 be sent, the email described in Subsection (5)(c); and
 5029 (B) the date the email was sent;
 5030 (ii) a copy of the email described in Subsection (5)(c); and
 5031 (iii) the following written verification, completed and signed by each of the sponsors:
 5032 "Verification of initiative sponsor State of Utah, County of _____ I, _____,
 5033 of _____, hereby state, under penalty of perjury, that:
 5034 I am a sponsor of the initiative petition entitled _____; and
 5035 I sent, or caused to be sent, to each individual who provided a legible, valid email
 5036 address on a signature sheet submitted to the county clerk in relation to the initiative petition,
 5037 the email described in Utah Code Subsection 20A-7-105(5)(c).
 5038 _____
 5039 (Name) (Residence Address) (Date)".
 5040 (e) For a local initiative, the sponsors shall, no later than 5 p.m. on the day on which the
 5041 sponsors submit the last initiative packet to the local clerk, submit to the local clerk
 5042 the items described in Subsection (5)(d).
 5043 (f) Signatures gathered for an initiative petition are not valid if the sponsors do not
 5044 comply with Subsection (5)(c), (d), or (e).
 5045 (6)(a) Within 21 calendar days after the day on which the county clerk receives the
 5046 packet, the county clerk shall:
 5047 (i) use the procedures described in Section 20A-1-1002, or 20A-7-106 if applicable,
 5048 to determine whether each signer is a legal voter and, as applicable, the
 5049 jurisdiction where the signer is registered to vote;
 5050 (ii) for a statewide initiative or a statewide referendum:
 5051 (A) certify on the petition whether each name is that of a legal voter;
 5052 (B) post the name, voter identification number, and date of signature of each legal
 5053 voter certified under Subsection (6)(a)(ii)(A) on the lieutenant governor's
 5054 website, in a conspicuous location designated by the lieutenant governor; and
 5055 (C) deliver the verified packet to the lieutenant governor;
 5056 (iii) for a local initiative or a local referendum:
 5057 (A) certify on the petition whether each name is that of a legal voter who is
 5058 registered in the jurisdiction to which the initiative or referendum relates;
 5059 (B) post the name, voter identification number, and date of signature of each legal
 5060 voter certified under Subsection (6)(a)(iii)(A) on the lieutenant governor's

- 5061 website, in a conspicuous location designated by the lieutenant governor; and
 5062 (C) deliver the verified packet to the local clerk.
- 5063 (b) For a local initiative or local referendum, the local clerk shall post a link in a
 5064 conspicuous location on the local government's website to the posting described in
 5065 Subsection (6)(a)(iii)(B):
- 5066 (i) for a local initiative, during the period of time described in Subsection 20A-7-507
 5067 (3)(a); or
- 5068 (ii) for a local referendum, during the period of time described in Subsection
 5069 20A-7-607(2)(a)(i).
- 5070 (7) The county clerk may not certify a signature under Subsection (6):
- 5071 (a) on a packet that is not verified in accordance with Subsection (4); or
- 5072 (b) that does not have a date of signature next to the signature.
- 5073 (8)(a) A voter who signs a statewide initiative petition may have the voter's signature
 5074 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
 5075 the county clerk a statement requesting that the voter's signature be removed no later
 5076 than 5 p.m. the earlier of:
- 5077 (i) for an initiative packet received by the county clerk before December 1:
- 5078 (A) [~~30~~] the first business day that is at least 30 calendar days after the day on
 5079 which the voter signs the signature removal statement; or
- 5080 (B) [~~90~~] the first business day that is at least 90 calendar days after the day on
 5081 which the lieutenant governor posts the voter's name under Subsection
 5082 20A-7-207(2); or
- 5083 (ii) for an initiative packet received by the county clerk on or after December 1:
- 5084 (A) [~~30~~] the first business day that is at least 30 calendar days after the day on
 5085 which the voter signs the signature removal statement; or
- 5086 (B) [~~45~~] the first business day that is at least 45 calendar days after the day on
 5087 which the lieutenant governor posts the voter's name under Subsection
 5088 20A-7-207(2).
- 5089 (b) A voter who signs a statewide referendum petition may have the voter's signature
 5090 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
 5091 the county clerk a statement requesting that the voter's signature be removed no later
 5092 than 5 p.m. the earlier of:
- 5093 (i) [~~30~~] the first business day that is at least 30 calendar days after the day on which
 5094 the voter signs the statement requesting removal; or

- 5095 (ii) ~~[45]~~ the first business day that is at least 45 calendar days after the day on which
5096 the lieutenant governor posts the voter's name under Subsection 20A-7-307(2).
- 5097 (c) A voter who signs a local initiative petition may have the voter's signature removed
5098 from the petition by, in accordance with Section 20A-1-1003, submitting to the
5099 county clerk a statement requesting that the voter's signature be removed no later than
5100 5 p.m. the earlier of:
- 5101 (i) ~~[30]~~ the first business day that is at least 30 calendar days after the day on which
5102 the voter signs the signature removal statement;
- 5103 (ii) ~~[90]~~ the first business day that is at least 90 calendar days after the day on which
5104 the local clerk posts the voter's name under Subsection 20A-7-507(2);
- 5105 (iii) ~~[316]~~ the last business day that is no more than 316 calendar days after the day on
5106 which the application is filed; or
- 5107 (iv)(A) for a county initiative, April 15 immediately before the next regular
5108 general election immediately after the application is filed under Section
5109 20A-7-502; or
- 5110 (B) for a municipal initiative, April 15 immediately before the next municipal
5111 general election immediately after the application is filed under Section
5112 20A-7-502.
- 5113 (d) A voter who signs a local referendum petition may have the voter's signature
5114 removed from the petition by, in accordance with Section 20A-1-1003, submitting to
5115 the county clerk a statement requesting that the voter's signature be removed no later
5116 than 5 p.m. the earlier of:
- 5117 (i) ~~[30]~~ the first business day that is at least 30 calendar days after the day on which
5118 the voter signs the statement requesting removal; or
- 5119 (ii) ~~[45]~~ the first business day that is at least 45 calendar days after the day on which
5120 the local clerk posts the voter's name under Subsection 20A-7-607(2)(a).
- 5121 (e) In order for the signature to be removed, the county clerk must receive the statement
5122 described in this Subsection (8) before 5 p.m. no later than the applicable deadline
5123 described in this Subsection (8).
- 5124 (f) A county clerk shall analyze a signature, for purposes of removing a signature from a
5125 petition, in accordance with Subsection 20A-1-1003(3).
- 5126 (9)(a) If the county clerk timely receives a statement requesting signature removal under
5127 Subsection (8) and determines that the signature should be removed from the petition
5128 under Subsection 20A-1-1003(3), the county clerk shall:

5129 (i) ensure that the voter's name, voter identification number, and date of signature are
 5130 not included in the posting described in Subsection (6)(a)(ii)(B) or (iii)(B); and
 5131 (ii) remove the voter's signature from the signature packets and signature packet
 5132 totals.

5133 (b) The county clerk shall comply with Subsection (9)(a) before the later of:

5134 (i) the deadline described in Subsection (6)(a); or

5135 (ii) two business days after the day on which the county clerk receives a statement
 5136 requesting signature removal under Subsection (8).

5137 (10) A person may not retrieve a packet from a county clerk, or make any alterations or
 5138 corrections to a packet, after the packet is submitted to the county clerk.

5139 Section 65. Section **20A-7-201** is amended to read:

5140 **20A-7-201 . Statewide initiatives -- Signature requirements -- Submission to the**
 5141 **Legislature or to a vote of the people.**

5142 (1)(a) A person seeking to have an initiative submitted to the Legislature for approval or
 5143 rejection shall, after filing an initiative application, obtain:

5144 (i) legal signatures equal to 4% of the number of active voters in the state on January
 5145 1 immediately following the last regular general election; and

5146 (ii) from at least 26 Utah State Senate districts, legal signatures equal to 4% of the
 5147 number of active voters in that district on January 1 immediately following the
 5148 last regular general election.

5149 (b) If, at any time not less than 10 calendar days before the beginning of the next annual
 5150 general session of the Legislature, the lieutenant governor declares that an initiative
 5151 petition designated under Subsection 20A-7-202(2)(c)(i) for submission to the
 5152 Legislature is signed by a sufficient number of voters to meet the requirements of
 5153 Subsection (1)(a), the lieutenant governor shall deliver a copy of the initiative
 5154 petition, the text of the proposed law, and the cover sheet described in Subsection
 5155 (1)(c) to the president of the Senate, the speaker of the House, and the director of the
 5156 Office of Legislative Research and General Counsel.

5157 (c) The lieutenant governor shall prepare a cover sheet for a petition declared sufficient
 5158 under Subsection (1)(b) that contains:

5159 (i) the number of active voters in the state on January 1 immediately following the
 5160 last regular general election;

5161 (ii) the number of active voters in each Utah State Senate district on January 1
 5162 immediately following the last regular general election;

- 5163 (iii) the total number of certified signatures obtained for the initiative petition; and
 5164 (iv) the total number of certified signatures obtained from each Utah State Senate
 5165 district for the initiative petition.

5166 (2)(a) A person seeking to have an initiative submitted to a vote of the people for
 5167 approval or rejection shall, after filing an initiative application, obtain:

- 5168 (i) legal signatures equal to 8% of the number of active voters in the state on January
 5169 1 immediately following the last regular general election; and
 5170 (ii) from at least 26 Utah State Senate districts, legal signatures equal to 8% of the
 5171 number of active voters in that district on January 1 immediately following the
 5172 last regular general election.

5173 (b) If an initiative petition meets the requirements of this part and the lieutenant
 5174 governor declares that the initiative petition is signed by a sufficient number of voters
 5175 to meet the requirements of Subsection (2)(a), the lieutenant governor shall submit
 5176 the proposed law to a vote of the people at the next regular general election:

- 5177 (i) immediately after the application is filed under Section 20A-7-202; and
 5178 (ii) specified on the petition under Section 20A-7-203.

5179 (3) The lieutenant governor shall provide the following information to any interested person:

- 5180 (a) the number of active voters in the state on January 1 immediately following the last
 5181 regular general election; and
 5182 (b) for each Utah State Senate district, the number of active voters in that district on
 5183 January 1 immediately following the last regular general election.

5184 Section 66. Section **20A-7-202.5** is amended to read:

5185 **20A-7-202.5 . Initial fiscal impact statement -- Preparation of statement --**

5186 **Challenge to statement.**

5187 (1) Within three [working] business days after the day on which the lieutenant governor
 5188 receives an initiative application, the lieutenant governor shall submit a copy of the
 5189 initiative application to the Office of the Legislative Fiscal Analyst.

5190 (2)(a) The Office of the Legislative Fiscal Analyst shall prepare an unbiased, good faith
 5191 initial fiscal impact statement for the proposed law, not exceeding 100 words plus
 5192 100 words per revenue source created or impacted by the proposed law, that contains:

- 5193 (i) a description of the total estimated fiscal impact of the proposed law over the time
 5194 period or time periods determined by the Office of the Legislative Fiscal Analyst
 5195 to be most useful in understanding the estimated fiscal impact of the proposed law;
 5196 (ii) if the proposed law would increase taxes, decrease taxes, or impose a new tax, a

5197 dollar amount representing the total estimated increase or decrease for each type
 5198 of tax affected under the proposed law, a dollar amount showing the estimated
 5199 amount of a new tax, and a dollar amount representing the total estimated increase
 5200 or decrease in taxes under the proposed law;

5201 (iii) if the proposed law would increase a particular tax or tax rate, the tax percentage
 5202 difference and the tax percentage increase for each tax or tax rate increased;

5203 (iv) if the proposed law would result in the issuance or a change in the status of
 5204 bonds, notes, or other debt instruments, a dollar amount representing the total
 5205 estimated increase or decrease in public debt under the proposed law;

5206 (v) a dollar amount representing the estimated cost or savings, if any, to state or local
 5207 government entities under the proposed law;

5208 (vi) if the proposed law would increase costs to state government, a listing of all
 5209 sources of funding for the estimated costs; and

5210 (vii) a concise description and analysis titled "Funding Source," not to exceed 100
 5211 words for each funding source, of the funding source information described in
 5212 Subsection 20A-7-202(2)(e)(ii).

5213 (b) If the proposed law is estimated to have no fiscal impact, the Office of the Legislative
 5214 Fiscal Analyst shall include a summary statement in the initial fiscal impact statement in
 5215 substantially the following form:

5216 "The Office of the Legislative Fiscal Analyst estimates that the law proposed by this
 5217 initiative would have no significant fiscal impact and would not result in either an increase or
 5218 decrease in taxes or debt."

5219 (3) Within 25 calendar days after the day on which the lieutenant governor delivers a copy
 5220 of the initiative application, the Office of the Legislative Fiscal Analyst shall:

5221 (a) send a copy of the initial fiscal impact statement to the lieutenant governor's office;
 5222 and

5223 (b) send a copy of the initial fiscal impact statement to the first five sponsors named in
 5224 the initiative application.

5225 (4)(a)(i) Three or more of the sponsors of the initiative petition may, within 20
 5226 calendar days after the day on which the Office of the Legislative Fiscal Analyst
 5227 delivers the initial fiscal impact statement to the lieutenant governor's office, file a
 5228 petition with the appropriate court, alleging that the initial fiscal impact statement,
 5229 taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.

5230 (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send

5231 notice of the petition filed with the court to:
5232 (A) any person or group that has filed an argument with the lieutenant governor's
5233 office for or against the initiative that is the subject of the challenge; and
5234 (B) any political issues committee established under Section 20A-11-801 that has
5235 filed written or electronic notice with the lieutenant governor that identifies the
5236 name, mailing or email address, and telephone number of the person
5237 designated to receive notice about any issues relating to the initiative.

5238 (b)(i) There is a presumption that the initial fiscal impact statement prepared by the
5239 Office of the Legislative Fiscal Analyst is based upon reasonable assumptions,
5240 uses reasonable data, and applies accepted analytical methods to present the
5241 estimated fiscal impact of the initiative.

5242 (ii) The court may not revise the contents of, or direct the revision of, the initial fiscal
5243 impact statement unless the plaintiffs rebut the presumption by clear and
5244 convincing evidence that establishes that the initial fiscal impact statement, taken
5245 as a whole, is an inaccurate statement of the estimated fiscal impact of the
5246 initiative.

5247 (iii) The court may refer an issue related to the initial fiscal impact statement to a
5248 master to examine the issue and make a report in accordance with Utah Rules of
5249 Civil Procedure, Rule 53.

5250 (c) The court shall certify to the lieutenant governor a fiscal impact statement for the
5251 initiative that meets the requirements of this section.

5252 Section 67. Section **20A-7-204** is amended to read:

5253 **20A-7-204 . Manual initiative process -- Circulation requirements -- Lieutenant**
5254 **governor to provide sponsors with materials.**

5255 (1) This section applies only to the manual initiative process.

5256 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
5257 or an agent of the sponsors shall, after the sponsors receive the documents described in
5258 Subsection (3), circulate initiative packets that meet the form requirements of this part.

5259 (3) The lieutenant governor shall provide the sponsors with a copy of the initiative petition
5260 and a signature sheet [~~within three~~] no later than the first business day that is at least
5261 three calendar days after the day on which the following conditions are fulfilled:

5262 (a) the sponsors hold the final hearing required under Section 20A-7-204.1;

5263 (b) the sponsors provide to the Office of the Lieutenant Governor the video tape, audio
5264 tape, or comprehensive minutes described in Subsection 20A-7-204.1(4) for each

- 5265 public hearing described in Section 20A-7-204.1;
- 5266 (c)(i) the sponsors give written notice to the Office of the Lieutenant Governor that
- 5267 the sponsors waive the opportunity to change the text of the proposed law under
- 5268 Subsection 20A-7-204.1(5);
- 5269 (ii) the deadline, described in Subsection 20A-7-204.1(5)(a), for changing the text of
- 5270 the proposed law passes without the sponsors filing an application addendum in
- 5271 accordance with Subsection 20A-7-204.1(5); or
- 5272 (iii) if the sponsors file an application addendum in accordance with Subsection
- 5273 20A-7-204.1(5), the Office of the Legislative Fiscal Analyst provides to the Office
- 5274 of the Lieutenant Governor:
- 5275 (A) an updated initial fiscal impact statement, in accordance with Subsection
- 5276 20A-7-204.1(5)(b); or
- 5277 (B) a written notice indicating that no changes to the initial fiscal impact statement
- 5278 are necessary;
- 5279 (d)(i) the sponsors give written notice to the Office of the Lieutenant Governor that
- 5280 the sponsors waive the opportunity to:
- 5281 (A) challenge the initial fiscal impact statement in court; and
- 5282 (B) if applicable, challenge the updated initial fiscal impact statement in court;
- 5283 (ii) the deadline, described in Subsection 20A-7-202.5(4)(a)(i), for:
- 5284 (A) challenging the initial fiscal impact statement in court passes without the
- 5285 sponsors filing a petition to challenge; and
- 5286 (B) if applicable, challenging the updated initial fiscal impact statement in court
- 5287 passes without the sponsors filing a petition to challenge; or
- 5288 (iii) if the sponsors timely file a petition challenging the initial fiscal impact
- 5289 statement in court or, if applicable, the updated initial fiscal impact statement in
- 5290 court, and the court's decision becomes final; and
- 5291 (e) the sponsors sign an agreement, under Subsection (6)(a), with the Office of the
- 5292 Lieutenant Governor specifying the range of numbers that the sponsors will use to
- 5293 number the initiative packets.
- 5294 (4) The sponsors of the initiative shall:
- 5295 (a) arrange and pay for the printing of all documents that are part of the initiative
- 5296 packets; and
- 5297 (b) ensure that the initiative packets and the documents described in Subsection (4)(a)
- 5298 meet the requirements of this part.

- 5299 (5)(a) The sponsors or an agent of the sponsors may prepare the initiative packets for
5300 circulation by creating multiple initiative packets.
- 5301 (b) The sponsors or an agent of the sponsors shall create the initiative packets by binding
5302 a copy of the initiative petition with the text of the proposed law, including any
5303 modification made under Subsection 20A-7-204.1(5) and no more than 50 signature
5304 sheets together at the top in a manner that the initiative packets may be conveniently
5305 opened for signing.
- 5306 (c) An initiative packet is not required to have a uniform number of signature sheets.
- 5307 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 5308 (i) contact the lieutenant governor's office to receive a range of numbers that the
5309 sponsors may use to number initiative packets;
- 5310 (ii) sign an agreement with the Office of the Lieutenant Governor, specifying the
5311 range of numbers that the sponsors will use to number the initiative packets; and
- 5312 (iii) number each initiative packet, sequentially, within the range of numbers
5313 provided by the lieutenant governor's office, starting with the lowest number in
5314 the range.
- 5315 (b) The sponsors or an agent of the sponsors may not:
- 5316 (i) number an initiative packet in a manner not directed by the lieutenant governor's
5317 office; or
- 5318 (ii) circulate or submit an initiative packet that is not numbered in the manner
5319 directed by the lieutenant governor's office.

5320 Section 68. Section **20A-7-204.1** is amended to read:

5321 **20A-7-204.1 . Public hearings to be held before initiative petitions are circulated**

5322 **-- Changes to a proposed law or an initial fiscal impact statement.**

- 5323 (1)(a) After issuance of the initial fiscal impact statement by the Office of the
5324 Legislative Fiscal Analyst and before circulating initiative packets for signature
5325 statewide, sponsors of the initiative shall hold at least seven public hearings
5326 throughout Utah as follows:
- 5327 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;
- 5328 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
5329 County;
- 5330 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;
- 5331 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
5332 County;

- 5333 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;
- 5334 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and
- 5335 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
- 5336 County.
- 5337 (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of
- 5338 the public hearings in a first or second class county, but not in the same county.
- 5339 (c) The sponsors may not hold a public hearing described in this section until the later of:
- 5340 (i) ~~one~~ the day after the day on which a sponsor receives a copy of the initial fiscal
- 5341 impact statement under Subsection 20A-7-202.5(3)(b); or
- 5342 (ii) if three or more sponsors file a petition for an action challenging the accuracy of
- 5343 the initial fiscal impact statement under Section 20A-7-202.5, the day after the day
- 5344 on which the action is final.
- 5345 (2)(a) The sponsors shall, before 5 p.m. at least 10 calendar days before the date of the
- 5346 public hearing, provide written notice of the public hearing, including the date, time,
- 5347 and location of the public hearing:
- 5348 (i) to the lieutenant governor;
- 5349 (ii) to the county clerk of each county in the region where the public hearing will be
- 5350 held;
- 5351 (iii) each state senator, state representative, and county commission or county council
- 5352 member who is elected in whole or in part from the region where the public
- 5353 hearing will be held; and
- 5354 (iv) in accordance with Section 45-1-101, for at least three calendar days before the
- 5355 day of the public hearing.
- 5356 (b) The lieutenant governor shall post the notice described in Subsection (2)(a) on the
- 5357 lieutenant governor's website for at least three calendar days before the day of the
- 5358 public hearing.
- 5359 (c) The county clerk of each county in the region where the public hearing will be held:
- 5360 (i) shall post the notice described in Subsection (2)(a) for the county, as a class A
- 5361 notice under Section 63G-30-102, for at least three calendar days before the day of
- 5362 the public hearing; and
- 5363 (ii) may bill the sponsors of the initiative for the cost of preparing, printing, and
- 5364 posting the notice described in Subsection (2)(c)(i).
- 5365 (3) If the initiative proposes a tax increase, the written notice described in Subsection (2) shall
- 5366 include the following statement, in bold, in the same font and point size as the largest font and

5367 point size appearing in the notice:

5368 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
5369 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
5370 increase in the current tax rate."

5371 (4)(a) During the public hearing, the sponsors shall either:

5372 (i) video tape or audio tape the public hearing; or

5373 (ii) take comprehensive minutes of the public hearing, detailing the names and titles
5374 of each speaker and summarizing each speaker's comments.

5375 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
5376 public.

5377 (c) For each public hearing, the sponsors shall:

5378 (i) during the entire time that the public hearing is held, post a copy of the initial
5379 fiscal impact statement in a conspicuous location at the entrance to the room
5380 where the sponsors hold the public hearing; and

5381 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to
5382 public hearing attendees, in a conspicuous location at the entrance to the room
5383 where the sponsors hold the public hearing.

5384 (d) Regardless of whether an individual is present to observe or speak at a public hearing:

5385 (i) the sponsors may not end the public hearing until at least one hour after the public
5386 hearing begins; and

5387 (ii) the sponsors shall provide at least one hour at the public hearing that is open for
5388 public comment.

5389 (5)(a) Before 5 p.m. within [~~14~~] the first business day that is at least 14 calendar days

5390 after the day on which the sponsors conduct the seventh public hearing described in
5391 Subsection (1)(a), and before circulating an initiative signature packet for signatures,
5392 the sponsors of the initiative may change the text of the proposed law if:

5393 (i) a change to the text is:

5394 (A) germane to the text of the proposed law filed with the lieutenant governor
5395 under Section 20A-7-202; and

5396 (B) consistent with the requirements of Subsection 20A-7-202(5); and

5397 (ii) each sponsor signs, attested to by a notary public, an application addendum to
5398 change the text of the proposed law.

5399 (b)(i) Within three [~~working~~] business days after the day on which the lieutenant

5400 governor receives an application addendum to change the text of the proposed law

- 5401 for an initiative, the lieutenant governor shall submit a copy of the application
 5402 addendum to the Office of the Legislative Fiscal Analyst.
- 5403 (ii) The Office of the Legislative Fiscal Analyst shall:
- 5404 (A) update the initial fiscal impact statement, by following the procedures and
 5405 requirements of Section 20A-7-202.5 to reflect a change to the text of the
 5406 proposed law[-]; or
- 5407 (B) provide written notice to the Office of the Lieutenant Governor indicating that
 5408 no changes to the initial fiscal impact statement are necessary.

5409 Section 69. Section **20A-7-207** is amended to read:

5410 **20A-7-207 . Evaluation by the lieutenant governor.**

- 5411 (1) In relation to the manual initiative process, when the lieutenant governor receives an
 5412 initiative packet from a county clerk, the lieutenant governor shall record the number of
 5413 the initiative packet received.
- 5414 (2) The county clerk shall:
- 5415 (a) in relation to the manual initiative process:
- 5416 (i) post the names, voter identification numbers, and dates of signatures described in
 5417 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
 5418 conspicuous location designated by the lieutenant governor:
- 5419 (A) for an initiative packet received by the county clerk before December 1, for at
 5420 least 90 calendar days; or
- 5421 (B) for an initiative packet received by the county clerk on or after December 1,
 5422 for at least 45 calendar days; and
- 5423 (ii) update on the lieutenant governor's website the number of signatures certified as
 5424 of the date of the update; or
- 5425 (b) in relation to the electronic initiative process:
- 5426 (i) post the names, voter identification numbers, and dates of signatures described in
 5427 Subsection 20A-7-217(4) on the lieutenant governor's website, in a conspicuous
 5428 location designated by the lieutenant governor:
- 5429 (A) for a signature received by the county clerk before December 1, for at least 90
 5430 calendar days; or
- 5431 (B) for a signature received by the county clerk on or after December 1, for at
 5432 least 45 calendar days; and
- 5433 (ii) update on the lieutenant governor's website the number of signatures certified as
 5434 of the date of the update.

- 5435 (3) The lieutenant governor:
- 5436 (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be
- 5437 sufficient or insufficient on April 30 before the regular general election described in
- 5438 Subsection 20A-7-201(2)(b); or
- 5439 (b) may declare the initiative petition to be insufficient before the day described in
- 5440 Subsection (3)(a) if:
- 5441 (i) in relation to the manual initiative process, the total of all valid signatures on
- 5442 timely and lawfully submitted initiative packets that have been certified by the
- 5443 county clerks, plus the number of signatures on timely and lawfully submitted
- 5444 initiative packets that have not yet been evaluated for certification, is less than the
- 5445 number of names required under Section 20A-7-201;
- 5446 (ii) in relation to the electronic initiative process, the total of all timely and lawfully
- 5447 submitted valid signatures that have been certified by the county clerks, plus the
- 5448 number of timely and lawfully submitted valid signatures received under
- 5449 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
- 5450 less than the number of names required under Section 20A-7-201; or
- 5451 (iii) a requirement of this part has not been met.
- 5452 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
- 5453 number of names required under Section 20A-7-201, and the requirements of this
- 5454 part are met, the lieutenant governor shall mark upon the front of the initiative
- 5455 petition the word "sufficient."
- 5456 (b) If the total number of names certified under Subsection (3) does not equal or exceed
- 5457 the number of names required under Section 20A-7-201 or a requirement of this part
- 5458 is not met, the lieutenant governor shall mark upon the front of the initiative petition
- 5459 the word "insufficient."
- 5460 (c) The lieutenant governor shall immediately notify any one of the sponsors of the
- 5461 lieutenant governor's finding.
- 5462 (5) After an initiative petition is declared insufficient, a person may not submit additional
- 5463 signatures to qualify the initiative for the ballot.
- 5464 (6)(a) If the lieutenant governor refuses to declare an initiative petition sufficient that a
- 5465 voter believes is legally sufficient, the voter may, no later than May 15, apply to the
- 5466 appropriate court for an order finding the initiative petition legally sufficient.
- 5467 (b) If the court determines that the initiative petition is legally sufficient, the lieutenant
- 5468 governor shall mark the petition "sufficient" and consider the declaration of

5469 sufficiency effective as of the date on which the initiative petition should have been
5470 declared sufficient by the lieutenant governor's office.

5471 (c) If the court determines that the initiative petition is not legally sufficient, the court
5472 may enjoin the lieutenant governor and all other officers from certifying or printing
5473 the ballot title and numbers of that measure on the official ballot.

5474 (7) An initiative petition determined to be sufficient in accordance with this section is
5475 qualified for the ballot.

5476 Section 70. Section **20A-7-211** is amended to read:

5477 **20A-7-211 . Return and canvass -- Conflicting measures -- Law effective on**
5478 **proclamation.**

5479 (1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and
5480 delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing Returns~~] Chapter 4,
5481 Part 3, Canvassing Returns.

5482 (2) After the state board of canvassers completes the canvass, the lieutenant governor shall
5483 certify to the governor the vote for and against the law proposed by the initiative petition.

5484 (3)(a) The governor shall immediately issue a proclamation that:

5485 (i) gives the total number of votes cast in the state for and against each law proposed
5486 by an initiative petition; and

5487 (ii) declares those laws proposed by an initiative petition that are approved by
5488 majority vote to be in full force and effect on the date described in Subsection
5489 20A-7-212(2).

5490 (b) When the governor believes that two proposed laws, or that parts of two proposed
5491 laws approved by the people at the same election are entirely in conflict, the governor
5492 shall proclaim as law the initiative that receives the greatest number of affirmative
5493 votes, regardless of the difference in the majorities which those initiatives receive.

5494 (c) Within 10 days after the day of the governor's proclamation, any qualified voter who
5495 signed the initiative petition proposing the law that is declared by the governor to be
5496 superseded by another initiative approved at the same election may bring an action in
5497 the appropriate court to review the governor's decision.

5498 (4) Within 10 calendar days after the day on which the court issues an order in an action
5499 described in Subsection (3)(c), the governor shall:

5500 (a) proclaim as law all initiatives approved by the people that the court determines are
5501 not entirely in conflict; and

5502 (b) of the initiatives approved by the people that the court determines to be entirely in

5503 conflict, proclaim as law, regardless of the difference in majorities, the law that
5504 receives the greatest number of affirmative votes, to be in full force and effect on the
5505 date described in Subsection 20A-7-212(2).

5506 Section 71. Section **20A-7-212** is amended to read:

5507 **20A-7-212 . Effective date.**

5508 (1) A proposed law submitted to the Legislature by initiative petition and passed by the
5509 Legislature takes effect 60 calendar days after the last day of the session of the
5510 Legislature in which the law passed, unless:

5511 (a) a later effective date is included in the proposed law; or

5512 (b) an earlier effective date is included in the proposed law and the proposed law passes
5513 the Legislature by a two-thirds vote of the members elected to each house of the
5514 Legislature.

5515 (2) A proposed law submitted to the people by initiative petition that is approved by the
5516 voters at an election takes effect:

5517 (a) except as provided in Subsections (2)(b) through (e), on the day that is 60 calendar
5518 days after the last day of the general session of the Legislature next following the
5519 election;

5520 (b) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax
5521 increase:

5522 (i) except as provided in Subsection (2)(b)(ii), January 1 of the year after the general
5523 session of the Legislature next following the election; or

5524 (ii) at the beginning of the applicable taxable year that begins on or after January 1 of
5525 the year after the general session of the Legislature next following the election, for
5526 a tax described in:

5527 (A) Title 59, Chapter 6, Mineral Production Tax Withholding;

5528 (B) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

5529 (C) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required
5530 to Pay Corporate Franchise or Income Tax Act; or

5531 (D) Title 59, Chapter 10, Individual Income Tax Act;

5532 (c) except as provided in Subsection (2)(d) or (e), if the proposed law effectuates a tax
5533 decrease:

5534 (i) except as provided in Subsection (2)(c)(ii), April 1 immediately following the
5535 election; or

5536 (ii) for a tax described in Subsection (2)(b)(ii)(A) through (D), at the beginning of the

- 5537 applicable taxable year that begins on or after January 1 immediately following
5538 the election;
- 5539 (d) except as provided in Subsection (2)(e), January 1 of the year after the general
5540 session of the Legislature next following the election, if the proposed law effectuates
5541 a change in a tax described in:
- 5542 (i) Title 59, Chapter 2, Property Tax Act;
5543 (ii) Title 59, Chapter 3, Tax Equivalent Property Act; or
5544 (iii) Title 59, Chapter 4, Privilege Tax; or
- 5545 (e) if the proposed law specifies a special effective date that is after the otherwise
5546 applicable effective date described in Subsections (2)(a) through (d), the date
5547 specified in the proposed law.
- 5548 (3)(a) The governor may not veto a law adopted by the people.
- 5549 (b) The Legislature may amend any initiative approved by the people at any legislative
5550 session.
- 5551 Section 72. Section **20A-7-214** is amended to read:
- 5552 **20A-7-214 . Fiscal review -- Repeal, amendment, or resubmission.**
- 5553 (1) No later than 60 calendar days after the date of an election in which the voters approve
5554 an initiative, the Office of the Legislative Fiscal Analyst shall:
- 5555 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
5556 using current financial information and containing the information required by
5557 Subsection 20A-7-202.5(2); and
- 5558 (b) deliver a copy of the final fiscal impact statement to:
- 5559 (i) the president of the Senate;
5560 (ii) the minority leader of the Senate;
5561 (iii) the speaker of the House of Representatives;
5562 (iv) the minority leader of the House of Representatives; and
5563 (v) the first five sponsors listed on the initiative application.
- 5564 (2) If the final fiscal impact statement exceeds the estimate in the initial fiscal impact
5565 statement by 25% or more, the Legislature shall review the final fiscal impact statement
5566 and may, in any legislative session following the election in which the voters approve
5567 the initiative:
- 5568 (a) repeal the law established by passage of the initiative;
5569 (b) amend the law established by passage of the initiative; or
5570 (c) pass a joint or concurrent resolution informing the voters that they may file an

- 5571 initiative petition to repeal the law enacted by passage of the initiative.
- 5572 Section 73. Section **20A-7-216** is amended to read:
- 5573 **20A-7-216 . Electronic initiative process -- Obtaining signatures -- Request to**
- 5574 **remove signature.**
- 5575 (1) This section applies to the electronic initiative process.
- 5576 (2) A Utah voter may sign an initiative petition if the voter is a legal voter.
- 5577 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
- 5578 individual:
- 5579 (a) verifies that the individual is at least 18 years old and meets the residency
- 5580 requirements of Section 20A-2-105; and
- 5581 (b) is informed that each signer is required to read and understand the law proposed by
- 5582 the initiative.
- 5583 (4) A voter who signs an initiative petition may have the voter's signature removed from the
- 5584 initiative petition by, in accordance with Section 20A-1-1003, submitting to the county
- 5585 clerk a statement requesting that the voter's signature be removed before 5 p.m. no later
- 5586 than the earlier of:
- 5587 (a) for an electronic signature gathered before December 1:
- 5588 (i) ~~[30]~~ the first business day that is at least 30 calendar days after the day on which
- 5589 the voter signs the signature removal statement; or
- 5590 (ii) ~~[90]~~ the first business day that is at least 90 calendar days after the day on which
- 5591 the county clerk posts the voter's name under Subsection 20A-7-217(4); or
- 5592 (b) for an electronic signature gathered on or after December 1:
- 5593 (i) ~~[30]~~ the first business day that is at least 30 calendar days after the day on which
- 5594 the voter signs the signature removal statement; or
- 5595 (ii) ~~[45]~~ the first business day that is at least 45 calendar days after the day on which
- 5596 the county clerk posts the voter's name under Subsection 20A-7-217(4).
- 5597 (5)(a) A voter may not submit a signature removal statement described in Subsection (4)
- 5598 by email or other electronic means, unless the lieutenant governor establishes a
- 5599 signature removal process that is consistent with the requirements of this section and
- 5600 Section 20A-21-201.
- 5601 (b) A person may only remove an electronic signature from an initiative petition in
- 5602 accordance with this section.
- 5603 (c) A county clerk shall analyze a holographic signature, for purposes of removing an
- 5604 electronic signature from an initiative petition, in accordance with Subsection

5605 20A-1-1003(3).

5606 Section 74. Section **20A-7-217** is amended to read:

5607 **20A-7-217 . Electronic initiative process -- Collecting signatures -- Email**
 5608 **notification -- Removal of signatures.**

5609 (1) This section applies only to the electronic initiative process.

5610 (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:

5611 (a) ~~[316]~~ the last business day that is no more than 316 calendar days after the day on
 5612 which the initiative application is filed; or

5613 (b) the February 15 immediately before the next regular general election immediately
 5614 after the initiative application is filed under Section 20A-7-202.

5615 (3) The lieutenant governor shall send to each individual who provides a valid email
 5616 address during the signature-gathering process an email that includes the following:

5617 (a) the subject of the email shall include the following statement, "Notice Regarding
 5618 Your Petition Signature"; and

5619 (b) the body of the email shall include the following statement in 12-point type:

5620 "You signed a petition for the following initiative:

5621 [insert title of initiative]

5622 To access a copy of the initiative petition, the text of the law proposed by the initiative,
 5623 the fiscal impact statement, and information on the deadline for removing your signature from
 5624 the initiative petition, please visit the following link: [insert a uniform resource locator that
 5625 takes the individual directly to the page on the lieutenant governor's website that includes the
 5626 information referred to in the email]."

5627 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
 5628 after the day on which the signature of an individual who signs an initiative petition is
 5629 certified under Section 20A-21-201, post the name, voter identification number, and date
 5630 of signature of the individual on the lieutenant governor's website, in a conspicuous
 5631 location designated by the lieutenant governor.

5632 (5)(a) If the county clerk timely receives a statement requesting signature removal under
 5633 Subsection 20A-7-216(4), the county clerk shall:

5634 (i) ensure that the voter's name, voter identification number, and date of signature are
 5635 not included in the posting described in Subsection (4); and

5636 (ii) remove the voter's signature from the initiative petition and the initiative petition
 5637 signature totals.

5638 (b) The county clerk shall comply with Subsection (5)(a) before the later of:

- 5639 (i) the deadline described in Subsection (4); or
5640 (ii) two business days after the day on which the county clerk receives a statement
5641 requesting signature removal under Subsection 20A-7-216(4).

5642 Section 75. Section **20A-7-302** is amended to read:

5643 **20A-7-302 . Referendum process -- Application procedures.**

- 5644 (1) Individuals wishing to circulate a referendum petition shall file a referendum
5645 application with the lieutenant governor [~~before 5 p.m. within~~] no later than 5 p.m. on the
5646 first business day that is at least five calendar days after the day on which the legislative
5647 session at which the law passed ends.
- 5648 (2) The referendum application shall include:
- 5649 (a) the name and residence address of at least five sponsors of the referendum petition;
5650 (b) a statement indicating that each of the sponsors is registered to vote in Utah;
5651 (c) a statement indicating whether persons gathering signatures for the referendum
5652 petition may be paid for gathering signatures;
5653 (d) the signature of each of the sponsors, attested to by a notary public; and
5654 (e) a copy of the law that is the subject of the proposed referendum.

5655 Section 76. Section **20A-7-304** is amended to read:

5656 **20A-7-304 . Manual referendum process -- Circulation requirements --**

5657 **Lieutenant governor to provide sponsors with materials.**

- 5658 (1) This section applies only to the manual referendum process.
- 5659 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
5660 or an agent of the sponsors shall, after the sponsors receive the documents described in
5661 Subsection (3), circulate referendum packets that meet the form requirements of this part.
- 5662 (3) The lieutenant governor shall provide the sponsors with a copy of the referendum
5663 petition and a signature sheet [~~within three~~] no later than the first business day that is at
5664 least five calendar days after the day on which the sponsors sign an agreement, under
5665 Subsection (6)(a), with the Office of the Lieutenant Governor specifying the range of
5666 numbers that the sponsors will use to number the referendum packets.
- 5667 (4) The sponsors of the referendum petition shall:
- 5668 (a) arrange and pay for the printing of all documents that are part of the referendum
5669 packets; and
5670 (b) ensure that the referendum packets and the documents described in Subsection (4)(a)
5671 meet the form requirements of this section.
- 5672 (5)(a) The sponsors or an agent of the sponsors may prepare the referendum packets for

- 5673 circulation by creating multiple referendum packets.
- 5674 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding
5675 a copy of the referendum petition with the text of the law that is the subject of the
5676 referendum and no more than 50 signature sheets together at the top in a manner that
5677 the referendum packets may be conveniently opened for signing.
- 5678 (c) A referendum packet is not required to have a uniform number of signature sheets.
- 5679 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:
- 5680 (i) contact the lieutenant governor's office to receive a range of numbers that the
5681 sponsors may use to number referendum packets;
- 5682 (ii) sign an agreement with the Office of the Lieutenant Governor, specifying the
5683 range of numbers that the sponsor will use to number the referendum packets; and
- 5684 (iii) number each referendum packet, sequentially, within the range of numbers
5685 provided by the lieutenant governor's office, starting with the lowest number in
5686 the range.
- 5687 (b) The sponsors or an agent of the sponsors may not:
- 5688 (i) number a referendum packet in a manner not directed by the lieutenant governor's
5689 office; or
- 5690 (ii) circulate or submit a referendum packet that is not numbered in the manner
5691 directed by the lieutenant governor's office.

5692 Section 77. Section **20A-7-307** is amended to read:

5693 **20A-7-307 . Evaluation by the lieutenant governor.**

- 5694 (1) In relation to the manual referendum process, when the lieutenant governor receives a
5695 referendum packet from a county clerk, the lieutenant governor shall record the number
5696 of the referendum packet received.
- 5697 (2) The county clerk shall:
- 5698 (a) in relation to the manual referendum process:
- 5699 (i) post the names, voter identification numbers, and dates of signatures described in
5700 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
5701 conspicuous location designated by the lieutenant governor, for at least 45
5702 calendar days; and
- 5703 (ii) update on the lieutenant governor's website the number of signatures certified as
5704 of the date of the update; or
- 5705 (b) in relation to the electronic referendum process:
- 5706 (i) post the names, voter identification numbers, and dates of signatures described in

5707 Subsection 20A-7-315(4) on the lieutenant governor's website, in a conspicuous
5708 location designated by the lieutenant governor, for at least 45 calendar days; and
5709 (ii) update on the lieutenant governor's website the number of signatures certified as
5710 of the date of the update.

5711 (3) The lieutenant governor:

5712 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
5713 sufficient or insufficient 106 calendar days after the end of the legislative session at
5714 which the law passed; or

5715 (b) may declare the referendum petition to be insufficient before the day described in
5716 Subsection (3)(a) if:

5717 (i) in relation to the manual referendum process, the total of all valid signatures on
5718 timely and lawfully submitted referendum packets that have been certified by the
5719 county clerks, plus the number of signatures on timely and lawfully submitted
5720 referendum packets that have not yet been evaluated for certification, is less than
5721 the number of names required under Section 20A-7-301;

5722 (ii) in relation to the electronic referendum process, the total of all timely and
5723 lawfully submitted valid signatures that have been certified by the county clerks,
5724 plus the number of timely and lawfully submitted valid signatures received under
5725 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
5726 less than the number of names required under Section 20A-7-301; or

5727 (iii) a requirement of this part has not been met.

5728 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
5729 number of names required under Section 20A-7-301, and the requirements of this
5730 part are met, the lieutenant governor shall mark upon the front of the referendum
5731 petition the word "sufficient."

5732 (b) If the total number of names certified under Subsection (3) does not equal or exceed
5733 the number of names required under Section 20A-7-301 or a requirement of this part
5734 is not met, the lieutenant governor shall mark upon the front of the referendum
5735 petition the word "insufficient."

5736 (c) The lieutenant governor shall immediately notify any one of the sponsors of the
5737 lieutenant governor's finding.

5738 (d) After a referendum petition is declared insufficient, a person may not submit
5739 additional signatures to qualify the referendum for the ballot.

5740 (5)(a) If the lieutenant governor refuses to declare a referendum petition sufficient that a

5741 voter believes is legally sufficient, the voter may, no later than 10 days after the day
 5742 on which the lieutenant governor declares the petition insufficient, apply to the
 5743 appropriate court for an order finding the referendum petition legally sufficient.

5744 (b) If the court determines that the referendum petition is legally sufficient, the
 5745 lieutenant governor shall mark the referendum petition "sufficient" and consider the
 5746 declaration of sufficiency effective as of the date on which the referendum petition
 5747 should have been declared sufficient by the lieutenant governor's office.

5748 (c) If the court determines that a referendum petition filed is not legally sufficient, the
 5749 court may enjoin the lieutenant governor and all other officers from certifying or
 5750 printing the ballot title and numbers of that measure on the official ballot.

5751 (6) A referendum petition determined to be sufficient in accordance with this section is
 5752 qualified for the ballot.

5753 Section 78. Section **20A-7-308** is amended to read:

5754 **20A-7-308 . Short title and summary of referendum -- Duties of lieutenant**
 5755 **governor and Office of Legislative Research and General Counsel.**

5756 (1) Whenever a referendum petition is declared sufficient for submission to a vote of the
 5757 people, the lieutenant governor shall deliver a copy of the referendum petition and the
 5758 law to which the referendum relates to the Office of Legislative Research and General
 5759 Counsel.

5760 (2)(a) The Office of Legislative Research and General Counsel shall:

5761 (i) entitle each statewide referendum that qualifies for the ballot "Proposition Number
 5762 ___" and assign a number to the referendum in accordance with Section 20A-6-107;

5763 (ii) prepare for each referendum:

5764 (A) an impartial short title, not exceeding 25 words, that generally describes the
 5765 law to which the referendum relates; and

5766 (B) an impartial summary of the contents of the law to which the referendum
 5767 relates, not exceeding 125 words; and

5768 (iii) submit the short title and summary to the lieutenant governor within 15 calendar
 5769 days after the day on which the Office of Legislative Research and General
 5770 Counsel receives the petition under Subsection (1).

5771 (b) The short title and summary may be distinct from the title of the law that is the
 5772 subject of the referendum.

5773 (c) Subject to Subjection (4), for each statewide referendum, the official ballot shall
 5774 show, in the following order:

- 5775 (i) the number of the referendum, determined in accordance with Section 20A-6-107;
5776 (ii) the short title; and
5777 (iii) except as provided in Subsection (2)(d):
5778 (A) the summary;
5779 (B) a copy of the law; and
5780 (C) a link to a location on the lieutenant governor's website where a voter may
5781 review additional information relating to each referendum, including the
5782 information described in Subsection 20A-7-302(2) and the arguments relating
5783 to the referendum that are included in the voter information pamphlet.
- 5784 (d) Unless the information described in Subsection (2)(c)(iii) is shown on the official
5785 ballot, the election officer shall include with the ballot a separate ballot proposition
5786 insert that includes the short title and summary for each referendum on the ballot and
5787 a link to a location on the lieutenant governor's website where a voter may review the
5788 additional information described in Subsection (2)(c)(iii)(C).
- 5789 (e) Unless the information described in Subsection 20A-7-209(2)(d)(iii) for all initiatives
5790 on the ballot, and the information described in Subsection (2)(c)(iii) for all referenda
5791 on the ballot, is printed on the ballot, the ballot shall include the following statement
5792 at the beginning of the portion of the ballot that includes ballot measures, "The ballot
5793 proposition sheet included with this ballot contains an impartial summary of each
5794 initiative and referendum on this ballot, unless the summary is printed directly on the
5795 ballot."
- 5796 (3) Immediately after the Office of Legislative Research and General Counsel submits the
5797 short title and summary to the lieutenant governor, the lieutenant governor shall mail or
5798 email a copy of the short title and summary to any of the sponsors of the referendum
5799 petition.
- 5800 (4)(a)(i) At least three of the sponsors of the referendum petition may, within 15 days
5801 after the day on which the lieutenant governor sends the short title and summary,
5802 challenge the wording of the short title and summary prepared by the Office of
5803 Legislative Research and General Counsel to the appropriate court.
- 5804 (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send
5805 notice of the appeal to:
5806 (A) any person or group that has filed an argument for or against the law to which
5807 the referendum relates; and
5808 (B) any political issues committee established under Section 20A-11-801 that has

5809 filed written or electronic notice with the lieutenant governor that identifies the
 5810 name, mailing or email address, and telephone number of the person
 5811 designated to receive notice about any issues relating to the referendum.

5812 (b)(i) There is a presumption that the short title prepared by the Office of Legislative
 5813 Research and General Counsel is an impartial description of the contents of the
 5814 referendum.

5815 (ii) The court may not revise the wording of the short title unless the plaintiffs rebut
 5816 the presumption by clearly and convincingly establishing that the short title is
 5817 false or biased.

5818 (iii) There is a presumption that the summary prepared by the Office of Legislative
 5819 Research and General Counsel is an impartial summary of the contents of the law
 5820 to which the referendum relates.

5821 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut
 5822 the presumption by clearly and convincingly establishing that the summary is
 5823 false or biased.

5824 (c) The court shall:

5825 (i) examine the short title and summary;

5826 (ii) hear arguments; and

5827 (iii) enter an order consistent with the requirements of this section.

5828 (d) The lieutenant governor shall, in accordance with the court's order, certify the short
 5829 title and summary to the county clerks for inclusion in the ballot or ballot proposition
 5830 insert, as required by this section.

5831 Section 79. Section **20A-7-310** is amended to read:

5832 **20A-7-310 . Return and canvass -- Conflicting measures.**

5833 (1) The votes on the law that is the subject of the referendum petition shall be counted,
 5834 canvassed, and delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing~~
 5835 ~~Returns~~] Chapter 4, Part 3, Canvassing Returns.

5836 (2) After the state board of canvassers completes its canvass, the lieutenant governor shall
 5837 certify to the governor the vote for and against the law that is the subject of the
 5838 referendum petition.

5839 (3)(a) The governor shall immediately issue a proclamation that:

5840 (i) gives the total number of votes cast in the state for and against each law that is the
 5841 subject of a referendum petition; and

5842 (ii) declares those laws that are the subject of a referendum petition that are approved

5843 by majority vote to be in full force and effect as the law of Utah on the effective
5844 date described in Section 20A-7-311.

5845 (b) When the governor determines that two laws, or that parts of two laws approved by
5846 the people at the same election are entirely in conflict, the governor shall proclaim to
5847 be law the law that received the greatest number of affirmative votes, regardless of
5848 the difference in the majorities which those approved laws received.

5849 (4)(a) Within 10 days after the day on which the governor issues the proclamation
5850 described in Subsection (3), any qualified voter who signed the referendum petition
5851 for the law that is declared by the governor to be superseded by another law approved
5852 at the same election may apply to the appropriate court to review the governor's
5853 decision.

5854 (b) The court shall:

5855 (i) consider the matter and decide whether the approved laws are in conflict; and
5856 (ii) enter an order consistent with the court's decision.

5857 (5) Within 10 calendar days after the day on which the court enters an order described in
5858 Subsection (4)(b)(ii), the governor shall:

5859 (a) proclaim as law all those laws approved by the people that the court determines are
5860 not in conflict; and

5861 (b) of all those laws approved by the people as law that the court determines to be in
5862 conflict, proclaim as law the one that receives the greatest number of affirmative
5863 votes, regardless of difference in majorities.

5864 Section 80. Section **20A-7-311** is amended to read:

5865 **20A-7-311 . Temporary stay -- Effective date -- Effect of repeal by Legislature.**

5866 (1) If, at the time during the counting period described in Section 20A-7-307, the lieutenant
5867 governor determines that, at that point in time, an adequate number of signatures are
5868 certified to comply with the signature requirements, the lieutenant governor shall:

5869 (a) issue an order temporarily staying the law from going into effect; and

5870 (b) continue the process of certifying signatures and removing signatures as required by
5871 this part.

5872 (2) The temporary stay described in Subsection (1) remains in effect, regardless of whether
5873 a future count falls below the signature threshold, until[~~the day on which~~]:

5874 (a) if the lieutenant governor declares the referendum petition insufficient, five calendar
5875 days after the day on which the lieutenant governor declares the referendum petition
5876 insufficient; or

- 5877 (b) if the lieutenant governor declares the referendum petition sufficient, the day on
 5878 which governor issues the proclamation described in Section 20A-7-310.
- 5879 (3) A law submitted to the people by referendum that is approved by the voters at an
 5880 election takes effect the later of:
- 5881 (a) five calendar days after the date of the official proclamation of the vote by the
 5882 governor; or
- 5883 (b) the effective date specified in the approved law.
- 5884 (4) If, after the lieutenant governor issues a temporary stay order under Subsection (1)(a),
 5885 the lieutenant governor declares the referendum petition insufficient, the law that is the
 5886 subject of the referendum petition takes effect the later of:
- 5887 (a) five calendar days after the day on which the lieutenant governor declares the
 5888 referendum petition insufficient; or
- 5889 (b) the effective date specified in the law that is the subject of the referendum petition.
- 5890 (5)(a) The governor may not veto a law approved by the people.
- 5891 (b) The Legislature may amend any laws approved by the people at any legislative
 5892 session after the people approve the law.
- 5893 (6) If the Legislature repeals a law challenged by referendum petition under this part, the
 5894 referendum petition is void and no further action on the referendum petition is required.
- 5895 Section 81. Section **20A-7-314** is amended to read:
- 5896 **20A-7-314 . Electronic referendum process -- Obtaining signatures -- Request to**
 5897 **remove signature.**
- 5898 (1) This section applies to the electronic referendum process.
- 5899 (2) A Utah voter may sign a referendum petition if the voter is a legal voter.
- 5900 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
 5901 individual:
- 5902 (a) verifies that the individual is at least 18 years old and meets the residency
 5903 requirements of Section 20A-2-105; and
- 5904 (b) is informed that each signer is required to read and understand the law that is the
 5905 subject of the referendum petition.
- 5906 (4) A voter who signs a referendum petition may have the voter's signature removed from
 5907 the referendum petition by, in accordance with Section 20A-1-1003, submitting to the
 5908 county clerk a statement requesting that the voter's signature be removed before 5 p.m.
 5909 no later than the earlier of:
- 5910 (a) the first business day that is at least 30 calendar days after the day on which the voter

5911 signs the statement requesting removal; or
5912 (b) the first business day that is at least 45 calendar days after the day on which the
5913 lieutenant governor posts the voter's name under Subsection 20A-7-315(4).

5914 (5)(a) A voter may not submit a signature removal statement described in Subsection (4)
5915 by email or other electronic means, unless the lieutenant governor establishes a
5916 signature removal process that is consistent with the requirements of this section and
5917 Section 20A-21-201.

5918 (b) A person may only remove an electronic signature from a referendum petition in
5919 accordance with this section.

5920 (c) A county clerk shall analyze a holographic signature, for purposes of removing an
5921 electronic signature from a referendum petition, in accordance with Subsection
5922 20A-1-1003(3).

5923 Section 82. Section **20A-7-315** is amended to read:

5924 **20A-7-315 . Electronic referendum process -- Collecting signatures -- Removal of**
5925 **signatures.**

5926 (1) This section applies only to the electronic referendum process.

5927 (2) A signature-gatherer may not collect a signature after 5 p.m., 40 calendar days after the
5928 day on which the legislative session at which the law passed ends.

5929 (3) The lieutenant governor shall send to each individual who provides a valid email
5930 address during the signature-gathering process an email that includes the following:

5931 (a) the subject of the email shall include the following statement, "Notice Regarding
5932 Your Petition Signature"; and

5933 (b) the body of the email shall include the following statement in 12-point type:

5934 "You signed a petition for the following referendum:

5935 [insert title of referendum]

5936 To access a copy of the referendum petition, the law that is the subject of the referendum
5937 petition, and information on the deadline for removing your signature from the referendum
5938 petition, please visit the following link: [insert a uniform resource locator that takes the
5939 individual directly to the page on the lieutenant governor's website that includes the
5940 information referred to in the email]."

5941 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
5942 after the day on which the signature of an individual who signs a referendum petition is
5943 certified under Section 20A-21-201, post the name, voter identification number, and date
5944 of signature of the individual on the lieutenant governor's website, in a conspicuous

- 5945 location designated by the lieutenant governor.
- 5946 (5)(a) If the county clerk timely receives a statement requesting signature removal under
5947 Subsection 20A-7-314(4), the county clerk shall:
- 5948 (i) ensure that the voter's name, voter identification number, and date of signature are
5949 not included in the posting described in Subsection (4); and
- 5950 (ii) remove the voter's signature from the referendum petition and the signature totals.
- 5951 (b) The county clerk shall comply with Subsection (5)(a) before the later of:
- 5952 (i) the deadline described in Subsection (4); or
- 5953 (ii) two business days after the day on which the county clerk receives a statement
5954 requesting signature removal under Subsection 20A-7-314(4).
- 5955 Section 83. Section **20A-7-401.5** is amended to read:
- 5956 **20A-7-401.5 . Proposition information pamphlet.**
- 5957 (1)(a)(i) Within 15 calendar days after the day on which an eligible voter files an
5958 application to circulate an initiative petition under Section 20A-7-502 or an
5959 application to circulate a referendum petition under Section 20A-7-602:
- 5960 (A) the sponsors of the proposed initiative or referendum may electronically
5961 submit a written argument in favor of the proposed initiative or referendum to
5962 the election officer of the county or municipality to which the petition relates;
5963 and
- 5964 (B) the county or municipality to which the application relates may electronically
5965 submit a written argument in favor of, or against, the proposed initiative or
5966 referendum to the county's or municipality's election officer.
- 5967 (ii) If a county or municipality submits more than one written argument under
5968 Subsection (1)(a)(i)(B), the election officer shall select one of the written
5969 arguments, giving preference to a written argument submitted by a member of a
5970 local legislative body if a majority of the local legislative body supports the
5971 written argument.
- 5972 (b) Within one business day after the day on which an election officer receives an
5973 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of
5974 the argument to the county or municipality described in Subsection (1)(a)(i)(B) or
5975 (1)(a)(ii), as applicable.
- 5976 (c) Within one business day after the date on which an election officer receives an
5977 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of
5978 the argument to the first three sponsors of the proposed initiative or referendum

- 5979 described in Subsection (1)(a)(i)(A).
- 5980 (d) The sponsors of the proposed initiative or referendum may electronically submit a
- 5981 revised version of the written argument described in Subsection (1)(a)(i)(A) to the
- 5982 election officer of the county or municipality to which the petition relates within 20
- 5983 calendar days after the day on which the eligible voter files an application to circulate
- 5984 an initiative petition under Section 20A-7-502 or an application to circulate a
- 5985 referendum petition under Section 20A-7-602.
- 5986 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by a
- 5987 county or municipality may electronically submit a revised version of the written
- 5988 argument to the county's or municipality's election officer within 20 calendar days
- 5989 after the day on which the eligible voter files an application to circulate an initiative
- 5990 petition under Section 20A-7-502 or an application to circulate a referendum petition
- 5991 under Section 20A-7-602.
- 5992 (2)(a) A written argument described in Subsection (1) may not exceed 500 words.
- 5993 (b) Except as provided in Subsection (2)(c), a person may not modify a written argument
- 5994 described in Subsection (1)(d) or (e) after the written argument is submitted to the
- 5995 election officer.
- 5996 (c) The election officer and the person that submits the written argument described in
- 5997 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:
- 5998 (i) correct factual, grammatical, or spelling errors; or
- 5999 (ii) reduce the number of words to come into compliance with Subsection (2)(a).
- 6000 (d) An election officer shall refuse to include a written argument in the proposition
- 6001 information pamphlet described in this section if the person who submits the
- 6002 argument:
- 6003 (i) fails to negotiate, in good faith, to modify the argument in accordance with
- 6004 Subsection (2)(c); or
- 6005 (ii) does not timely submit the written argument to the election officer.
- 6006 (e) An election officer shall make a good faith effort to negotiate a modification
- 6007 described in Subsection (2)(c) in an expedited manner.
- 6008 (3) An election officer who receives a written argument described in Subsection (1) shall
- 6009 prepare a proposition information pamphlet for publication that includes:
- 6010 (a) a copy of the application for the proposed initiative or referendum;
- 6011 (b) except as provided in Subsection (2)(d), immediately after the copy described in
- 6012 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or

- 6013 referendum, if any;
- 6014 (c) except as provided in Subsection (2)(d), immediately after the argument described in
6015 Subsection (3)(b), the argument prepared by the county or municipality, if any; and
- 6016 (d) a copy of the initial fiscal impact statement and legal impact statement described in
6017 Section 20A-7-502.5 or 20A-7-602.5.
- 6018 (4)(a) A proposition information pamphlet is a draft for purposes of Title 63G, Chapter
6019 2, Government Records Access and Management Act, until the earlier of when the
6020 election officer:
- 6021 (i) complies with Subsection (4)(b); or
- 6022 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).
- 6023 (b) Within 21 calendar days after the day on which the eligible voter files an application
6024 to circulate an initiative petition under Section 20A-7-502, or an application to
6025 circulate a referendum petition under Section 20A-7-602, the election officer shall
6026 provide a copy of the proposition information pamphlet to the sponsors of the
6027 initiative or referendum and each individual who submitted an argument included in
6028 the proposition information pamphlet.
- 6029 (5) An election officer for a municipality shall publish the proposition information
6030 pamphlet as follows:
- 6031 (a) within the later of 10 calendar days after the day on which the municipality or a court
6032 determines that the proposed initiative or referendum is legally referable to voters, or,
6033 if the election officer modifies an argument under Subsection (2)(c), three calendar
6034 days after the day on which the election officer and the person that submitted the
6035 argument agree on the modification:
- 6036 (i) by sending the proposition information pamphlet electronically to each individual
6037 in the municipality for whom the municipality has an email address, unless the
6038 individual has indicated that the municipality is prohibited from using the
6039 individual's email address for that purpose; and
- 6040 (ii) by posting the proposition information pamphlet on the Utah Public Notice
6041 Website, created in Section 63A-16-601, and the home page of the municipality's
6042 website, if the municipality has a website, until:
- 6043 (A) if the sponsors of the proposed initiative or referendum or an agent of the
6044 sponsors do not timely deliver any verified initiative packets or any verified
6045 referendum packets under Section 20A-7-105, the day after the date of the
6046 deadline for delivery of the verified initiative packets or verified referendum

- 6047 packets;
- 6048 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
6049 number of signatures necessary to qualify the proposed initiative or referendum
6050 for placement on the ballot is insufficient and the determination is not timely
6051 appealed or is upheld after appeal; or
- 6052 (C) the day after the date of the election at which the proposed initiative or
6053 referendum appears on the ballot; and
- 6054 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
6055 municipality's residents, including an Internet address, where a resident may view the
6056 proposition information pamphlet, in the next mailing, for which the municipality has
6057 not begun preparation, that falls on or after the later of:
- 6058 (i) 10 calendar days after the day on which the municipality or a court determines that
6059 the proposed initiative or referendum is legally referable to voters; or
- 6060 (ii) if the election officer modifies an argument under Subsection (2)(c), three
6061 calendar days after the day on which the election officer and the person that
6062 submitted the argument agree on the modification.
- 6063 (6) An election officer for a county shall, within the later of 10 calendar days after the day
6064 on which the county or a court determines that the proposed initiative or referendum is
6065 legally referable to voters, or, if the election officer modifies an argument under
6066 Subsection (2)(c), three calendar days after the day on which the election officer and the
6067 person that submitted the argument agree on the modification, publish the proposition
6068 information pamphlet as follows:
- 6069 (a) by sending the proposition information pamphlet electronically to each individual in
6070 the county for whom the county has an email address obtained via voter registration;
6071 and
- 6072 (b) by posting the proposition information pamphlet on the Utah Public Notice Website,
6073 created in Section 63A-16-601, and the home page of the county's website, until:
- 6074 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors
6075 do not timely deliver any verified initiative packets or any verified referendum
6076 packets under Section 20A-7-105, the day after the date of the deadline for
6077 delivery of the verified initiative packets or verified referendum packets;
- 6078 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the
6079 number of signatures necessary to qualify the proposed initiative or referendum
6080 for placement on the ballot is insufficient and the determination is not timely

6081 appealed or is upheld after appeal; or
 6082 (iii) the day after the date of the election at which the proposed initiative or
 6083 referendum appears on the ballot.

6084 Section 84. Section **20A-7-402** is amended to read:

6085 **20A-7-402 . Local voter information pamphlet -- Notice -- Contents --**

6086 **Limitations -- Preparation -- Statement on front cover.**

- 6087 (1)(a) The county or municipality that is subject to a ballot proposition shall prepare a
 6088 local voter information pamphlet that complies with the requirements of this part.
- 6089 (b) Each county or municipality that contains all or part of a proposed new school
 6090 district or a reorganized new school district that will appear on a regular general
 6091 election ballot under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4 shall
 6092 prepare a local voter information pamphlet that complies with the requirements of
 6093 this part.
- 6094 (2)(a) Within the time requirements described in Subsection (2)(c)(i), a municipality
 6095 described in Subsection (1) shall provide a notice that complies with the requirements
 6096 of Subsection (2)(c)(ii) to the municipality's residents by publishing the notice for the
 6097 municipality, as a class A notice under Section 63G-30-102, for the time period set
 6098 under Subsection (2)(c)(i).
- 6099 (b) A county described in Subsection (1) shall publish a notice that complies with the
 6100 requirements of Subsection (2)(c)(ii) for the county, as a class A notice under Section
 6101 63G-30-102.
- 6102 (c) A municipality or county that publishes a notice under Subsection (2)(a) or (b) shall:
- 6103 (i) publish the notice:
- 6104 (A) not less than 90 calendar days before the date of the election at which a
 6105 special local ballot proposition will be voted upon; or
- 6106 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as
 6107 practicable after the special local ballot proposition is approved to be voted
 6108 upon in an election; and
- 6109 (ii) ensure that the notice contains:
- 6110 (A) the ballot title for the special local ballot proposition;
- 6111 (B) instructions on how to file a request under Subsection (2)(d); and
- 6112 (C) the deadline described in Subsection (2)(d).
- 6113 (d) Except as provided in Subsection (13), to prepare a written argument for or against a
 6114 special local ballot proposition, an eligible voter shall file a request with the election

6115 officer [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is
6116 at least 64 calendar days before the day of the election at which the special local
6117 ballot proposition is to be voted on.

6118 (e) If more than one eligible voter requests the opportunity to prepare a written argument
6119 for or against a special local ballot proposition, the election officer shall make the
6120 final designation in accordance with the following order of priority:

6121 (i) sponsors have priority in preparing an argument regarding a special local ballot
6122 proposition; and

6123 (ii) members of the local legislative body have priority over others if a majority of the
6124 local legislative body supports the written argument.

6125 (f) Except as provided in Subsection (13), the election officer shall grant a request
6126 described in Subsection (2)(d) or (e) no later than 60 calendar days before the day of
6127 the election at which the ballot proposition is to be voted on.

6128 (g)(i) A sponsor of a special local ballot proposition may prepare a written argument
6129 in favor of the special local ballot proposition.

6130 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot
6131 proposition who submits a request under Subsection (2)(d) may prepare a written
6132 argument against the special local ballot proposition.

6133 (h) An eligible voter who submits a written argument under this section in relation to a
6134 special local ballot proposition shall:

6135 (i) ensure that the written argument does not exceed 500 words in length, not
6136 counting the information described in Subsection (2)(h)(ii) or (iv);

6137 (ii) list, at the end of the argument, at least one, but no more than five, names as
6138 sponsors;

6139 (iii) except as provided in Subsection (13), submit the written argument to the
6140 election officer [~~before 5 p.m. no later than~~] no later than 5 p.m. on the last
6141 business day that is at least 55 calendar days before the election day on which the
6142 ballot proposition will be submitted to the voters;

6143 (iv) list in the argument, immediately after the eligible voter's name, the eligible
6144 voter's residential address; and

6145 (v) submit with the written argument the eligible voter's name, residential address,
6146 postal address, email address if available, and phone number.

6147 (i) An election officer shall refuse to accept and publish an argument submitted after the
6148 deadline described in Subsection (2)(h)(iii).

- 6149 (3)(a) An election officer who timely receives the written arguments in favor of and
6150 against a special local ballot proposition shall, within one business day after the day
6151 on which the election office receives both written arguments, send, via mail or email:
6152 (i) a copy of the written argument in favor of the special local ballot proposition to
6153 the eligible voter who submitted the written argument against the special local
6154 ballot proposition; and
6155 (ii) a copy of the written argument against the special local ballot proposition to the
6156 eligible voter who submitted the written argument in favor of the special local
6157 ballot proposition.
- 6158 (b) The eligible voter who submitted a timely written argument in favor of the special
6159 local ballot proposition:
6160 (i) may submit to the election officer a written rebuttal argument of the written
6161 argument against the special local ballot proposition;
6162 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
6163 length, not counting the information described in Subsection (2)(h)(ii) or (iv); and
6164 (iii) except as provided in Subsection (13), shall submit the written rebuttal argument [
6165 ~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at
6166 least 45 calendar days before the election day on which the special local ballot
6167 proposition will be submitted to the voters.
- 6168 (c) The eligible voter who submitted a timely written argument against the special local
6169 ballot proposition:
6170 (i) may submit to the election officer a written rebuttal argument of the written
6171 argument in favor of the special local ballot proposition;
6172 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
6173 length, not counting the information described in Subsection (2)(h)(ii) or (iv); and
6174 (iii) except as provided in Subsection (13), shall submit the written rebuttal argument [
6175 ~~before 5 p.m. no later than~~] no later than 5 p.m. on the last business day that is at
6176 least 45 calendar days before the election day on which the special local ballot
6177 proposition will be submitted to the voters.
- 6178 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
6179 relation to a special local ballot proposition that is submitted after the deadline
6180 described in Subsection (3)(b)(iii) or (3)(c)(iii).
- 6181 (4)(a) Except as provided in Subsection (4)(b), in relation to a special local ballot
6182 proposition:

- 6183 (i) an eligible voter may not modify a written argument or a written rebuttal argument
6184 after the eligible voter submits the written argument or written rebuttal argument
6185 to the election officer; and
- 6186 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
6187 modify a written argument or a written rebuttal argument.
- 6188 (b) The election officer, and the eligible voter who submits a written argument or written
6189 rebuttal argument in relation to a special local ballot proposition, may jointly agree to
6190 modify a written argument or written rebuttal argument in order to:
- 6191 (i) correct factual, grammatical, or spelling errors; and
6192 (ii) reduce the number of words to come into compliance with the requirements of
6193 this section.
- 6194 (c) An election officer shall refuse to accept and publish a written argument or written
6195 rebuttal argument in relation to a special local ballot proposition if the eligible voter
6196 who submits the written argument or written rebuttal argument fails to negotiate, in
6197 good faith, to modify the written argument or written rebuttal argument in accordance
6198 with Subsection (4)(b).
- 6199 (5) In relation to a special local ballot proposition, an election officer may designate another
6200 eligible voter to take the place of an eligible voter described in this section if the original
6201 eligible voter is, due to injury, illness, death, or another circumstance, unable to continue
6202 to fulfill the duties of an eligible voter described in this section.
- 6203 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
6204 included in a proposition information pamphlet under Section 20A-7-401.5:
- 6205 (a) may, if a written argument against the standard local ballot proposition is included in
6206 the proposition information pamphlet, submit a written rebuttal argument to the
6207 election officer;
- 6208 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
6209 and
- 6210 (c) shall submit the written rebuttal argument no later than 5 p.m. on the last business
6211 day that is at least 45 calendar days before the election day on which the standard
6212 local ballot proposition will be submitted to the voters.
- 6213 (7)(a) A county or municipality that submitted a written argument against a standard
6214 local ballot proposition that is included in a proposition information pamphlet under
6215 Section 20A-7-401.5:
- 6216 (i) may, if a written argument in favor of the standard local ballot proposition is

- 6217 included in the proposition information pamphlet, submit a written rebuttal
6218 argument to the election officer;
- 6219 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in
6220 length; and
- 6221 (iii) shall submit the written rebuttal argument no later than 5 p.m. on the last
6222 business day that is at least 45 calendar days before the election day on which the
6223 ballot proposition will be submitted to the voters.
- 6224 (b) If a county or municipality submits more than one written rebuttal argument under
6225 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal
6226 arguments, giving preference to a written rebuttal argument submitted by a member
6227 of a local legislative body.
- 6228 (8)(a) An election officer shall refuse to accept and publish a written rebuttal argument
6229 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).
- 6230 (b) Before an election officer publishes a local voter information pamphlet under this
6231 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2,
6232 Government Records Access and Management Act.
- 6233 (c) An election officer who receives a written rebuttal argument described in this section
6234 may not, before publishing the local voter information pamphlet described in this
6235 section, disclose the written rebuttal argument, or any information contained in the
6236 written rebuttal argument, to any person who may in any way be involved in
6237 preparing an opposing rebuttal argument.
- 6238 (9)(a) Except as provided in Subsection (9)(b), a person may not modify a written
6239 rebuttal argument after the written rebuttal argument is submitted to the election
6240 officer.
- 6241 (b) The election officer, and the person who submits a written rebuttal argument, may
6242 jointly agree to modify a written rebuttal argument in order to:
- 6243 (i) correct factual, grammatical, or spelling errors; or
6244 (ii) reduce the number of words to come into compliance with the requirements of
6245 this section.
- 6246 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
6247 the person who submits the written rebuttal argument:
- 6248 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
6249 accordance with Subsection (9)(b); or
6250 (ii) does not timely submit the written rebuttal argument to the election officer.

- 6251 (d) An election officer shall make a good faith effort to negotiate a modification
6252 described in Subsection (9)(b) in an expedited manner.
- 6253 (10) An election officer may designate another person to take the place of a person who
6254 submits a written rebuttal argument in relation to a standard local ballot proposition if
6255 the person is, due to injury, illness, death, or another circumstance, unable to continue to
6256 fulfill the person's duties.
- 6257 (11)(a) The local voter information pamphlet shall include a copy of the initial fiscal
6258 impact estimate and the legal impact statement prepared for each initiative under
6259 Section 20A-7-502.5.
- 6260 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall include
6261 the following statement in bold type:
6262 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
6263 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
6264 increase in the current tax rate."
- 6265 (12)(a) In preparing the local voter information pamphlet, the election officer shall:
6266 (i) ensure that the written arguments are printed on the same sheet of paper upon
6267 which the ballot proposition is also printed;
6268 (ii) ensure that the following statement is printed on the front cover or the heading of the first
6269 page of the printed written arguments:
6270 "The arguments for or against a ballot proposition are the opinions of the authors.";
6271 (iii) pay for the printing and binding of the local voter information pamphlet; and
6272 (iv) not less than 15 calendar days before, but not more than 45 calendar days before,
6273 the election at which the ballot proposition will be voted on, distribute, by mail or
6274 carrier, to each registered voter entitled to vote on the ballot proposition:
6275 (A) a voter information pamphlet; or
6276 (B) the notice described in Subsection (12)(c).
- 6277 (b)(i) If the language of the ballot proposition exceeds 500 words in length, the
6278 election officer may summarize the ballot proposition in 500 words or less.
6279 (ii) The summary shall state where a complete copy of the ballot proposition is
6280 available for public review.
- 6281 (c)(i) The election officer may distribute a notice printed on a postage prepaid,
6282 preaddressed return form that a person may use to request delivery of a voter
6283 information pamphlet by mail.
6284 (ii) The notice described in Subsection (12)(c)(i) shall include:

6285 (A) the address of the Statewide Electronic Voter Information Website authorized
6286 by Section 20A-7-801; and

6287 (B) the phone number a voter may call to request delivery of a voter information
6288 pamphlet by mail or carrier.

6289 (13) For 2024 only, in relation to an election that will appear on the regular general election
6290 ballot to create a new school district under Section 53G-3-301.1, 53G-3-301.3, or
6291 53G-3-301.4, if the notice described in Subsection (2)(b) is published less than 72
6292 calendar days before the day of the election:

6293 (a) the deadline to file a request described in Subsection (2)(d) is before 5 p.m. no later
6294 than five business days after the notice is published;

6295 (b) the deadline to grant a request under Subsection (2)(f) is no later than seven business
6296 days after the notice is published;

6297 (c) the deadline to submit the written argument to the election officer under Subsection
6298 (2)(h)(iii) is before 5 p.m. no later than 12 business days after the notice is published;
6299 and

6300 (d) the deadline to submit the written rebuttal argument under Subsection (3)(b)(iii) or
6301 (c)(iii) is no later than 17 business days after the notice is published.

6302 Section 85. Section **20A-7-501** is amended to read:

6303 **20A-7-501 . Initiatives -- Signature requirements -- Time requirements.**

6304 (1) As used in this section:

6305 (a) "Number of active voters" means the number of active voters in the county, city, or
6306 town on the immediately preceding January 1.

6307 (b) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)
6308 or (2)(b).

6309 (2) An eligible voter seeking to have an initiative submitted to a local legislative body or to
6310 a vote of the people for approval or rejection shall, after filing an initiative application,
6311 obtain legal signatures equal to:

6312 (a) for a county of the first class:

6313 (i) 7.75% of the number of active voters in the county; and

6314 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least
6315 75% of the county's voter participation areas;

6316 (b) for a city of the first class:

6317 (i) 7.5% of the number of active voters in the city; and

6318 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%

- 6319 of the city's voter participation areas;
- 6320 (c) for a county of the second class:
- 6321 (i) 8% of the number of active voters in the county; and
- 6322 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75%
- 6323 of the county's voter participation areas;
- 6324 (d) for a city of the second class:
- 6325 (i) 8.25% of the number of active voters in the city; and
- 6326 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least
- 6327 75% of the city's voter participation areas;
- 6328 (e) for a county of the third class:
- 6329 (i) 9.5% of the number of active voters in the county; and
- 6330 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
- 6331 of the county's voter participation areas;
- 6332 (f) for a city of the third class:
- 6333 (i) 10% of the number of active voters in the city; and
- 6334 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
- 6335 of the city's voter participation areas;
- 6336 (g) for a county of the fourth class:
- 6337 (i) 11.5% of the number of active voters in the county; and
- 6338 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
- 6339 75% of the county's voter participation areas;
- 6340 (h) for a city of the fourth class:
- 6341 (i) 11.5% of the number of active voters in the city; and
- 6342 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
- 6343 75% of the city's voter participation areas;
- 6344 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active
- 6345 voters in the city or county; or
- 6346 (j) for a town or a county of the sixth class, 35% of the number of active voters in the
- 6347 town or county.
- 6348 (3) If the total number of certified signatures collected for the initiative petition equals or
- 6349 exceeds the number of signatures required by this section, the clerk or recorder shall
- 6350 deliver the proposed law to the local legislative body at the local legislative body's next
- 6351 meeting.
- 6352 (4)(a) The local legislative body shall either adopt or reject the proposed law without

- 6353 change or amendment within 30 calendar days after the day on which the local
 6354 legislative body receives the proposed law under Subsection (3).
- 6355 (b) The local legislative body may:
- 6356 (i) adopt the proposed law and refer the proposed law to the people;
- 6357 (ii) adopt the proposed law without referring the proposed law to the people; or
- 6358 (iii) reject the proposed law.
- 6359 (c) If the local legislative body adopts the proposed law but does not refer the proposed
 6360 law to the people, the proposed law is subject to referendum as with other local laws.
- 6361 (d)(i) If a county legislative body rejects a proposed law, or takes no action on a
 6362 proposed law, the county clerk shall submit the proposed law to the voters of the
 6363 county at the next regular general election immediately after the initiative
 6364 application for the proposed law is filed under Section 20A-7-502.
- 6365 (ii) If a local legislative body of a municipality rejects a proposed law, or takes no
 6366 action on a proposed law, the municipal recorder or clerk shall submit the
 6367 proposed law to the voters of the municipality at the next municipal general
 6368 election immediately after the initiative application is filed under Section
 6369 20A-7-502.
- 6370 (e)(i) If a local legislative body rejects a proposed law, or takes no action on a
 6371 proposed law, the local legislative body may adopt a competing local law.
- 6372 (ii) The local legislative body shall prepare and adopt the competing local law within
 6373 the [~~30-day~~] 30-calendar-day period described in Subsection (4)(a).
- 6374 (iii) If a local legislative body adopts a competing local law, the clerk or recorder
 6375 shall refer the competing local law to the voters of the county or municipality at
 6376 the same election at which the law proposed by initiative is submitted under
 6377 Subsection (4)(d).
- 6378 (f) If conflicting local laws are submitted to the people at the same election and two or
 6379 more of the conflicting measures are approved by the people, the proposed law that
 6380 receives the greatest number of affirmative votes shall control all conflicts.
- 6381 Section 86. Section **20A-7-502.7** is amended to read:
- 6382 **20A-7-502.7 . Referability to voters.**
- 6383 (1) Within 20 calendar days after the day on which an eligible voter files an initiative
 6384 application under Section 20A-7-502, counsel for the county, city, or town to which the
 6385 initiative pertains shall:
- 6386 (a) review the proposed law that is the subject of the initiative application to determine

- 6387 whether the law is legally referable to voters; and
- 6388 (b) notify the first three sponsors, in writing, whether the proposed law is:
- 6389 (i) legally referable to voters; or
- 6390 (ii) rejected as not legally referable to voters.
- 6391 (2) A proposed law that is the subject of an initiative application is legally referable to
- 6392 voters unless:
- 6393 (a) the proposed law:
- 6394 (i) is patently unconstitutional;
- 6395 (ii) is nonsensical;
- 6396 (iii) is administrative, rather than legislative, in nature;
- 6397 (iv) could not become law if passed; or
- 6398 (v) contains more than one subject as evaluated in accordance with Subsection
- 6399 20A-7-502(3);~~[-or]~~
- 6400 (b) is identical or substantially similar to a legally referable proposed law sought by an
- 6401 initiative application submitted to the local clerk, under Section 20A-7-502, within
- 6402 two years before the day on which the initiative application for the current proposed
- 6403 law is filed;
- 6404 (c) the subject of the proposed law is not clearly expressed in the law's title; or
- 6405 (d) the initiative application was not timely filed or does not comply with the
- 6406 requirements of this part.
- 6407 (3) After the end of the ~~[20-day]~~ 20-calendar-day period described in Subsection (1), a
- 6408 county, city, or town may not:
- 6409 (a) reject a proposed initiative as not legally referable to voters; or
- 6410 (b) bring a legal action, other than to appeal a court decision, challenging a proposed
- 6411 initiative on the grounds that the proposed initiative is not legally referable to voters.
- 6412 (4) If a county, city, or town rejects a proposed initiative, a sponsor of the proposed
- 6413 initiative may, within 10 days after the day on which a sponsor is notified under
- 6414 Subsection (1)(b), appeal the decision to:
- 6415 (a) district court; or
- 6416 (b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.
- 6417 (5) If, on appeal, the court determines that the law proposed by the initiative application is
- 6418 legally referable to voters, the local clerk shall comply with Subsection 20A-7-504(3), or
- 6419 give the sponsors access to the website defined in Section 20A-21-101, within five
- 6420 calendar days after the day on which the determination, and any appeal of the

6421 determination, is final.

6422 Section 87. Section **20A-7-504** is amended to read:

6423 **20A-7-504 . Manual initiative process -- Circulation requirements -- Local clerk**
6424 **to provide sponsors with materials.**

6425 (1) This section applies only to the manual initiative process.

6426 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
6427 or an agent of the sponsors shall, after the sponsors receive the documents described in
6428 Subsections (3) and 20A-7-401.5(4)(b), circulate initiative packets that meet the form
6429 requirements of this part.

6430 (3) Within five calendar days after the day on which a county, city, town, or court
6431 determines, in accordance with Section 20A-7-502.7, that a law proposed in an initiative
6432 petition is legally referable to voters, the local clerk shall provide to the sponsors:

6433 (a) a copy of the initiative petition;

6434 (b) a signature sheet; and

6435 (c) a copy of the proposition information pamphlet provided to the sponsors under
6436 Subsection 20A-7-401.5(4)(b).

6437 (4) The sponsors of the initiative shall:

6438 (a) arrange and pay for the printing of all documents that are part of the initiative
6439 packets; and

6440 (b) ensure that the initiative packets and the documents described in Subsection (4)(a)
6441 meet the requirements of this part.

6442 (5)(a) The sponsors or an agent of the sponsors may prepare the initiative packets for
6443 circulation by creating multiple initiative packets.

6444 (b) The sponsors or an agent of the sponsors shall create initiative packets by binding a
6445 copy of the initiative petition with the text of the proposed law and no more than 50
6446 signature sheets together at the top in a manner that the initiative packets may be
6447 conveniently opened for signing.

6448 (c) An initiative packet is not required to have a uniform number of signature sheets.

6449 (d) The sponsors or an agent of the sponsors shall include, with each initiative packet, a
6450 copy of the proposition information pamphlet provided to the sponsors under
6451 Subsection 20A-7-401.5(4)(b).

6452 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:

6453 (i) contact the county clerk to receive a range of numbers that the sponsors may use
6454 to number initiative packets; and

- 6455 (ii) number each initiative packet, sequentially, within the range of numbers provided
6456 by the county clerk, starting with the lowest number in the range.
- 6457 (b) The sponsors or an agent of the sponsors may not:
- 6458 (i) number an initiative packet in a manner not directed by the county clerk; or
6459 (ii) circulate or submit an initiative packet that is not numbered in the manner
6460 directed by the county clerk.
- 6461 (c) The county clerk shall keep a record of the number range provided under Subsection
6462 (6)(a).
- 6463 Section 88. Section **20A-7-507** is amended to read:
6464 **20A-7-507 . Evaluation by the local clerk.**
- 6465 (1) In relation to the manual initiative process, when a local clerk receives an initiative
6466 packet from a county clerk, the local clerk shall record the number of the initiative
6467 packet received.
- 6468 (2) The county clerk shall:
- 6469 (a) in relation to the manual initiative process:
- 6470 (i) post the names, voter identification numbers, and dates of signatures described in
6471 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
6472 conspicuous location designated by the lieutenant governor, for at least 90
6473 calendar days; and
- 6474 (ii) update on the local government's website the number of signatures certified as of
6475 the date of the update; or
- 6476 (b) in relation to the electronic initiative process:
- 6477 (i) post the names, voter identification numbers, and dates of signatures described in
6478 Subsection 20A-7-516(4) on the lieutenant governor's website, in a conspicuous
6479 location designated by the lieutenant governor, for at least 90 calendar days; and
6480 (ii) update on the local government's website the number of signatures certified as of
6481 the date of the update.
- 6482 (3) The local clerk:
- 6483 (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be
6484 sufficient or insufficient:
- 6485 (i) in relation to the manual initiative process, no later than 21 calendar days after the
6486 day of the applicable deadline described in Subsection 20A-7-105(5)(a)(iii); or
6487 (ii) in relation to the electronic initiative process, no later than 21 calendar days after
6488 the day of the applicable deadline described in Subsection 20A-7-516(2); or

- 6489 (b) may declare the initiative petition to be insufficient before the day described in
 6490 Subsection (3)(a) if:
- 6491 (i) in relation to the manual initiative process, the total of all valid signatures on
 6492 timely and lawfully submitted initiative packets that have been certified by the
 6493 county clerks, plus the number of signatures on timely and lawfully submitted
 6494 initiative packets that have not yet been evaluated for certification, is less than the
 6495 number of names required under Section 20A-7-501;
- 6496 (ii) in relation to the electronic initiative process, the total of all timely and lawfully
 6497 submitted valid signatures that have been certified by the county clerks, plus the
 6498 number of timely and lawfully submitted valid signatures received under
 6499 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
 6500 less than the number of names required under Section 20A-7-501; or
 6501 (iii) a requirement of this part has not been met.
- 6502 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
 6503 number of names required by Section 20A-7-501 and the requirements of this part are
 6504 met, the local clerk shall mark upon the front of the initiative petition the word
 6505 "sufficient."
- 6506 (b) If the total number of names certified under Subsection (3) does not equal or exceed
 6507 the number of names required by Section 20A-7-501 or a requirement of this part is
 6508 not met, the local clerk shall mark upon the front of the initiative petition the word
 6509 "insufficient."
- 6510 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's
 6511 finding.
- 6512 (d) After an initiative petition is declared insufficient, a person may not submit
 6513 additional signatures to qualify the initiative for the ballot.
- 6514 (5) If the local clerk finds the total number of certified signatures for the initiative petition
 6515 to be insufficient, any sponsor may file a written demand with the local clerk for a
 6516 recount of the signatures collected for the initiative petition in the presence of any
 6517 sponsor.
- 6518 (6) An initiative petition determined to be sufficient in accordance with this section is
 6519 qualified for the ballot.

6520 Section 89. Section **20A-7-508** is amended to read:

6521 **20A-7-508 . Short title and summary of initiative -- Duties of local clerk and local**
 6522 **attorney.**

- 6523 (1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the initiative
6524 petition and the proposed law to the local attorney.
- 6525 (2) The local attorney shall:
- 6526 (a) entitle each county or municipal initiative that has qualified for the ballot
6527 "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;
- 6528 (b) prepare for each initiative:
- 6529 (i) an impartial short title, not exceeding 25 words, that generally describes the
6530 subject of the initiative; and
- 6531 (ii) an impartial summary of the contents of the initiative, not exceeding 125 words;
- 6532 (c) file the proposed short title, summary, and the numbered initiative titles with the
6533 local clerk within 20 calendar days after the day on which an eligible voter submits
6534 the initiative petition to the local clerk; and
- 6535 (d) promptly provide notice of the filing of the proposed short title and summary to:
- 6536 (i) the sponsors of the initiative; and
- 6537 (ii) the local legislative body for the jurisdiction where the initiative petition was
6538 circulated.
- 6539 (3)(a) The short title and summary may be distinct from the title of the proposed law.
- 6540 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's
6541 ability, give a true and impartial description of the subject of the initiative.
- 6542 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
6543 ability, give a true and impartial summary of the contents of the initiative.
- 6544 (d) The short title and summary may not intentionally be an argument, or likely to create
6545 prejudice, for or against the initiative.
- 6546 (e) If the initiative proposes a tax increase, the local attorney shall include the following
6547 statement, in bold, in the summary:
- 6548 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
6549 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
6550 increase in the current tax rate."
- 6551 (4)(a) Within five calendar days after the date the local attorney files a proposed short
6552 title and summary under Subsection (2)(c), the local legislative body for the
6553 jurisdiction where the initiative petition was circulated and the sponsors of the
6554 initiative may file written comments in response to the proposed short title and
6555 summary with the local clerk.
- 6556 (b) Within five calendar days after the last date to submit written comments under

- 6557 Subsection (4)(a), the local attorney shall:
- 6558 (i) review any written comments filed in accordance with Subsection (4)(a);
- 6559 (ii) prepare a final short title and summary that meets the requirements of Subsection
- 6560 (3); and
- 6561 (iii) return the initiative petition and file the short title and summary with the local
- 6562 clerk.
- 6563 (c) Subject to Subsection (6), for each county or municipal initiative, the following shall
- 6564 be printed on the official ballot:
- 6565 (i) the short title; and
- 6566 (ii) except as provided in Subsection (4)(d):
- 6567 (A) the summary;
- 6568 (B) a copy of the proposed law; and
- 6569 (C) a link to a location on the election officer's website where a voter may review
- 6570 additional information relating to each initiative, including the information
- 6571 described in Subsection 20A-7-502(2), the initial fiscal impact and legal
- 6572 statement described in Section 20A-7-502.5, as updated, and the arguments
- 6573 relating to the initiative that are included in the local voter information
- 6574 pamphlet.
- 6575 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official
- 6576 ballot, the election officer shall include with the ballot a separate ballot proposition
- 6577 insert that includes the short title and summary for each initiative on the ballot and a
- 6578 link to a location on the election officer's website where a voter may review the
- 6579 additional information described in Subsection (4)(c)(ii)(C).
- 6580 (e) Unless the information described in Subsection (4)(c)(ii) for all initiatives on the
- 6581 ballot, and the information described in Subsection 20A-7-608(4)(c)(ii) for all
- 6582 referenda on the ballot, is printed on the ballot, the ballot shall include the following
- 6583 statement at the beginning of the portion of the ballot that includes ballot measures[-] :
- 6584 "The ballot proposition sheet included with this ballot contains an impartial
- 6585 summary of each initiative and referendum on this ballot, unless the summary is
- 6586 printed directly on the ballot.".
- 6587 (5) Immediately after the local attorney files a copy of the short title and summary with the
- 6588 local clerk, the local clerk shall send a copy of the short title and summary to the
- 6589 sponsors of the initiative and the local legislative body for the jurisdiction where the
- 6590 initiative petition was circulated.

- 6591 (6)(a) If the short title or summary furnished by the local attorney is unsatisfactory or
6592 does not comply with the requirements of this section, the decision of the local
6593 attorney may be appealed to the appropriate court by:
- 6594 (i) at least three sponsors of the initiative; or
 - 6595 (ii) a majority of the local legislative body for the jurisdiction where the initiative
6596 petition was circulated.
- 6597 (b) The court:
- 6598 (i) shall examine the short title and summary and consider arguments; and
 - 6599 (ii) enter an order consistent with the requirements of this section.
- 6600 (c) The local clerk shall include the short title and summary in the ballot or ballot
6601 proposition insert, as required by this section.
- 6602 Section 90. Section **20A-7-510** is amended to read:
- 6603 **20A-7-510 . Return and canvass -- Conflicting measures -- Law effective on**
6604 **proclamation.**
- 6605 (1) The votes on the law proposed by the initiative petition shall be counted, canvassed, and
6606 delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing Returns~~] Chapter 4,
6607 Part 3, Canvassing Returns.
- 6608 (2) After the local board of canvassers completes the canvass, the local clerk shall certify to
6609 the local legislative body the vote for and against the law proposed by the initiative
6610 petition.
- 6611 (3)(a) The local legislative body shall immediately issue a proclamation that:
- 6612 (i) gives the total number of votes cast in the local jurisdiction for and against each
6613 law proposed by an initiative petition; and
 - 6614 (ii) declares those laws proposed by an initiative petition that are approved by
6615 majority vote to be in full force and effect as the law of the local jurisdiction.
- 6616 (b) When the local legislative body determines that two proposed laws, or that parts of
6617 two proposed laws approved by the people at the same election are entirely in
6618 conflict, the local legislative body shall proclaim as law the initiative that received
6619 the greatest number of affirmative votes, regardless of the difference in the majorities
6620 which those initiatives have received.
- 6621 (c)(i) Within 10 days after the day on which the local legislative body issues the
6622 proclamation, any qualified voter who signed the initiative petition proposing the
6623 law that is declared by the local legislative body to be superseded by another
6624 initiative approved at the same election may bring an action in the appropriate

6625 court to review the decision.

6626 (ii) The court shall:

6627 (A) consider the matter and decide whether the proposed laws are entirely in
6628 conflict; and

6629 (B) issue an order, consistent with the court's decision, to the local legislative
6630 body.

6631 (4) Within 10 calendar days after the day on which the court enters an order under
6632 Subsection (3)(c)(ii), the local legislative body shall:

6633 (a) proclaim as law all initiatives approved by the people that the court determines are
6634 not in conflict; and

6635 (b) for the initiatives approved by the people as law that the court determines to be in
6636 conflict, proclaim as law the initiative that received the greatest number of
6637 affirmative votes, regardless of the difference in majorities.

6638 Section 91. Section **20A-7-511** is amended to read:

6639 **20A-7-511 . Effective date.**

6640 (1)(a) Any proposed law submitted to the people by initiative petition that is approved
6641 by the voters at any election takes effect on the date specified in the initiative petition.

6642 (b) If the initiative petition does not specify an effective date, a law approved by the
6643 voters at any election takes effect five calendar days after the date of the official
6644 proclamation of the vote by the county legislative body.

6645 (2) The local legislative body may amend any laws approved by the people at any meeting
6646 after the law has taken effect.

6647 Section 92. Section **20A-7-513** is amended to read:

6648 **20A-7-513 . Fiscal review -- Repeal, amendment, or resubmission.**

6649 (1) No later than 60 calendar days after the date of an election in which the voters approve
6650 an initiative, the budget officer shall:

6651 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
6652 using current financial information and containing the information required by
6653 Subsection 20A-7-502.5(2), except for the information required by Subsection
6654 20A-7-502.5(2)(a)(vii); and

6655 (b) deliver a copy of the final fiscal impact statement to:

6656 (i) the local legislative body of the jurisdiction where the initiative was circulated;

6657 (ii) the local clerk; and

6658 (iii) the first three sponsors listed on the initiative application.

6659 (2) If the final fiscal impact statement exceeds the estimate in the initial fiscal impact and
6660 legal statement by 25% or more, the local legislative body shall review the final fiscal
6661 impact statement and may, by a majority vote:

6662 (a) repeal the law established by passage of the initiative;

6663 (b) amend the law established by the passage of the initiative; or

6664 (c) pass a resolution informing the voters that they may file an initiative petition to
6665 repeal the law enacted by passage of the initiative.

6666 Section 93. Section **20A-7-515** is amended to read:

6667 **20A-7-515 . Electronic initiative process -- Obtaining signatures -- Request to**
6668 **remove signature.**

6669 (1) This section applies to the electronic initiative process.

6670 (2) A Utah voter may sign a local initiative petition if the voter is a legal voter and resides
6671 in the local jurisdiction.

6672 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
6673 individual:

6674 (a) verifies that the individual is at least 18 years old and meets the residency
6675 requirements of Section 20A-2-105; and

6676 (b) is informed that each signer is required to read and understand the law proposed by
6677 the initiative.

6678 (4)(a) A voter who signs an initiative petition may have the voter's signature removed
6679 from the initiative petition by, in accordance with Section 20A-1-1003, submitting to
6680 the county clerk a statement requesting that the voter's signature be removed before 5
6681 p.m. no later than the earlier of:

6682 (i) the first business day that is at least 30 calendar days after the day on which the
6683 voter signs the signature removal statement;

6684 (ii) the first business day that is at least 90 calendar days after the day on which the
6685 local clerk posts the voter's name under Subsection 20A-7-516(4);

6686 (iii) the first business day that is at least 316 calendar days after the day on which the
6687 initiative application is filed; or

6688 (iv)(A) for a county initiative, April 15 immediately before the next regular
6689 general election immediately after the initiative application is filed under
6690 Section 20A-7-502; or

6691 (B) for a municipal initiative, April 15 immediately before the next municipal
6692 general election immediately after the initiative application is filed under

6693 Section 20A-7-502.

6694 (b) A voter may not submit a signature removal statement described in Subsection (4)(a)
 6695 by email or other electronic means, unless the lieutenant governor establishes a
 6696 signature removal process that is consistent with the requirements of this section and
 6697 Section 20A-21-201.

6698 (c) A person may only remove an electronic signature from an initiative petition in
 6699 accordance with this section.

6700 (d) A county clerk shall analyze a holographic signature, for purposes of removing an
 6701 electronic signature from an initiative petition, in accordance with Subsection
 6702 20A-1-1003(3).

6703 Section 94. Section **20A-7-516** is amended to read:

6704 **20A-7-516 . Electronic initiative process -- Collecting signatures -- Email**
 6705 **notification -- Removal of signatures.**

6706 (1) This section applies only to the electronic initiative process.

6707 (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:

6708 (a) 316 calendar days after the day on which the initiative application is filed; or

6709 (b)(i) for a county initiative, April 15 immediately before the next regular general
 6710 election immediately after the initiative application is filed under Section
 6711 20A-7-502; or

6712 (ii) for a municipal initiative, April 15 immediately before the next municipal general
 6713 election immediately after the initiative application is filed under Section
 6714 20A-7-502.

6715 (3) The local clerk shall send to each individual who provides a valid email address during
 6716 the signature-gathering process an email that includes the following:

6717 (a) the subject of the email shall include the following statement, "Notice Regarding
 6718 Your Petition Signature"; and

6719 (b) the body of the email shall include the following statement in 12-point type:

6720 "You signed a petition for the following initiative:

6721 [insert title of initiative]

6722 To access a copy of the initiative petition, the text of the law proposed by the initiative,
 6723 the initial fiscal impact and legal statement, and information on the deadline for removing your
 6724 signature from the initiative petition, please visit the following link: [insert a uniform resource
 6725 locator that takes the individual directly to the page on the lieutenant governor's website that
 6726 includes the information referred to in the email]."

6727 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
6728 after the day on which the signature of an individual who signs an initiative petition is
6729 certified under Section 20A-21-201, post the name, voter identification number, and date
6730 of signature of the individual on the lieutenant governor's website, in a conspicuous
6731 location designated by the lieutenant governor.

6732 (5)(a) If the local clerk timely receives a statement requesting signature removal under
6733 Subsection 20A-7-515(4), the local clerk shall:

6734 (i) ensure that the voter's name, voter identification number, and date of signature are
6735 not included in the posting described in Subsection (4); and

6736 (ii) remove the voter's signature from the initiative petition and the initiative petition
6737 signature totals.

6738 (b) The local clerk shall comply with Subsection (5)(a) before the later of:

6739 (i) the deadline described in Subsection (4); or

6740 (ii) two business days after the day on which the county clerk receives a statement
6741 requesting signature removal under Subsection 20A-7-515(4).

6742 Section 95. Section **20A-7-601** is amended to read:

6743 **20A-7-601 . Referenda -- General signature requirements -- Signature**
6744 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**
6745 **Time requirements.**

6746 (1) As used in this section:

6747 (a) "Number of active voters" means the number of active voters in the county, city, or
6748 town on the immediately preceding January 1.

6749 (b) "Qualifying county" means a county that has created a small public transit district, as
6750 defined in Section 17B-2a-802, on or before January 1, 2022.

6751 (c) "Qualifying transit area" means:

6752 (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with
6753 jurisdiction over the station area has satisfied the requirements of Subsection
6754 10-9a-403.1(2)(a)(i), as demonstrated by the adoption of a station area plan or
6755 resolution under Subsection 10-9a-403.1(2); or

6756 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created
6757 within a qualifying county.

6758 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
6759 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

6760 (e)(i) "Subjurisdictional law" means a local law or local obligation law passed by a

- 6761 local legislative body that imposes a tax or other payment obligation on property
6762 in an area that does not include all precincts and subprecincts under the
6763 jurisdiction of the county, city, or town.
- 6764 (ii) "Subjurisdictional law" does not include a land use law.
- 6765 (f) "Transit area land use law" means a land use law that relates to the use of land within
6766 a qualifying transit area.
- 6767 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)
6768 or (2)(b).
- 6769 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a
6770 local law passed by the local legislative body submitted to a vote of the people shall,
6771 after filing a referendum application, obtain legal signatures equal to:
- 6772 (a) for a county of the first class:
- 6773 (i) 7.75% of the number of active voters in the county; and
6774 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least
6775 75% of the county's voter participation areas;
- 6776 (b) for a city of the first class:
- 6777 (i) 7.5% of the number of active voters in the city; and
6778 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
6779 of the city's voter participation areas;
- 6780 (c) for a county of the second class:
- 6781 (i) 8% of the number of active voters in the county; and
6782 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75%
6783 of the county's voter participation areas;
- 6784 (d) for a city of the second class:
- 6785 (i) 8.25% of the number of active voters in the city; and
6786 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least
6787 75% of the city's voter participation areas;
- 6788 (e) for a county of the third class:
- 6789 (i) 9.5% of the number of active voters in the county; and
6790 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
6791 of the county's voter participation areas;
- 6792 (f) for a city of the third class:
- 6793 (i) 10% of the number of active voters in the city; and
6794 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%

- 6795 of the city's voter participation areas;
- 6796 (g) for a county of the fourth class:
- 6797 (i) 11.5% of the number of active voters in the county; and
- 6798 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
- 6799 75% of the county's voter participation areas;
- 6800 (h) for a city of the fourth class:
- 6801 (i) 11.5% of the number of active voters in the city; and
- 6802 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
- 6803 75% of the city's voter participation areas;
- 6804 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active
- 6805 voters in the city or county; or
- 6806 (j) for a town or a county of the sixth class, 35% of the number of active voters in the
- 6807 town or county.
- 6808 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use
- 6809 law or local obligation law passed by the local legislative body submitted to a vote of the
- 6810 people shall, after filing a referendum application, obtain legal signatures equal to:
- 6811 (a) for a county of the first, second, third, or fourth class:
- 6812 (i) 16% of the number of active voters in the county; and
- 6813 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
- 6814 of the county's voter participation areas;
- 6815 (b) for a county of the fifth or sixth 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 (c) for a city of the first class:
- 6820 (i) 15% of the number of active voters in the city; and
- 6821 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%
- 6822 of the city's voter participation areas;
- 6823 (d) for or a city of the second class:
- 6824 (i) 16% of the number of active voters in the city; and
- 6825 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
- 6826 of the city's voter participation areas;
- 6827 (e) for a city of the third class:
- 6828 (i) 27.5% of the number of active voters in the city; and

- 6829 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least
6830 75% of the city's voter participation areas;
- 6831 (f) for a city of the fourth class:
- 6832 (i) 29% of the number of active voters in the city; and
- 6833 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%
6834 of the city's voter participation areas;
- 6835 (g) for a city of the fifth class, 35% of the number of active voters in the city; or
- 6836 (h) for a town, 40% of the number of active voters in the town.
- 6837 (4) A person seeking to have a subjurisdictional law passed by the local legislative body
6838 submitted to a vote of the people shall, after filing a referendum application, obtain legal
6839 signatures of the residents in the subjurisdiction equal to:
- 6840 (a) 10% of the number of active voters in the subjurisdiction if the number of active
6841 voters exceeds 25,000;
- 6842 (b) [~~12-1/2~~] 12.5% of the number of active voters in the subjurisdiction if the number of
6843 active voters does not exceed 25,000 but is more than 10,000;
- 6844 (c) 15% of the number of active voters in the subjurisdiction if the number of active
6845 voters does not exceed 10,000 but is more than 2,500;
- 6846 (d) 20% of the number of active voters in the subjurisdiction if the number of active
6847 voters does not exceed 2,500 but is more than 500;
- 6848 (e) 25% of the number of active voters in the subjurisdiction if the number of active
6849 voters does not exceed 500 but is more than 250; and
- 6850 (f) 30% of the number of active voters in the subjurisdiction if the number of active
6851 voters does not exceed 250.
- 6852 (5) An eligible voter seeking to have a transit area land use law passed by the local
6853 legislative body submitted to a vote of the people shall, after filing a referendum
6854 application, obtain legal signatures equal to:
- 6855 (a) for a county:
- 6856 (i) 20% of the number of active voters in the county; and
- 6857 (ii) 21% of the number of active voters in at least 75% of the county's voter
6858 participation areas;
- 6859 (b) for a city of the first class:
- 6860 (i) 20% of the number of active voters in the city; and
- 6861 (ii) 20% of the number of active voters in at least 75% of the city's voter participation
6862 areas;

- 6863 (c) for a city of the second class:
- 6864 (i) 20% of the number of active voters in the city; and
- 6865 (ii) 21% of the number of active voters in at least 75% of the city's voter participation
- 6866 areas;
- 6867 (d) for a city of the third class:
- 6868 (i) 34% of the number of active voters in the city; and
- 6869 (ii) 34% of the number of active voters in at least 75% of the city's voter participation
- 6870 areas;
- 6871 (e) for a city of the fourth class:
- 6872 (i) 36% of the number of active voters in the city; and
- 6873 (ii) 36% of the number of active voters in at least 75% of the city's voter participation
- 6874 areas; or
- 6875 (f) for a city of the fifth class or a town, 40% of the number of active voters in the city or
- 6876 town.
- 6877 (6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or (5),
- 6878 any local law passed by a local legislative body shall file the application [~~before 5 p.m.~~
- 6879 within] no later than the first business day that is at least five days after the day on which
- 6880 the local law was passed.
- 6881 (7) [~~Nothing in this section authorizes]~~ This section does not authorize a local legislative
- 6882 body to impose a tax or other payment obligation on a jurisdiction in order to benefit
- 6883 an area outside of the jurisdiction.
- 6884 Section 96. Section **20A-7-602.7** is amended to read:
- 6885 **20A-7-602.7 . Referability to voters of local law other than land use law.**
- 6886 (1) Within 20 calendar days after the day on which an eligible voter files a referendum
- 6887 application under Section 20A-7-602 for a local law other than a land use law, counsel
- 6888 for the county, city, or town to which the referendum pertains shall:
- 6889 (a) review the referendum application to determine whether the proposed referendum is
- 6890 legally referable to voters; and
- 6891 (b) notify the first three sponsors, in writing, whether the proposed referendum is:
- 6892 (i) legally referable to voters; or
- 6893 (ii) rejected as not legally referable to voters.
- 6894 (2) For a local law other than a land use law, a proposed referendum is legally referable to
- 6895 voters unless:
- 6896 (a) the proposed referendum challenges an action that is administrative, rather than

- 6897 legislative, in nature;
- 6898 (b) the proposed referendum challenges more than one law passed by the local
6899 legislative body; or
- 6900 (c) the referendum application was not timely filed or does not comply with the
6901 requirements of this part.
- 6902 (3) After the end of the [~~20-day~~] 20-calendar-day period described in Subsection (1), a
6903 county, city, or town may not, for a local law other than a land use law:
- 6904 (a) reject a proposed referendum as not legally referable to voters; or
- 6905 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
6906 proposed referendum on the grounds that the proposed referendum is not legally
6907 referable to voters.
- 6908 (4)(a) If, under Subsection (1)(b)(ii), a county, city, or town rejects a proposed
6909 referendum concerning a local law other than a land use law, a sponsor of the
6910 proposed referendum may, within 10 days after the day on which a sponsor is
6911 notified under Subsection (1)(b), challenge or appeal the decision to:
- 6912 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
- 6913 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
6914 under Subsection (4)(a)(i).
- 6915 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a)
6916 terminates the referendum.
- 6917 (5) If, on a challenge or appeal, the court determines that the proposed referendum
6918 described in Subsection (4) is legally referable to voters, the local clerk shall comply
6919 with Subsection 20A-7-604(3), or give the sponsors access to the website defined in
6920 Section 20A-21-101, within five calendar days after the day on which the determination,
6921 and any challenge or appeal of the determination, is final.
- 6922 Section 97. Section **20A-7-602.8** is amended to read:
- 6923 **20A-7-602.8 . Referability to voters of local land use law.**
- 6924 (1) Within 20 calendar days after the day on which a referendum eligible voter files an
6925 application under Section 20A-7-602 for a land use law, counsel for the county, city, or
6926 town to which the referendum pertains shall:
- 6927 (a) review the referendum application to determine whether the proposed referendum is
6928 legally referable to voters; and
- 6929 (b) notify the first three sponsors, in writing, whether the proposed referendum is:
- 6930 (i) legally referable to voters; or

- 6931 (ii) rejected as not legally referable to voters.
- 6932 (2)(a) Subject to Subsection (2)(b), for a land use law, a proposed referendum is legally
- 6933 referable to voters unless:
- 6934 (i) the proposed referendum challenges an action that is administrative, rather than
- 6935 legislative, in nature;
- 6936 (ii) the proposed referendum challenges a land use decision, rather than a land use
- 6937 regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;
- 6938 (iii) the proposed referendum challenges more than one law passed by the local
- 6939 legislative body; or
- 6940 (iv) the referendum application was not timely filed or does not comply with the
- 6941 requirements of this part.
- 6942 (b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not
- 6943 legally referable to voters for a:
- 6944 (i) municipal land use law, as defined in Section 20A-7-101, if the land use law was
- 6945 passed by a unanimous vote of the local legislative body; or
- 6946 (ii) transit area land use law, as defined in Section 20A-7-601, if the transit area land
- 6947 use law was passed by a two-thirds vote of the local legislative body.
- 6948 (3) After the end of the [~~20-day~~] 20-calendar-day period described in Subsection (1), a
- 6949 county, city, or town may not, for a land use law:
- 6950 (a) reject a proposed referendum as not legally referable to voters; or
- 6951 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
- 6952 proposed referendum on the grounds that the proposed referendum is not legally
- 6953 referable to voters.
- 6954 (4)(a) If a county, city, or town rejects a proposed referendum concerning a land use
- 6955 law, a sponsor of the proposed referendum may, within seven days after the day on
- 6956 which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision
- 6957 to:
- 6958 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
- 6959 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
- 6960 under Subsection (4)(a)(i).
- 6961 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection (4)(a)
- 6962 terminates the referendum.
- 6963 (5) If, on challenge or appeal, the court determines that the proposed referendum is legally
- 6964 referable to voters, the local clerk shall comply with Subsection 20A-7-604(3), or give

6965 the sponsors access to the website defined in Section 20A-21-101, within five calendar
 6966 days after the day on which the determination, and any challenge or appeal of the
 6967 determination, is final.

6968 Section 98. Section **20A-7-604** is amended to read:

6969 **20A-7-604 . Manual referendum process -- Circulation requirements -- Local**
 6970 **clerk to provide sponsors with materials.**

- 6971 (1) This section applies only to the manual referendum process.
- 6972 (2) In order to obtain the necessary number of signatures required by this part, the sponsors
 6973 or an agent of the sponsors shall, after the sponsors receive the documents described in
 6974 Subsections (3) and 20A-7-401.5(4)(b), circulate referendum packets that meet the form
 6975 requirements of this part.
- 6976 (3) Within five calendar days after the day on which a county, city, town, or court
 6977 determines, in accordance with Section 20A-7-602.7, that a proposed referendum is
 6978 legally referable to voters, the local clerk shall provide the sponsors with:
- 6979 (a) a copy of the referendum petition;
- 6980 (b) a signature sheet; and
- 6981 (c) a copy of the proposition information pamphlet provided to the sponsors under
 6982 Subsection 20A-7-401.5(4)(b).
- 6983 (4) The sponsors of the referendum petition shall:
- 6984 (a) arrange and pay for the printing of all documents that are part of the referendum
 6985 packets; and
- 6986 (b) ensure that the referendum packets and the documents described in Subsection (4)(a)
 6987 meet the form requirements of this section.
- 6988 (5)(a) The sponsors or an agent of the sponsors may prepare the referendum packets for
 6989 circulation by creating multiple referendum packets.
- 6990 (b) The sponsors or an agent of the sponsors shall create referendum packets by binding
 6991 a copy of the referendum petition with the text of the law that is the subject of the
 6992 referendum and no more than 50 signature sheets together at the top in a manner that
 6993 the referendum packets may be conveniently opened for signing.
- 6994 (c) A referendum packet is not required to have a uniform number of signature sheets.
- 6995 (d) The sponsors or an agent of the sponsors shall include, with each packet, a copy of
 6996 the proposition information pamphlet provided to the sponsors under Subsection
 6997 20A-7-401.5(4)(b).
- 6998 (6)(a) The sponsors or an agent of the sponsors shall, before gathering signatures:

- 6999 (i) contact the county clerk to receive a range of numbers that the sponsors may use
7000 to number referendum packets;
7001 (ii) sign an agreement with the local clerk, specifying the range of numbers that the
7002 sponsor will use to number the referendum packets; and
7003 (iii) number each referendum packet, sequentially, within the range of numbers
7004 provided by the county clerk, starting with the lowest number in the range.

- 7005 (b) The sponsors or an agent of the sponsors may not:
7006 (i) number a referendum packet in a manner not directed by the county clerk; or
7007 (ii) circulate or submit a referendum packet that is not numbered in the manner
7008 directed by the county clerk.

7009 Section 99. Section **20A-7-607** is amended to read:

7010 **20A-7-607 . Evaluation by the local clerk -- Determination of election for vote on**
7011 **referendum.**

7012 (1) In relation to the manual referendum process, when the local clerk receives a
7013 referendum packet from a county clerk, the local clerk shall record the number of the
7014 referendum packet received.

7015 (2) The county clerk shall:

7016 (a) in relation to the manual referendum process:

7017 (i) post the names, voter identification numbers, and dates of signatures described in
7018 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
7019 conspicuous location designated by the lieutenant governor, for at least 45
7020 calendar days; and

7021 (ii) update on the local clerk's website the number of signatures certified as of the
7022 date of the update; or

7023 (b) in relation to the electronic referendum process:

7024 (i) post the names, voter identification numbers, and dates of signatures described in
7025 Subsection 20A-7-616(3) on the lieutenant governor's website, in a conspicuous
7026 location designated by the lieutenant governor, for at least 45 calendar days; and

7027 (ii) update on the lieutenant governor's website the number of signatures certified as
7028 of the date of the update.

7029 (3) The local clerk:

7030 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
7031 sufficient or insufficient:

7032 (i) in relation to the manual referendum process, no later than 111 calendar days after

7033 the day of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a
7034 referendum packet to the county clerk; or

7035 (ii) in relation to the electronic referendum process, no later than 111 calendar days
7036 after the day of the deadline, described in Subsection 20A-7-616(2), to collect a
7037 signature; or

7038 (b) may declare the referendum petition to be insufficient before the day described in
7039 Subsection (3)(a) if:

7040 (i) in relation to the manual referendum process, the total of all valid signatures on
7041 timely and lawfully submitted referendum packets that have been certified by the
7042 county clerk, plus the number of signatures on timely and lawfully submitted
7043 referendum packets that have not yet been evaluated for certification, is less than
7044 the number of names required under Section 20A-7-601;

7045 (ii) in relation to the electronic referendum process, the total of all timely and
7046 lawfully submitted valid signatures that have been certified by the county clerks,
7047 plus the number of timely and lawfully submitted valid signatures received under
7048 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
7049 less than the number of names required under Section 20A-7-601; or

7050 (iii) a requirement of this part has not been met.

7051 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
7052 number of names required under Section 20A-7-601, and the requirements of this
7053 part are met, the local clerk shall mark upon the front of the referendum petition the
7054 word "sufficient."

7055 (b) If the total number of names certified under Subsection (3) does not equal or exceed
7056 the number of names required under Section 20A-7-601 or a requirement of this part
7057 is not met, the local clerk shall mark upon the front of the referendum petition the
7058 word "insufficient."

7059 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's
7060 finding.

7061 (d) After a referendum petition is declared insufficient, a person may not submit
7062 additional signatures to qualify the referendum for the ballot.

7063 (5)(a) If the local clerk refuses to declare a referendum petition sufficient, any voter
7064 may, no later than 10 days after the day on which the local clerk declares the
7065 referendum petition insufficient, apply to the appropriate court for an order finding
7066 the referendum petition legally sufficient.

- 7067 (b) If the court determines that the referendum petition is legally sufficient, the local
7068 clerk shall mark the referendum petition "sufficient" and consider the declaration of
7069 sufficiency effective as of the date on which the referendum petition should have
7070 been declared sufficient by the local clerk's office.
- 7071 (c) If the court determines that a referendum petition filed is not legally sufficient, the
7072 court may enjoin the local clerk and all other officers from:
- 7073 (i) certifying or printing the ballot title and numbers of that referendum on the official
7074 ballot for the next election; or
- 7075 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying,
7076 printing, or mailing the ballot title and numbers of that referendum under Section
7077 20A-7-609.5.
- 7078 (6) A referendum petition determined to be sufficient in accordance with this section is
7079 qualified for the ballot.
- 7080 (7)(a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to
7081 legislative action taken after April 15, the election officer may not place the
7082 referendum on an election ballot until a primary election, a general election, or a
7083 special election the following year.
- 7084 (b) The election officer may place a referendum described in Subsection (7)(a) on the
7085 ballot for a special, primary, or general election held during the year that the
7086 legislative action was taken if the following agree, in writing, on a timeline to place
7087 the referendum on that ballot:
- 7088 (i) the local clerk;
- 7089 (ii) the county clerk; and
- 7090 (iii) the attorney for the county or municipality that took the legislative action.
- 7091 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court
7092 determines that the total number of certified names equals or exceeds the number of
7093 signatures required in Section 20A-7-601, the election officer shall place the
7094 referendum on the election ballot for:
- 7095 (i) the next general election; or
- 7096 (ii) another election, if the following agree, in writing, on a timeline to place the
7097 referendum on that ballot:
- 7098 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as
7099 applicable;
- 7100 (B) the local clerk;

- 7101 (C) the county clerk; and
 7102 (D) the attorney for the county or municipality that took the legislative action.

7103 Section 100. Section **20A-7-608** is amended to read:

7104 **20A-7-608 . Short title and summary of referendum -- Duties of local clerk and**
 7105 **local attorney.**

- 7106 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the
 7107 referendum petition and the law to which the referendum relates to the local attorney.
 7108 (2) The local attorney shall:
 7109 (a) entitle each county or municipal referendum that qualifies for the ballot "Proposition
 7110 Number ___" and give the referendum a number assigned in accordance with Section
 7111 20A-6-107;
 7112 (b) prepare for the referendum:
 7113 (i) an impartial short title, not exceeding 25 words, that generally describes the
 7114 subject of the law to which the referendum relates; and
 7115 (ii) an impartial summary of the contents of the law to which the referendum relates,
 7116 not exceeding 125 words;
 7117 (c) file the proposed short title, summary, and the numbered referendum title with the
 7118 local clerk within 20 calendar days after the day on which an eligible voter submits
 7119 the referendum petition to the local clerk; and
 7120 (d) promptly provide notice of the filing of the proposed short title and summary to:
 7121 (i) the sponsors of the petition; and
 7122 (ii) the local legislative body for the jurisdiction where the referendum petition was
 7123 circulated.
 7124 (3)(a) The short title and summary may be distinct from the title of the law that is the
 7125 subject of the referendum petition.
 7126 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's
 7127 ability, give a true and impartial description of the subject of the referendum.
 7128 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's
 7129 ability, give a true and impartial summary of the contents of the referendum.
 7130 (d) The short title and summary may not intentionally be an argument, or likely to create
 7131 prejudice, for or against the referendum.
 7132 (4)(a) Within five calendar days after the day on which the local attorney files a
 7133 proposed short title and summary under Subsection (2)(c), the local legislative body
 7134 for the jurisdiction where the referendum petition was circulated and the sponsors of

- 7135 the referendum petition may file written comments in response to the proposed short
7136 title and summary with the local clerk.
- 7137 (b) Within five calendar days after the last date to submit written comments under
7138 Subsection (4)(a), the local attorney shall:
- 7139 (i) review any written comments filed in accordance with Subsection (4)(a);
7140 (ii) prepare a final short title and summary that meets the requirements of Subsection
7141 (3); and
7142 (iii) return the referendum petition and file the short title and summary with the local
7143 clerk.
- 7144 (c) Subject to Subsection (6), for each county or municipal referendum, the following
7145 shall be printed on the official ballot:
- 7146 (i) the short title; and
7147 (ii) except as provided in Subsection (4)(d):
7148 (A) the summary;
7149 (B) a copy of the ordinance, resolution, or written description of the local law; and
7150 (C) a link to a location on the election officer's website where a voter may review
7151 additional information relating to each referendum, including the information
7152 described in Subsection 20A-7-602(2) and the arguments relating to the
7153 referendum that are included in the local voter information pamphlet.
- 7154 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official
7155 ballot, the election officer shall include with the ballot a separate ballot proposition
7156 insert that includes the short title and summary for each referendum on the ballot and
7157 a link to a location on the election officer's website where a voter may review the
7158 additional information described in Subsection (4)(c)(ii)(C).
- 7159 (e) Unless the information described in Subsection 20A-7-508(4)(c)(ii) for all initiatives
7160 on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda
7161 on the ballot, is printed on the ballot, the ballot shall include the following statement
7162 at the beginning of the portion of the ballot that includes ballot measures, "The ballot
7163 proposition sheet included with this ballot contains an impartial summary of each
7164 initiative and referendum on this ballot, unless the summary is printed directly on the
7165 ballot."
- 7166 (5) Immediately after the local attorney files a copy of the short title and summary with the
7167 local clerk, the local clerk shall send a copy of the short title and summary to the
7168 sponsors of the referendum petition and the local legislative body for the jurisdiction

- 7169 where the referendum petition was circulated.
- 7170 (6)(a) If the short title or summary provided by the local attorney is unsatisfactory or
 7171 does not comply with the requirements of this section, the decision of the local
 7172 attorney may be appealed to the appropriate court by:
- 7173 (i) at least three sponsors of the referendum petition; or
 - 7174 (ii) a majority of the local legislative body for the jurisdiction where the referendum
 7175 petition was circulated.
- 7176 (b) The court:
- 7177 (i) shall examine the short title and summary and consider the arguments; and
 - 7178 (ii) enter an order consistent with the requirements of this section.
- 7179 (c) The local clerk shall include the short title and summary in the ballot or ballot
 7180 proposition insert, as required by this section.
- 7181 Section 101. Section **20A-7-609.5** is amended to read:
- 7182 **20A-7-609.5 . Election on referendum challenging local tax law conducted**
 7183 **entirely by mail.**
- 7184 (1) An election officer may administer an election on a referendum challenging a local tax
 7185 law entirely by mail.
- 7186 (2) For purposes of an election conducted under this section, the election officer shall:
- 7187 (a) designate as the election day the first business day that is at least 30 calendar days
 7188 after the day on which the election officer complies with Subsection (2)(b); and
 - 7189 (b) within 30 calendar days after the day on which the referendum described in
 7190 Subsection (1) qualifies for the ballot, mail to each registered voter within the voting
 7191 precincts to which the local tax law applies:
 - 7192 (i) a manual ballot;
 - 7193 (ii) a statement that there will be no polling place for the election;
 - 7194 (iii) a statement specifying the election day described in Subsection (2)(a);
 - 7195 (iv) a business reply mail envelope;
 - 7196 (v) instructions for returning the ballot that include an express notice about any
 7197 relevant deadlines that the voter must meet in order for the voter's vote to be
 7198 counted;
 - 7199 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
 7200 the voter fails to follow the instructions included with the manual ballot, the voter
 7201 will be unable to vote in that election because there will be no polling place for the
 7202 election; and

- 7203 (vii)(A) a copy of the proposition information pamphlet relating to the referendum
7204 if a proposition information pamphlet relating to the referendum was published
7205 under Section 20A-7-401.5; or
- 7206 (B) a website address where an individual may view a copy of the proposition
7207 information pamphlet described in Subsection (2)(b)(vii)(A).
- 7208 (3) An election officer who administers an election under this section shall:
- 7209 (a)(i) obtain, in person, the signatures of each voter within that voting precinct before
7210 the election; or
- 7211 (ii) obtain the signature of each voter within the voting precinct from the county
7212 clerk; and
- 7213 (b) maintain the signatures on file in the election officer's office.
- 7214 (4)(a) Upon receiving a returned manual ballot under this section, the election officer
7215 shall compare the signature on each return envelope with the voter's signature that is
7216 maintained on file and verify that the signatures are the same.
- 7217 (b) If the election officer questions the authenticity of the signature on the return
7218 envelope, the election officer shall immediately contact the voter to verify the
7219 signature.
- 7220 (c) If there is not a signature on the return envelope or if the election officer determines
7221 that the signature on the return envelope does not match the voter's signature that is
7222 maintained on file, the election officer shall:
- 7223 (i) disqualify the ballot; and
- 7224 (ii) notify the voter of the disqualification and the reason for the disqualification.
- 7225 Section 102. Section **20A-7-610** is amended to read:
- 7226 **20A-7-610 . Return and canvass -- Conflicting measures -- Law effective on**
7227 **proclamation.**
- 7228 (1) The votes on the law that is the subject of the referendum petition shall be counted,
7229 canvassed, and delivered as provided in [~~Title 20A, Chapter 4, Part 3, Canvassing~~
7230 ~~Returns~~] Chapter 4, Part 3, Canvassing Returns.
- 7231 (2) After the local board of canvassers completes the canvass, the local clerk shall certify to
7232 the local legislative body the vote for and against the law that is the subject of the
7233 referendum petition.
- 7234 (3)(a) The local legislative body shall immediately issue a proclamation that:
- 7235 (i) gives the total number of votes cast in the local jurisdiction for and against each
7236 law that is the subject of a referendum petition; and

7237 (ii) in accordance with Section 20A-7-611, declares those laws that are the subject of
 7238 a referendum petition that are approved by majority vote to be in full force and
 7239 effect as the law of the local jurisdiction.

7240 (b) When the local legislative body determines that two laws, or that parts of two laws
 7241 approved by the people at the same election are entirely in conflict, the local
 7242 legislative body shall proclaim to be law the law that received the greatest number of
 7243 affirmative votes, regardless of the difference in the majorities which those approved
 7244 laws received.

7245 (4)(a) Within 10 days after the day on which the local legislative body issues the
 7246 proclamation described in Subsection (3), any qualified voter residing in the
 7247 jurisdiction for a law that is declared by the local legislative body to be superseded by
 7248 another law approved at the same election may bring an action in the appropriate
 7249 court to review the decision.

7250 (b) The court shall:

7251 (i) consider the matter and decide whether the approved laws are entirely in conflict;
 7252 and

7253 (ii) issue an order, consistent with the court's decision, to the local legislative body.

7254 (5) Within 10 calendar days after the day on which the court enters an order under
 7255 Subsection (4)(b)(ii), the local legislative body shall:

7256 (a) proclaim as law all those laws approved by the people that the court determines are
 7257 not in conflict; and

7258 (b) of all those laws approved by the people as law that the court determines to be in
 7259 conflict, proclaim as law the one that receives the greatest number of affirmative
 7260 votes, regardless of the difference in majorities.

7261 Section 103. Section **20A-7-611** is amended to read:

7262 **20A-7-611 . Temporary stay -- Effective date -- Effect of repeal by local**
 7263 **legislative body.**

7264 (1) Any law submitted to the people by referendum petition that is rejected by the voters at
 7265 any election is repealed as of the date of the election.

7266 (2) If, at the time during the process described in Subsection 20A-7-607(2), the local clerk
 7267 determines that, at that point in time, an adequate number of signatures are certified to
 7268 comply with the signature requirements, the local clerk shall:

7269 (a) issue an order temporarily staying the law from going into effect; and

7270 (b) continue the process of certifying signatures and removing signatures as required by

- 7271 this part.
- 7272 (3) The temporary stay described in Subsection (2) remains in effect, regardless of whether
- 7273 a future count falls below the signature threshold, until~~[the day on which]~~:
- 7274 (a) if the local clerk declares the referendum petition insufficient, five calendar days
- 7275 after the day on which the local clerk declares the referendum petition insufficient; or
- 7276 (b) if the local clerk declares the referendum petition sufficient, the day on which the
- 7277 local legislative body issues the proclamation described in Section 20A-7-610.
- 7278 (4) A law submitted to the people by referendum that is approved by the voters at an
- 7279 election takes effect the later of:
- 7280 (a) five calendar days after the date of the official proclamation of the vote by the local
- 7281 legislative body; or
- 7282 (b) the effective date specified in the approved law.
- 7283 (5) If, after the local clerk issues a temporary stay order under Subsection (2)(a), the local
- 7284 clerk declares the referendum petition insufficient, the law that is the subject of the
- 7285 referendum petition takes effect the later of:
- 7286 (a) five calendar days after the day on which the local clerk declares the petition
- 7287 insufficient; or
- 7288 (b) the effective date specified in the proposed law.
- 7289 (6)(a) A law approved by the people under this part is not subject to veto.
- 7290 (b) The local legislative body may amend any laws approved by the people under this
- 7291 part after the people approve the law.
- 7292 (7) If the local legislative body repeals a law challenged by referendum petition under this
- 7293 part, the referendum petition is void and no further action on the referendum petition is
- 7294 required.
- 7295 Section 104. Section **20A-7-613** is amended to read:
- 7296 **20A-7-613 . Property tax referendum petition.**
- 7297 (1) As used in this section, "certified tax rate" means the same as that term is defined in
- 7298 Section 59-2-924.
- 7299 (2) Except as provided in this section, the requirements of this part apply to a referendum
- 7300 petition challenging a taxing entity's legislative body's vote to impose a tax rate that
- 7301 exceeds the certified tax rate.
- 7302 (3)(a) Notwithstanding Subsection 20A-7-105(5)(a)(iv), and subject to Subsection (3)(b),
- 7303 the sponsors or an agent of the sponsors shall deliver a signed and verified
- 7304 referendum packet to the county clerk of the county in which the packet was

- 7305 circulated before 5 p.m. no later than the earlier of:
- 7306 [(a)] (i) the first business day that is at least 30 calendar days after the day on which
- 7307 the first individual signs the packet; or
- 7308 [(b)] (ii) the first business day that is at least 40 calendar days after the day on which
- 7309 the local clerk complies with Subsection 20A-7-604(3).
- 7310 (b) For a county where the county clerk's office is closed on a business day, if the
- 7311 deadline described in Subsection (3)(a) is on that business day, the deadline is
- 7312 extended until 5 p.m. the next day that the office is open.
- 7313 (4) Notwithstanding Subsections 20A-7-105(6)(a) and (9), the county clerk shall take the
- 7314 actions required in Subsections 20A-7-105(6)(a) and (9) within 10 [~~working~~] business
- 7315 days after the day on which the county clerk receives the signed and verified referendum
- 7316 packet as described in Subsection (3).
- 7317 (5) The local clerk shall take the actions required by Section 20A-7-607 within two [
- 7318 ~~working~~] business days after:
- 7319 (a) in relation to the manual referendum process, the day on which the local clerk
- 7320 receives the referendum packets from the county clerk; or
- 7321 (b) in relation to the electronic referendum process, the deadline described in Subsection
- 7322 20A-7-616(2).
- 7323 (6) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot
- 7324 title within two [~~working~~] business days after the day on which the referendum petition is
- 7325 declared sufficient for submission to a vote of the people.
- 7326 (7) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot
- 7327 under this section shall appear on the ballot for the earlier of the next regular general
- 7328 election or the next municipal general election unless a special election is called.
- 7329 (8) The election officer shall mail manual ballots on a referendum under this section the
- 7330 later of:
- 7331 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or
- 7332 (b) the time that ballots are prepared for mailing under this section.
- 7333 (9) Section 20A-7-402 does not apply to a referendum described in this section.
- 7334 (10)(a) If a majority of voters does not vote against imposing the tax at a rate calculated
- 7335 to generate the increased revenue budgeted, adopted, and approved by the taxing
- 7336 entity's legislative body:
- 7337 (i) the certified tax rate for the fiscal year during which the referendum petition is
- 7338 filed is its most recent certified tax rate; and

7339 (ii) the proposed increased revenues for purposes of establishing the certified tax rate
7340 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the
7341 proposed increased revenues budgeted, adopted, and approved by the taxing
7342 entity's legislative body before the filing of the referendum petition.

7343 (b) If a majority of voters votes against imposing a tax at the rate established by the vote
7344 of the taxing entity's legislative body, the certified tax rate for the taxing entity is the
7345 taxing entity's most recent certified tax rate.

7346 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not
7347 required to comply with the notice and public hearing requirements of Section
7348 59-2-919 if the taxing entity complies with those notice and public hearing
7349 requirements before the referendum petition is filed.

7350 (11) The ballot title shall, at a minimum, include in substantially this form the following:

7351 "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount
7352 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year]
7353 as budgeted, adopted, and approved by the [name of the taxing entity].".

7354 (12) A taxing entity shall pay the county the costs incurred by the county that are directly
7355 related to meeting the requirements of this section and that the county would not have
7356 incurred but for compliance with this section.

7357 (13)(a) An election officer shall include on a ballot a referendum that has not yet
7358 qualified for placement on the ballot, if:

7359 (i) sponsors file an application for a referendum described in this section;

7360 (ii) the ballot will be used for the election for which the sponsors are attempting to
7361 qualify the referendum; and

7362 (iii) the deadline for qualifying the referendum for placement on the ballot occurs
7363 after the day on which the ballot will be printed.

7364 (b) If an election officer includes on a ballot a referendum described in Subsection
7365 (13)(a), the ballot title shall comply with Subsection (11).

7366 (c) If an election officer includes on a ballot a referendum described in Subsection
7367 (13)(a) that does not qualify for placement on the ballot, the election officer shall
7368 inform the voters by any practicable method that the referendum has not qualified for
7369 the ballot and that votes cast in relation to the referendum will not be counted.

7370 Section 105. Section **20A-7-615** is amended to read:

7371 **20A-7-615 . Electronic referendum process -- Obtaining signatures -- Request to**
7372 **remove signature.**

- 7373 (1) This section applies to the electronic referendum process described in Section
7374 20A-21-201.
- 7375 (2) A Utah voter may sign a local referendum petition if the voter is a legal voter and
7376 resides in the local jurisdiction.
- 7377 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from an
7378 individual:
- 7379 (a) verifies that the individual is at least 18 years old and meets the residency
7380 requirements of Section 20A-2-105; and
- 7381 (b) is informed that each signer is required to read and understand the law that is the
7382 subject of the referendum petition.
- 7383 (4)(a) A voter who signs a referendum petition may have the voter's signature removed
7384 from the referendum petition by, in accordance with Section 20A-1-1003, submitting
7385 to the county clerk a statement requesting that the voter's signature be removed
7386 before 5 p.m. no later than the earlier of:
- 7387 (i) the first business day that is at least 30 calendar days after the day on which the
7388 voter signs the statement requesting removal; or
- 7389 (ii) the first business day that is at least 45 calendar days after the day on which the
7390 local clerk posts the voter's name under Subsection 20A-7-616(3).
- 7391 (b) A voter may not submit a signature removal statement described in Subsection (4)(a)
7392 by email or other electronic means, unless the lieutenant governor establishes a
7393 signature removal process that is consistent with the requirements of this section and
7394 Section 20A-21-201.
- 7395 (c) A person may only remove an electronic signature from a referendum petition in
7396 accordance with this section.
- 7397 (d) A county clerk shall analyze a holographic signature, for purposes of removing an
7398 electronic signature from a referendum petition, in accordance with Subsection
7399 20A-1-1003(3).

7400 Section 106. Section **20A-7-616** is amended to read:

7401 **20A-7-616 . Electronic referendum process -- Collecting signatures -- Removal of**
7402 **signatures.**

- 7403 (1) This section applies only to the electronic referendum process.
- 7404 (2) A signature-gatherer may not collect a signature after 5 p.m. 45 calendar days after the
7405 day on which the first three sponsors receive notice, under Section 20A-7-602.7 or
7406 20A-7-602.8, that the referendum is legally referable to voters.

- 7407 (3) The local clerk shall send to each individual who provides a valid email address during
7408 the signature-gathering process an email that includes the following:
- 7409 (a) the subject of the email shall include the following statement, "Notice Regarding
7410 Your Petition Signature"; and
- 7411 (b) the body of the email shall include the following statement in 12-point type:
7412 "You signed a petition for the following referendum:
7413 [insert title of referendum]
7414 To access a copy of the referendum petition, the law that is the subject of the referendum
7415 petition, and information on the deadline for removing your signature from the referendum
7416 petition, please visit the following link: [insert a uniform resource locator that takes the
7417 individual directly to the page on the lieutenant governor's website that includes the
7418 information referred to in the email]."
- 7419 (4) Except as provided in Subsection (5), the county clerk shall, within two business days
7420 after the day on which the signature of an individual who signs a referendum petition is
7421 certified under Section 20A-21-201, post the name, voter identification number, and date
7422 of signature of the individual on the lieutenant governor's website, in a conspicuous
7423 location designated by the lieutenant governor, for at least 45 calendar days.
- 7424 (5)(a) If the local clerk timely receives a statement requesting signature removal under
7425 Subsection 20A-7-615(4), the local clerk shall:
- 7426 (i) ensure that the voter's name, voter identification number, and date of signature are
7427 not included in the posting described in Subsection (4); and
- 7428 (ii) remove the voter's signature from the referendum petition and the signature totals.
- 7429 (b) The local clerk shall comply with Subsection (5)(a) before the later of:
- 7430 (i) the deadline described in Subsection (4); or
- 7431 (ii) two business days after the day on which the county clerk receives a statement
7432 requesting signature removal under Subsection 20A-7-615(4).
- 7433 Section 107. Section **20A-7-702.5** is amended to read:
- 7434 **20A-7-702.5 . Publication of voter information pamphlet.**
- 7435 (1) No earlier than 75 calendar days, and no later than 15 calendar days, before the day on
7436 which voting commences, the lieutenant governor shall make all information provided in
7437 the voter information pamphlet available on the Statewide Electronic Voter Information
7438 Website Program described in Section 20A-7-801.
- 7439 (2) The lieutenant governor may distribute a voter information pamphlet at a location
7440 frequented by a person who cannot easily access the Statewide Electronic Voter

7441 Information Website authorized by Section 20A-7-801.

7442 Section 108. Section **20A-7-703** is amended to read:

7443 **20A-7-703 . Analysis of initiative or referendum -- Determination of fiscal effects.**

7444 (1) The director of the Office of Legislative Research and General Counsel, after the
7445 approval of the legislative general counsel as to legal sufficiency, shall:

7446 (a) prepare an impartial analysis of each measure submitted to the voters by initiative or
7447 referendum petition; and

7448 (b) submit the impartial analysis to the lieutenant governor no later than [~~the day that~~
7449 falls]90 calendar days before the date of the election in which the measure will
7450 appear on the ballot.

7451 (2) The director shall ensure that the impartial analysis:

7452 (a) is not more than 1,000 words long;

7453 (b) is prepared in clear and concise language that will easily be understood by the
7454 average voter;

7455 (c) avoids the use of technical terms as much as possible;

7456 (d) shows the effect of the measure on existing law;

7457 (e) identifies any potential conflicts with the United States or Utah Constitutions raised
7458 by the measure;

7459 (f) fairly describes the operation of the measure;

7460 (g) identifies the measure's fiscal effects over the time period or time periods determined
7461 by the director to be most useful in understanding the estimated fiscal impact of the
7462 proposed law; and

7463 (h) identifies the amount of any increase or decrease in revenue or cost to state or local
7464 government.

7465 (3)(a) In determining the fiscal effects of a measure, the director shall confer with the
7466 legislative fiscal analyst.

7467 (b) The director shall consider any measure that requires implementing legislation in
7468 order to take effect to have no financial effect, unless implementing legislation has
7469 been enacted that will become effective upon adoption of the measure by the voters.

7470 (4) If the director requests the assistance of any state department, agency, or official in
7471 preparing the director's analysis, that department, agency, or official shall assist the
7472 director.

7473 Section 109. Section **20A-7-703.1** is amended to read:

7474 **20A-7-703.1 . Analysis of measure submitted to voters by Legislature --**

7475 **Determination of fiscal effects.**

7476 (1) The presiding officers shall:

7477 (a) prepare an analysis of each measure, described in Section 20A-7-103, that is
7478 submitted to the voters by the Legislature; and7479 (b) submit the analysis to the lieutenant governor no later than [~~the day that falls~~]90
7480 calendar days before the date of the election in which the measure will appear on the
7481 ballot.

7482 (2) The presiding officers shall ensure that the analysis:

7483 (a) is not more than 1,000 words long;

7484 (b) is prepared in clear and concise language that will easily be understood by the
7485 average voter;

7486 (c) to the extent possible, avoids the use of technical terms;

7487 (d) shows the effect of the measure on existing law;

7488 (e) describes the measure;

7489 (f) identifies the measure's fiscal effects over the time period or time periods determined
7490 by the presiding officers to be most useful in understanding the estimated fiscal
7491 impact of the measure; and7492 (g) identifies the amount of any increase or decrease in revenue or cost to state or local
7493 government.7494 (3) The presiding officers shall analyze the measure as the measure is proposed to be
7495 adopted, without considering any implementing legislation, unless the implementing
7496 legislation has been enacted and will become effective upon the adoption of the measure
7497 by the voters.7498 (4)(a) In determining the fiscal effects of a measure, the presiding officers shall confer
7499 with the legislative fiscal analyst.7500 (b) The presiding officers shall consider any measure that requires implementing
7501 legislation in order to take effect to have no financial effect, unless implementing
7502 legislation has been enacted that will become effective upon adoption of the measure
7503 by the voters.7504 (5) If the presiding officers request the assistance of any state department, agency, or
7505 official in preparing the analysis described in this section, that department, agency, or
7506 official shall assist the presiding officers.7507 Section 110. Section **20A-7-705** is amended to read:7508 **20A-7-705 . Measures to be submitted to voters and referendum measures --**

7509 **Preparation of argument of adoption.**

7510 (1)(a) Whenever the Legislature submits any measure to the voters or whenever an act of
7511 the Legislature is referred to the voters by referendum petition, the presiding officer
7512 of the house of origin of the measure shall appoint the sponsor of the measure or act
7513 and one member of either house who voted with the majority to pass the act or
7514 submit the measure to draft an argument for the adoption of the measure.

7515 (b)(i) The argument may not exceed 500 words in length, not counting the
7516 information described in Subsection (4)(e).

7517 (ii) If the sponsor of the measure or act desires separate arguments to be written in
7518 favor by each person appointed, separate arguments may be written but the
7519 combined length of the two arguments may not exceed 500 words, not counting
7520 the information described in Subsection (4)(e).

7521 (2)(a) If a measure or act submitted to the voters by the Legislature or by referendum
7522 petition was not adopted unanimously by the Legislature, the presiding officer of
7523 each house shall, at the same time as appointments to an argument in its favor are
7524 made, appoint one member who voted against the measure or act from their house to
7525 write an argument against the measure or act.

7526 (b)(i) The argument may not exceed 500 words, not counting the information
7527 described in Subsection (4)(e).

7528 (ii) If those members appointed to write an argument against the measure or act
7529 desire separate arguments to be written in opposition to the measure or act by each
7530 person appointed, separate arguments may be written, but the combined length of
7531 the two arguments may not exceed 500 words, not counting the information
7532 described in Subsection (4)(e).

7533 (3)(a) The legislators appointed by the presiding officer of the Senate or House of
7534 Representatives to submit arguments shall submit the arguments to the lieutenant
7535 governor not later than ~~[the day that falls]~~ 150 calendar days before the date of the
7536 election.

7537 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
7538 arguments after they are submitted to the lieutenant governor.

7539 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
7540 arguments in any way.

7541 (d) The lieutenant governor and the authors of an argument may jointly modify an
7542 argument after it is submitted if:

7543 (i) they jointly agree that changes to the argument must be made to correct spelling or
7544 grammatical errors; and

7545 (ii) the argument has not yet been submitted for typesetting.

7546 (4)(a) If an argument for or an argument against a measure submitted to the voters by the
7547 Legislature or by referendum petition has not been filed by a member of the
7548 Legislature within the time required by this section:

7549 (i) the lieutenant governor shall immediately:

7550 (A) send an electronic notice that complies with the requirements of Subsection
7551 (4)(b) to each individual in the state for whom the Office of the Lieutenant
7552 Governor has an email address; or

7553 (B) post a notice that complies with the requirements of Subsection (4)(b) on the
7554 home page of the lieutenant governor's website; and

7555 (ii) any voter may, [~~before 5 p.m.~~]no later than the first business day that is at least
7556 seven calendar days after the day on which the lieutenant governor provides the
7557 notice described in Subsection (4)(a)(i), submit a written request to the presiding
7558 officer of the house in which the measure originated for permission to prepare and
7559 file an argument for the side on which no argument has been filed by a member of
7560 the Legislature.

7561 (b) A notice described in Subsection (4)(a)(i) shall contain:

7562 (i) the ballot title for the measure;

7563 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and

7564 (iii) the deadlines described in Subsections (4)(a)(ii) and (4)(d).

7565 (c)(i) The presiding officer of the house of origin shall grant permission unless two or
7566 more voters timely request permission to submit arguments on the same side of a
7567 measure.

7568 (ii) If two or more voters timely request permission to submit arguments on the same
7569 side of a measure, the presiding officer shall, no later than four calendar days after
7570 the day of the deadline described in Subsection (4)(a)(ii), designate one of the
7571 voters to write the argument.

7572 (d) Any argument prepared under this Subsection (4) shall be submitted to the lieutenant
7573 governor [~~before 5 p.m.~~]no later than 5 p.m. on the first business day that is at least
7574 seven calendar days after the day on which the presiding officer grants permission to
7575 submit the argument.

7576 (e) The lieutenant governor may not accept a ballot argument submitted under this

- 7577 section unless the ballot argument lists:
- 7578 (i) the name and address of the individual submitting the argument, if the argument is
- 7579 submitted by an individual voter; or
- 7580 (ii) the name and address of the organization and the names and addresses of at least
- 7581 two of the organization's principal officers, if the argument is submitted on behalf
- 7582 of an organization.
- 7583 (f) Except as provided in Subsection (4)(h), the authors may not amend or change the
- 7584 arguments after they are submitted to the lieutenant governor.
- 7585 (g) Except as provided in Subsection (4)(h), the lieutenant governor may not alter the
- 7586 arguments in any way.
- 7587 (h) The lieutenant governor and the authors of an argument may jointly modify an
- 7588 argument after it is submitted if:
- 7589 (i) they jointly agree that changes to the argument must be made to:
- 7590 (A) correct spelling or grammatical errors; or
- 7591 (B) properly characterize the position of a state entity, if the argument
- 7592 mischaracterizes the position of a state entity; and
- 7593 (ii) the argument has not yet been submitted for typesetting.
- 7594 (i) If, after the lieutenant governor determines that an argument described in this section
- 7595 mischaracterizes the position of a state entity, the lieutenant governor and the authors
- 7596 of the argument cannot jointly agree on a change to the argument, the lieutenant
- 7597 governor:
- 7598 (i) shall publish the argument with the mischaracterization; and
- 7599 (ii) may, immediately following the argument, publish a brief description of the
- 7600 position of the state entity.

7601 Section 111. Section **20A-7-706** is amended to read:

7602 **20A-7-706 . Copies of arguments to be sent to opposing authors -- Rebuttal**

7603 **arguments.**

- 7604 (1) When the lieutenant governor has received the arguments for and against a measure to
- 7605 be submitted to the voters, the lieutenant governor shall immediately send copies of the
- 7606 arguments in favor of the measure to the authors of the arguments against and copies of
- 7607 the arguments against to the authors of the arguments in favor.
- 7608 (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words, not
- 7609 counting the information described in Subsection 20A-7-705(4)(e).
- 7610 (3)(a) The authors shall file the rebuttal arguments [~~shall be filed~~] electronically with the

- 7611 lieutenant governor:
- 7612 (i) for constitutional amendments and referendum petitions, [~~before 5 p.m.~~]no later
- 7613 than 120 calendar days before the date of the election; and
- 7614 (ii) for initiatives, [~~before 5 p.m.~~]no later than July 30.
- 7615 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
- 7616 rebuttal arguments after they are submitted to the lieutenant governor.
- 7617 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
- 7618 arguments in any way.
- 7619 (d) The lieutenant governor and the authors of a rebuttal argument may jointly modify a
- 7620 rebuttal argument after it is submitted if:
- 7621 (i) they jointly agree that changes to the rebuttal argument must be made to correct
- 7622 spelling or grammatical errors; and
- 7623 (ii) the rebuttal argument has not yet been submitted for typesetting.
- 7624 (4) The lieutenant governor shall ensure that:
- 7625 (a) rebuttal arguments are printed in the same manner as the direct arguments; and
- 7626 (b) each rebuttal argument follows immediately after the direct argument which it seeks
- 7627 to rebut.
- 7628 Section 112. Section **20A-7-801** is amended to read:
- 7629 **20A-7-801 . Statewide Electronic Voter Information Website Program -- Duties**
- 7630 **of the lieutenant governor -- Content -- Duties of local election officials -- Deadlines --**
- 7631 **Frequently asked voter questions -- Other elections.**
- 7632 (1) There is established the Statewide Electronic Voter Information Website Program
- 7633 administered by the lieutenant governor in cooperation with the county clerks for
- 7634 general elections and municipal authorities for municipal elections.
- 7635 (2) In accordance with this section, and as resources become available, the lieutenant
- 7636 governor, in cooperation with county clerks, shall develop, establish, and maintain a
- 7637 state-provided Internet website designed to help inform the voters of the state of:
- 7638 (a) the offices and candidates up for election;
- 7639 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments
- 7640 of ballot propositions submitted to the voters; and
- 7641 (c) the status of a voter's trackable ballot, in accordance with Section 20A-3a-401.5,
- 7642 accessible only by the voter.
- 7643 (3) Except as provided under Subsection (6), the website shall include:
- 7644 (a) all information currently provided in the Utah voter information pamphlet under

- 7645 Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared,
 7646 analyzed, and submitted by the Judicial Performance Evaluation Commission
 7647 describing the judicial selection and retention process;
- 7648 (b) on the homepage of the website, a link to the Judicial Performance Evaluation
 7649 Commission's website, judges.utah.gov;
- 7650 (c) a link to the retention recommendation made by the Judicial Performance Evaluation
 7651 Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial Performance
 7652 Evaluation, for each judicial appointee to a court that is subject to a retention
 7653 election, in accordance with Section 20A-12-201, for the upcoming general election;
- 7654 (d) all information submitted by election officers under Subsection (4) on local office
 7655 races, local office candidates, and local ballot propositions;
- 7656 (e) a list that contains the name of a political subdivision that operates an election day
 7657 voting center under Section 20A-3a-703 and the location of the election day voting
 7658 center;
- 7659 (f) other information determined appropriate by the lieutenant governor that is currently
 7660 being provided by law, rule, or ordinance in relation to candidates and ballot
 7661 questions;
- 7662 (g) any differences in voting method, time, or location designated by the lieutenant
 7663 governor under Subsection 20A-1-308(2); and
- 7664 (h) an online ballot tracking system by which a voter can view the status of the voter's
 7665 trackable ballot, in accordance with Section 20A-3a-401.5, including:
- 7666 (i) when a ballot has been mailed to the voter;
- 7667 (ii) when an election official has received the voter's ballot; and
- 7668 (iii) when the voter's ballot has been counted.
- 7669 (4)(a) An election official shall submit the following information for each ballot under
 7670 the election official's direct responsibility under this title:
- 7671 (i) a list of all candidates for each office;
- 7672 (ii) if submitted by the candidate to the election official's office [~~before 5 p.m. no~~
 7673 ~~later than~~] no later than 5 p.m. on the last business day that is at least 45 calendar
 7674 days before the primary election or [~~before 5 p.m. no later than~~] no later than 5
 7675 p.m. on the last business day that is at least 60 calendar days before the general
 7676 election:
- 7677 (A) a statement of qualifications, not exceeding 200 words in length, for each
 7678 candidate;

- 7679 (B) the following current biographical information if desired by the candidate,
7680 current:
- 7681 (I) age;
7682 (II) occupation;
7683 (III) city of residence;
7684 (IV) years of residence in current city; and
7685 (V) email address; and
- 7686 (C) a single web address where voters may access more information about the
7687 candidate and the candidate's views; and
- 7688 (iii) factual information pertaining to all ballot propositions submitted to the voters,
7689 including:
- 7690 (A) a copy of the number and ballot title of each ballot proposition;
7691 (B) the final vote cast for each ballot proposition, if any, by a legislative body if
7692 the vote was required to place the ballot proposition on the ballot;
7693 (C) a complete copy of the text of each ballot proposition, with all new language
7694 underlined and all deleted language placed within brackets; and
7695 (D) other factual information determined helpful by the election official.
- 7696 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
7697 governor no later than one business day after the deadline under Subsection (4)(a) for
7698 each general election year and each municipal election year.
- 7699 (c) The lieutenant governor shall:
- 7700 (i) review the information submitted under this section, to determine compliance
7701 under this section, prior to placing it on the website;
- 7702 (ii) refuse to post information submitted under this section on the website if it is not
7703 in compliance with the provisions of this section; and
- 7704 (iii) organize, format, and arrange the information submitted under this section for
7705 the website.
- 7706 (d) The lieutenant governor may refuse to include information the lieutenant governor
7707 determines is not in keeping with:
- 7708 (i) Utah voter needs;
7709 (ii) public decency; or
7710 (iii) the purposes, organization, or uniformity of the website.
- 7711 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with Subsection
7712 (5).

- 7713 (5)(a) A person whose information is refused under Subsection (4), and who is
7714 aggrieved by the determination, may appeal by submitting a written notice of appeal
7715 to the lieutenant governor before 5 p.m. within 10 business days after the date of the
7716 determination. A notice of appeal submitted under this Subsection (5)(a) shall
7717 contain:
- 7718 (i) a listing of each objection to the lieutenant governor's determination; and
 - 7719 (ii) the basis for each objection.
- 7720 (b) The lieutenant governor shall review the notice of appeal and shall issue a written
7721 response within 10 business days after the day on which the notice of appeal is
7722 submitted.
- 7723 (c) An appeal of the response of the lieutenant governor shall be made to the district
7724 court, which shall review the matter de novo.
- 7725 (6)(a) The lieutenant governor shall ensure that each voter will be able to conveniently
7726 enter the voter's address information on the website to retrieve information on which
7727 offices, candidates, and ballot propositions will be on the voter's ballot at the next
7728 general election or municipal election.
- 7729 (b) The information on the website will anticipate and answer frequent voter questions
7730 including the following:
- 7731 (i) what offices are up in the current year for which the voter may cast a vote;
 - 7732 (ii) who is running for what office and who is the incumbent, if any;
 - 7733 (iii) what address each candidate may be reached at and how the candidate may be
7734 contacted;
 - 7735 (iv) for partisan races only, what, if any, is each candidate's party affiliation;
 - 7736 (v) what qualifications have been submitted by each candidate;
 - 7737 (vi) where additional information on each candidate may be obtained;
 - 7738 (vii) what ballot propositions will be on the ballot; and
 - 7739 (viii) what judges are up for retention election.
- 7740 (7) The lieutenant governor shall ensure that each voter may conveniently enter the voter's
7741 name, date of birth, and address information on the website to retrieve information on
7742 the status of the voter's ballot if the voter's ballot is trackable under Section
7743 20A-3a-401.5.
- 7744 (8) As resources are made available and in cooperation with the county clerks, the
7745 lieutenant governor may expand the electronic voter information website program to
7746 include the same information as provided under this section for special elections and

7747 primary elections.

7748 Section 113. Section **20A-8-103** is amended to read:

7749 **20A-8-103 . Petition procedures -- Criminal penalty -- Removal of signature.**

7750 (1) As used in this section, the proposed name or emblem of a registered political party is
7751 "distinguishable" if a reasonable person of average intelligence will be able to perceive a
7752 difference between the proposed name or emblem and any name or emblem currently
7753 being used by another registered political party.

7754 (2) To become a registered political party, an organization of registered voters that is not a
7755 continuing political party shall:

7756 (a) circulate a petition seeking registered political party status beginning no earlier than
7757 the date of the statewide canvass held after the last regular general election and
7758 ending before 5 p.m. no later than November 30 of the year before the year in which
7759 the next regular general election will be held;

7760 (b) file a petition with the lieutenant governor that is signed, with a holographic
7761 signature, by at least 2,000 registered voters before 5 p.m. no later than November 30
7762 of the year in which a regular general election will be held; and

7763 (c) file, with the petition described in Subsection (2)(b), a document certifying:

7764 (i) the identity of one or more registered political parties whose members may vote
7765 for the organization's candidates;

7766 (ii) whether unaffiliated voters may vote for the organization's candidates; and

7767 (iii) whether, for the next election, the organization intends to nominate the
7768 organization's candidates in accordance with the provisions of Section 20A-9-406.

7769 (3) The petition shall:

7770 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

7771 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
7772 blank for the purpose of binding;

7773 (c) contain the name of the political party and the words "Political Party Registration
7774 Petition" printed directly below the horizontal line;

7775 (d) contain the word "Warning" printed directly under the words described in Subsection
7776 (3)(c);

7777 (e) contain, to the right of the word "Warning," the following statement printed in not less than
7778 eight-point, single leaded type:

7779 "It is a class A misdemeanor for anyone to knowingly sign a political party registration

7780 petition signature sheet with any name other than the individual's own name or more than once

7781 for the same party or if the individual is not registered to vote in this state and does not intend
7782 to become registered to vote in this state before the petition is submitted to the lieutenant
7783 governor.";

7784 (f) contain the following statement directly under the statement described in Subsection (3)(e):

7785 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
7786 Lieutenant Governor:

7787 We, the undersigned citizens of Utah, seek registered political party status for _____
7788 (name);

7789 Each signer says:

7790 I have personally signed this petition with a holographic signature;

7791 I am registered to vote in Utah or will register to vote in Utah before the petition is
7792 submitted to the lieutenant governor;

7793 I am or desire to become a member of the political party; and

7794 My street address is written correctly after my name.";

7795 (g) be vertically divided into columns as follows:

7796 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
7797 headed with "For Office Use Only," and be subdivided with a light vertical line
7798 down the middle;

7799 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
7800 Name (must be legible to be counted)";

7801 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
7802 Registered Voter";

7803 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

7804 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
7805 Code"; and

7806 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
7807 information is not required, but it may be used to verify your identity with voter
7808 registration records. If you choose not to provide it, your signature may not be
7809 certified as a valid signature if you change your address before petition signatures
7810 are certified or if the information you provide does not match your voter
7811 registration records.";

7812 (h) have a final page bound to one or more signature sheets that are bound together that
7813 contains the following printed statement:

7814 "Verification

7815 State of Utah, County of ____

7816 I, _____, of _____, hereby state that:

7817 I am a Utah resident and am at least 18 years old;

7818 All the names that appear on the signature sheets bound to this page were signed by
 7819 individuals who professed to be the individuals whose names appear on the signature sheets,
 7820 and each individual signed the individual's name on the signature sheets in my presence;

7821 I believe that each individual has printed and signed the individual's name and written
 7822 the individual's street address correctly, and that each individual is registered to vote in Utah or
 7823 will register to vote in Utah before the petition is submitted to the lieutenant governor.

7824 _____

7825
 7826 (Signature) (Residence Address) (Date)"; and

7827 (i) be bound to a cover sheet that:

7828 (i) identifies the political party's name, which may not exceed four words, and the
 7829 emblem of the party;

7830 (ii) states the process that the organization will follow to organize and adopt a
 7831 constitution and bylaws; and

7832 (iii) is signed by a filing officer, who agrees to receive communications on behalf of
 7833 the organization.

7834 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual in
 7835 whose presence each signature sheet is signed:

7836 (a) is at least 18 years old;

7837 (b) meets the residency requirements of Section 20A-2-105; and

7838 (c) verifies each signature sheet by completing the verification bound to one or more
 7839 signature sheets that are bound together.

7840 (5) An individual may not sign the verification if the individual signed a signature sheet
 7841 bound to the verification.

7842 (6) The lieutenant governor shall:

7843 (a) use the procedures described in Section 20A-1-1002 to determine whether a signer is
 7844 a registered voter;

7845 (b) review the proposed name and emblem to determine if they are "distinguishable"
 7846 from the names and emblems of other registered political parties; and

7847 (c) certify the lieutenant governor's findings to the filing officer described in Subsection
 7848 (3)(i)(iii) within 30 calendar days [~~of the filing of~~] after the day on which the

- 7849 organization files the petition described in Subsection (2)(b).
- 7850 (7)(a) If the lieutenant governor determines that the petition meets the requirements of
7851 this section, and that the proposed name and emblem are distinguishable, the
7852 lieutenant governor shall authorize the filing officer described in Subsection (3)(i)(iii)
7853 to organize the prospective political party.
- 7854 (b) If the lieutenant governor finds that the name, emblem, or both are not
7855 distinguishable from the names and emblems of other registered political parties, the
7856 lieutenant governor shall notify the filing officer that the filing officer has seven
7857 calendar days to electronically submit a new name or emblem to the lieutenant
7858 governor.
- 7859 (8) A registered political party may not change its name or emblem during the regular
7860 general election cycle.
- 7861 (9)(a) It is unlawful for an individual to:
- 7862 (i) knowingly sign a political party registration petition:
- 7863 (A) with any name other than the individual's own name;
- 7864 (B) more than once for the same political party; or
- 7865 (C) if the individual is not registered to vote in this state and does not intend to
7866 become registered to vote in this state before the petition is submitted to the
7867 lieutenant governor; or
- 7868 (ii) sign the verification of a political party registration petition signature sheet if the
7869 individual:
- 7870 (A) does not meet the residency requirements of Section 20A-2-105;
- 7871 (B) has not witnessed the signing by those individuals whose names appear on the
7872 political party registration petition signature sheet; or
- 7873 (C) knows that an individual whose signature appears on the political party
7874 registration petition signature sheet is not registered to vote in this state and
7875 does not intend to become registered to vote in this state.
- 7876 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.
- 7877 (10)(a) A voter who signs a petition under this section may have the voter's signature
7878 removed from the petition by, no later than three business days after the day on
7879 which the petition is filed with the lieutenant governor, submitting to the lieutenant
7880 governor a statement requesting that the voter's signature be removed.
- 7881 (b) A statement described in Subsection (10)(a) shall comply with the requirements
7882 described in Subsection 20A-1-1003(2).

7883 (c) The lieutenant governor shall use the procedures described in Subsection
7884 20A-1-1003(3) to determine whether to remove an individual's signature from a
7885 petition after receiving a timely, valid statement requesting removal of the signature.
7886 Section 114. Section **20A-8-401** is amended to read:

7887 **20A-8-401 . Registered political parties -- Bylaws -- Report name of midterm**
7888 **vacancy candidate.**

7889 (1)(a) Each new or unregistered state political party that seeks to become a registered
7890 political party under the authority of this chapter shall file a copy of the party's
7891 proposed constitution and bylaws at the time the party files the party's registration
7892 information.

7893 (b) Each registered state political party shall file revised copies of the party's constitution
7894 or bylaws with the lieutenant governor [~~before 5 p.m. within~~] no later than 5 p.m. on
7895 the first business day that is at least 15 calendar days after the day on which the
7896 constitution or bylaws are adopted or amended.

7897 (2) Each state political party, each new political party seeking registration, and each
7898 unregistered political party seeking registration shall ensure that the party's constitution
7899 or bylaws contain:

7900 (a) provisions establishing party organization, structure, membership, and governance
7901 that include:

7902 (i) a description of the position, selection process, qualifications, duties, and terms of
7903 each party officer and committees defined by constitution and bylaws;

7904 (ii) a provision requiring a designated party officer to serve as liaison with:

7905 (A) the lieutenant governor on all matters relating to the political party's
7906 relationship with the state; and

7907 (B) each county legislative body on matters relating to the political party's
7908 relationship with a county;

7909 (iii) a description of the requirements for participation in party processes;

7910 (iv) the dates, times, and quorum of any regularly scheduled party meetings,
7911 conventions, or other conclaves; and

7912 (v) a mechanism for making the names of delegates, candidates, and elected party
7913 officers available to the public shortly after they are selected;

7914 (b) a procedure for selecting party officers that allows active participation by party
7915 members;

7916 (c) a procedure for selecting party candidates at the federal, state, and county levels that

- 7917 allows active participation by party members;
- 7918 (d)(i) a procedure for selecting electors who are pledged to cast their votes in the
7919 electoral college for the party's candidates for president and vice president of the
7920 United States; and
- 7921 (ii) a procedure for filling vacancies in the office of presidential elector because of
7922 death, refusal to act, failure to attend, ineligibility, or any other cause;
- 7923 (e) a procedure for filling vacancies in the office of representative or senator or a county
7924 office, as described in Section 20A-1-508, because of death, resignation, or
7925 ineligibility;
- 7926 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;
- 7927 (g) a procedure for replacing party candidates who die, acquire a disability that prevents
7928 the candidate from continuing the candidacy, or are disqualified before a primary or
7929 regular general election;
- 7930 (h) provisions governing the deposit and expenditure of party funds, and governing the
7931 accounting for, reporting, and audit of party financial transactions;
- 7932 (i) provisions governing access to party records;
- 7933 (j) a procedure for amending the constitution or bylaws that allows active participation
7934 by party members or their representatives;
- 7935 (k) a process for resolving grievances against the political party; and
- 7936 (l) if desired by the political party, a process for consulting with, and obtaining the
7937 opinion of, the political party's Utah Senate and Utah House of Representatives
7938 members about:
- 7939 (i) the performance of the two United States Senators from Utah, including
7940 specifically:
- 7941 (A) their views and actions regarding the defense of state's rights and federalism;
7942 and
- 7943 (B) their performance in representing Utah's interests;
- 7944 (ii) the members' opinion about, or rating of, and support or opposition to the policy
7945 positions of any candidates for United States Senate from Utah, including
7946 incumbents, including specifically:
- 7947 (A) their views and actions regarding the defense of state's rights and federalism;
7948 and
- 7949 (B) their performance in representing Utah's interests; and
- 7950 (iii) the members' collective or individual endorsement or rating of a particular

7951 candidate for United States Senate from Utah.

7952 (3) If, in accordance with a political party's constitution or bylaws, a person files a
 7953 declaration or otherwise notifies the party of the person's candidacy as a legislative
 7954 office candidate or state office candidate, as defined in Section 20A-11-101, to be
 7955 appointed and fill a midterm vacancy in the office of representative or senator in the
 7956 Legislature, as described in Section 20A-1-503, or in a state office as described in
 7957 Section 20A-1-504, the party shall forward a copy of that declaration or notification to
 7958 the lieutenant governor before 5 p.m. no later than the day following the day on which
 7959 the party receives the declaration or notification.

7960 Section 115. Section **20A-8-402** is amended to read:

7961 **20A-8-402 . Political party officers -- Submission of names of officers to the**
 7962 **lieutenant governor.**

7963 (1) Each state political party shall:

7964 (a) designate a party officer to act as liaison with:

7965 (i) the lieutenant governor's office; and

7966 (ii) each county legislative body; and

7967 (b) [~~before 5 p.m.~~]no later than 5 p.m. on the first business day that is at least seven
 7968 calendar days after the day on which the party makes a change in the party liaison,
 7969 submit the name of the new liaison to the lieutenant governor.

7970 (2) Each state political party and each county political party shall:

7971 (a) submit the name, address, and phone number of each officer to the lieutenant
 7972 governor [~~within~~] no later than 5 p.m. on the first business day that is at least seven
 7973 calendar days after the officers are selected; and

7974 (b) [~~before 5 p.m.~~]no later than 5 p.m. on the first business day that is at least seven
 7975 calendar days after the day on which the party makes a change in party officers,
 7976 submit the name, address, and phone number of each new officer to the lieutenant
 7977 governor.

7978 Section 116. Section **20A-8-404** is amended to read:

7979 **20A-8-404 . Use of public meeting buildings by political parties.**

7980 (1) The legislative body of a county, municipality, school district, or public institution of
 7981 higher education shall make all meeting facilities in buildings under its control available
 7982 to registered political parties, without discrimination, to be used for political party
 7983 activities if:

7984 (a) the political party requests the use of the meeting facility [~~before 5 p.m. no later than~~]

- 7985 no later than 5 p.m. on the last business day that is at least 30 calendar days before
 7986 the day on which the use by the political party will take place; and
- 7987 (b) the meeting facility is not already scheduled for another purpose at the time of the
 7988 proposed use.
- 7989 (2) Subject to the requirements of Subsection (3), when a legislative body makes a meeting
 7990 facility available under Subsection (1), it may establish terms and conditions for use of
 7991 that meeting facility.
- 7992 (3) The charge imposed for the use of a meeting facility described in Subsection (1) by a
 7993 registered political party may not exceed the actual cost of:
- 7994 (a) custodial services for cleaning the meeting facility after the use by the political party;
 7995 and
- 7996 (b) any service requested by the political party and provided by the meeting facility.
- 7997 (4) An entity described in Subsection (1) shall, to the extent possible, avoid scheduling an
 7998 event in a government building for the same evening as an announced party caucus
 7999 meeting.
- 8000 (5) This section does not apply to a publicly owned or operated convention center, sports
 8001 arena, or other facility at which conventions, conferences, and other gatherings are held
 8002 and whose primary business or function is to host such conventions, conferences, and
 8003 other gatherings.

8004 Section 117. Section **20A-9-201** is amended to read:

8005 **20A-9-201 . Declarations of candidacy -- Candidacy for more than one office or**
 8006 **of more than one political party prohibited with exceptions -- General filing and form**
 8007 **requirements -- Affidavit of impecuniosity.**

- 8008 (1) Before filing a declaration of candidacy for election to any office, an individual shall:
- 8009 (a) be a United States citizen;
- 8010 (b) meet the legal requirements of that office; and
- 8011 (c) if seeking a registered political party's nomination as a candidate for elective office,
 8012 state:
- 8013 (i) the registered political party of which the individual is a member; or
- 8014 (ii) that the individual is not a member of a registered political party.
- 8015 (2)(a) Except as provided in Subsection (2)(b), an individual may not:
- 8016 (i) file a declaration of candidacy for, or be a candidate for, more than one office in
 8017 Utah during any election year;
- 8018 (ii) appear on the ballot as the candidate of more than one political party; or

8019 (iii) file a declaration of candidacy for a registered political party of which the
8020 individual is not a member, except to the extent that the registered political party
8021 permits otherwise in the registered political party's bylaws.

8022 (b)(i) An individual may file a declaration of candidacy for, or be a candidate for,
8023 president or vice president of the United States and another office, if the
8024 individual resigns the individual's candidacy for the other office after the
8025 individual is officially nominated for president or vice president of the United
8026 States.

8027 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
8028 than one justice court judge office.

8029 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
8030 the individual filed a declaration of candidacy for another office in the same
8031 election year if the individual withdraws as a candidate for the other office in
8032 accordance with Subsection 20A-9-202(6) before filing the declaration of
8033 candidacy for lieutenant governor.

8034 (3)(a) Except for a candidate for president or vice president of the United States, before
8035 the filing officer may accept any declaration of candidacy, the filing officer shall:

8036 (i) read to the individual the constitutional and statutory qualification requirements
8037 for the office that the individual is seeking;

8038 (ii) require the individual to state whether the individual meets the requirements
8039 described in Subsection (3)(a)(i);

8040 (iii) if the declaration of candidacy is for a county office, inform the individual that
8041 an individual who holds a county elected office may not, at the same time, hold a
8042 municipal elected office; and

8043 (iv) if the declaration of candidacy is for a legislative office, inform the individual
8044 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a
8045 public office of profit or trust, under authority of the United States or Utah, from
8046 being a member of the Legislature.

8047 (b) Before accepting a declaration of candidacy for the office of county attorney, the
8048 county clerk shall ensure that the individual filing that declaration of candidacy is:

8049 (i) a United States citizen;

8050 (ii) an attorney licensed to practice law in the state who is an active member in good
8051 standing of the Utah State Bar;

8052 (iii) a registered voter in the county in which the individual is seeking office; and

- 8053 (iv) a current resident of the county in which the individual is seeking office and
8054 either has been a resident of that county for at least one year before the date of the
8055 election or was appointed and is currently serving as county attorney and became
8056 a resident of the county within 30 calendar days after appointment to the office.
- 8057 (c) Before accepting a declaration of candidacy for the office of district attorney, the
8058 county clerk shall ensure that, as of the date of the election, the individual filing that
8059 declaration of candidacy is:
- 8060 (i) a United States citizen;
- 8061 (ii) an attorney licensed to practice law in the state who is an active member in good
8062 standing of the Utah State Bar;
- 8063 (iii) a registered voter in the prosecution district in which the individual is seeking
8064 office; and
- 8065 (iv) a current resident of the prosecution district in which the individual is seeking
8066 office and either will have been a resident of that prosecution district for at least
8067 one year before the date of the election or was appointed and is currently serving
8068 as district attorney and became a resident of the prosecution district within 30
8069 calendar days after receiving appointment to the office.
- 8070 (d) Before accepting a declaration of candidacy for the office of county sheriff, the
8071 county clerk shall ensure that the individual filing the declaration:
- 8072 (i) is a United States citizen;
- 8073 (ii) is a registered voter in the county in which the individual seeks office;
- 8074 (iii)(A) has successfully met the standards and training requirements established
8075 for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer
8076 Training and Certification Act; or
- 8077 (B) has met the waiver requirements in Section 53-6-206;
- 8078 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
8079 53-13-103; and
- 8080 (v) before the date of the election, will have been a resident of the county in which
8081 the individual seeks office for at least one year.
- 8082 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
8083 governor, state auditor, state treasurer, attorney general, state legislator, or State
8084 Board of Education member, the filing officer shall ensure that the individual filing
8085 the declaration of candidacy also makes the conflict of interest disclosure described
8086 in Section 20A-11-1603.

- 8087 (4) If an individual who files a declaration of candidacy does not meet the qualification
8088 requirements for the office the individual is seeking, the filing officer may not accept the
8089 individual's declaration of candidacy.
- 8090 (5) If an individual who files a declaration of candidacy meets the requirements described
8091 in Subsection (3), the filing officer shall:
- 8092 (a) inform the individual that:
- 8093 (i) the individual's name will appear on the ballot as the individual's name is written
8094 on the individual's declaration of candidacy;
- 8095 (ii) the individual may be required to comply with state or local campaign finance
8096 disclosure laws; and
- 8097 (iii) the individual is required to file a financial statement before the individual's
8098 political convention under:
- 8099 (A) Section 20A-11-204 for a candidate for constitutional office;
- 8100 (B) Section 20A-11-303 for a candidate for the Legislature; or
- 8101 (C) local campaign finance disclosure laws, if applicable;
- 8102 (b) except for a presidential candidate, provide the individual with a copy of the current
8103 campaign financial disclosure laws for the office the individual is seeking and inform
8104 the individual that failure to comply will result in disqualification as a candidate and
8105 removal of the individual's name from the ballot;
- 8106 (c)(i) provide the individual with a copy of Section 20A-7-801 regarding the
8107 Statewide Electronic Voter Information Website Program and inform the
8108 individual of the submission deadline under Subsection 20A-7-801(4)(a);
- 8109 (ii) inform the individual that the individual must provide the filing officer with an
8110 email address that the individual actively monitors:
- 8111 (A) to receive a communication from a filing officer or an election officer; and
- 8112 (B) if the individual wishes to display a candidate profile on the Statewide
8113 Electronic Voter Information Website, to submit to the website the
8114 biographical and other information described in Subsection 20A-7-801(4)(a)(ii);
- 8115 (iii) inform the individual that the email address described in Subsection (5)(c)(ii) is
8116 not a record under Title 63G, Chapter 2, Government Records Access and
8117 Management Act; and
- 8118 (iv) obtain from the individual the email address described in Subsection (5)(c)(ii);
- 8119 (d) provide the candidate with a copy of the pledge of fair campaign practices described
8120 under Section 20A-9-206 and inform the candidate that:

- 8121 (i) signing the pledge is voluntary; and
 8122 (ii) signed pledges shall be filed with the filing officer;
 8123 (e) accept the individual's declaration of candidacy; and
 8124 (f) if the individual has filed for a partisan office, provide a certified copy of the
 8125 declaration of candidacy to the chair of the county or state political party of which the
 8126 individual is a member.

8127 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
 8128 shall:

- 8129 (a) accept the candidate's pledge; and
 8130 (b) if the candidate has filed for a partisan office, provide a certified copy of the
 8131 candidate's pledge to the chair of the county or state political party of which the
 8132 candidate is a member.

8133 (7)(a) Except for a candidate for president or vice president of the United States, the
 8134 form of the declaration of candidacy shall:

8135 (i) be substantially as follows:

8136 "State of Utah, County of ____

8137 I, _____, declare my candidacy for the office of _____, seeking the
 8138 nomination of the _____ party. I do solemnly swear, under penalty of perjury, that: I will meet
 8139 the qualifications to hold the office, both legally and constitutionally, if selected; I reside at
 8140 _____ in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not
 8141 knowingly violate any law governing campaigns and elections; if filing via a designated agent,
 8142 I will be out of the state of Utah during the entire candidate filing period; I will file all
 8143 campaign financial disclosure reports as required by law; and I understand that failure to do so
 8144 will result in my disqualification as a candidate for this office and removal of my name from
 8145 the ballot. The mailing address that I designate for receiving official election notices is
 8146 _____.

8147 _____
 8148 Subscribed and sworn before me this _____(month\day\year).

8149 Notary Public (or other officer qualified to administer oath)."; and

8150 (ii) require the candidate to state, in the sworn statement described in Subsection

8151 (7)(a)(i):

8152 (A) the registered political party of which the candidate is a member; or

8153 (B) that the candidate is not a member of a registered political party.

8154 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of

- 8155 candidacy may not sign the form described in Subsection (7)(a) or Section
8156 20A-9-408.5.
- 8157 (8)(a) Except for a candidate for president or vice president of the United States, the fee
8158 for filing a declaration of candidacy is:
- 8159 (i) \$50 for candidates for the local school district board; and
8160 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the
8161 person holding the office for all other federal, state, and county offices.
- 8162 (b) Except for presidential candidates, the filing officer shall refund the filing fee to any
8163 candidate:
- 8164 (i) who is disqualified; or
8165 (ii) who the filing officer determines has filed improperly.
- 8166 (c)(i) The county clerk shall immediately pay to the county treasurer all fees received
8167 from candidates.
- 8168 (ii) The lieutenant governor shall:
- 8169 (A) apportion to and pay to the county treasurers of the various counties all fees
8170 received for filing of nomination certificates or acceptances; and
8171 (B) ensure that each county receives that proportion of the total amount paid to the
8172 lieutenant governor from the congressional district that the total vote of that
8173 county for all candidates for representative in Congress bears to the total vote
8174 of all counties within the congressional district for all candidates for
8175 representative in Congress.
- 8176 (d)(i) A person who is unable to pay the filing fee may file a declaration of candidacy
8177 without payment of the filing fee upon a prima facie showing of impecuniosity as
8178 evidenced by an affidavit of impecuniosity filed with the filing officer and, if
8179 requested by the filing officer, a financial statement filed at the time the affidavit
8180 is submitted.
- 8181 (ii) A person who is able to pay the filing fee may not claim impecuniosity.
- 8182 (iii)(A) False statements made on an affidavit of impecuniosity or a financial
8183 statement filed under this section shall be subject to the criminal penalties
8184 provided under Sections 76-8-503 and 76-8-504 and any other applicable
8185 criminal provision.
- 8186 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be
8187 considered an offense under this title for the purposes of assessing the penalties
8188 provided in Subsection 20A-1-609(2).

8189 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially
8190 the following form:

8191 "Affidavit of Impecuniosity

8192 Individual Name

8193 _____ Address _____

8194 Phone Number _____

8195 I, _____ (name), do solemnly [swear] [affirm], under penalty of
8196 law for false statements, that, owing to my poverty, I am unable to pay the filing fee required
8197 by law.

8198 Date _____

8199 Signature _____ Affiant

8200 Subscribed and sworn to before me on _____ (month\day\year)

8201 _____
8202 (signature)

8203 Name and Title of Officer Authorized to Administer Oath _____".

8204 (v) The filing officer shall provide to a person who requests an affidavit of impecuniosity a
8205 statement printed in substantially the following form, which may be included on the affidavit
8206 of impecuniosity:

8207 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
8208 candidate who is found guilty of filing a false statement, in addition to being subject to
8209 criminal penalties, will be removed from the ballot."

8210 (vi) The filing officer may request that a person who makes a claim of impecuniosity
8211 under this Subsection (8)(d) file a financial statement on a form prepared by the
8212 election official.

8213 (9) An individual who fails to file a declaration of candidacy or certificate of nomination
8214 within the time provided in this chapter is ineligible for nomination to office.

8215 (10) A declaration of candidacy filed under this section may not be amended or modified
8216 after the final date established for filing a declaration of candidacy.

8217 Section 118. Section **20A-9-201.5** is amended to read:

8218 **20A-9-201.5 . Declaration of candidacy filing period for a qualified political**
8219 **party.**

8220 [~~(1) In 2022, for a qualified political party, the filing period to file a declaration of~~
8221 ~~candidacy for an elective office that is to be filled at the next regular general election~~
8222 ~~begins at 8 a.m. on February 28, 2022, and ends at 5 p.m. on March 4, 2022.~~]

8223 [~~(2) Beginning on January 1, 2024, for~~] For a qualified political party, the filing period to
8224 file a declaration of candidacy for an elective office that is to be filled at the next regular
8225 general election:

8226 [~~(a)~~] (1) begins at 8[:00] a.m. on the later of:

8227 [~~(i)~~] (a) January 2 of the year in which the next regular general election is held; or

8228 [~~(ii)~~] (b) if January 2 is not a business day, the first business day after January 2; and

8229 [~~(b)~~] (2) ends at 5 p.m. on the fourth business day after the day on which the filing period
8230 begins.

8231 Section 119. Section **20A-9-202** is amended to read:

8232 **20A-9-202 . Declarations of candidacy for regular general elections.**

8233 (1)(a) An individual seeking to become a candidate for an elective office that is to be
8234 filled at the next regular general election shall:

8235 (i) except as provided in Subsection (1)(c), file a declaration of candidacy in person
8236 with the filing officer on or after January 1 of the regular general election year,
8237 and, if applicable, before the individual circulates nomination petitions under
8238 Section 20A-9-405; and

8239 (ii) pay the filing fee.

8240 (b) Unless expressly provided otherwise in this title, for a registered political party that
8241 is not a qualified political party, the deadline for filing a declaration of candidacy for
8242 an elective office that is to be filled at the next regular general election is 5 p.m. on
8243 the first Monday after the fourth Saturday in April.

8244 (c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file
8245 a declaration of candidacy with the filing officer if:

8246 (i) the individual is located outside of the state during the entire filing period;

8247 (ii) the designated agent appears in person before the filing officer;

8248 (iii) the individual communicates with the filing officer using an electronic device
8249 that allows the individual and filing officer to see and hear each other; and

8250 (iv) the individual provides the filing officer with an email address to which the filing
8251 officer may send the individual the copies described in Subsection 20A-9-201(5).

8252 (d) Each county clerk who receives a declaration of candidacy from a candidate for
8253 multicounty office shall transmit the filing fee and a copy of the candidate's
8254 declaration of candidacy to the lieutenant governor within one business day after the
8255 candidate files the declaration of candidacy.

8256 (e) Each business day during the filing period, each county clerk shall notify the

- 8257 lieutenant governor electronically or by telephone of candidates who have filed a
8258 declaration of candidacy with the county clerk.
- 8259 (f) Each individual seeking the office of lieutenant governor, the office of district
8260 attorney, or the office of president or vice president of the United States shall comply
8261 with the specific declaration of candidacy requirements established by this section.
- 8262 (2)(a) Each individual intending to become a candidate for the office of district attorney
8263 within a multicounty prosecution district that is to be filled at the next regular general
8264 election shall:
- 8265 (i) file a declaration of candidacy with the clerk designated in the interlocal
8266 agreement creating the prosecution district on or after January 1 of the regular
8267 general election year, and before the individual circulates nomination petitions
8268 under Section 20A-9-405; and
- 8269 (ii) pay the filing fee.
- 8270 (b) The designated clerk shall provide to the county clerk of each county in the
8271 prosecution district a certified copy of each declaration of candidacy filed for the
8272 office of district attorney.
- 8273 (3)(a) Before the deadline described in Subsection (1)(b), each lieutenant governor
8274 candidate shall:
- 8275 (i) file a declaration of candidacy with the lieutenant governor;
- 8276 (ii) pay the filing fee; and
- 8277 (iii) submit a letter from a candidate for governor who has received certification for
8278 the primary-election ballot under Section 20A-9-403 that names the lieutenant
8279 governor candidate as a joint-ticket running mate.
- 8280 (b)(i) A candidate for lieutenant governor who fails to timely file is disqualified.
- 8281 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file
8282 to replace the disqualified candidate.
- 8283 (4) Before 5 p.m. no later than August 31, each registered political party shall:
- 8284 (a) certify the names of the political party's candidates for president and vice president of
8285 the United States to the lieutenant governor; or
- 8286 (b) provide written authorization for the lieutenant governor to accept the certification of
8287 candidates for president and vice president of the United States from the national
8288 office of the registered political party.
- 8289 (5)(a) A declaration of candidacy filed under this section is valid unless a written
8290 objection is filed with the clerk or lieutenant governor [~~before~~] no later than 5 p.m. on

- 8291 the last business day that is at least 10 calendar days before the deadline described in
8292 Subsection 20A-9-409(4)(c).
- 8293 (b) If an objection is made, the clerk or lieutenant governor shall:
- 8294 (i) mail or personally deliver notice of the objection to the affected candidate
8295 immediately; and
- 8296 (ii) decide any objection within 48 hours after it is filed.
- 8297 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
8298 problem by:
- 8299 (i) amending the declaration or petition [~~before 5 p.m. within~~] no later than 5 p.m. on
8300 the first business day that is at least three calendar days after the day on which the
8301 objection is sustained[~~or by~~] ; or
- 8302 (ii) filing a new declaration [~~before 5 p.m. within~~] no later than 5 p.m. on the first
8303 business day that is at least three calendar days after the day on which the
8304 objection is sustained.
- 8305 (d)(i) The clerk's or lieutenant governor's decision upon objections to form is final.
- 8306 (ii) The clerk's or lieutenant governor's decision upon substantive matters is
8307 reviewable by a district court if prompt application is made to the court.
- 8308 (iii) The decision of the district court is final unless the Supreme Court, in the
8309 exercise of its discretion, agrees to review the lower court decision.
- 8310 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing
8311 a written affidavit with the clerk.
- 8312 (7)(a) Except for a candidate who is certified by a registered political party under
8313 Subsection (4), and except as provided in Section 20A-9-504, before 5 p.m. no later
8314 than August 31 of a general election year, each individual running as a candidate for
8315 vice president of the United States shall:
- 8316 (i) file a declaration of candidacy, in person or via a designated agent, on a form
8317 developed by the lieutenant governor, that:
- 8318 (A) contains the individual's name, address, and telephone number;
- 8319 (B) states that the individual meets the qualifications for the office of vice
8320 president of the United States;
- 8321 (C) names the presidential candidate, who has qualified for the general election
8322 ballot, with which the individual is running as a joint-ticket running mate;
- 8323 (D) states that the individual agrees to be the running mate of the presidential
8324 candidate described in Subsection (7)(a)(i)(C); and

8325 (E) contains any other necessary information identified by the lieutenant governor;
 8326 (ii) pay the filing fee; and
 8327 (iii) submit a letter from the presidential candidate described in Subsection
 8328 (7)(a)(i)(C) that names the individual as a joint-ticket running mate as a vice
 8329 presidential candidate.

8330 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of
 8331 candidacy.

8332 (c) A vice presidential candidate who fails to meet the requirements described in this
 8333 Subsection (7) may not appear on the general election ballot.

8334 (8) An individual filing a declaration of candidacy for president or vice president of the
 8335 United States shall pay a filing fee of \$500.

8336 Section 120. Section **20A-9-203** is amended to read:

8337 **20A-9-203 . Declarations of candidacy -- Municipal general elections --**

8338 **Nomination petition -- Removal of signature.**

8339 (1) An individual may become a candidate for any municipal office if:

8340 (a) the individual is a registered voter; and

8341 (b)(i) the individual has resided within the municipality in which the individual seeks
 8342 to hold elective office for the 12 consecutive months immediately before the date
 8343 of the election; or

8344 (ii) the territory in which the individual resides was annexed into the municipality,
 8345 the individual has resided within the annexed territory or the municipality the 12
 8346 consecutive months immediately before the date of the election.

8347 (2)(a) For purposes of determining whether an individual meets the residency
 8348 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than
 8349 12 months before the election, the municipality is considered to have been
 8350 incorporated 12 months before the date of the election.

8351 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
 8352 council position shall, if elected from a district, be a resident of the council district
 8353 from which the candidate is elected.

8354 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
 8355 individual, an individual convicted of a felony, or an individual convicted of treason
 8356 or a crime against the elective franchise may not hold office in this state until the
 8357 right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.

8358 (3)(a) An individual seeking to become a candidate for a municipal office shall,

8359 regardless of the nomination method by which the individual is seeking to become a
8360 candidate:

8361 (i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate
8362 Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a
8363 declaration of candidacy, in person with the city recorder or town clerk, during the
8364 filing period described in Subsection (3)(d) and the office hours described in [
8365 Section 10-3-301 and not later than the close of those office hours, between June 1
8366 and June 7 of any odd-numbered year] Subsection 10-3-301(3); and

8367 (ii) pay the filing fee, if one is required by municipal ordinance.

8368 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
8369 declaration of candidacy with the city recorder or town clerk if:

8370 (i) the individual is located outside of the state during the entire filing period;

8371 (ii) the designated agent appears in person before the city recorder or town clerk;

8372 (iii) the individual communicates with the city recorder or town clerk using an
8373 electronic device that allows the individual and city recorder or town clerk to see
8374 and hear each other; and

8375 (iv) the individual provides the city recorder or town clerk with an email address to
8376 which the city recorder or town clerk may send the individual the copies described
8377 in Subsection (4).

8378 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

8379 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
8380 Project, filing a nomination petition with the city recorder or town clerk during the
8381 filing period described in Subsection (3)(d) and the office hours described in [
8382 Section 10-3-301 and not later than the close of those office hours, between June 1
8383 and June 7 of any odd-numbered year] Subsection 10-3-301(3) that includes
8384 signatures in support of the nomination petition of the lesser of at least:

8385 (A) 25 registered voters who reside in the municipality; or

8386 (B) 20% of the registered voters who reside in the municipality; and

8387 (ii) paying the filing fee, if one is required by municipal ordinance.

8388 (d) The filing period to file a declaration of candidacy for an elective office that is to be
8389 filled at the next municipal general election:

8390 (i) begins at 8 a.m. on the later of:

8391 (A) June 1 of the year in which the next municipal general election is held; or

8392 (B) if June 1 is not a business day, the first business day after June 1; and

- 8393 (ii) ends at 5 p.m. on the fourth business day after the day on which the filing period
8394 begins.
- 8395 (4)(a) Before the filing officer may accept any declaration of candidacy or nomination
8396 petition, the filing officer shall:
- 8397 (i) read to the prospective candidate or individual filing the petition the constitutional
8398 and statutory qualification requirements for the office that the candidate is seeking;
- 8399 (ii) require the candidate or individual filing the petition to state whether the
8400 candidate meets the requirements described in Subsection (4)(a)(i); and
- 8401 (iii) inform the candidate or the individual filing the petition that an individual who
8402 holds a municipal elected office may not, at the same time, hold a county elected
8403 office.
- 8404 (b) If the prospective candidate does not meet the qualification requirements for the
8405 office, the filing officer may not accept the declaration of candidacy or nomination
8406 petition.
- 8407 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
8408 filing officer shall:
- 8409 (i) inform the candidate that the candidate's name will appear on the ballot as it is
8410 written on the declaration of candidacy;
- 8411 (ii) provide the candidate with a copy of the current campaign financial disclosure
8412 laws for the office the candidate is seeking and inform the candidate that failure to
8413 comply will result in disqualification as a candidate and removal of the candidate's
8414 name from the ballot;
- 8415 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
8416 Electronic Voter Information Website Program and inform the candidate of the
8417 submission deadline under Subsection 20A-7-801(4)(a);
- 8418 (iv) inform the candidate that the candidate must provide the filing officer with an
8419 email address that the candidate actively monitors:
- 8420 (A) to receive a communication from a filing officer or an election officer; and
8421 (B) if the candidate wishes to display a candidate profile on the Statewide
8422 Electronic Voter Information Website, to submit to the website the
8423 biographical and other information described in Subsection 20A-7-801(4)(a)(ii);
- 8424 (v) inform the candidate that the email address described in Subsection (4)(c)(iv) is
8425 not a record under Title 63G, Chapter 2, Government Records Access and
8426 Management Act;

- 8427 (vi) obtain from the candidate the email address described in Subsection (4)(c)(iv);
8428 (vii) provide the candidate with a copy of the pledge of fair campaign practices
8429 described under Section 20A-9-206 and inform the candidate that:
8430 (A) signing the pledge is voluntary; and
8431 (B) signed pledges shall be filed with the filing officer; and
8432 (viii) accept the declaration of candidacy or nomination petition.

8433 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer
8434 shall:

- 8435 (i) accept the candidate's pledge; and
8436 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
8437 candidate's pledge to the chair of the county or state political party of which the
8438 candidate is a member.

8439 (5)(a) The declaration of candidacy shall be in substantially the following form:

8440 "I, (print name) _____, being first sworn and under penalty of perjury, say that I reside at
8441 _____ Street, City of _____, County of _____, state of Utah, Zip Code _____, Telephone Number
8442 (if any) _____; that I am a registered voter; and that I am a candidate for the office of _____
8443 (stating the term). I will meet the legal qualifications required of candidates for this office. If
8444 filing via a designated agent, I attest that I will be out of the state of Utah during the entire
8445 candidate filing period. I will file all campaign financial disclosure reports as required by law
8446 and I understand that failure to do so will result in my disqualification as a candidate for this
8447 office and removal of my name from the ballot. I request that my name be printed upon the
8448 applicable official ballots. (Signed) _____

8449 Subscribed and sworn to (or affirmed) before me by _____ on this
8450 _____ (month\day\year).

8451 (Signed) _____ (Clerk or other officer qualified to administer oath)."

8452 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
8453 not sign the form described in Subsection (5)(a).

8454 (c)(i) A nomination petition shall be in substantially the following form:

8455 "NOMINATION PETITION

8456 The undersigned residents of (name of municipality), being registered voters, nominate
8457 (name of nominee) for the office of (name of office) for the (length of term of office)."

8458 (ii) The remainder of the petition shall contain lines and columns for the signatures of
8459 individuals signing the petition and each individual's address and phone number.

8460 (6) If the declaration of candidacy or nomination petition fails to state whether the

- 8461 nomination is for the two-year or four-year term, the clerk shall consider the nomination
8462 to be for the four-year term.
- 8463 (7)(a)(i) The clerk shall verify with the county clerk that all candidates are registered
8464 voters.
- 8465 (b) With the assistance of the county clerk, and using the procedures described in
8466 Section 20A-1-1002, the municipal clerk shall determine whether the required
8467 number of signatures of registered voters appears on a nomination petition.
- 8468 (8) Immediately after expiration of the period for filing a declaration of candidacy, the clerk
8469 shall:
- 8470 (a) publicize a list of the names of the candidates as they will appear on the ballot by
8471 publishing the list for the municipality, as a class A notice under Section 63G-30-102,
8472 for seven calendar days; and
- 8473 (b) notify the lieutenant governor of the names of the candidates as they will appear on
8474 the ballot.
- 8475 (9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of
8476 candidacy or nomination petition filed under this section after the candidate filing period
8477 ends.
- 8478 (10)(a) A declaration of candidacy or nomination petition that an individual files under
8479 this section is valid unless a person files a written objection with the clerk [~~before 5~~
8480 ~~p.m. within~~] no later than 5 p.m. on the first business day that is at least 10 calendar
8481 days after the last day for filing.
- 8482 (b) If a person files an objection, the clerk shall:
- 8483 (i) mail or personally deliver notice of the objection to the affected candidate
8484 immediately; and
- 8485 (ii) decide any objection within 48 hours after the objection is filed.
- 8486 (c) If the clerk sustains the objection, the candidate may, [~~before 5 p.m. within~~] no later
8487 than 5 p.m. on the first business day that is at least three calendar days after the day
8488 on which the clerk sustains the objection, correct the problem for which the objection
8489 is sustained by amending the candidate's declaration of candidacy or nomination
8490 petition, or by filing a new declaration of candidacy.
- 8491 (d)(i) The clerk's decision upon objections to form is final.
- 8492 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
8493 prompt application is made to the district court.
- 8494 (iii) The decision of the district court is final unless the Supreme Court, in the

8495 exercise of its discretion, agrees to review the lower court decision.

8496 (11) A candidate who qualifies for the ballot under this section may withdraw as a
8497 candidate by filing a written affidavit with the municipal clerk.

8498 (12)(a) A voter who signs a nomination petition under this section may have the voter's
8499 signature removed from the petition by, no later than 5 p.m. three business days after
8500 the day on which the petition is filed with the city recorder or municipal clerk,
8501 submitting to the municipal clerk a statement requesting that the voter's signature be
8502 removed.

8503 (b) A statement described in Subsection (12)(a) shall comply with the requirements
8504 described in Subsection 20A-1-1003(2).

8505 (c) With the assistance of the county clerk and using the procedures described in
8506 Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an
8507 individual's signature from a petition after receiving a timely, valid statement
8508 requesting removal of the signature.

8509 Section 121. Section **20A-9-207** is amended to read:

8510 **20A-9-207 . Withdrawal of candidacy -- Notice.**

8511 As used in this section:

8512 (1) "Public office" means the offices of governor, lieutenant governor, attorney general,
8513 state auditor, state treasurer, state senator, state representative, state school board, or an
8514 elective office of a local political subdivision.

8515 (2) "Public office candidate" means a person who files a declaration of candidacy for a
8516 public office.

8517 (3) If a public office candidate withdraws as a candidate, an election officer shall:

8518 (a) no later than two business days after the day on which the election officer receives
8519 notice of the withdrawal, notify every opposing candidate for the public office that
8520 the public office candidate has withdrawn;

8521 (b) subject to Subsection (4), upon notice of a withdrawal that occurs 65 or fewer
8522 calendar days before the date of the election, send an email notification to each voter
8523 who is eligible to vote in the public office race for whom the election officer has an
8524 email address informing the voter:

8525 (i) that the public office candidate has withdrawn; and

8526 (ii) that a vote cast for the public office candidate will not be counted, regardless of
8527 whether the public office candidate's name appears on the ballot;

8528 (c) post notice of the withdrawal on a public website; and

- 8529 (d) if practicable, include with the ballot, including a military or overseas ballot, a
 8530 written notice that:
- 8531 (i) contains the information described in Subsections (3)(b)(i) and (ii); or
 8532 (ii) directs the voter to a public website to inform the voter whether a candidate on
 8533 the ballot has withdrawn.
- 8534 (4) An election officer shall send the email notification described in Subsection (3)(b) on or
 8535 before the earlier of:
- 8536 (a) the next day on which the election officer mails ballots in accordance with Section
 8537 20A-3a-202; or
- 8538 (b) two business days before the date of the election.
- 8539 Section 122. Section **20A-9-401.1** is enacted to read:
- 8540 **20A-9-401.1 . Definitions.**
- 8541 As used in this part:
- 8542 (1) "Candidate nomination document" means:
- 8543 (a) a candidate signature packet; or
 8544 (b) a written request to remove a signature from a candidate signature packet.
- 8545 (2) "Candidate signature packet" means a single packet of signature sheets that:
- 8546 (a) is bound together and circulated to gather signatures to qualify a candidate for
 8547 placement on a primary election ballot; and
- 8548 (b) includes a cover sheet at the front of the packet and a circulator verification sheet at
 8549 the end of the packet.
- 8550 Section 123. Section **20A-9-403** is amended to read:
- 8551 **20A-9-403 . Regular primary elections.**
- 8552 (1)(a) Candidates for elective office that are to be filled at the next regular general
 8553 election shall be nominated in a regular primary election by direct vote of the people
 8554 in the manner prescribed in this section. The regular primary election is held on the
 8555 date specified in Section 20A-1-201.5. Nothing in this section shall affect a
 8556 candidate's ability to qualify for a regular general election's ballot as an unaffiliated
 8557 candidate under Section 20A-9-501 or to participate in a regular general election as a
 8558 write-in candidate under Section 20A-9-601.
- 8559 (b) Each registered political party that chooses to have the names of the registered
 8560 political party's candidates for elective office featured with party affiliation on the
 8561 ballot at a regular general election shall comply with the requirements of this section
 8562 and shall nominate the registered political party's candidates for elective office in the

- 8563 manner described in this section.
- 8564 (c) A filing officer may not permit an official ballot at a regular general election to be
8565 produced or used if the ballot denotes affiliation between a registered political party
8566 or any other political group and a candidate for elective office who is not nominated
8567 in the manner prescribed in this section or in Subsection 20A-9-202(4).
- 8568 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
8569 even-numbered year in which a regular general election will be held.
- 8570 (2)(a) Each registered political party, in a statement filed with the lieutenant governor,
8571 shall:
- 8572 (i) either declare the registered political party's intent to participate in the next regular
8573 primary election or declare that the registered political party chooses not to have
8574 the names of the registered political party's candidates for elective office featured
8575 on the ballot at the next regular general election; and
- 8576 (ii) if the registered political party participates in the upcoming regular primary
8577 election, identify one or more registered political parties whose members may
8578 vote for the registered political party's candidates and whether individuals
8579 identified as unaffiliated with a political party may vote for the registered political
8580 party's candidates.
- 8581 (b)(i) A registered political party that is a continuing political party shall file the
8582 statement described in Subsection (2)(a) with the lieutenant governor no later than
8583 5 p.m. on November 30 of each odd-numbered year.
- 8584 (ii) An organization that is seeking to become a registered political party under
8585 Section 20A-8-103 shall file the statement described in Subsection (2)(a) at the
8586 time that the registered political party files the petition described in Section
8587 20A-8-103.
- 8588 (3)(a) Except as provided in Subsection (3)(e), an individual who submits a declaration
8589 of candidacy under Section 20A-9-202 shall appear as a candidate for elective office
8590 on the regular primary ballot of the registered political party listed on the declaration
8591 of candidacy only if the individual is certified by the appropriate filing officer as
8592 having submitted a nomination petition that was:
- 8593 (i) circulated and completed in accordance with Section 20A-9-405; and
- 8594 (ii) signed by at least 2% of the registered political party's members who reside in the
8595 political division of the office that the individual seeks.
- 8596 (b)(i) A candidate for elective office shall, in accordance with Section 20A-9-408.3,

- 8597 submit signatures for a nomination petition to the appropriate filing officer for
8598 verification and certification no later than 5 p.m. on ~~[the final day in]~~ March 31.
- 8599 (ii) A candidate may supplement the candidate's submissions at any time on or before
8600 the filing deadline.
- 8601 (c)(i) The lieutenant governor shall determine for each elective office the total
8602 number of signatures that must be submitted under Subsection (3)(a)(ii) or
8603 20A-9-408(8) by counting the aggregate number of individuals residing in each
8604 elective office's political division who have designated a particular registered
8605 political party on the individuals' voter registration forms on or before November
8606 15 of each odd-numbered year.
- 8607 (ii) The lieutenant governor shall publish the determination for each elective office
8608 no later than November 30 of each odd-numbered year.
- 8609 (d) The filing officer shall:
- 8610 (i) except as otherwise provided in Section 20A-21-201, and in accordance with
8611 Section 20A-9-408.3, verify signatures on nomination petitions in a transparent
8612 and orderly manner, no later than 14 calendar days after the day on which a
8613 candidate submits the signatures to the filing officer;
- 8614 (ii) for all qualifying candidates for elective office who submit nomination petitions
8615 to the filing officer, issue certifications referenced in Subsection (3)(a) no later
8616 than the deadline described in Subsection 20A-9-202(1)(b);
- 8617 (iii) consider active and inactive voters eligible to sign nomination petitions;
- 8618 (iv) consider an individual who signs a nomination petition a member of a registered
8619 political party for purposes of Subsection (3)(a)(ii) if the individual has designated
8620 that registered political party as the individual's party membership on the
8621 individual's voter registration form; and
- 8622 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of
8623 the county clerk as applicable, use the procedures described in Section 20A-1-1002
8624 to verify submitted nomination petition signatures, or use statistical sampling
8625 procedures to verify submitted nomination petition signatures in accordance with
8626 rules made under Subsection (3)(f).
- 8627 (e) Notwithstanding any other provision in this Subsection (3), a candidate for lieutenant
8628 governor may appear on the regular primary ballot of a registered political party
8629 without submitting nomination petitions if the candidate files a declaration of
8630 candidacy and complies with Subsection 20A-9-202(3).

- 8631 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8632 director of elections, within the Office of the Lieutenant Governor, may make rules
8633 that:
- 8634 (i) provide for the use of statistical sampling procedures that:
- 8635 (A) filing officers are required to use to verify signatures under Subsection (3)(d);
8636 and
- 8637 (B) reflect a bona fide effort to determine the validity of a candidate's entire
8638 submission, using widely recognized statistical sampling techniques; and
- 8639 (ii) provide for the transparent, orderly, and timely submission, verification, and
8640 certification of nomination petition signatures.
- 8641 (g) The county clerk shall:
- 8642 (i) review the declarations of candidacy filed by candidates for local boards of
8643 education to determine if more than two candidates have filed for the same seat;
- 8644 (ii) place the names of all candidates who have filed a declaration of candidacy for a
8645 local board of education seat on the nonpartisan section of the ballot if more than
8646 two candidates have filed for the same seat; and
- 8647 (iii) determine the order of the local board of education candidates' names on the
8648 ballot in accordance with Section 20A-6-305.
- 8649 (4)(a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
8650 governor shall provide to the county clerks:
- 8651 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
8652 county, and county offices who have received certifications under Subsection (3),
8653 along with instructions on how those names shall appear on the primary election
8654 ballot in accordance with Section 20A-6-305; and
- 8655 (ii) a list of unopposed candidates for elective office who have been nominated by a
8656 registered political party under Subsection (5)(c) and instruct the county clerks to
8657 exclude the unopposed candidates from the primary election ballot.
- 8658 (b) A candidate for lieutenant governor and a candidate for governor campaigning as
8659 joint-ticket running mates shall appear jointly on the primary election ballot.
- 8660 (c) After the county clerk receives the certified list from the lieutenant governor under
8661 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
8662 substantially the following form:
- 8663 "Notice is given that a primary election will be held Tuesday, June _____,
8664 _____(year), to nominate party candidates for the parties and candidates for nonpartisan

8665 local school board positions listed on the primary ballot. The polling place for voting precinct
8666 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

8667 Attest: county clerk."

8668 (5)(a) A candidate who, at the regular primary election, receives the highest number of
8669 votes cast for the office sought by the candidate is:

8670 (i) nominated for that office by the candidate's registered political party; or

8671 (ii) for a nonpartisan local school board position, nominated for that office.

8672 (b) If two or more candidates are to be elected to the office at the regular general
8673 election, those party candidates equal in number to positions to be filled who receive
8674 the highest number of votes at the regular primary election are the nominees of the
8675 candidates' party for those positions.

8676 (c)(i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

8677 (A) no individual other than the candidate receives a certification under
8678 Subsection (3) for the regular primary election ballot of the candidate's
8679 registered political party for a particular elective office; or

8680 (B) for an office where more than one individual is to be elected or nominated, the
8681 number of candidates who receive certification under Subsection (3) for the
8682 regular primary election of the candidate's registered political party does not
8683 exceed the total number of candidates to be elected or nominated for that office.

8684 (ii) A candidate who is unopposed for an elective office in the regular primary
8685 election of a registered political party is nominated by the party for that office
8686 without appearing on the primary election ballot.

8687 (6) The expense of providing all ballots, blanks, or other supplies to be used at any primary
8688 election provided for by this section, and all expenses necessarily incurred in the
8689 preparation for or the conduct of that primary election shall be paid out of the treasury of
8690 the county or state, in the same manner as for the regular general elections.

8691 (7) An individual may not file a declaration of candidacy for a registered political party of
8692 which the individual is not a member, except to the extent that the registered political
8693 party permits otherwise under the registered political party's bylaws.

8694 Section 124. Section **20A-9-404** is amended to read:

8695 **20A-9-404 . Municipal primary elections.**

8696 (1)(a) Except as otherwise provided in this section or Chapter 4, Part 6, Municipal
8697 Alternate Voting Methods Pilot Project, candidates for municipal office in all
8698 municipalities shall be nominated at a municipal primary election.

- 8699 (b) Municipal primary elections shall be held:
- 8700 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
- 8701 Monday in the August before the regular municipal election; and
- 8702 (ii) whenever possible, at the same polling places as the regular municipal election.
- 8703 (c) Subsections (3) through (5) do not apply to an election to elect local school board
- 8704 members under Section 53G-3-302.
- 8705 (d) Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, does not apply
- 8706 to an election to elect local school board members under Section 53G-3-302.
- 8707 (2) Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting Methods
- 8708 Pilot Project, if the number of candidates for a particular municipal office does not
- 8709 exceed twice the number of individuals needed to fill that office, a primary election for
- 8710 that office may not be held and the candidates are considered nominated.
- 8711 (3)(a) For purposes of this Subsection (3), "convention" means an organized assembly of
- 8712 voters or delegates.
- 8713 (b)(i) By ordinance adopted before the May 1 that falls before a regular municipal
- 8714 election, any third, fourth, or fifth class city or town may exempt itself from a
- 8715 primary election by providing that the nomination of candidates for municipal
- 8716 office to be voted upon at a municipal election be nominated by a municipal party
- 8717 convention or committee.
- 8718 (ii) The municipal party convention or committee described in Subsection (3)(b)(i)
- 8719 shall be held on or before May 30 of an odd-numbered year.
- 8720 (iii) Any primary election exemption ordinance adopted under this Subsection (3)
- 8721 remains in effect until repealed by ordinance.
- 8722 (c)(i) A convention or committee may not nominate more than one candidate for each
- 8723 of the municipal offices to be voted upon at the municipal election.
- 8724 (ii) A convention or committee may not nominate an individual who has accepted the
- 8725 nomination of a different convention or committee.
- 8726 (iii) A municipal party may not have more than one group of candidates placed upon
- 8727 the ballot and may not group the same candidates on different tickets by the same
- 8728 party under a different name or emblem.
- 8729 (d)(i) On or before May 31 of an odd-numbered year, a convention or committee
- 8730 shall prepare and submit to the filing officer a certificate of nomination for each
- 8731 individual nominated.
- 8732 (ii) The certificate of nomination shall:

- 8733 (A) contain the name of the office for which each individual is nominated, the
 8734 name, post office address, and, if in a city, the street number of residence and
 8735 place of business, if any, of each individual nominated;
- 8736 (B) designate in not more than five words the party that the convention or
 8737 committee represents;
- 8738 (C) contain a copy of the resolution passed at the convention that authorized the
 8739 committee to make the nomination;
- 8740 (D) contain a statement certifying that the name of the candidate nominated by the
 8741 political party will not appear on the ballot as a candidate for any other
 8742 political party;
- 8743 (E) be signed by the presiding officer and secretary of the convention or
 8744 committee; and
- 8745 (F) contain a statement identifying the residence and post office address of the
 8746 presiding officer and secretary and certifying that the presiding officer and
 8747 secretary were officers of the convention or committee and that the certificates
 8748 are true to the best of their knowledge and belief.
- 8749 (iii) A candidate nominated by a municipal party convention or committee shall file a
 8750 declaration with the filing officer in accordance with Subsection 20A-9-203(3)
 8751 that includes:
- 8752 (A) the name of the municipal party or convention that nominated the candidate;
 8753 and
- 8754 (B) the office for which the convention or committee nominated the candidate.
- 8755 (e) A committee appointed at a convention, if authorized by an enabling resolution, may
 8756 also make nominations or fill vacancies in nominations made at a convention if the
 8757 committee makes the nomination before the deadline for a write-in candidate to file a
 8758 declaration of candidacy under Section 20A-9-601.
- 8759 (f) The election ballot shall substantially comply with the form prescribed in Chapter 6,
 8760 Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall
 8761 be included with the candidate's name.
- 8762 (4)(a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the
 8763 May 1 that falls before the regular municipal election that:
- 8764 (i) exempts the city or town from the other methods of nominating candidates to
 8765 municipal office provided in this section; and
- 8766 (ii) provides for a municipal partisan convention method of nominating candidates as

- 8767 provided in this Subsection (4).
- 8768 (b)(i) Any party that was a registered political party at the last regular general
8769 election or regular municipal election is a municipal political party under this
8770 section.
- 8771 (ii) Any political party may qualify as a municipal political party by presenting a
8772 petition to the city recorder that:
- 8773 (A) is signed, with a holographic signature, by registered voters within the
8774 municipality equal to at least 20% of the number of votes cast for all
8775 candidates for mayor in the last municipal election at which a mayor was
8776 elected;
- 8777 (B) is filed with the city recorder or town clerk [~~before 5 p.m. no later than the~~ no
8778 later than 5 p.m. on the last business day before the day on which the municipal
8779 party holds a convention to nominate a candidate under this Subsection (4);
- 8780 (C) is substantially similar to the form of the signature sheets described in Section
8781 20A-7-303; and
- 8782 (D) contains the name of the municipal political party using not more than five
8783 words.
- 8784 (iii) With the assistance of the county clerk, the city recorder or town clerk shall use
8785 the procedures described in Section 20A-1-1002 to determine whether each signer
8786 is a registered voter who is qualified to sign the petition.
- 8787 (c)(i) If the number of candidates for a particular office does not exceed twice the
8788 number of offices to be filled at the regular municipal election, no primary
8789 election for that office shall be held and the candidates are considered to be
8790 nominated.
- 8791 (ii) If the number of candidates for a particular office exceeds twice the number of
8792 offices to be filled at the regular municipal election, those candidates for
8793 municipal office shall be nominated at a municipal primary election.
- 8794 (d) The clerk shall ensure that the partisan municipal primary ballot is similar to the
8795 ballot forms required by Section 20A-6-401 and, as applicable, Section 20A-6-401.1.
- 8796 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the
8797 blank ballot box.
- 8798 (f) Immediately after the canvass, the election judges shall, without examination, destroy
8799 the tickets deposited in the blank ballot box.
- 8800 (5)(a) A voter who signs a petition under Subsection (4)(b)(ii) may have the voter's

8801 signature removed from the petition by, no later than 5 p.m. three business days after
 8802 the day on which the petition is filed with the city recorder or town clerk, submitting
 8803 to the city recorder or town clerk a statement requesting that the voter's signature be
 8804 removed.

8805 (b) A statement described in Subsection (5)(a) shall comply with the requirements
 8806 described in Subsection 20A-1-1003(2).

8807 (c) With the assistance of the county clerk and using the procedures described in
 8808 Subsection 20A-1-1003(3), the city recorder or town clerk shall determine whether to
 8809 remove an individual's signature from a petition after receiving a timely, valid
 8810 statement requesting removal of the signature.

8811 Section 125. Section **20A-9-408** is amended to read:

8812 **20A-9-408 . Signature-gathering process to seek the nomination of a qualified**
 8813 **political party -- Removal of signature.**

8814 (1) This section describes the requirements for a member of a qualified political party who
 8815 is seeking the nomination of the qualified political party for an elective office through
 8816 the signature-gathering process described in this section.

8817 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of candidacy
 8818 for a member of a qualified political party who is nominated by, or who is seeking the
 8819 nomination of, the qualified political party under this section shall be substantially as
 8820 described in Section 20A-9-408.5.

8821 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
 8822 20A-9-202(4), a member of a qualified political party who, under this section, is seeking
 8823 the nomination of the qualified political party for an elective office that is to be filled at
 8824 the next general election shall:

8825 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
 8826 and before gathering signatures under this section, file with the filing officer on a
 8827 form approved by the lieutenant governor a notice of intent to gather signatures for
 8828 candidacy that includes:

8829 (i) the name of the member who will attempt to become a candidate for a registered
 8830 political party under this section;

8831 (ii) the name of the registered political party for which the member is seeking
 8832 nomination;

8833 (iii) the office for which the member is seeking to become a candidate;

8834 (iv) the address and telephone number of the member; and

- 8835 (v) other information required by the lieutenant governor;
- 8836 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in
8837 person, with the filing officer during the declaration of candidacy filing period
8838 described in Section 20A-9-201.5; and
- 8839 (c) pay the filing fee.
- 8840 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political party
8841 who, under this section, is seeking the nomination of the qualified political party for the
8842 office of district attorney within a multicounty prosecution district that is to be filled at
8843 the next general election shall:
- 8844 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,
8845 and before gathering signatures under this section, file with the filing officer on a
8846 form approved by the lieutenant governor a notice of intent to gather signatures for
8847 candidacy that includes:
- 8848 (i) the name of the member who will attempt to become a candidate for a registered
8849 political party under this section;
- 8850 (ii) the name of the registered political party for which the member is seeking
8851 nomination;
- 8852 (iii) the office for which the member is seeking to become a candidate;
- 8853 (iv) the address and telephone number of the member; and
- 8854 (v) other information required by the lieutenant governor;
- 8855 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy, in
8856 person, with the filing officer during the declaration of candidacy filing period
8857 described in Section 20A-9-201.5; and
- 8858 (c) pay the filing fee.
- 8859 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate who
8860 files as the joint-ticket running mate of an individual who is nominated by a qualified
8861 political party, under this section, for the office of governor shall, during the declaration
8862 of candidacy filing period described in Section 20A-9-201.5, file a declaration of
8863 candidacy and submit a letter from the candidate for governor that names the lieutenant
8864 governor candidate as a joint-ticket running mate.
- 8865 (6) The lieutenant governor shall ensure that the certification described in Subsection
8866 20A-9-701(1) also includes the name of each candidate nominated by a qualified
8867 political party under this section.
- 8868 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is

- 8869 nominated by a qualified political party under this section, designate the qualified
 8870 political party that nominated the candidate.
- 8871 (8) A member of a qualified political party may seek the nomination of the qualified
 8872 political party for an elective office by:
- 8873 (a) complying with the requirements described in this section; and
- 8874 (b) collecting signatures, on a form approved by the lieutenant governor that complies
 8875 with Subsection 20A-9-405(3), during the period beginning on the day on which the
 8876 member files a notice of intent to gather signatures and ending at [5 p.m. 14 days
 8877 before the day on which the qualified political party's convention for the office is held]
 8878 the deadline described in Subsection (12), in the following amounts:
- 8879 (i) for a statewide race, 28,000 signatures of registered voters in the state who are
 8880 permitted by the qualified political party to vote for the qualified political party's
 8881 candidates in a primary election;
- 8882 (ii) for a congressional district race, 7,000 signatures of registered voters who are
 8883 residents of the congressional district and are permitted by the qualified political
 8884 party to vote for the qualified political party's candidates in a primary election;
- 8885 (iii) for a state Senate district race, 2,000 signatures of registered voters who are
 8886 residents of the state Senate district and are permitted by the qualified political
 8887 party to vote for the qualified political party's candidates in a primary election;
- 8888 (iv) for a state House district race, 1,000 signatures of registered voters who are
 8889 residents of the state House district and are permitted by the qualified political
 8890 party to vote for the qualified political party's candidates in a primary election;
- 8891 (v) for a State Board of Education race, the lesser of:
- 8892 (A) 2,000 signatures of registered voters who are residents of the State Board of
 8893 Education district and are permitted by the qualified political party to vote for
 8894 the qualified political party's candidates in a primary election; or
- 8895 (B) 3% of the registered voters of the qualified political party who are residents of
 8896 the applicable State Board of Education district; and
- 8897 (vi) for a county office race, signatures of 3% of the registered voters who are
 8898 residents of the area permitted to vote for the county office and are permitted by
 8899 the qualified political party to vote for the qualified political party's candidates in
 8900 a primary election.
- 8901 (9)(a) This Subsection (9) applies only to the manual candidate qualification process.
- 8902 (b) In order for a member of the qualified political party to qualify as a candidate for the

- 8903 qualified political party's nomination for an elective office under this section, using
8904 the manual candidate qualification process, the member shall:
- 8905 (i) collect the signatures on a form approved by the lieutenant governor, using the
8906 same circulation and verification requirements described in Sections 20A-7-105
8907 and 20A-7-204; and
- 8908 (ii) in accordance with Section 20A-9-408.3, submit the signatures to the election
8909 officer before ~~[5 p.m. no later than 14 days before the day on which the qualified~~
8910 ~~political party holds the party's convention to select candidates, for the elective~~
8911 ~~office, for the qualified political party's nomination]~~ the deadline described in
8912 Subsection (12).
- 8913 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), and in
8914 accordance with Section 20A-9-408.3, the election officer shall, no later than the
8915 earlier of 14 calendar days after the day on which the election officer receives the
8916 signatures, or one day before the day on which the qualified political party holds the
8917 convention to select a nominee for the elective office to which the signature packets
8918 relate:
- 8919 (i) check the name of each individual who completes the verification for a signature
8920 packet to determine whether each individual is a resident of Utah and is at least 18
8921 years old;
- 8922 (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not a
8923 Utah resident or who is not at least 18 years old to the attorney general and the
8924 county attorney;
- 8925 (iii) with the assistance of the county clerk as applicable, determine whether each
8926 signer is a registered voter who is qualified to sign the petition, using the same
8927 method, described in Section 20A-1-1002, used to verify a signature on a petition;
8928 and
- 8929 (iv) certify whether each name is that of a registered voter who is qualified to sign the
8930 signature packet.
- 8931 (d)(i) A registered voter who physically signs a form under Subsections (8) and (9)(b)
8932 may have the voter's signature removed from the form by, no later than 5 p.m.
8933 three business days after the day on which the member submits the signature form
8934 to the election officer, submitting to the election officer a statement requesting
8935 that the voter's signature be removed.
- 8936 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements

- 8937 described in Subsection 20A-1-1003(2).
- 8938 (iii) With the assistance of the county clerk as applicable, the election officer shall
8939 use the procedures described in Subsection 20A-1-1003(3) to determine whether
8940 to remove an individual's signature after receiving a timely, valid statement
8941 requesting removal of the signature.
- 8942 (e)(i) An election officer shall, in accordance with this Subsection (9)(e) and rules
8943 made under Section 20A-3a-106, conduct regular audits of signature comparisons
8944 made between signatures gathered under this section and voter signatures
8945 maintained by the election officer.
- 8946 (ii) An individual who conducts an audit of signature comparisons under this section
8947 may not audit the individual's own work.
- 8948 (iii) The election officer shall:
- 8949 (A) audit 1% of all signature comparisons described in Subsection (9)(e)(i) to
8950 determine the accuracy of the comparisons made;
- 8951 (B) record the individuals who conducted the audit;
- 8952 (C) record the audit results;
- 8953 (D) provide additional training or staff reassignments, as needed, based on the
8954 results of an audit described in Subsection (9)(e)(i); and
- 8955 (E) record any remedial action taken.
- 8956 (iv) The audit results described in Subsection (9)(e)(iii)(C) are a public record.
- 8957 (f) An election officer who certifies signatures under Subsection (9)(c) or
8958 20A-9-403(3)(d) shall, after certifying enough signatures to establish that a candidate
8959 has reached the applicable signature threshold described in Subsection (8) or
8960 20A-9-403(3)(a), as applicable, continue to certify signatures submitted for the
8961 candidate in excess of the number of signatures required, until the election officer
8962 either:
- 8963 (i) certifies signatures equal to 110% of the applicable signature threshold; or
8964 (ii) has reviewed all signatures submitted for the candidate before reaching an
8965 amount equal to 110% of the applicable signature threshold.
- 8966 (10)(a) This Subsection (10) applies only to the electronic candidate qualification
8967 process.
- 8968 (b) In order for a member of the qualified political party to qualify as a candidate for the
8969 qualified political party's nomination for an elective office under this section, the
8970 member shall, before ~~[5 p.m. no later than 14 days before the day on which the~~

- 8971 ~~qualified political party holds the party's convention to select candidates, for the~~
8972 ~~elective office, for the qualified political party's nomination]~~ the deadline described in
8973 Subsection (12), collect signatures electronically:
- 8974 (i) in accordance with Section 20A-21-201; and
8975 (ii) using progressive screens, in a format approved by the lieutenant governor, that
8976 complies with Subsection 20A-9-405(4).
- 8977 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the
8978 election officer shall, no later than the earlier of 14 calendar days after the day on
8979 which the election officer receives the signatures, or one day before the day on which
8980 the qualified political party holds the convention to select a nominee for the elective
8981 office to which the signature packets relate:
- 8982 (i) check the name of each individual who completes the verification for a signature
8983 to determine whether each individual is a resident of Utah and is at least 18 years
8984 old; and
8985 (ii) submit the name of each individual described in Subsection (10)(c)(i) who is not
8986 a Utah resident or who is not at least 18 years old to the attorney general and the
8987 county attorney.
- 8988 (11)(a) An individual may not gather signatures under this section until after the
8989 individual files a notice of intent to gather signatures for candidacy described in this
8990 section.
- 8991 (b) An individual who files a notice of intent to gather signatures for candidacy,
8992 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the
8993 individual files the notice of intent to gather signatures for candidacy:
- 8994 (i) required to comply with the reporting requirements that a candidate for office is
8995 required to comply with; and
8996 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that
8997 apply to a candidate for office in relation to the reporting requirements described
8998 in Subsection (11)(b)(i).
- 8999 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or
9000 Subsections (8) and (10)(b), the election officer shall, no later than ~~[one]~~ the day
9001 before the day on which the qualified political party holds the convention to select a
9002 nominee for the elective office to which the signature packets relate, notify the
9003 qualified political party and the lieutenant governor of the name of each member of
9004 the qualified political party who qualifies as a nominee of the qualified political

9005 party, under this section, for the elective office to which the convention relates.
 9006 (d) Upon receipt of a notice of intent to gather signatures for candidacy described in this
 9007 section, the lieutenant governor shall post the notice of intent to gather signatures for
 9008 candidacy on the lieutenant governor's website in the same location that the
 9009 lieutenant governor posts a declaration of candidacy.

9010 (12) The deadline before which a member of a qualified political party must collect and
 9011 submit signatures to the election officer under this section is 5 p.m. on the last business
 9012 day that is at least 14 calendar days before the day on which the qualified political
 9013 party's convention for the office begins.

9014 Section 126. Section **20A-9-408.1** is enacted to read:

9015 **20A-9-408.1 . Candidate nomination document -- Access - Limitations -- Storage.**

9016 (1) Except as provided in Subsection (4)(a), notwithstanding Section 63G-2-305.5, and
 9017 subject to Subsection (4)(b), the following may review a complete, unredacted candidate
 9018 nomination document:

- 9019 (a) the candidate to whose nomination petition the candidate nomination document
 9020 relates, or an individual representing the candidate's campaign;
 9021 (b) a candidate who is seeking to qualify for placement on the primary election ballot for
 9022 the same office and party as the candidate to whose nomination petition the candidate
 9023 nomination document relates, or an individual representing the candidate's campaign;
 9024 (c) the chair or vice chair of the state political party whose nomination the candidate
 9025 described in Subsection (1)(a) seeks; and
 9026 (d) if the office sought by a candidate described in Subsection (1)(a) relates to a
 9027 jurisdiction that does not encompass all or a portion of more than one county, the
 9028 chair or vice chair of the county political party whose nomination petition the
 9029 candidate described in Subsection (1)(a) seeks.

9030 (2) No individual may view a complete, unredacted candidate nomination document, other
 9031 than:

- 9032 (a) an election officer;
 9033 (b) a government entity or an authorized agent of a government entity, to the extent
 9034 necessary to fulfill a duty of the government entity or the authorized agent; or
 9035 (c) an individual described in Subsection (1), in accordance with the requirements of this
 9036 section.

9037 (3) Subsection (2) does not prohibit:

- 9038 (a) an individual whose name or other personal identifying information appears on a

- 9039 candidate signature packet from viewing only the portion of the candidate signature
9040 packet showing the name or other personal identifying information of the individual;
9041 or
9042 (b) an individual whose name or other personal identifying information appears on a
9043 written request to remove a signature from a candidate signature packet from viewing
9044 the written request.
- 9045 (4)(a) An individual described in Subsection (1) or (3) may not view a candidate
9046 nomination document after the election officer certifies the results of the primary
9047 election race to which the candidate nomination document relates.
- 9048 (b) An individual who, under Subsection (1), views a candidate nomination document
9049 may not:
9050 (i) make a copy, image, or other recording of the candidate nomination document; or
9051 (ii) disclose a name or other information on the candidate nomination document that
9052 relates to an individual whose voter registration record is classified as a private
9053 record.
- 9054 (5) After an election officer certifies the results of the primary election race to which a
9055 candidate nomination document relates:
9056 (a) the election officer shall seal the candidate nomination document and store the
9057 candidate nomination document for 22 months; and
9058 (b) no person may access or view the candidate nomination document, except:
9059 (i) the lieutenant governor;
9060 (ii) the legislative auditor general; or
9061 (iii) as ordered by a court with jurisdiction.
- 9062 (6) A digital listing or report of a candidate nomination document may, only to the extent
9063 permitted under Section 63G-2-305.5, be disclosed before or after an election officer
9064 certifies the results of the primary election race to which the candidate nomination
9065 document relates.
- 9066 Section 127. Section **20A-9-408.2** is enacted to read:
9067 **20A-9-408.2 . Tracking signatures on candidate nomination petition.**
- 9068 (1) Beginning no later than January 1, 2026, the lieutenant governor shall, on the same
9069 website where a voter may track the status of a ballot returned by a voter, provide a
9070 voter information regarding:
9071 (a) each petition to qualify a candidate for placement on a primary election ballot that
9072 the voter signed during the preceding six months;

- 9073 (b) whether the signature was verified or rejected; and
 9074 (c) if the signature was rejected, the reason for the rejection.

9075 (2) The lieutenant governor shall ensure that the information described in Subsection (1) is
 9076 available to the voter no later than one business day after the day on which the voter's
 9077 signature is verified or rejected.

9078 Section 128. Section **20A-9-408.3** is enacted to read:

9079 **20A-9-408.3 . Submission of candidate signature packet -- Requirements for**
 9080 **submission -- Signature packet chain of custody and storage.**

9081 (1) To submit a candidate signature packet to an election officer, a person shall:

9082 (a) label the front of each candidate signature packet with a unique, consecutive number;

9083 (b) organize each candidate signature packet that is submitted at the same time in
 9084 numerical order; and

9085 (c) with the candidate signature packets, provide the election officer with a document
 9086 containing:

9087 (i) for each candidate signature packet submitted at the same time:

9088 (A) the number assigned to the candidate signature packet under Subsection (1)(a);

9089 and

9090 (B) the number of signatures in the candidate signature packet;

9091 (ii) the total number of candidate signature packets submitted at the same time;

9092 (iii) the sum of all signatures on all candidate signature packets submitted at the same
 9093 time;

9094 (iv) a list of all individuals who collected signatures for the candidate signature
 9095 packets submitted together, including for each the individual's:

9096 (A) full name;

9097 (B) residential address;

9098 (C) phone number; and

9099 (D) email address; and

9100 (v) a certification that each individual described in Subsection (1)(c)(iv) was at least
 9101 18 years old when the individual collected the signatures.

9102 (2) If the election officer discovers that a candidate signature packet is verified by an
 9103 individual who has not been disclosed under Subsection (1)(c)(iv), with all information
 9104 required under Subsection (1)(c)(iv):

9105 (a) the election officer shall notify the candidate;

9106 (b) the candidate shall provide the information described in Subsection (1)(c)(iv) in

- 9107 relation to the individual no later than the first business day that is at least three
9108 calendar days after the day on which the election officer notifies the candidate under
9109 Subsection (2)(a); and
- 9110 (c) if the candidate fails to timely comply with Subsection (2)(b), the election officer
9111 shall reject the candidate signature packet, and all candidate signature packets
9112 collected by the same individual, that were submitted at the same time.
- 9113 (3) An election officer shall reject a candidate signature packet that is not submitted in
9114 accordance with Subsection (2).
- 9115 (4) In accordance with Title 63G, Chapter 2, Government Records Access and Management
9116 Act:
- 9117 (a) the information described in Subsection (1)(c)(iv)(A) is a public record; and
9118 (b) the information described in Subsections (1)(c)(iv)(B) through (D) is a private record.
- 9119 (5) An election officer shall preserve the chain of custody of all candidate signature packets
9120 and signature sheets in accordance with this section.
- 9121 (6) An election officer shall, upon receipt of a candidate signature packet:
- 9122 (a) review the candidate signature packet; and
9123 (b) assign the candidate signature packet a unique number in the election officer's
9124 petition processing system, to be used to track the candidate signature packet during
9125 processing.
- 9126 (7) An election officer shall ensure that, when workers review signatures in a candidate
9127 signature packet for verification, the workers record for the candidate signature packet:
- 9128 (a) the names of the workers who review signatures on the candidate signature packet;
9129 (b) if the signature packet is reviewed additional times, the names of the workers who
9130 conduct the review;
- 9131 (c) the total number of signatures in the candidate signature packet;
9132 (d) the total number of valid signatures in the candidate signature packet;
9133 (e) the total number of signatures in the candidate signature packet that were rejected,
9134 including the reasons for the rejection; and
- 9135 (f) if not all signatures in the candidate signature packet are reviewed:
- 9136 (i) the number of signatures that were not reviewed;
9137 (ii) the reason the signatures were not reviewed; and
9138 (iii) the name of the worker who pulled the candidate signature packet from further
9139 review.
- 9140 (8) An election officer shall store the candidate signature packets by:

9141 (a) making a log of the candidate signature packets as the signature packets are placed
9142 into storage that specifies:

9143 (i) the boxes into which the candidate signature packets for a particular candidate are
9144 placed; and

9145 (ii) which candidate signature packet is stored in which box; and

9146 (b) affixing to each box a description of the contents of the box.

9147 Section 129. Section **20A-9-502** is amended to read:

9148 **20A-9-502 . Certificate of nomination -- Contents -- Circulation -- Verification --**

9149 **Criminal penalty -- Removal of petition signature.**

9150 (1) The candidate shall:

9151 (a) prepare a certificate of nomination in substantially the following form:

9152 "State of Utah, County of _____

9153 I, _____, declare my intention of becoming an unaffiliated candidate for the
9154 political group designated as ____ for the office of _____. I do solemnly swear that I can
9155 qualify to hold that office both legally and constitutionally if selected, and that I reside at ____
9156 Street, in the city of _____, county of _____, state of _____, zip code _____, phone _____, and
9157 that I am providing, or have provided, the required number of holographic signatures of
9158 registered voters required by law; that as a candidate at the next election I will not knowingly
9159 violate any election or campaign law; that, if filing via a designated agent for an office other
9160 than president of the United States, I will be out of the state of Utah during the entire candidate
9161 filing period; I will file all campaign financial disclosure reports as required by law; and I
9162 understand that failure to do so will result in my disqualification as a candidate for this office
9163 and removal of my name from the ballot.

9164 _____
9165 Subscribed and sworn to before me this _____(month\day\year).

9166 _____
9167 Notary Public (or other officer
9168 qualified to administer oaths)";

9169 (b) for each signature packet, bind signature sheets to a copy of the certificate of
9170 nomination and the circulator verification, that:

9171 (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;

9172 (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that
9173 line blank for the purpose of binding;

9174 (iii) contain the name of the proposed candidate and the words "Unaffiliated

- 9175 Candidate Certificate of Nomination Petition" printed directly below the
9176 horizontal line;
- 9177 (iv) contain the word "Warning" printed directly under the words described in
9178 Subsection (1)(b)(iii);
- 9179 (v) contain, to the right of the word "Warning," the following statement printed in not less than
9180 eight-point, single leaded type:
- 9181 "It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination
9182 signature sheet with any name other than the person's own name or more than once for the
9183 same candidate or if the person is not registered to vote in this state and does not intend to
9184 become registered to vote in this state before the county clerk certifies the signatures.";
- 9185 (vi) contain the following statement directly under the statement described in Subsection
9186 (1)(b)(v):
- 9187 "Each signer says:
9188 I have personally signed this petition with a holographic signature;
9189 I am registered to vote in Utah or intend to become registered to vote in Utah before the
9190 county clerk certifies my signature; and
9191 My street address is written correctly after my name.";
- 9192 (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in
9193 Subsection (1)(b)(vi); and
- 9194 (viii) be vertically divided into columns as follows:
- 9195 (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide,
9196 be headed with "For Office Use Only," and be subdivided with a light vertical
9197 line down the middle;
- 9198 (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's
9199 Printed Name (must be legible to be counted)";
- 9200 (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
9201 Registered Voter";
- 9202 (D) the next column shall be one inch wide, headed "Birth Date or Age
9203 (Optional)";
- 9204 (E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
9205 Code"; and
- 9206 (F) at the bottom of the sheet, contain the following statement: "Birth date or age
9207 information is not required, but it may be used to verify your identity with
9208 voter registration records. If you choose not to provide it, your signature may

9209 not be certified as a valid signature if you change your address before petition
 9210 signatures are certified or if the information you provide does not match your
 9211 voter registration records."; and

9212 (c) bind a final page to one or more signature sheets that are bound together that contains,
 9213 except as provided by Subsection (3), the following printed statement:

9214 "Verification

9215 State of Utah, County of ____

9216 I, _____, of _____, hereby state that:

9217 I am at least 18 years old;

9218 All the names that appear on the signature sheets bound to this page were signed by
 9219 persons who professed to be the persons whose names appear on the signature sheets, and each
 9220 of them signed the person's name on the signature sheets in my presence;

9221 I believe that each has printed and signed the person's name and written the person's
 9222 street address correctly, and that each signer is registered to vote in Utah or will register to
 9223 vote in Utah before the county clerk certifies the signatures on the signature sheet.

9224

9225 _____
 (Signature) (Residence Address) (Date)".

9226 (2) An agent designated to file a certificate of nomination under Subsection 20A-9-503

9227 (2)(b) or (4)(b) may not sign the form described in Subsection (1)(a).

9228 (3)(a) The candidate shall circulate the nomination petition and ensure that the person in
 9229 whose presence each signature sheet is signed:

9230 (i) is at least 18 years old; and

9231 (ii) verifies each signature sheet by completing the verification bound to one or more
 9232 signature sheets that are bound together.

9233 (b) A person may not sign the circulator verification if the person signed a signature
 9234 sheet bound to the verification.

9235 (4)(a) It is unlawful for any person to:

9236 (i) knowingly sign a certificate of nomination signature sheet:

9237 (A) with any name other than the person's own name;

9238 (B) more than once for the same candidate; or

9239 (C) if the person is not registered to vote in this state and does not intend to
 9240 become registered to vote in this state before the county clerk certifies the
 9241 signatures; or

9242 (ii) sign the verification of a certificate of nomination signature sheet if the person:

- 9243 (A) has not witnessed the signing by those persons whose names appear on the
9244 certificate of nomination signature sheet; or
- 9245 (B) knows that a person whose signature appears on the certificate of nomination
9246 signature sheet is not registered to vote in this state and does not intend to
9247 become registered to vote in this state.
- 9248 (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.
- 9249 (5)(a) To qualify for placement on the general election ballot, the candidate shall, no
9250 earlier than the start of the declaration of candidacy period described in Section
9251 20A-9-201.5 and no later than 5 p.m. on June 15 of the year in which the election
9252 will be held:
- 9253 (i) comply with Subsection 20A-9-503(1); and
- 9254 (ii) submit each signature packet to the county clerk where the majority of the
9255 signatures in the packet were collected, with signatures totaling:
- 9256 (A) at least 1,000 registered voters residing within the state when the nomination
9257 is for an office to be filled by the voters of the entire state; or
- 9258 (B) at least 300 registered voters residing within a political division or at least 5%
9259 of the registered voters residing within a political division, whichever is less,
9260 when the nomination is for an office to be filled by the voters of any political
9261 division smaller than the state.
- 9262 (b) A candidate has not complied with Subsection (5)(a)(ii), unless the county clerks
9263 verify that each required signature is a valid signature of a registered voter who is
9264 eligible to sign the signature packet and has not signed a signature packet to nominate
9265 another candidate for the same office.
- 9266 (c) In reviewing the signature packets, the county clerk shall count and certify only those
9267 persons who signed with a holographic signature, who:
- 9268 (i) are registered voters within the political division that the candidate seeks to
9269 represent; and
- 9270 (ii) did not sign any other certificate of nomination for that office.
- 9271 (d) The county clerk shall count and certify the number of registered voters who validly
9272 signed a signature packet, no later than 30 calendar days after the day on which the
9273 candidate submits the signature packet.
- 9274 (e) The candidate may supplement the signatures or amend the certificate of nomination
9275 or declaration of candidacy at any time on or before 5 p.m. on June 15 of the year in
9276 which the election will be held.

9277 (f) The county clerk shall use the procedures described in Section 20A-1-1002 to
 9278 determine whether a signer is a registered voter who is qualified to sign the signature
 9279 packet.

9280 (6)(a) A voter who signs a signature packet under this section may have the voter's
 9281 signature removed from the signature packet by, no later than 5 p.m. three business
 9282 days after the day on which the candidate submits the signature packet to the county
 9283 clerk, submitting to the county clerk a statement requesting that the voter's signature
 9284 be removed.

9285 (b) A statement described in Subsection (6)(a) shall comply with the requirements
 9286 described in Subsection 20A-1-1003(2).

9287 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to
 9288 determine whether to remove an individual's signature from a signature packet after
 9289 receiving a timely, valid statement requesting removal of the signature.

9290 Section 130. Section **20A-9-601** is amended to read:

9291 **20A-9-601 . Qualifying as a write-in candidate.**

9292 (1)(a) Except as provided in Subsection (1)(b), an individual who wishes to become a
 9293 valid write-in candidate shall file a declaration of candidacy in person, or through a
 9294 designated agent for a candidate for president or vice president of the United States,
 9295 with the appropriate filing officer [~~before 5 p.m.~~]no later than 5 p.m. on the last
 9296 business day that is at least 65 calendar days before the date of the regular general
 9297 election or the municipal general election in which the individual intends to be a
 9298 write-in candidate.

9299 (b)(i) The provisions of this Subsection (1)(b) do not apply to an individual who files
 9300 a declaration of candidacy for president of the United States.

9301 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a
 9302 declaration of candidacy with the appropriate filing officer if:

9303 (A) the individual is located outside of the state during the entire filing period;

9304 (B) the designated agent appears in person before the filing officer; and

9305 (C) the individual communicates with the filing officer using an electronic device
 9306 that allows the individual and filing officer to see and hear each other.

9307 (2)(a) The form of the declaration of candidacy for a write-in candidate for all offices, except
 9308 president or vice president of the United States, is substantially as follows:

9309 "State of Utah, County of ____

9310 I, _____, declare my intention of becoming a candidate for the office of ____

9311 for the ____ district (if applicable). I do solemnly swear that: I will meet the qualifications to
 9312 hold the office, both legally and constitutionally, if selected; I reside at _____ in the
 9313 City or Town of ____, Utah, Zip Code ____, Phone No. ____; I will not knowingly violate
 9314 any law governing campaigns and elections; if filing via a designated agent, I will be out of the
 9315 state of Utah during the entire candidate filing period; I will file all campaign financial
 9316 disclosure reports as required by law; and I understand that failure to do so will result in my
 9317 disqualification as a candidate for this office and rejection of any votes cast for me. The
 9318 mailing address that I designate for receiving official election notices is
 9319 _____.

9320 _____
 9321 Subscribed and sworn before me this _____(month\day\year).
 9322 Notary Public (or other officer qualified to administer oath).".

9323 (b) The form of the declaration of candidacy for a write-in candidate for president of the
 9324 United States is substantially as follows:

9325 "State of Utah, County of ____
 9326 I, _____, declare my intention of becoming a candidate for the office of the
 9327 president of the United States. I do solemnly swear that: I will meet the qualifications to hold
 9328 the office, both legally and constitutionally, if selected; I reside at _____ in the City
 9329 or Town of ____, State ____, Zip Code ____, Phone No. ____; I will not knowingly violate
 9330 any law governing campaigns and elections. The mailing address that I designate for receiving
 9331 official election notices is _____. I designate _____ as
 9332 my vice presidential candidate.

9333 _____
 9334 Subscribed and sworn before me this _____(month\day\year).
 9335 Notary Public (or other officer qualified to administer oath).".

9336 (c) A declaration of candidacy for a write-in candidate for vice president of the United
 9337 States shall be in substantially the same form as a declaration of candidacy described
 9338 in Subsection 20A-9-202(7).

9339 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in
 9340 Subsection (2)(a) or (b).

9341 (3)(a) The filing officer shall:
 9342 (i) read to the candidate the constitutional and statutory requirements for the office;
 9343 (ii) ask the candidate whether the candidate meets the requirements; and
 9344 (iii) if the declaration of candidacy is for a legislative office, inform the individual

9345 that Utah Constitution, Article VI, Section 6, prohibits a person who holds a
 9346 public office of profit or trust, under authority of the United States or Utah, from
 9347 being a member of the Legislature.

9348 (b) If the candidate cannot meet the requirements of office, the filing officer may not
 9349 accept the write-in candidate's declaration of candidacy.

9350 (4)(a) Except as provided in Subsection (4)(b), a write-in candidate is subject to
 9351 Subsection 20A-9-201(8).

9352 (b) A write-in candidate for president of the United States is subject to Subsection
 9353 20A-9-201(8)(d) or 20A-9-803(1)(d), as applicable.

9354 (5) By November 1 of each regular general election year, the lieutenant governor shall
 9355 certify to each county clerk the names of all write-in candidates who filed their
 9356 declaration of candidacy with the lieutenant governor.

9357 Section 131. Section **20A-11-101** is amended to read:

9358 **20A-11-101 . Definitions.**

9359 As used in this chapter:

9360 (1)(a) "Address" means the number and street where an individual resides or where a
 9361 reporting entity has its principal office.

9362 (b) "Address" does not include a post office box.

9363 (2) "Agent of a reporting entity" means:

9364 (a) a person acting on behalf of a reporting entity at the direction of the reporting entity;

9365 (b) a person employed by a reporting entity in the reporting entity's capacity as a
 9366 reporting entity;

9367 (c) the personal campaign committee of a candidate or officeholder;

9368 (d) a member of the personal campaign committee of a candidate or officeholder in the
 9369 member's capacity as a member of the personal campaign committee of the candidate
 9370 or officeholder; or

9371 (e) a political consultant of a reporting entity.

9372 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
 9373 amendments, and any other ballot propositions submitted to the voters that are
 9374 authorized by the Utah Code Annotated 1953.

9375 (4) "Candidate" means any person who:

9376 (a) files a declaration of candidacy for a public office; or

9377 (b) receives contributions, makes expenditures, or gives consent for any other person to
 9378 receive contributions or make expenditures to bring about the person's nomination or

- 9379 election to a public office.
- 9380 (5) "Chief election officer" means:
- 9381 (a) the lieutenant governor for state office candidates, legislative office candidates,
- 9382 officeholders, political parties, political action committees, corporations, political
- 9383 issues committees, state school board candidates, judges, and labor organizations, as
- 9384 defined in Section 20A-11-1501; and
- 9385 (b) the county clerk for local school board candidates.
- 9386 (6)(a) "Contribution" means any of the following when done for political purposes:
- 9387 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
- 9388 value given to the filing entity;
- 9389 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
- 9390 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
- 9391 money or anything of value to the filing entity;
- 9392 (iii) any transfer of funds from another reporting entity to the filing entity;
- 9393 (iv) compensation paid by any person or reporting entity other than the filing entity
- 9394 for personal services provided without charge to the filing entity;
- 9395 (v) remuneration from:
- 9396 (A) any organization or its directly affiliated organization that has a registered
- 9397 lobbyist; or
- 9398 (B) any agency or subdivision of the state, including school districts;
- 9399 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 9400 (vii) in-kind contributions.
- 9401 (b) "Contribution" does not include:
- 9402 (i) services provided by individuals volunteering a portion or all of their time on
- 9403 behalf of the filing entity if the services are provided without compensation by the
- 9404 filing entity or any other person;
- 9405 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 9406 business;
- 9407 (iii) goods or services provided for the benefit of a political entity at less than fair
- 9408 market value that are not authorized by or coordinated with the political entity; or
- 9409 (iv) data or information described in Subsection (24)(b).
- 9410 (7) "Coordinated with" means that goods or services provided for the benefit of a political
- 9411 entity are provided:
- 9412 (a) with the political entity's prior knowledge, if the political entity does not object;

- 9413 (b) by agreement with the political entity;
- 9414 (c) in coordination with the political entity; or
- 9415 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 9416 (8)(a) "Corporation" means a domestic or foreign, profit or nonprofit, business
9417 organization that is registered as a corporation or is authorized to do business in a
9418 state and makes any expenditure from corporate funds for:
- 9419 (i) the purpose of expressly advocating for political purposes; or
- 9420 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
9421 proposition.
- 9422 (b) "Corporation" does not mean:
- 9423 (i) a business organization's political action committee or political issues committee;
9424 or
- 9425 (ii) a business entity organized as a partnership or a sole proprietorship.
- 9426 (9) "County political party" means, for each registered political party, all of the persons
9427 within a single county who, under definitions established by the political party, are
9428 members of the registered political party.
- 9429 (10) "County political party officer" means a person whose name is required to be
9430 submitted by a county political party to the lieutenant governor in accordance with
9431 Section 20A-8-402.
- 9432 (11) "Detailed listing" means:
- 9433 (a) for each contribution or public service assistance:
- 9434 (i) the name and address of the individual or source making the contribution or public
9435 service assistance, except to the extent that the name or address of the individual
9436 or source is unknown;
- 9437 (ii) the amount or value of the contribution or public service assistance; and
- 9438 (iii) the date the contribution or public service assistance was made; and
- 9439 (b) for each expenditure:
- 9440 (i) the amount of the expenditure;
- 9441 (ii) the goods or services acquired by the expenditure; and
- 9442 (iii) the date the expenditure was made.
- 9443 (12)(a) "Donor" means a person that gives money, including a fee, due, or assessment
9444 for membership in the corporation, to a corporation without receiving full and
9445 adequate consideration for the money.
- 9446 (b) "Donor" does not include a person that signs a statement that the corporation may not

- 9447 use the money for an expenditure or political issues expenditure.
- 9448 (13) "Election" means each:
- 9449 (a) regular general election;
- 9450 (b) regular primary election; and
- 9451 (c) special election at which candidates are eliminated and selected.
- 9452 (14) "Electioneering communication" means a communication that:
- 9453 (a) has at least a value of \$10,000;
- 9454 (b) clearly identifies a candidate or judge; and
- 9455 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
- 9456 facility, direct mailing, broadcast, cable, or satellite provider within 45 [~~days of~~]
- 9457 calendar days before the clearly identified candidate's or judge's election date.
- 9458 (15)(a) "Expenditure" means any of the following made by a reporting entity or an agent
- 9459 of a reporting entity on behalf of the reporting entity:
- 9460 (i) any disbursement from contributions, receipts, or from the separate bank account
- 9461 required by this chapter;
- 9462 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 9463 or anything of value made for political purposes;
- 9464 (iii) an express, legally enforceable contract, promise, or agreement to make any
- 9465 purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
- 9466 or anything of value for political purposes;
- 9467 (iv) compensation paid by a filing entity for personal services rendered by a person
- 9468 without charge to a reporting entity;
- 9469 (v) a transfer of funds between the filing entity and a candidate's personal campaign
- 9470 committee;
- 9471 (vi) goods or services provided by the filing entity to or for the benefit of another
- 9472 reporting entity for political purposes at less than fair market value; or
- 9473 (vii) an independent expenditure, as defined in Section 20A-11-1702.
- 9474 (b) "Expenditure" does not include:
- 9475 (i) services provided without compensation by individuals volunteering a portion or
- 9476 all of their time on behalf of a reporting entity;
- 9477 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
- 9478 business; or
- 9479 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
- 9480 candidates for office or officeholders in states other than Utah.

- 9481 (16) "Federal office" means the office of president of the United States, United States
9482 Senator, or United States Representative.
- 9483 (17) "Filing entity" means the reporting entity that is required to file a financial statement
9484 required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 9485 (18) "Financial statement" includes any summary report, interim report, verified financial
9486 statement, or other statement disclosing contributions, expenditures, receipts, donations,
9487 or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention
9488 Elections.
- 9489 (19) "Governing board" means the individual or group of individuals that determine the
9490 candidates and committees that will receive expenditures from a political action
9491 committee, political party, or corporation.
- 9492 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
9493 Incorporation, by which a geographical area becomes legally recognized as a city or
9494 town.
- 9495 (21) "Incorporation election" means the election conducted under Section 10-2a-210.
- 9496 (22) "Incorporation petition" means a petition described in Section 10-2a-208.
- 9497 (23) "Individual" means a natural person.
- 9498 (24)(a) "In-kind contribution" means anything of value, other than money, that is
9499 accepted by or coordinated with a filing entity.
- 9500 (b) "In-kind contribution" does not include survey results, voter lists, voter contact
9501 information, demographic data, voting trend data, or other information that:
- 9502 (i) is not commissioned for the benefit of a particular candidate or officeholder; and
9503 (ii) is offered at no cost to a candidate or officeholder.
- 9504 (25) "Interim report" means a report identifying the contributions received and expenditures
9505 made since the last report.
- 9506 (26) "Legislative office" means the office of state senator, state representative, speaker of
9507 the House of Representatives, president of the Senate, and the leader, whip, and assistant
9508 whip of any party caucus in either house of the Legislature.
- 9509 (27) "Legislative office candidate" means a person who:
- 9510 (a) files a declaration of candidacy for the office of state senator or state representative;
9511 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
9512 speaker of the House of Representatives, president of the Senate, or the leader, whip,
9513 and assistant whip of any party caucus in either house of the Legislature; or
9514 (c) receives contributions, makes expenditures, or gives consent for any other person to

- 9515 receive contributions or make expenditures to bring about the person's nomination,
9516 election, or appointment to a legislative office.
- 9517 (28) "Loan" means any of the following provided by a person that benefits a filing entity if
9518 the person expects repayment or reimbursement:
9519 (a) an expenditure made using any form of payment;
9520 (b) money or funds received by the filing entity;
9521 (c) the provision of a good or service with an agreement or understanding that payment
9522 or reimbursement will be delayed; or
9523 (d) use of any line of credit.
- 9524 (29) "Major political party" means either of the two registered political parties that have the
9525 greatest number of members elected to the two houses of the Legislature.
- 9526 (30) "Officeholder" means a person who holds a public office.
- 9527 (31) "Party committee" means any committee organized by or authorized by the governing
9528 board of a registered political party.
- 9529 (32) "Person" means both natural and legal persons, including individuals, business
9530 organizations, personal campaign committees, party committees, political action
9531 committees, political issues committees, and labor organizations, as defined in Section
9532 20A-11-1501.
- 9533 (33) "Personal campaign committee" means the committee appointed by a candidate to act
9534 for the candidate as provided in this chapter.
- 9535 (34) "Personal use expenditure" has the same meaning as provided under Section
9536 20A-11-104.
- 9537 (35)(a) "Political action committee" means an entity, or any group of individuals or
9538 entities within or outside this state, a major purpose of which is to:
9539 (i) solicit or receive contributions from any other person, group, or entity for political
9540 purposes; or
9541 (ii) make expenditures to expressly advocate for any person to refrain from voting or
9542 to vote for or against any candidate or person seeking election to a municipal or
9543 county office.
- 9544 (b) "Political action committee" includes groups affiliated with a registered political
9545 party but not authorized or organized by the governing board of the registered
9546 political party that receive contributions or makes expenditures for political purposes.
- 9547 (c) "Political action committee" does not mean:
9548 (i) a party committee;

- 9549 (ii) any entity that provides goods or services to a candidate or committee in the
 9550 regular course of its business at the same price that would be provided to the
 9551 general public;
- 9552 (iii) an individual;
- 9553 (iv) individuals who are related and who make contributions from a joint checking
 9554 account;
- 9555 (v) a corporation, except a corporation a major purpose of which is to act as a
 9556 political action committee; or
- 9557 (vi) a personal campaign committee.
- 9558 (36)(a) "Political consultant" means a person who is paid by a reporting entity, or paid
 9559 by another person on behalf of and with the knowledge of the reporting entity, to
 9560 provide political advice to the reporting entity.
- 9561 (b) "Political consultant" includes a circumstance described in Subsection (36)(a), where
 9562 the person:
- 9563 (i) has already been paid, with money or other consideration;
- 9564 (ii) expects to be paid in the future, with money or other consideration; or
- 9565 (iii) understands that the person may, in the discretion of the reporting entity or
 9566 another person on behalf of and with the knowledge of the reporting entity, be
 9567 paid in the future, with money or other consideration.
- 9568 (37) "Political convention" means a county or state political convention held by a registered
 9569 political party to select candidates.
- 9570 (38) "Political entity" means a candidate, a political party, a political action committee, or a
 9571 political issues committee.
- 9572 (39)(a) "Political issues committee" means an entity, or any group of individuals or
 9573 entities within or outside this state, a major purpose of which is to:
- 9574 (i) solicit or receive donations from any other person, group, or entity to assist in
 9575 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off
 9576 the ballot, or to advocate that a voter refrain from voting or vote for or vote
 9577 against any ballot proposition;
- 9578 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
 9579 ballot proposition or incorporation petition or refrain from voting, vote for, or vote
 9580 against any proposed ballot proposition or an incorporation in an incorporation
 9581 election; or
- 9582 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the

9583 ballot or to assist in keeping a ballot proposition off the ballot.

9584 (b) "Political issues committee" does not mean:

9585 (i) a registered political party or a party committee;

9586 (ii) any entity that provides goods or services to an individual or committee in the
9587 regular course of its business at the same price that would be provided to the
9588 general public;

9589 (iii) an individual;

9590 (iv) individuals who are related and who make contributions from a joint checking
9591 account;

9592 (v) a corporation, except a corporation a major purpose of which is to act as a
9593 political issues committee; or

9594 (vi) a group of individuals who:

9595 (A) associate together for the purpose of challenging or supporting a single ballot
9596 proposition, ordinance, or other governmental action by a county, city, town,
9597 special district, special service district, or other local political subdivision of
9598 the state;

9599 (B) have a common liberty, property, or financial interest that is directly impacted
9600 by the ballot proposition, ordinance, or other governmental action;

9601 (C) do not associate together, for the purpose described in Subsection
9602 (39)(b)(vi)(A), via a legal entity;

9603 (D) do not receive funds for challenging or supporting the ballot proposition,
9604 ordinance, or other governmental action from a person other than an individual
9605 in the group; and

9606 (E) do not expend a total of more than \$5,000 for the purpose described in
9607 Subsection (39)(b)(vi)(A).

9608 (40)(a) "Political issues contribution" means any of the following:

9609 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money
9610 or anything of value given to a political issues committee;

9611 (ii) an express, legally enforceable contract, promise, or agreement to make a
9612 political issues donation to influence the approval or defeat of any ballot
9613 proposition;

9614 (iii) any transfer of funds received by a political issues committee from a reporting
9615 entity;

9616 (iv) compensation paid by another reporting entity for personal services rendered

9617 without charge to a political issues committee; and
9618 (v) goods or services provided to or for the benefit of a political issues committee at
9619 less than fair market value.

9620 (b) "Political issues contribution" does not include:

9621 (i) services provided without compensation by individuals volunteering a portion or
9622 all of their time on behalf of a political issues committee; or

9623 (ii) money lent to a political issues committee by a financial institution in the
9624 ordinary course of business.

9625 (41)(a) "Political issues expenditure" means any of the following when made by a
9626 political issues committee or on behalf of a political issues committee by an agent of
9627 the reporting entity:

9628 (i) any payment from political issues contributions made for the purpose of
9629 influencing the approval or the defeat of:

9630 (A) a ballot proposition; or

9631 (B) an incorporation petition or incorporation election;

9632 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made
9633 for the express purpose of influencing the approval or the defeat of:

9634 (A) a ballot proposition; or

9635 (B) an incorporation petition or incorporation election;

9636 (iii) an express, legally enforceable contract, promise, or agreement to make any
9637 political issues expenditure;

9638 (iv) compensation paid by a reporting entity for personal services rendered by a
9639 person without charge to a political issues committee; or

9640 (v) goods or services provided to or for the benefit of another reporting entity at less
9641 than fair market value.

9642 (b) "Political issues expenditure" does not include:

9643 (i) services provided without compensation by individuals volunteering a portion or
9644 all of their time on behalf of a political issues committee; or

9645 (ii) money lent to a political issues committee by a financial institution in the
9646 ordinary course of business.

9647 (42) "Political purposes" means an act done with the intent or in a way to influence or tend
9648 to influence, directly or indirectly, any person to refrain from voting or to vote for or
9649 against any:

9650 (a) candidate or a person seeking a municipal or county office at any caucus, political

- 9651 convention, or election; or
- 9652 (b) judge standing for retention at any election.
- 9653 (43)(a) "Poll" means the survey of a person regarding the person's opinion or knowledge
- 9654 of an individual who has filed a declaration of candidacy for public office, or of a
- 9655 ballot proposition that has legally qualified for placement on the ballot, which is
- 9656 conducted in person or by telephone, facsimile, Internet, postal mail, or email.
- 9657 (b) "Poll" does not include:
- 9658 (i) a ballot; or
- 9659 (ii) an interview of a focus group that is conducted, in person, by one individual, if:
- 9660 (A) the focus group consists of more than three, and less than thirteen, individuals;
- 9661 and
- 9662 (B) all individuals in the focus group are present during the interview.
- 9663 (44) "Primary election" means any regular primary election held under the election laws.
- 9664 (45) "Publicly identified class of individuals" means a group of 50 or more individuals
- 9665 sharing a common occupation, interest, or association that contribute to a political action
- 9666 committee or political issues committee and whose names can be obtained by contacting
- 9667 the political action committee or political issues committee upon whose financial
- 9668 statement the individuals are listed.
- 9669 (46) "Public office" means the office of governor, lieutenant governor, state auditor, state
- 9670 treasurer, attorney general, state school board member, state senator, state representative,
- 9671 speaker of the House of Representatives, president of the Senate, and the leader, whip,
- 9672 and assistant whip of any party caucus in either house of the Legislature.
- 9673 (47)(a) "Public service assistance" means the following when given or provided to an
- 9674 officeholder to defray the costs of functioning in a public office or aid the
- 9675 officeholder to communicate with the officeholder's constituents:
- 9676 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit
- 9677 of money or anything of value to an officeholder; or
- 9678 (ii) goods or services provided at less than fair market value to or for the benefit of
- 9679 the officeholder.
- 9680 (b) "Public service assistance" does not include:
- 9681 (i) anything provided by the state;
- 9682 (ii) services provided without compensation by individuals volunteering a portion or
- 9683 all of their time on behalf of an officeholder;
- 9684 (iii) money lent to an officeholder by a financial institution in the ordinary course of

- 9685 business;
- 9686 (iv) news coverage or any publication by the news media; or
- 9687 (v) any article, story, or other coverage as part of any regular publication of any
- 9688 organization unless substantially all the publication is devoted to information
- 9689 about the officeholder.
- 9690 (48) "Receipts" means contributions and public service assistance.
- 9691 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist
- 9692 Disclosure and Regulation Act.
- 9693 (50) "Registered political action committee" means any political action committee that is
- 9694 required by this chapter to file a statement of organization with the Office of the
- 9695 Lieutenant Governor.
- 9696 (51) "Registered political issues committee" means any political issues committee that is
- 9697 required by this chapter to file a statement of organization with the Office of the
- 9698 Lieutenant Governor.
- 9699 (52) "Registered political party" means an organization of voters that:
- 9700 (a) participated in the last regular general election and polled a total vote equal to 2% or
- 9701 more of the total votes cast for all candidates for the United States House of
- 9702 Representatives for any of its candidates for any office; or
- 9703 (b) has complied with the petition and organizing procedures of Chapter 8, Political
- 9704 Party Formation and Procedures.
- 9705 (53)(a) "Remuneration" means a payment:
- 9706 (i) made to a legislator for the period the Legislature is in session; and
- 9707 (ii) that is approximately equivalent to an amount a legislator would have earned
- 9708 during the period the Legislature is in session in the legislator's ordinary course of
- 9709 business.
- 9710 (b) "Remuneration" does not mean anything of economic value given to a legislator by:
- 9711 (i) the legislator's primary employer in the ordinary course of business; or
- 9712 (ii) a person or entity in the ordinary course of business:
- 9713 (A) because of the legislator's ownership interest in the entity; or
- 9714 (B) for services rendered by the legislator on behalf of the person or entity.
- 9715 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee, a
- 9716 judge, a judge's personal campaign committee, an officeholder, a party committee, a
- 9717 political action committee, a political issues committee, a corporation, or a labor
- 9718 organization, as defined in Section 20A-11-1501.

- 9719 (55) "School board office" means the office of state school board.
- 9720 (56)(a) "Source" means the person or entity that is the legal owner of the tangible or
9721 intangible asset that comprises the contribution.
- 9722 (b) "Source" means, for political action committees and corporations, the political action
9723 committee and the corporation as entities, not the contributors to the political action
9724 committee or the owners or shareholders of the corporation.
- 9725 (57) "State office" means the offices of governor, lieutenant governor, attorney general,
9726 state auditor, and state treasurer.
- 9727 (58) "State office candidate" means a person who:
- 9728 (a) files a declaration of candidacy for a state office; or
- 9729 (b) receives contributions, makes expenditures, or gives consent for any other person to
9730 receive contributions or make expenditures to bring about the person's nomination,
9731 election, or appointment to a state office.
- 9732 (59) "Summary report" means the year end report containing the summary of a reporting
9733 entity's contributions and expenditures.
- 9734 (60) "Supervisory board" means the individual or group of individuals that allocate
9735 expenditures from a political issues committee.
- 9736 Section 132. Section **20A-11-103** is amended to read:
- 9737 **20A-11-103 . Notice of pending interim and summary reports -- Form of**
9738 **submission -- Public availability -- Notice of reporting and filing requirements.**
- 9739 (1)(a) Except as provided under Subsection (1)(b), on the last business day that is at least
9740 10 calendar days before an interim report or summary report is due under this chapter
9741 or Chapter 12, Part 2, Judicial Retention Elections, the chief election officer shall
9742 inform the filing entity by electronic mail unless postal mail is requested:
- 9743 (i) that the financial statement is due;
- 9744 (ii) of the date that the financial statement is due; and
- 9745 (iii) of the penalty for failing to file the financial statement.
- 9746 (b) The chief election officer is not required to provide notice:
- 9747 (i) to a candidate or political party of the financial statement that is due before the
9748 candidate's or political party's political convention;
- 9749 (ii) of a financial statement due in connection with a public hearing for an initiative
9750 under the requirements of Section 20A-7-204.1; or
- 9751 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.
- 9752 (2) A filing entity shall electronically file a financial statement via electronic mail or the

- 9753 Internet according to specifications established by the chief election officer.
- 9754 (3)(a) A financial statement is considered timely filed if the financial statement is
9755 received by the chief election officer's office before midnight, Mountain Time, at the
9756 end of the day on which the financial statement is due.
- 9757 (b) For a county clerk's office that is not open until midnight at the end of the day on
9758 which a financial statement is due, the county clerk shall permit a candidate to file
9759 the financial statement via email or another electronic means designated by the
9760 county clerk.
- 9761 (c) A chief election officer may extend the time in which a filing entity is required to file
9762 a financial statement if a filing entity notifies the chief election officer of the
9763 existence of an extenuating circumstance that is outside the control of the filing entity.
- 9764 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access
9765 and Management Act, the lieutenant governor shall:
- 9766 (a) make each campaign finance statement filed by a candidate available for public
9767 inspection and copying no later than one business day after the statement is filed; and
- 9768 (b) post on a website established by the lieutenant governor:
- 9769 (i) an electronic copy or the contents of each summary report or interim report filed
9770 under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention
9771 Elections, no later than three business days after the date on which the summary
9772 report or interim report is electronically filed; or
- 9773 (ii) for a campaign finance statement filed under the requirements of Section 10-3-208,
9774 for a municipality, or Section 17-16-6.5, for a county, a link to the municipal or
9775 county website that hosts the campaign finance statement, no later than seven
9776 business days after the date on which the lieutenant governor receives the link
9777 from:
- 9778 (A) the municipal clerk or recorder, in accordance with Subsection 10-3-208
9779 (10)(b)(ii); or
- 9780 (B) the county clerk, in accordance with Subsection 17-16-6.5(18)(b)(ii).
- 9781 (5) Between January 1 and January 15 of each year, the chief election officer shall provide
9782 notice, by postal mail or email, to each filing entity for which the chief election officer
9783 has a physical or email address, of the reporting and filing requirements described in this
9784 chapter.

9785 Section 133. Section **20A-11-105** is amended to read:

9786 **20A-11-105 . Deadline for payment of fine.**

9787 A person against whom the lieutenant governor imposes a fine under this chapter shall
9788 pay the fine [~~before 5 p.m. within~~] no later than 5 p.m. on the last business day that is at least
9789 30 calendar days after the day on which the lieutenant governor imposes the fine.

9790 Section 134. Section **20A-11-201** is amended to read:

9791 **20A-11-201 . State office -- Separate bank account for campaign funds -- No**
9792 **personal use -- State office candidate reporting deadline -- Report other accounts --**
9793 **Anonymous contributions.**

9794 (1)(a) Each state office candidate or the candidate's personal campaign committee shall
9795 deposit each contribution received in one or more separate campaign accounts in a
9796 financial institution.

9797 (b) A state office candidate or a candidate's personal campaign committee may not use
9798 money deposited in a campaign account for:

9799 (i) a personal use expenditure; or

9800 (ii) an expenditure prohibited by law.

9801 (c) Each state officeholder or the state officeholder's personal campaign committee shall
9802 deposit each contribution and public service assistance received in one or more
9803 separate campaign accounts in a financial institution.

9804 (d) A state officeholder or a state officeholder's personal campaign committee may not
9805 use money deposited in a campaign account for:

9806 (i) a personal use expenditure; or

9807 (ii) an expenditure prohibited by law.

9808 (2)(a) A state office candidate or the candidate's personal campaign committee may not
9809 deposit or mingle any contributions received into a personal or business account.

9810 (b) A state officeholder or the state officeholder's personal campaign committee may not
9811 deposit or mingle any contributions or public service assistance received into a
9812 personal or business account.

9813 (3) If a person who is no longer a state office candidate chooses not to expend the money
9814 remaining in a campaign account, the person shall continue to file the year-end summary
9815 report required by Section 20A-11-203 until the statement of dissolution and final
9816 summary report required by Section 20A-11-205 are filed with the lieutenant governor.

9817 (4)(a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is
9818 no longer a state office candidate may not expend or transfer the money in a
9819 campaign account in a manner that would cause the former state office candidate to
9820 recognize the money as taxable income under federal tax law.

- 9821 (b) A person who is no longer a state office candidate may transfer the money in a
9822 campaign account in a manner that would cause the former state office candidate to
9823 recognize the money as taxable income under federal tax law if the transfer is made
9824 to a campaign account for federal office.
- 9825 (5)(a) As used in this Subsection (5), "received" means the same as that term is defined
9826 in Subsection 20A-11-204(1)(b).
- 9827 (b) Each state office candidate shall report to the lieutenant governor each contribution
9828 received by the state office candidate:
- 9829 (i) except as provided in Subsection (5)(b)(ii), within 31 calendar days after the day
9830 on which the contribution is received; or
- 9831 (ii) within seven business days after the day on which the contribution is received, if:
- 9832 (A) the state office candidate is contested in a convention and the contribution is
9833 received within 30 calendar days before the day on which the convention is
9834 held;
- 9835 (B) the state office candidate is contested in a primary election and the
9836 contribution is received within 30 calendar days before the day on which the
9837 primary election is held; or
- 9838 (C) the state office candidate is contested in a general election and the
9839 contribution is received within 30 calendar days before the day on which the
9840 general election is held.
- 9841 (c) Except as provided in Subsection (5)(d), for each contribution that a state office
9842 candidate fails to report within the time period described in Subsection (5)(b), the
9843 lieutenant governor shall impose a fine against the state office candidate in an amount
9844 equal to:
- 9845 (i) 10% of the amount of the contribution, if the state office candidate reports the
9846 contribution within 60 calendar days after the day on which the time period
9847 described in Subsection (5)(b) ends; or
- 9848 (ii) 20% of the amount of the contribution, if the state office candidate fails to report
9849 the contribution within 60 calendar days after the day on which the time period
9850 described in Subsection (5)(b) ends.
- 9851 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and issue
9852 a warning to the state office candidate if:
- 9853 (i) the contribution that the state office candidate fails to report is paid by the state
9854 office candidate from the state office candidate's personal funds;

- 9855 (ii) the state office candidate has not previously violated Subsection (5)(c) in relation
9856 to a contribution paid by the state office candidate from the state office candidate's
9857 personal funds; and
- 9858 (iii) the lieutenant governor determines that the failure to timely report the
9859 contribution is due to the state office candidate not understanding that the
9860 reporting requirement includes a contribution paid by a state office candidate from
9861 the state office candidate's personal funds.
- 9862 (e) The lieutenant governor shall:
- 9863 (i) deposit money received under Subsection (5)(c) into the General Fund; and
- 9864 (ii) report on the lieutenant governor's website, in the location where reports relating
9865 to each state office candidate are available for public access:
- 9866 (A) each fine imposed by the lieutenant governor against the state office candidate;
- 9867 (B) the amount of the fine;
- 9868 (C) the amount of the contribution to which the fine relates; and
- 9869 (D) the date of the contribution.
- 9870 (6)(a) As used in this Subsection (6), "account" means an account in a financial
9871 institution:
- 9872 (i) that is not described in Subsection (1)(a); and
- 9873 (ii) into which or from which a person who, as a candidate for an office, other than
9874 the state office for which the person files a declaration of candidacy or federal
9875 office, or as a holder of an office, other than a state office for which the person
9876 files a declaration of candidacy or federal office, deposits a contribution or makes
9877 an expenditure.
- 9878 (b) A state office candidate shall include on any financial statement filed in accordance
9879 with this part:
- 9880 (i) a contribution deposited in an account:
- 9881 (A) since the last campaign finance statement was filed; or
- 9882 (B) that has not been reported under a statute or ordinance that governs the
9883 account; or
- 9884 (ii) an expenditure made from an account:
- 9885 (A) since the last campaign finance statement was filed; or
- 9886 (B) that has not been reported under a statute or ordinance that governs the
9887 account.
- 9888 (7) Within 31 calendar days after [~~receiving~~] the day on which a state office candidate

9889 receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from
 9890 an unknown source, [a] the state office candidate shall disburse the amount of the
 9891 contribution to an organization that is exempt from federal income taxation under
 9892 Section 501(c)(3), Internal Revenue Code.

9893 Section 135. Section **20A-11-204** is amended to read:

9894 **20A-11-204 . State office candidate and state officeholder -- Financial reporting**
 9895 **requirements -- Interim reports.**

9896 (1) As used in this section:

9897 (a) "Campaign account" means a separate campaign account required under Subsection
 9898 20A-11-201(1)(a) or (c).

9899 (b) "Received" means:

9900 (i) for a cash contribution, that the cash is given to a state office candidate or a
 9901 member of the state office candidate's personal campaign committee;

9902 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
 9903 instrument or check is negotiated;

9904 (iii) for a direct deposit made into a campaign account by a person not associated
 9905 with the campaign, the earlier of:

9906 (A) the day on which the state office candidate or a member of the state office
 9907 candidate's personal campaign committee becomes aware of the deposit and
 9908 the source of the deposit;

9909 (B) the day on which the state office candidate or a member of the state office
 9910 candidate's personal campaign committee receives notice of the deposit and the
 9911 source of the deposit by mail, email, text, or similar means; or

9912 (C) 31 calendar days after the day on which the direct deposit occurs; or

9913 (iv) for any other type of contribution, that any portion of the contribution's benefit
 9914 inures to the state office candidate.

9915 (2) Except as provided in Subsection (3), each state office candidate shall file an interim
 9916 report at the following times in any year in which the candidate has filed a declaration of
 9917 candidacy for a public office:

9918 (a)(i) seven calendar days before the candidate's political convention; or

9919 (ii) for an unaffiliated candidate, the fourth Saturday in March;

9920 (b) seven calendar days before the regular primary election date;

9921 (c) September 30; and

9922 (d) seven calendar days before the regular general election date.

- 9923 (3) If a state office candidate is a state office candidate seeking appointment for a midterm
9924 vacancy, the state office candidate:
- 9925 (a) shall file an interim report:
- 9926 (i)(A) no later than seven calendar days before the day on which the political party
9927 of the party for which the state office candidate seeks nomination meets to
9928 declare a nominee for the governor to appoint in accordance with Section
9929 20A-1-504; and
- 9930 (B) two calendar days before the day on which the political party of the party for
9931 which the state office candidate seeks nomination meets to declare a nominee
9932 for the governor to appoint in accordance with Subsection 20A-1-504(1)(b)(i);
9933 or
- 9934 (ii) if a state office candidate decides to seek the appointment with less than seven
9935 calendar days before the party meets, or the political party schedules the meeting
9936 to declare a nominee less than seven calendar days before the day of the meeting,
9937 no later than 5 p.m. on the last [~~day of~~]business day before the day on which the
9938 party meets; and
- 9939 (b) is not required to file an interim report at the times described in Subsection [(1)] (2).
- 9940 (4) Each interim report shall include the following information:
- 9941 (a) the net balance of the last summary report, if any;
- 9942 (b) a single figure equal to the total amount of receipts reported on all prior interim
9943 reports, if any, during the calendar year in which the interim report is due;
- 9944 (c) a single figure equal to the total amount of expenditures reported on all prior interim
9945 reports, if any, filed during the calendar year in which the interim report is due;
- 9946 (d) a detailed listing of:
- 9947 (i) for a state office candidate, each contribution received since the last summary
9948 report that has not been reported in detail on a prior interim report; or
- 9949 (ii) for a state officeholder, each contribution and public service assistance received
9950 since the last summary report that has not been reported in detail on a prior
9951 interim report;
- 9952 (e) for each nonmonetary contribution:
- 9953 (i) the fair market value of the contribution with that information provided by the
9954 contributor; and
- 9955 (ii) a specific description of the contribution;
- 9956 (f) a detailed listing of each expenditure made since the last summary report that has not

- 9957 been reported in detail on a prior interim report;
- 9958 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 9959 (h) a net balance for the year consisting of the net balance from the last summary report,
- 9960 if any, plus all receipts since the last summary report minus all expenditures since the
- 9961 last summary report;
- 9962 (i) a summary page in the form required by the lieutenant governor that identifies:
- 9963 (i) beginning balance;
- 9964 (ii) total contributions and public service assistance received during the period since
- 9965 the last statement;
- 9966 (iii) total contributions and public service assistance received to date;
- 9967 (iv) total expenditures during the period since the last statement; and
- 9968 (v) total expenditures to date; and
- 9969 (j) the name of a political action committee for which the state office candidate or state
- 9970 officeholder is designated as an officer who has primary decision-making authority
- 9971 under Section 20A-11-601.

9972 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as

9973 of five calendar days before the required filing date of the report.

9974 (b) Any negotiable instrument or check received by a state office candidate or state

9975 officeholder more than five calendar days before the required filing date of a report

9976 required by this section shall be included in the interim report.

9977 Section 136. Section **20A-11-206** is amended to read:

9978 **20A-11-206 . State office candidate -- Failure to file reports -- Penalties.**

9979 (1) A state office candidate who fails to file a financial statement before the deadline is

9980 subject to a fine imposed in accordance with Section 20A-11-1005.

9981 (2) If a state office candidate fails to file an interim report described in Subsections

9982 20A-11-204(2)(b) through (d), the lieutenant governor may send an electronic notice to

9983 the state office candidate and the political party of which the state office candidate is a

9984 member, if any, that states:

9985 (a) that the state office candidate failed to timely file the report; and

9986 (b) that, if the state office candidate fails to file the report within 24 hours after the

9987 deadline for filing the report, the state office candidate will be disqualified and the

9988 political party will not be permitted to replace the candidate.

9989 (3)(a) The lieutenant governor shall disqualify a state office candidate and inform the

9990 county clerk and other appropriate election officials that the state office candidate is

- 9991 disqualified if the state office candidate fails to file an interim report described in
9992 Subsections 20A-11-204(2)(b) through (d) within 24 hours after the deadline for
9993 filing the report.
- 9994 (b) The political party of a state office candidate who is disqualified under Subsection
9995 (3)(a) may not replace the state office candidate.
- 9996 (4) If a state office candidate is disqualified under Subsection (3)(a), the election officer
9997 shall:
- 9998 (a) notify every opposing candidate for the state office that the state office candidate is
9999 disqualified;
- 10000 (b) send an email notification to each voter who is eligible to vote in the state office race
10001 for whom the lieutenant governor has an email address informing the voter that the
10002 state office candidate is disqualified and that votes cast for the state office candidate
10003 will not be counted;
- 10004 (c) post notice of the disqualification on the lieutenant governor's website; and
10005 (d) if practicable, remove the state office candidate's name from the ballot.
- 10006 (5) An election officer may fulfill the requirement described in Subsection (4) in relation to
10007 a mailed ballot, including a military or overseas ballot, by including with the ballot a
10008 written notice directing the voter to the lieutenant governor's website to inform the voter
10009 whether a candidate on the ballot is disqualified.
- 10010 (6) A state office candidate is not disqualified if:
- 10011 (a) the state office candidate timely files the reports described in Subsections
10012 20A-11-204(2)(b) through (d) no later than 24 hours after the applicable deadlines for
10013 filing the reports;
- 10014 (b) the reports are completed, detailing accurately and completely the information
10015 required by this part except for inadvertent omissions or insignificant errors or
10016 inaccuracies; and
- 10017 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in
10018 an amended report or the next scheduled report.
- 10019 (7)(a) Within 60 calendar days after a deadline for the filing of a summary report, the
10020 lieutenant governor shall review each filed summary report to ensure that:
- 10021 (i) each state office candidate that is required to file a summary report has filed one;
10022 and
- 10023 (ii) each summary report contains the information required by this part.
- 10024 (b) If it appears that any state office candidate has failed to file the summary report

10025 required by law, if it appears that a filed summary report does not conform to the law,
 10026 or if the lieutenant governor has received a written complaint alleging a violation of
 10027 the law or the falsity of any summary report, the lieutenant governor shall, [~~within~~
 10028 ~~five days of discovery of a~~] no later than the first business day that is at least five days
 10029 after the day on which the lieutenant governor discovers the violation or [~~receipt of a~~
 10030 ~~receives the~~ written complaint, notify the state office candidate of the violation or
 10031 written complaint and direct the state office candidate to file a summary report
 10032 correcting the problem.

10033 (c)(i) It is unlawful for a state office candidate to fail to file or amend a summary
 10034 report within seven calendar days after receiving notice from the lieutenant
 10035 governor described in this Subsection (7).

10036 (ii) Each state office candidate who violates Subsection (7)(c)(i) is guilty of a class B
 10037 misdemeanor.

10038 (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the
 10039 attorney general.

10040 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the
 10041 lieutenant governor shall impose a civil fine of \$100 against a state office
 10042 candidate who violates Subsection (7)(c)(i).

10043 Section 137. Section **20A-11-301** is amended to read:

10044 **20A-11-301 . Legislative office -- Campaign finance requirements -- Candidate as**
 10045 **a political action committee officer -- No personal use -- Contribution reporting deadline**
 10046 **-- Report other accounts -- Anonymous contributions.**

10047 (1)(a)(i) Each legislative office candidate shall deposit each contribution received in
 10048 one or more separate accounts in a financial institution that are dedicated only to
 10049 that purpose.

10050 (ii) A legislative office candidate may:

10051 (A) receive a contribution from a political action committee registered under
 10052 Section 20A-11-601; and

10053 (B) be designated by a political action committee as an officer who has primary
 10054 decision-making authority as described in Section 20A-11-601.

10055 (b) A legislative office candidate or the candidate's personal campaign committee may
 10056 not use money deposited in an account described in Subsection (1)(a)(i) for:

10057 (i) a personal use expenditure; or

10058 (ii) an expenditure prohibited by law.

- 10059 (c)(i) Each legislative officeholder shall deposit each contribution and public service
10060 assistance received in one or more separate accounts in a financial institution that
10061 are dedicated only to that purpose.
- 10062 (ii) A legislative officeholder may:
- 10063 (A) receive a contribution or public service assistance from a political action
10064 committee registered under Section 20A-11-601; and
- 10065 (B) be designated by a political action committee as an officer who has primary
10066 decision-making authority as described in Section 20A-11-601.
- 10067 (d) A legislative officeholder or the legislative officeholder's personal campaign
10068 committee may not use money deposited in an account described in Subsection
10069 (1)(c)(i) for:
- 10070 (i) a personal use expenditure; or
- 10071 (ii) an expenditure prohibited by law.
- 10072 (2)(a) A legislative office candidate may not deposit or mingle any contributions
10073 received into a personal or business account.
- 10074 (b) A legislative officeholder may not deposit or mingle any contributions or public
10075 service assistance received into a personal or business account.
- 10076 (3) If a person who is no longer a legislative candidate chooses not to expend the money
10077 remaining in a campaign account, the person shall continue to file the year-end summary
10078 report required by Section 20A-11-302 until the statement of dissolution and final
10079 summary report required by Section 20A-11-304 are filed with the lieutenant governor.
- 10080 (4)(a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is
10081 no longer a legislative office candidate may not expend or transfer the money in a
10082 campaign account in a manner that would cause the former legislative office
10083 candidate to recognize the money as taxable income under federal tax law.
- 10084 (b) A person who is no longer a legislative office candidate may transfer the money in a
10085 campaign account in a manner that would cause the former legislative office
10086 candidate to recognize the money as taxable income under federal tax law if the
10087 transfer is made to a campaign account for federal office.
- 10088 (5)(a) As used in this Subsection (5), "received" means the same as that term is defined
10089 in Subsection 20A-11-303(1)(b).
- 10090 (b) Each legislative office candidate shall report to the lieutenant governor each
10091 contribution received by the legislative office candidate:
- 10092 (i) except as provided in Subsection (5)(b)(ii), within 31 calendar days after the day

- 10093 on which the contribution is received; or
- 10094 (ii) within seven business days after the day on which the contribution is received, if:
- 10095 (A) the legislative office candidate is contested in a convention and the
- 10096 contribution is received within 30 calendar days before the day on which the
- 10097 convention is held;
- 10098 (B) the legislative office candidate is contested in a primary election and the
- 10099 contribution is received within 30 calendar days before the day on which the
- 10100 primary election is held; or
- 10101 (C) the legislative office candidate is contested in a general election and the
- 10102 contribution is received within 30 calendar days before the day on which the
- 10103 general election is held.
- 10104 (c) Except as provided in Subsection (5)(d), for each contribution that a legislative office
- 10105 candidate fails to report within the time period described in Subsection (5)(b), the
- 10106 lieutenant governor shall impose a fine against the legislative office candidate in an
- 10107 amount equal to:
- 10108 (i) 10% of the amount of the contribution, if the legislative office candidate reports
- 10109 the contribution within 60 calendar days after the day on which the time period
- 10110 described in Subsection (5)(b) ends; or
- 10111 (ii) 20% of the amount of the contribution, if the legislative office candidate fails to
- 10112 report the contribution within 60 calendar days after the day on which the time
- 10113 period described in Subsection (5)(b) ends.
- 10114 (d) The lieutenant governor may waive the fine described in Subsection (5)(c) and issue
- 10115 a warning to the legislative office candidate if:
- 10116 (i) the contribution that the legislative office candidate fails to report is paid by the
- 10117 legislative office candidate from the legislative office candidate's personal funds;
- 10118 (ii) the legislative office candidate has not previously violated Subsection (5)(c) in
- 10119 relation to a contribution paid by the legislative office candidate from the
- 10120 legislative office candidate's personal funds; and
- 10121 (iii) the lieutenant governor determines that the failure to timely report the
- 10122 contribution is due to the legislative office candidate not understanding that the
- 10123 reporting requirement includes a contribution paid by a legislative office candidate
- 10124 from the legislative office candidate's personal funds.
- 10125 (e) The lieutenant governor shall:
- 10126 (i) deposit money received under Subsection (5)(c) into the General Fund; and

10127 (ii) report on the lieutenant governor's website, in the location where reports relating
10128 to each legislative office candidate are available for public access:

10129 (A) each fine imposed by the lieutenant governor against the legislative office
10130 candidate;

10131 (B) the amount of the fine;

10132 (C) the amount of the contribution to which the fine relates; and

10133 (D) the date of the contribution.

10134 (6) Within 31 calendar days after [~~receiving~~] the day on which a legislative office candidate
10135 receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from
10136 an unknown source, [a] the legislative office candidate shall disburse the amount of the
10137 contribution to an organization that is exempt from federal income taxation under
10138 Section 501(c)(3), Internal Revenue Code.

10139 (7)(a) As used in this Subsection (7), "account" means an account in a financial
10140 institution:

10141 (i) that is not described in Subsection (1)(a)(i); and

10142 (ii) into which or from which a person who, as a candidate for an office, other than a
10143 legislative office for which the person files a declaration of candidacy or federal
10144 office, or as a holder of an office, other than a legislative office for which the
10145 person files a declaration of candidacy or federal office, deposits a contribution or
10146 makes an expenditure.

10147 (b) A legislative office candidate shall include on any financial statement filed in
10148 accordance with this part:

10149 (i) a contribution deposited in an account:

10150 (A) since the last campaign finance statement was filed; or

10151 (B) that has not been reported under a statute or ordinance that governs the
10152 account; or

10153 (ii) an expenditure made from an account:

10154 (A) since the last campaign finance statement was filed; or

10155 (B) that has not been reported under a statute or ordinance that governs the
10156 account.

10157 Section 138. Section **20A-11-303** is amended to read:

10158 **20A-11-303 . Legislative office candidate and legislative officeholder -- Financial**
10159 **reporting requirements -- Interim reports.**

10160 (1) As used in this section:

- 10161 (a) "Campaign account" means a separate campaign account required under Subsection
10162 20A-11-301(1)(a)(i) or (c)(i).
- 10163 (b) "Received" means:
- 10164 (i) for a cash contribution, that the cash is given to a legislative office candidate or a
10165 member of the legislative office candidate's personal campaign committee;
- 10166 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
10167 instrument or check is negotiated;
- 10168 (iii) for a direct deposit made into a campaign account by a person not associated
10169 with the campaign, the earlier of:
- 10170 (A) the day on which the legislative office candidate or a member of the
10171 legislative office candidate's personal campaign committee becomes aware of
10172 the deposit and the source of the deposit;
- 10173 (B) the day on which the legislative office candidate or a member of the
10174 legislative office candidate's personal campaign committee receives notice of
10175 the deposit and the source of the deposit by mail, email, text, or similar means;
10176 or
- 10177 (C) 31 calendar days after the day on which the direct deposit occurs; or
- 10178 (iv) for any other type of contribution, that any portion of the contribution's benefit
10179 inures to the legislative office candidate.
- 10180 (2) Except as provided in Subsection (3), each legislative office candidate shall file an
10181 interim report at the following times in any year in which the candidate has filed a
10182 declaration of candidacy for a public office:
- 10183 (a)(i) seven calendar days before the candidate's political convention; or
10184 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 10185 (b) seven calendar days before the regular primary election date;
- 10186 (c) September 30; and
- 10187 (d) seven calendar days before the regular general election date.
- 10188 (3) If a legislative office candidate is a legislative office candidate seeking appointment for
10189 a midterm vacancy, the legislative office candidate:
- 10190 (a) shall file an interim report:
- 10191 (i)(A) seven calendar days before the day on which the political party of the party
10192 for which the legislative office candidate seeks nomination meets to declare a
10193 nominee for the governor to appoint in accordance with Section 20A-1-503;
10194 and

- 10195 (B) two calendar days before the day on which the political party of the party for
10196 which the legislative office candidate seeks nomination meets to declare a
10197 nominee for the governor to appoint in accordance with Section 20A-1-503; or
10198 (ii) if the legislative office candidate decides to seek the appointment with less than
10199 seven calendar days before the party meets, or the political party schedules the
10200 meeting to declare a nominee less than seven calendar days before the day of the
10201 meeting, two calendar days before the day on which the party meets; and
10202 (b) is not required to file an interim report at the times described in Subsection (2)(a).
- 10203 (4) Each interim report shall include the following information:
- 10204 (a) the net balance of the last summary report, if any;
- 10205 (b) a single figure equal to the total amount of receipts reported on all prior interim
10206 reports, if any, during the calendar year in which the interim report is due;
- 10207 (c) a single figure equal to the total amount of expenditures reported on all prior interim
10208 reports, if any, filed during the calendar year in which the interim report is due;
- 10209 (d) a detailed listing of:
- 10210 (i) for a legislative office candidate, each contribution received since the last
10211 summary report that has not been reported in detail on a prior interim report; or
10212 (ii) for a legislative officeholder, each contribution and public service assistance
10213 received since the last summary report that has not been reported in detail on a
10214 prior interim report;
- 10215 (e) for each nonmonetary contribution:
- 10216 (i) the fair market value of the contribution with that information provided by the
10217 contributor; and
10218 (ii) a specific description of the contribution;
- 10219 (f) a detailed listing of each expenditure made since the last summary report that has not
10220 been reported in detail on a prior interim report;
- 10221 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10222 (h) a net balance for the year consisting of the net balance from the last summary report,
10223 if any, plus all receipts since the last summary report minus all expenditures since the
10224 last summary report;
- 10225 (i) a summary page in the form required by the lieutenant governor that identifies:
- 10226 (i) beginning balance;
- 10227 (ii) total contributions and public service assistance received during the period since
10228 the last statement;

- 10229 (iii) total contributions and public service assistance received to date;
 10230 (iv) total expenditures during the period since the last statement; and
 10231 (v) total expenditures to date; and
 10232 (j) the name of a political action committee for which the legislative office candidate or
 10233 legislative officeholder is designated as an officer who has primary decision-making
 10234 authority under Section 20A-11-601.

10235 (5)(a) In preparing each interim report, all receipts and expenditures shall be reported as
 10236 of five calendar days before the required filing date of the report.

10237 (b) Any negotiable instrument or check received by a legislative office candidate or
 10238 legislative officeholder more than five calendar days before the required filing date of
 10239 a report required by this section shall be included in the interim report.

10240 Section 139. Section **20A-11-305** is amended to read:

10241 **20A-11-305 . Legislative office candidate -- Failure to file report -- Penalties.**

10242 (1) A legislative office candidate who fails to file a financial statement before the deadline
 10243 is subject to a fine imposed in accordance with Section 20A-11-1005.

10244 (2) If a legislative office candidate fails to file an interim report described in Subsections
 10245 20A-11-303(2)(b) through (d), the lieutenant governor may send an electronic notice to
 10246 the legislative office candidate and the political party of which the legislative office
 10247 candidate is a member, if any, that states:

10248 (a) that the legislative office candidate failed to timely file the report; and

10249 (b) that, if the legislative office candidate fails to file the report within 24 hours after the
 10250 deadline for filing the report, the legislative office candidate will be disqualified and
 10251 the political party will not be permitted to replace the candidate.

10252 (3)(a) The lieutenant governor shall disqualify a legislative office candidate and inform
 10253 the county clerk and other appropriate election officials that the legislative office
 10254 candidate is disqualified if the legislative office candidate fails to file an interim
 10255 report described in Subsections 20A-11-303(2)(b) through (d) within 24 hours after
 10256 the deadline for filing the report.

10257 (b) The political party of a legislative office candidate who is disqualified under
 10258 Subsection (3)(a) may not replace the legislative office candidate.

10259 (4) If a legislative office candidate is disqualified under Subsection (3)(a), the election
 10260 officer shall:

10261 (a) notify every opposing candidate for the legislative office that the legislative office
 10262 candidate is disqualified;

- 10263 (b) send an email notification to each voter who is eligible to vote in the legislative
10264 office race for whom the election officer has an email address informing the voter
10265 that the legislative office candidate is disqualified and that votes cast for the
10266 legislative office candidate will not be counted;
- 10267 (c) post notice of the disqualification on the election officer's website; and
10268 (d) if practicable, remove the legislative office candidate's name from the ballot.
- 10269 (5) An election officer may fulfill the requirement described in Subsection (4) in relation to
10270 a mailed ballot, including a military or overseas ballot, by including with the ballot a
10271 written notice directing the voter to the election officer's website to inform the voter
10272 whether a candidate on the ballot is disqualified.
- 10273 (6) A legislative office candidate is not disqualified if:
- 10274 (a) the legislative office candidate files the reports described in Subsections
10275 20A-11-303(2)(b) through (d) no later than 24 hours after the applicable deadlines for
10276 filing the reports;
- 10277 (b) the reports are completed, detailing accurately and completely the information
10278 required by this part except for inadvertent omissions or insignificant errors or
10279 inaccuracies; and
- 10280 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in
10281 an amended report or the next scheduled report.
- 10282 (7)(a) Within 60 calendar days after a deadline for the filing of a summary report, the
10283 lieutenant governor shall review each filed summary report to ensure that:
- 10284 (i) each legislative office candidate that is required to file a summary report has filed
10285 one; and
- 10286 (ii) each summary report contains the information required by this part.
- 10287 (b) If it appears that any legislative office candidate has failed to file the summary report
10288 required by law, if it appears that a filed summary report does not conform to the law,
10289 or if the lieutenant governor has received a written complaint alleging a violation of
10290 the law or the falsity of any summary report, the lieutenant governor shall, [~~within~~
10291 ~~five days of discovery of a~~ no later than the first business day that is at least five
10292 calendar days after the day on which the lieutenant governor discovers the violation
10293 or [~~receipt of a~~ receives the written complaint, notify the legislative office candidate
10294 of the violation or written complaint and direct the legislative office candidate to file
10295 a summary report correcting the problem.
- 10296 (c)(i) It is unlawful for a legislative office candidate to fail to file or amend a

10297 summary report within seven calendar days after receiving notice from the
10298 lieutenant governor described in this Subsection (7).

10299 (ii) Each legislative office candidate who violates Subsection (7)(c)(i) is guilty of a
10300 class B misdemeanor.

10301 (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the
10302 attorney general.

10303 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the
10304 lieutenant governor shall impose a civil fine of \$100 against a legislative office
10305 candidate who violates Subsection (7)(c)(i).

10306 Section 140. Section **20A-11-401** is amended to read:

10307 **20A-11-401 . Officeholder financial reporting requirements -- Year-end**
10308 **summary report -- Officeholder as a political action committee officer -- Anonymous**
10309 **contribution or public service assistance.**

10310 (1)(a) Each officeholder shall file a summary report by January 10 of each year.

10311 (b) An officeholder that is required to file a summary report both as an officeholder and
10312 as a candidate for office under the requirements of this chapter may file a single
10313 summary report as a candidate and an officeholder, provided that the combined report
10314 meets the requirements of:

10315 (i) this section; and

10316 (ii) the section that provides the requirements for the summary report filed by the
10317 officeholder in the officeholder's capacity of a candidate for office.

10318 (2)(a) Each summary report shall include the following information as of December 31
10319 of the previous year:

10320 (i) the net balance of the last summary report, if any;

10321 (ii) a single figure equal to the total amount of receipts received since the last
10322 summary report, if any;

10323 (iii) a single figure equal to the total amount of expenditures made since the last
10324 summary report, if any;

10325 (iv) a detailed listing of each contribution and public service assistance received since
10326 the last summary report;

10327 (v) for each nonmonetary contribution:

10328 (A) the fair market value of the contribution with that information provided by the
10329 contributor; and

10330 (B) a specific description of the contribution;

- 10331 (vi) a detailed listing of each expenditure made since the last summary report;
- 10332 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10333 (viii) a net balance for the year consisting of the net balance from the last summary
- 10334 report plus all receipts minus all expenditures; and
- 10335 (ix) the name of a political action committee for which the officeholder is designated
- 10336 as an officer who has primary decision-making authority under Section
- 10337 20A-11-601.
- 10338 (b) In preparing the report, all receipts and expenditures shall be reported as of
- 10339 December 31 of the previous year.
- 10340 (3) The summary report shall contain a paragraph signed by the officeholder certifying that,
- 10341 to the best of the officeholder's knowledge, all receipts and all expenditures have been
- 10342 reported as of December 31 of the last calendar year and that there are no bills or
- 10343 obligations outstanding and unpaid except as set forth in that report.
- 10344 (4) An officeholder may:
- 10345 (a) receive public service assistance from a political action committee registered under
- 10346 Section 20A-11-601; and
- 10347 (b) be designated by a political action committee as an officer who has primary
- 10348 decision-making authority as described in Section 20A-11-601.
- 10349 (5) Within 31 calendar days after [~~receiving~~] the day on which an officeholder receives a
- 10350 contribution or public service assistance that is cash or a negotiable instrument, exceeds
- 10351 \$50, and is from an unknown source, [~~an~~] the officeholder shall disburse the amount of
- 10352 the contribution or public service assistance to:
- 10353 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 10354 political subdivision's general fund; or
- 10355 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
- 10356 Internal Revenue Code.
- 10357 Section 141. Section **20A-11-402** is amended to read:
- 10358 **20A-11-402 . Officeholder financial reporting requirements -- Statement of**
- 10359 **dissolution.**
- 10360 (1) An officeholder or former officeholder is active and subject to reporting requirements
- 10361 until the officeholder or former officeholder has filed a statement of dissolution with the
- 10362 lieutenant governor stating that:
- 10363 (a) the officeholder or former officeholder is no longer receiving contributions or public
- 10364 service assistance and is no longer making expenditures;

- 10365 (b) the ending balance on the last summary report filed is zero and the balance in the
10366 separate bank account required by Section 20A-11-201, 20A-11-301, or 20A-11-1301
10367 is zero; and
- 10368 (c) a final summary report in the form required by Section 20A-11-401 showing a zero
10369 balance is attached to the statement of dissolution.
- 10370 (2) A statement of dissolution and a final summary report may be filed at any time.
- 10371 (3)(a) Each officeholder shall report to the lieutenant governor each contribution or
10372 public service assistance received by the state officeholder within 31 calendar days
10373 after the day on which the officeholder receives the contribution or public service
10374 assistance.
- 10375 (b) For each contribution or public service assistance that an officeholder fails to report
10376 within the time period described in Subsection (3)(a), the lieutenant governor shall
10377 impose a fine against the officeholder in an amount equal to:
- 10378 (i) 10% of the amount of the contribution or public service assistance if the
10379 officeholder reports the contribution or public service assistance within 60
10380 calendar days after the day on which the time period described in Subsection (3)(a)
10381 ends; or
- 10382 (ii) 20% of the amount of the contribution or public service assistance if the
10383 officeholder fails to report the contribution or public service assistance within 60
10384 calendar days after the day on which the time period described in Subsection (3)(a)
10385 ends.
- 10386 (c) Each officeholder or former officeholder shall continue to file the year-end summary
10387 report required by Section 20A-11-401 until the statement of dissolution and final
10388 summary report required by this section are filed with the lieutenant governor.
- 10389 (4) An officeholder or former officeholder may not use a contribution or public service
10390 assistance deposited in an account in accordance with this chapter for:
- 10391 (a) a personal use expenditure; or
10392 (b) an expenditure prohibited by law.
- 10393 (5)(a) Except as provided in Subsection (5)(b), a former officeholder may not expend or
10394 transfer the money in a campaign account in a manner that would cause the former
10395 officeholder to recognize the money as taxable income under federal tax law.
- 10396 (b) A former officeholder may transfer the money in a campaign account in a manner
10397 that would cause the former officeholder to recognize the money as taxable income
10398 under federal tax law if the transfer is made to a campaign account for federal office.

10399 Section 142. Section **20A-11-403** is amended to read:

10400 **20A-11-403 . Failure to file -- Penalties.**

- 10401 (1) Within 60 calendar days after a deadline for the filing of a summary report, the
10402 lieutenant governor shall review each filed summary report to ensure that:
- 10403 (a) each officeholder that is required to file a summary report has filed one; and
 - 10404 (b) each summary report contains the information required by this part.
- 10405 (2) If it appears that any officeholder has failed to file the summary report required by law,
10406 if it appears that a filed summary report does not conform to the law, or if the lieutenant
10407 governor has received a written complaint alleging a violation of the law or the falsity of
10408 any summary report, the lieutenant governor shall, if the lieutenant governor determines
10409 that a violation has occurred:
- 10410 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and
 - 10411 (b) [~~within five days of discovery of a~~] no later than the first business day that is at least
10412 five calendar days after the day on which the lieutenant governor discovers the
10413 violation or [receipt of a] receives the written complaint, notify the officeholder of the
10414 violation or written complaint and direct the officeholder to file a summary report
10415 correcting the problem.
- 10416 (3)(a) It is unlawful for any officeholder to fail to file or amend a summary report within
10417 seven calendar days after receiving notice from the lieutenant governor under this
10418 section.
- 10419 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B misdemeanor.
 - 10420 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney
10421 general.
 - 10422 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
10423 governor shall impose a civil fine of \$100 against an officeholder who violates
10424 Subsection (3)(a).

10425 Section 143. Section **20A-11-507** is amended to read:

10426 **20A-11-507 . Political party financial reporting requirements -- Interim reports.**

- 10427 (1) The party committee of each registered political party shall file an interim report at the
10428 following times in any year in which there is a regular general election:
- 10429 (a) seven calendar days before the registered political party's political convention;
 - 10430 (b) seven calendar days before the regular primary election date;
 - 10431 (c) September 30; and
 - 10432 (d) seven calendar days before the general election date.

- 10433 (2) Each interim report shall include the following information:
- 10434 (a) the net balance of the last financial statement, if any;
- 10435 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 10436 reports, if any, during the calendar year in which the interim report is due;
- 10437 (c) a single figure equal to the total amount of expenditures reported on all prior interim
- 10438 reports, if any, filed during the calendar year in which the interim report is due;
- 10439 (d) a detailed listing of each contribution received since the last summary report that has
- 10440 not been reported in detail on a prior interim report;
- 10441 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 10442 (f) a detailed listing of each expenditure made since the last summary report that has not
- 10443 been reported in detail on a prior interim report;
- 10444 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10445 (h) a net balance for the year consisting of the net balance from the last summary report,
- 10446 if any, plus all receipts since the last summary report minus all expenditures since the
- 10447 last summary report; and
- 10448 (i) a summary page in the form required by the lieutenant governor that identifies:
- 10449 (i) beginning balance;
- 10450 (ii) total contributions during the period since the last statement;
- 10451 (iii) total contributions to date;
- 10452 (iv) total expenditures during the period since the last statement; and
- 10453 (v) total expenditures to date.
- 10454 (3)(a) For all individual contributions of \$50 or less, a single aggregate figure may be
- 10455 reported without separate detailed listings.
- 10456 (b) Two or more contributions from the same source that have an aggregate total of
- 10457 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 10458 (4) In preparing each interim report, all receipts and expenditures shall be reported as of
- 10459 five calendar days before the required filing date of the report.
- 10460 Section 144. Section **20A-11-508** is amended to read:
- 10461 **20A-11-508 . Political party reporting requirements -- Criminal penalties -- Fines.**
- 10462 (1)(a) Each registered political party that fails to file a financial statement by the
- 10463 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
- 10464 (b) Each registered political party that fails to file an interim report described in
- 10465 Subsections 20A-11-507(1)(b) through (d) is guilty of a class B misdemeanor.
- 10466 (c) The lieutenant governor shall report all violations of Subsection (1)(b) to the attorney

10467 general.

10468 (2) Within 60 calendar days after a deadline for the filing of a summary report required by
10469 this part, the lieutenant governor shall review each filed report to ensure that:

10470 (a) each political party that is required to file a report has filed one; and

10471 (b) each report contains the information required by this part.

10472 (3) If it appears that any political party has failed to file a report required by law, if it
10473 appears that a filed report does not conform to the law, or if the lieutenant governor has
10474 received a written complaint alleging a violation of the law or the falsity of any report,
10475 the lieutenant governor shall, [~~within five days of discovery of a~~] no later than the first
10476 business day that is at least five calendar days after the day on which the lieutenant
10477 governor discovers the violation or [~~receipt of a~~] receives the written complaint, notify
10478 the political party of the violation or written complaint and direct the political party to
10479 file a summary report correcting the problem.

10480 (4)(a) It is unlawful for any political party to fail to file or amend a summary report
10481 within seven calendar days after receiving notice from the lieutenant governor under
10482 this section.

10483 (b) Each political party who violates Subsection (4)(a) is guilty of a class B
10484 misdemeanor.

10485 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney
10486 general.

10487 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
10488 governor shall impose a civil fine of \$1,000 against a political party that violates
10489 Subsection (4)(a).

10490 Section 145. Section **20A-11-511** is amended to read:

10491 **20A-11-511 . County political party financial reporting requirements -- Interim**
10492 **reports.**

10493 (1)(a) A county political party officer of a county political party that has received
10494 contributions totaling at least \$750, or disbursed expenditures totaling at least \$750,
10495 during a calendar year shall file an interim report at the following times in any year in
10496 which there is a regular general election:

10497 (i) seven calendar days before the county political party's convention;

10498 (ii) seven calendar days before the regular primary election date;

10499 (iii) September 30; and

10500 (iv) seven calendar days before the general election date.

- 10501 (b) A county political party officer need not file an interim report if it received no
 10502 contributions or made no expenditures during the reporting period.
- 10503 (2) Each interim report shall include the following information:
- 10504 (a) the net balance of the last financial statement, if any;
- 10505 (b) a single figure equal to the total amount of receipts reported on all prior interim
 10506 reports, if any, during the calendar year in which the interim report is due;
- 10507 (c) a single figure equal to the total amount of expenditures reported on all prior interim
 10508 reports, if any, filed during the calendar year in which the interim report is due;
- 10509 (d) a detailed listing of each contribution received since the last summary report that has
 10510 not been reported in detail on a prior interim report;
- 10511 (e) for each nonmonetary contribution, the fair market value of the contribution;
- 10512 (f) a detailed listing of each expenditure made since the last summary report that has not
 10513 been reported in detail on a prior interim report;
- 10514 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10515 (h) a net balance for the year consisting of the net balance from the last summary report,
 10516 if any, plus all receipts since the last summary report minus all expenditures since the
 10517 last summary report; and
- 10518 (i) a summary page in the form required by the lieutenant governor that identifies:
- 10519 (i) beginning balance;
- 10520 (ii) total contributions during the period since the last statement;
- 10521 (iii) total contributions to date;
- 10522 (iv) total expenditures during the period since the last statement; and
- 10523 (v) total expenditures to date.
- 10524 (3)(a) For all individual contributions of \$50 or less, a single aggregate figure may be
 10525 reported without separate detailed listings.
- 10526 (b) Two or more contributions from the same source that have an aggregate total of
 10527 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 10528 (4) In preparing each interim report, all receipts and expenditures shall be reported as of
 10529 five calendar days before the required filing date of the report.
- 10530 Section 146. Section **20A-11-512** is amended to read:
- 10531 **20A-11-512 . County political party -- Criminal penalties -- Fines.**
- 10532 (1) A county political party that fails to file an interim report described in Subsections
 10533 20A-11-511(1)(a)(i) through (iv) before the deadline is subject to a fine in accordance
 10534 with Section 20A-11-1005, which the chief election officer shall deposit [~~in~~] into the

- 10535 General Fund.
- 10536 (2) Within 60 calendar days after a deadline for the filing of the January 10 statement
10537 required by Section 20A-11-510, the lieutenant governor shall review each filed
10538 statement to ensure that:
- 10539 (a) a county political party officer who is required to file a statement has filed one; and
10540 (b) each statement contains the information required by Section 20A-11-510.
- 10541 (3) If it appears that any county political party officer has failed to file a financial statement
10542 before the deadline, if it appears that a filed financial statement does not conform to the
10543 law, or if the lieutenant governor has received a written complaint alleging a violation of
10544 the law or the falsity of any financial statement, the lieutenant governor shall, [~~within~~] no
10545 later than the first business day that is at least five calendar days after the day on which
10546 the lieutenant governor discovers the violation or receives the written complaint, notify
10547 the county political party officer of the violation or written complaint and direct the
10548 county political party officer to file a financial statement correcting the problem.
- 10549 (4)(a) A county political party that fails to file or amend a financial statement within
10550 seven calendar days after the day on which the county political party receives notice
10551 from the lieutenant governor under this section is subject to a fine of the lesser of:
- 10552 (i) 10% of the total contributions received, and the total expenditures made, by the
10553 county political party during the reporting period for the financial statement that
10554 the county political party failed to file or amend; or
10555 (ii) \$1,000.
- 10556 (b) The chief election officer shall deposit a fine collected under Subsection (4)(a) into
10557 the General Fund.
- 10558 Section 147. Section **20A-11-601** is amended to read:
- 10559 **20A-11-601 . Political action committees -- Registration -- Name or acronym used**
10560 **by political action committee -- Criminal penalty for providing false information or**
10561 **accepting unlawful contribution.**
- 10562 (1)(a) A political action committee shall file an initial statement of organization with the
10563 lieutenant governor's office no later than 5 p.m. on the first business day that is at
10564 least seven calendar days after the day on which the political action committee:
- 10565 (i) receives contributions totaling at least \$750; or
10566 (ii) distributes expenditures for political purposes totaling at least \$750.
- 10567 (b) Unless the political action committee has filed a notice of dissolution under
10568 Subsection (7), after filing an initial statement of organization, a political action

- 10569 committee shall file an updated statement of organization with the lieutenant
10570 governor's office each year after the year in which the political action committee files
10571 an initial statement of organization:
- 10572 (i) before 5 p.m. on January 10; or
10573 (ii) electronically, before midnight on January 10.
- 10574 (c) After filing an initial statement of organization, a political action committee shall,
10575 before January 10 each year after the year in which the political action committee
10576 files an initial statement of organization, file an updated statement of organization
10577 with the lieutenant governor's office.
- 10578 (2) A statement of organization described in Subsection (1) shall include:
- 10579 (a) the full name of the political action committee, a second name, if any, and an
10580 acronym, if any;
- 10581 (b) the address and phone number of the political action committee;
- 10582 (c) the name, address, telephone number, title, and occupation of:
- 10583 (i) the two officers described in Subsection (5) and the treasurer of the political action
10584 committee;
- 10585 (ii) all other officers, advisory members, and governing board members of the
10586 political action committee; and
- 10587 (iii) each individual or entity represented by, or affiliated with, the political action
10588 committee; and
- 10589 (d) other relevant information requested by the lieutenant governor.
- 10590 (3)(a) A political action committee may not use a name or acronym:
- 10591 (i) other than a name or acronym disclosed in the political action committee's latest
10592 statement of organization;
- 10593 (ii) that is the same, or deceptively similar to, the name or acronym of another
10594 political action committee; or
- 10595 (iii) that is likely to mislead a potential donor regarding the individuals or entities
10596 represented by, or affiliated with, the political action committee.
- 10597 (b) Within seven calendar days after the day on which a political action committee files
10598 an initial statement of organization, the lieutenant governor's office shall:
- 10599 (i) review the statement and determine whether a name or acronym used by the
10600 political action committee violates Subsection (3)(a)(ii) or (iii); and
- 10601 (ii) if the lieutenant governor's office determines that a name or acronym used by the
10602 political action committee violates Subsection (3)(a)(ii) or (iii), order, in writing,

- 10603 that the political action committee:
- 10604 (A) immediately cease and desist use of the name or acronym; and
- 10605 (B) within seven calendar days after the day of the order, electronically file an
- 10606 updated statement of organization with a name and acronym that does not
- 10607 violate Subsection (3)(a)(ii) or (iii).
- 10608 (c) If a political action committee uses a name or acronym that is the same, or
- 10609 deceptively similar to, the name or acronym of another political action committee,
- 10610 the lieutenant governor shall determine which political action committee has been
- 10611 using the name the longest and shall order, in writing, any other political action
- 10612 committee using the same, or a deceptively similar, name or acronym to:
- 10613 (i) immediately cease and desist use of the name or acronym; and
- 10614 (ii) within seven calendar days after the day of the order, electronically file an
- 10615 updated statement of organization with a name and acronym that does not violate
- 10616 Subsection (3)(a)(ii) or (iii).
- 10617 (d) If a political action committee uses a name or acronym other than a name or acronym
- 10618 disclosed in the political action committee's latest statement of organization:
- 10619 (i) the lieutenant governor shall order, in writing, that the political action committee
- 10620 cease and desist use of the name or acronym; and
- 10621 (ii) the political action committee shall immediately comply with the order described
- 10622 in Subsection (3)(d)(i).
- 10623 (4)(a) The lieutenant governor may, in addition to any other penalty provided by law,
- 10624 impose a \$100 fine against a political action committee, or against an individual who
- 10625 forms a political action committee, that:
- 10626 (i) fails to timely file a complete and accurate statement of organization or
- 10627 subsequent statement of organization; or
- 10628 (ii) fails to comply with an order described in Subsection (3).
- 10629 (b) If the lieutenant governor imposes a fine described in Subsection (4)(a)(i):
- 10630 (i) the person against whom the fine is imposed shall, [~~within~~] no later than the first
- 10631 business day that is at least seven calendar days after the day on which the
- 10632 lieutenant governor imposes the fine:
- 10633 (A) pay the fine; and
- 10634 (B) file a complete and accurate statement, or subsequent statement, of
- 10635 organization, as applicable; and
- 10636 (ii) the lieutenant governor shall provide written notice to the person against whom

- 10637 the fine is imposed:
- 10638 (A) of the requirements described in Subsection (4)(b)(i); and
- 10639 (B) that failure to timely comply with the requirement described in Subsection
- 10640 (4)(b)(i)(B) is a class B misdemeanor.
- 10641 (c) The attorney general, or a political action committee that is harmed by the action of a
- 10642 political action committee in violation of this section, may bring an action for an
- 10643 injunction against the violating political action committee, or an officer of the
- 10644 violating political action committee, to enforce the provisions of this section.
- 10645 (d) A political action committee may bring an action for damages against another
- 10646 political action committee that uses a name or acronym that is the same, or
- 10647 deceptively similar to, the name or acronym of the political action committee
- 10648 bringing the action.
- 10649 (5)(a) Each political action committee shall designate two officers who have primary
- 10650 decision-making authority for the political action committee.
- 10651 (b) An individual may not exercise primary decision-making authority for a political
- 10652 action committee if the individual is not designated under Subsection (5)(a).
- 10653 (6) A political action committee shall deposit each contribution received in one or more
- 10654 separate accounts in a financial institution that are dedicated only to that purpose.
- 10655 (7)(a) A registered political action committee that intends to permanently cease
- 10656 operations shall file a notice of dissolution with the lieutenant governor's office.
- 10657 (b) A notice of dissolution filed by a political action committee does not exempt the
- 10658 political action committee from complying with the financial reporting requirements
- 10659 described in this chapter in relation to all contributions received, and all expenditures
- 10660 made, before, at, or after dissolution.
- 10661 (c) A political action committee shall, before filing a notice of dissolution, dispose of
- 10662 any money remaining in an account described in Subsection (6) by:
- 10663 (i) returning the money to the donors;
- 10664 (ii) donating the money to the campaign account of a candidate or officeholder;
- 10665 (iii) donating the money to another political action committee;
- 10666 (iv) donating the money to a political party;
- 10667 (v) donating the money to an organization that is exempt from federal income
- 10668 taxation under Section 501(c)(3), Internal Revenue Code; or
- 10669 (vi) making another lawful expenditure of the money for a political purpose.
- 10670 (d) A political action committee shall report all money donated or expended in a

10671 financial report to the lieutenant governor, in accordance with the financial reporting
10672 requirements described in this chapter.

- 10673 (8)(a) Unless the political action committee has filed a notice of dissolution under
10674 Subsection (7), a political action committee shall file, with the lieutenant governor's
10675 office, notice of any change of an officer described in Subsection (5)(a).
- 10676 (b) A political action committee may not accept a contribution from a political issues
10677 committee, but may donate money to a political issues committee.
- 10678 (c) A political action committee shall:
- 10679 (i) electronically file a notice of a change of a primary officer described in Subsection
10680 (5)(a) [~~before 5 p.m.~~] within 10 calendar days after the day on which the change
10681 occurs; and
- 10682 (ii) include in the notice of change the name and title of the officer being replaced,
10683 and the name, address, occupation, and title of the new officer.

- 10684 (9)(a) A person is guilty of providing false information in relation to a political action
10685 committee if the person intentionally or knowingly gives false or misleading material
10686 information in a statement of organization or the notice of change of primary officer.
- 10687 (b) Each primary officer designated in Subsection (5)(a) or (8)(c) is guilty of accepting
10688 an unlawful contribution if the political action committee knowingly or recklessly
10689 accepts a contribution from a corporation that:
- 10690 (i) was organized less than 90 calendar days before the date of the general election;
10691 and
- 10692 (ii) at the time the political action committee accepts the contribution, has failed to
10693 file a statement of organization with the lieutenant governor's office as required by
10694 Section 20A-11-704.

- 10695 (c) A violation of this Subsection (9) is a third degree felony.

10696 Section 148. Section **20A-11-602** is amended to read:

10697 **20A-11-602 . Political action committees -- Financial reporting.**

- 10698 (1)(a) Each registered political action committee that has received contributions totaling
10699 at least \$750, or disbursed expenditures totaling at least \$750, during a calendar year
10700 shall file a verified financial statement with the lieutenant governor's office:
- 10701 (i) on January 10, reporting contributions and expenditures as of December 31 of the
10702 previous year;
- 10703 (ii) seven calendar days before the state political convention of each major political
10704 party;

- 10705 (iii) seven calendar days before the county political convention of a political party, if
 10706 the political action committee makes an expenditure on or before the day
 10707 described in Subsection (1)(b)(ii) in relation to a candidate that the party may
 10708 nominate at the convention;
- 10709 (iv) seven calendar days before the regular primary election date;
- 10710 (v) on September 30; and
- 10711 (vi) seven calendar days before:
- 10712 (A) the municipal general election; and
- 10713 (B) the regular general election.
- 10714 (b) The registered political action committee shall report:
- 10715 (i) a detailed listing of all contributions received and expenditures made since the last
 10716 statement; and
- 10717 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all
 10718 contributions and expenditures as of five calendar days before the required filing
 10719 date of the financial statement.
- 10720 (c) The registered political action committee need not file a statement under this section
 10721 if [it received] the registered political action committee receives no contributions and [
 10722 made] makes no expenditures during the reporting period.
- 10723 (2)(a) The verified financial statement shall include:
- 10724 (i) the name and address of any individual who makes a contribution to the reporting
 10725 political action committee, if known, and the amount of the contribution;
- 10726 (ii) the identification of any publicly identified class of individuals that makes a
 10727 contribution to the reporting political action committee, if known, and the amount
 10728 of the contribution;
- 10729 (iii) the name and address of any political action committee, group, or entity, if
 10730 known, that makes a contribution to the reporting political action committee, and
 10731 the amount of the contribution;
- 10732 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 10733 (v) the name and address of each reporting entity that received an expenditure from
 10734 the reporting political action committee, and the amount of each expenditure;
- 10735 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
- 10736 (vii) the total amount of contributions received and expenditures disbursed by the
 10737 reporting political action committee;
- 10738 (viii) a statement by the political action committee's treasurer or chief financial

- 10739 officer certifying that, to the best of the person's knowledge, the financial report is
10740 accurate; and
- 10741 (ix) a summary page in the form required by the lieutenant governor that identifies:
10742 (A) beginning balance;
10743 (B) total contributions during the period since the last statement;
10744 (C) total contributions to date;
10745 (D) total expenditures during the period since the last statement; and
10746 (E) total expenditures to date.
- 10747 (b)(i) Contributions received by a political action committee that have a value of \$50
10748 or less need not be reported individually, but shall be listed on the report as an
10749 aggregate total.
- 10750 (ii) Two or more contributions from the same source that have an aggregate total of
10751 more than \$50 may not be reported in the aggregate, but shall be reported
10752 separately.
- 10753 (c) A political action committee is not required to report an independent expenditure
10754 under Part 17, Independent Expenditures, if, in the financial statement described in
10755 this section, the political action committee:
10756 (i) includes the independent expenditure;
10757 (ii) identifies the independent expenditure as an independent expenditure; and
10758 (iii) provides the information, described in Section 20A-11-1704, in relation to the
10759 independent expenditure.
- 10760 (3) A group or entity may not divide or separate into units, sections, or smaller groups for
10761 the purpose of avoiding the financial reporting requirements of this chapter, and
10762 substance shall prevail over form in determining the scope or size of a political action
10763 committee.
- 10764 (4)(a) As used in this Subsection (4), "received" means:
10765 (i) for a cash contribution, that the cash is given to a political action committee;
10766 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
10767 instrument or check is negotiated; and
10768 (iii) for any other type of contribution, that any portion of the contribution's benefit
10769 inures to the political action committee.
- 10770 (b) A political action committee shall report each contribution to the lieutenant governor
10771 within 31 calendar days after the contribution is received.
- 10772 (5) A political action committee may not expend a contribution for political purposes if the

- 10773 contribution:
- 10774 (a) is cash or a negotiable instrument;
- 10775 (b) exceeds \$50; and
- 10776 (c) is from an unknown source.
- 10777 (6) Within 31 calendar days after receiving a contribution that is cash or a negotiable
- 10778 instrument, exceeds \$50, and is from an unknown source, a political action committee
- 10779 shall disburse the amount of the contribution to:
- 10780 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 10781 political subdivision's general fund; or
- 10782 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
- 10783 Internal Revenue Code.
- 10784 Section 149. Section **20A-11-603** is amended to read:
- 10785 **20A-11-603 . Criminal penalties -- Fines.**
- 10786 (1)(a) As used in this Subsection (1), "completed" means that:
- 10787 (i) the financial statement accurately and completely details the information required
- 10788 by this part except for inadvertent omissions or insignificant errors or
- 10789 inaccuracies; and
- 10790 (ii) the political action committee corrects the omissions, errors, or inaccuracies
- 10791 described in Subsection (1)(a) in an amended report or the next scheduled report.
- 10792 (b) Each political action committee that fails to file a completed financial statement
- 10793 before the deadline is subject to a fine imposed in accordance with Section
- 10794 20A-11-1005.
- 10795 (c) Each political action committee that fails to file a completed financial statement
- 10796 described in Subsections 20A-11-602(1)(a)(iv) through (vi) is guilty of a class B
- 10797 misdemeanor.
- 10798 (d) The lieutenant governor shall report all violations of Subsection (1)(c) to the attorney
- 10799 general.
- 10800 (2) Within 60 calendar days after a deadline for the filing of the January 10 statement
- 10801 required by this part, the lieutenant governor shall review each filed statement to ensure
- 10802 that:
- 10803 (a) each political action committee that is required to file a statement has filed one; and
- 10804 (b) each statement contains the information required by this part.
- 10805 (3) If it appears that any political action committee has failed to file the January 10
- 10806 statement, if it appears that a filed statement does not conform to the law, or if the

10807 lieutenant governor has received a written complaint alleging a violation of the law or
10808 the falsity of any statement, the lieutenant governor shall, [~~within five days~~] no later than
10809 the first business day that is at least five calendar days after the day on which the
10810 lieutenant governor discovers the violation or receives the written complaint, notify the
10811 political action committee of the violation or written complaint and direct the political
10812 action committee to file a statement correcting the problem.

10813 (4)(a) It is unlawful for any political action committee to fail to file or amend a
10814 statement within seven calendar days after the day on which the political action
10815 committee receives notice from the lieutenant governor under this section.

10816 (b) Each political action committee that violates Subsection (4)(a) is guilty of a class B
10817 misdemeanor.

10818 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney
10819 general.

10820 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
10821 governor shall impose a civil fine of \$1,000 against a political action committee that
10822 violates Subsection (4)(a).

10823 (5)(a) It is unlawful for a person to fail to file a complete and accurate statement of
10824 organization, or a complete and accurate subsequent statement of organization,
10825 within seven calendar days after the day on which the person receives the notice
10826 described in Subsection 20A-11-601(4)(b)(ii).

10827 (b) A violation of Subsection (5)(a) is a class B misdemeanor.

10828 (c) The lieutenant governor shall report all violations of Subsection (5)(a) to the attorney
10829 general.

10830 Section 150. Section **20A-11-701.5** is amended to read:

10831 **20A-11-701.5 . Campaign financial reporting by corporations -- Filing**
10832 **requirements -- Statement contents.**

10833 (1)(a) Each corporation that has made expenditures for political purposes that total at
10834 least \$750 during a calendar year shall file a verified financial statement with the
10835 lieutenant governor's office:

10836 (i) on January 10, reporting expenditures as of December 31 of the previous year;

10837 (ii) seven calendar days before the state political convention for each major political
10838 party;

10839 (iii) seven calendar days before the regular primary election date;

10840 (iv) on September 30; and

10841 (v) seven calendar days before the regular general election date.

10842 (b) The corporation shall report:

10843 (i) a detailed listing of all expenditures made since the last financial statement;

10844 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all
10845 expenditures as of five calendar days before the required filing date of the
10846 financial statement; and

10847 (iii) whether the corporation, including an officer of the corporation, director of the
10848 corporation, or person with at least 10% ownership in the corporation:

10849 (A) has bid since the last financial statement on a contract, as defined in Section
10850 63G-6a-103, in excess of \$100,000;

10851 (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess
10852 of \$100,000; or

10853 (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of
10854 \$100,000.

10855 (c) The corporation need not file a financial statement under this section if the
10856 corporation made no expenditures during the reporting period.

10857 (d) The corporation is not required to report an expenditure made to, or on behalf of, a
10858 reporting entity that the reporting entity is required to include in a financial statement
10859 described in this chapter, Chapter 12, Part 2, Judicial Retention Elections, Section
10860 10-3-208, or Section 17-16-6.5.

10861 (2) The financial statement shall include:

10862 (a) the name and address of each reporting entity that received an expenditure from the
10863 corporation, and the amount of each expenditure;

10864 (b) the total amount of expenditures disbursed by the corporation; and

10865 (c) a statement by the corporation's treasurer or chief financial officer certifying the
10866 accuracy of the financial statement.

10867 Section 151. Section **20A-11-702** is amended to read:

10868 **20A-11-702 . Campaign financial reporting of political issues expenditures by**
10869 **corporations -- Financial reporting.**

10870 (1)(a) Each corporation that has made political issues expenditures on current or
10871 proposed ballot issues that total at least \$750 during a calendar year shall file a
10872 verified financial statement with the lieutenant governor's office:

10873 (i) on January 10, reporting expenditures as of December 31 of the previous year;

10874 (ii) seven calendar days before the state political convention of each major political

- 10875 party;
- 10876 (iii) seven calendar days before the regular primary election date;
- 10877 (iv) on September 30; and
- 10878 (v) seven calendar days before the regular general election date.
- 10879 (b) The corporation shall report:
- 10880 (i) a detailed listing of all expenditures made since the last financial statement; and
- 10881 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v),
- 10882 expenditures as of five calendar days before the required filing date of the
- 10883 financial statement.
- 10884 (c) The corporation need not file a statement under this section if it made no
- 10885 expenditures during the reporting period.
- 10886 (2) That statement shall include:
- 10887 (a) the name and address of each individual, entity, or group of individuals or entities
- 10888 that received a political issues expenditure of more than \$50 from the corporation,
- 10889 and the amount of each political issues expenditure;
- 10890 (b) the total amount of political issues expenditures disbursed by the corporation; and
- 10891 (c) a statement by the corporation's treasurer or chief financial officer certifying the
- 10892 accuracy of the verified financial statement.
- 10893 Section 152. Section **20A-11-703** is amended to read:
- 10894 **20A-11-703 . Criminal penalties -- Fines.**
- 10895 (1) Within 60 calendar days after a deadline for the filing of any statement required by this
- 10896 part, the lieutenant governor shall review each filed statement to ensure that:
- 10897 (a) each corporation that is required to file a statement has filed one; and
- 10898 (b) each statement contains the information required by this part.
- 10899 (2) If it appears that any corporation has failed to file any statement, if it appears that a filed
- 10900 statement does not conform to the law, or if the lieutenant governor has received a
- 10901 written complaint alleging a violation of the law or the falsity of any statement, the
- 10902 lieutenant governor shall:
- 10903 (a) impose a fine against the corporation in accordance with Section 20A-11-1005; and
- 10904 (b) within five days [~~of discovery of a~~] after the day on which the lieutenant governor
- 10905 discovers the violation or [~~receipt of a~~] receives the written complaint, notify the
- 10906 corporation of the violation or written complaint and direct the corporation to file a
- 10907 statement correcting the problem.
- 10908 (3)(a) It is unlawful for any corporation to fail to file or amend a statement within seven

10909 calendar days after receiving notice from the lieutenant governor under this section.

10910 (b) Each corporation that violates Subsection (3)(a) is guilty of a class B misdemeanor.

10911 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney
10912 general.

10913 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
10914 governor shall impose a civil fine of \$1,000 against a corporation that violates
10915 Subsection (3)(a).

10916 Section 153. Section **20A-11-704** is amended to read:

10917 **20A-11-704 . Statement of organization required for certain new corporations.**

10918 (1) A corporation that is incorporated, organized, or otherwise created less than 90 calendar
10919 days before the date of a general election shall file a statement of organization with the
10920 lieutenant governor's office before making a contribution to a political action committee
10921 or a political issues committee in association with the election.

10922 (2) The statement of organization shall include:

10923 (a) the name and street address of the corporation;

10924 (b) the name, street address, phone number, occupation, and title of one or more
10925 individuals that have primary decision-making authority for the corporation;

10926 (c) the name, street address, phone number, occupation, and title of the corporation's
10927 chief financial officer;

10928 (d) the name, street address, occupation, and title of all other officers or managers of the
10929 corporation; and

10930 (e) the name, street address, and occupation of each member of the corporation's
10931 governing and advisory boards, if any.

10932 (3)(a) A corporation shall file with the lieutenant governor's office a notice of intent to
10933 cease making contributions, if the corporation:

10934 (i) has made a contribution described in Subsection (1); and

10935 (ii) intends to permanently cease making contributions described in Subsection (1).

10936 (b) A notice filed under Subsection (3)(a) does not exempt the corporation from
10937 complying with the financial reporting requirements described in this chapter.

10938 Section 154. Section **20A-11-705** is amended to read:

10939 **20A-11-705 . Notice of in-kind contributions.**

10940 (1) A corporation that makes an in-kind contribution to a reporting entity shall, in
10941 accordance with Subsection (2), provide the reporting entity a written notice that
10942 includes:

- 10943 (a) the name and address of the corporation;
- 10944 (b) the date of the in-kind expenditure;
- 10945 (c) a description of the in-kind expenditure; and
- 10946 (d) the value, in dollars, of the in-kind expenditure.
- 10947 (2) A corporation shall provide the written notice described in Subsection (1) to the
- 10948 reporting entity:
- 10949 (a) except as provided in Subsection (2)(b), within 31 calendar days after the day on
- 10950 which the corporation makes the in-kind contribution; or
- 10951 (b) within seven business days after the day on which the corporation makes the in-kind
- 10952 contribution, if:
- 10953 (i) the in-kind contribution is to a candidate who is contested in a convention and the
- 10954 corporation makes the in-kind contribution within 30 calendar days before the day
- 10955 on which the convention is held;
- 10956 (ii) the in-kind contribution is to a candidate who is contested in a primary election
- 10957 and the corporation makes the in-kind contribution within 30 calendar days before
- 10958 the day on which the primary election is held; or
- 10959 (iii) the in-kind contribution is to a candidate who is contested in a general election
- 10960 and the corporation makes the in-kind contribution within 30 calendar days before
- 10961 the day on which the general election is held.
- 10962 (3) A corporation that provides, and a reporting entity that receives, the written notice
- 10963 described in Subsection (1) shall retain a copy of the notice for five years after the day
- 10964 on which the written notice is provided to the reporting entity.
- 10965 (4) A corporation or reporting entity that fails to comply with the requirements of this
- 10966 section is guilty of a class B misdemeanor.
- 10967 (5) A person that intentionally or knowingly provides, or conspires to provide, false
- 10968 information on a written notice described in this section is guilty of a class B
- 10969 misdemeanor.
- 10970 Section 155. Section **20A-11-801** is amended to read:
- 10971 **20A-11-801 . Political issues committees -- Registration -- Criminal penalty for**
- 10972 **providing false information or accepting unlawful contribution.**
- 10973 (1)(a) Unless the political issues committee has filed a notice of dissolution under
- 10974 Subsection (4), each political issues committee shall file a statement of organization
- 10975 with the lieutenant governor's office:
- 10976 (i) before 5 p.m. on January 10 of each year; or

- 10977 (ii) electronically, before midnight on January 10 of each year.
- 10978 (b) If a political issues committee is organized after the filing deadline described in
- 10979 Subsection (1)(a), the political issues committee shall file an initial statement of
- 10980 organization no later than 5 p.m. on the first business day that is at least seven
- 10981 calendar days after the day on which the political issues committee:
- 10982 (i) receives political issues contributions totaling at least \$750; or
- 10983 (ii) distributes political issues expenditures totaling at least \$750.
- 10984 (c) Each political issues committee shall deposit each contribution received into one or
- 10985 more separate accounts in a financial institution that are dedicated only to that
- 10986 purpose.
- 10987 (2)(a) Each political issues committee shall designate two officers that have primary
- 10988 decision-making authority for the political issues committee.
- 10989 (b) An individual may not exercise primary decision-making authority for a political
- 10990 issues committee if the individual is not designated under Subsection (2)(a).
- 10991 (3) The statement of organization shall include:
- 10992 (a) the name and address of the political issues committee;
- 10993 (b) the name, address, phone number, occupation, and title of the two primary officers
- 10994 designated under Subsection (2);
- 10995 (c) the name, address, occupation, and title of all other officers of the political issues
- 10996 committee;
- 10997 (d) the name and address of the organization, individual, corporation, association, unit of
- 10998 government, or union that the political issues committee represents, if any;
- 10999 (e) the name and address of all affiliated or connected organizations and their
- 11000 relationships to the political issues committee;
- 11001 (f) the name, residential address, business address, occupation, and phone number of the
- 11002 committee's treasurer or chief financial officer;
- 11003 (g) the name, address, and occupation of each member of the supervisory and advisory
- 11004 boards, if any; and
- 11005 (h) the ballot proposition whose outcome they wish to affect, and whether they support
- 11006 or oppose it.
- 11007 (4)(a) A registered political issues committee that intends to permanently cease
- 11008 operations during a calendar year shall:
- 11009 (i) dispose of all remaining funds by returning the funds to donors or donating the
- 11010 funds to an organization that is exempt from federal income taxation under

- 11011 Section 501(c)(3), Internal Revenue Code; and
- 11012 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the
- 11013 lieutenant governor's office.
- 11014 (b) A political issues committee may not donate money to a political action committee,
- 11015 but may accept a contribution from a political action committee.
- 11016 (c) Any notice of dissolution filed by a political issues committee does not exempt that
- 11017 political issues committee from complying with the financial reporting requirements
- 11018 of this chapter in relation to all contributions received, and all expenditures made,
- 11019 before, at, or after dissolution.
- 11020 (d) A political issues committee shall report all money donated or expended under
- 11021 Subsection (4)(a) in a financial report to the lieutenant governor, in accordance with
- 11022 the financial reporting requirements described in this chapter.
- 11023 (5)(a) Unless the political issues committee has filed a notice of dissolution under
- 11024 Subsection (4), a political issues committee shall file, with the lieutenant governor's
- 11025 office, notice of any change of an officer described in Subsection (2).
- 11026 (b) A political issues committee shall:
- 11027 (i) electronically file a notice of a change of a primary officer described in Subsection
- 11028 (2)(a) [~~before 5 p.m.~~] within 10 calendar days after the day on which the change
- 11029 occurs; and
- 11030 (ii) include in the notice of change the name and title of the officer being replaced
- 11031 and the name, address, occupation, and title of the new officer.
- 11032 (6)(a) A person is guilty of providing false information in relation to a political issues
- 11033 committee if the person intentionally or knowingly gives false or misleading material
- 11034 information in the statement of organization or the notice of change of primary
- 11035 officer.
- 11036 (b) Each primary officer designated in Subsection (2)(a) or (5)(b) is guilty of accepting
- 11037 an unlawful contribution if the political issues committee knowingly or recklessly
- 11038 accepts a contribution from a corporation that:
- 11039 (i) was organized less than 90 calendar days before the date of the general election;
- 11040 and
- 11041 (ii) at the time the political issues committee accepts the contribution, has failed to
- 11042 file a statement of organization with the lieutenant governor's office as required by
- 11043 Section 20A-11-704.
- 11044 (c) A violation of this Subsection (6) is a third degree felony.

- 11045 (7)(a) As used in this Subsection (7), "received" means:
- 11046 (i) for a cash contribution, that the cash is given to a political issues committee;
- 11047 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
- 11048 instrument or check is negotiated; and
- 11049 (iii) for any other type of contribution, that any portion of the contribution's benefit
- 11050 inures to the political issues committee.
- 11051 (b) Each political issues committee shall report to the lieutenant governor each
- 11052 contribution received by the political issues committee within seven business days
- 11053 after the day on which the contribution is received if the contribution is received
- 11054 within 30 calendar days before the last day on which the sponsors of the initiative or
- 11055 referendum described in Subsection 20A-11-801(3)(h) may submit signatures to
- 11056 qualify the initiative or referendum for the ballot.
- 11057 (c) For each contribution that a political issues committee fails to report within the
- 11058 period described in Subsection (7)(b), the lieutenant governor shall impose a fine
- 11059 against the political issues committee in an amount equal to:
- 11060 (i) 10% of the amount of the contribution, if the political issues committee reports the
- 11061 contribution within 60 calendar days after the last day on which the political
- 11062 issues committee should have reported the contribution under Subsection (7)(b); or
- 11063 (ii) 20% of the amount of the contribution, if the political issues committee fails to
- 11064 report the contribution within 60 calendar days after the last day on which the
- 11065 political issues committee should have reported the contribution under Subsection
- 11066 (7)(b).
- 11067 (d) The lieutenant governor shall:
- 11068 (i) deposit money received under Subsection (7)(c) into the General Fund; and
- 11069 (ii) report on the lieutenant governor's website, in the location where reports relating
- 11070 to each political issues committee are available for public access:
- 11071 (A) each fine imposed by the lieutenant governor against the political issues
- 11072 committee;
- 11073 (B) the amount of the fine;
- 11074 (C) the amount of the contribution to which the fine relates; and
- 11075 (D) the date of the contribution.

11076 Section 156. Section **20A-11-802** is amended to read:

11077 **20A-11-802 . Political issues committees -- Financial reporting.**

- 11078 (1)(a) Each registered political issues committee that has received political issues

11079 contributions totaling at least \$750, or disbursed political issues expenditures totaling
11080 at least \$750, during a calendar year, shall file a verified financial statement with the
11081 lieutenant governor's office:

11082 (i) on January 10, reporting contributions and expenditures as of December 31 of the
11083 previous year;

11084 (ii) seven calendar days before the state political convention of each major political
11085 party;

11086 (iii) seven calendar days before the regular primary election date;

11087 (iv) seven calendar days before the date of an incorporation election, if the political
11088 issues committee has received or expended funds to affect an incorporation;

11089 (v) at least three calendar days before the first public hearing held as required by
11090 Section 20A-7-204.1;

11091 (vi) if the political issues committee has received or expended funds in relation to an
11092 initiative or referendum, five calendar days before the deadline for the initiative or
11093 referendum sponsors to submit:

11094 (A) the verified and certified initiative packets under Section 20A-7-105; or

11095 (B) the signed and verified referendum packets under Section 20A-7-105;

11096 (vii) on September 30; and

11097 (viii) seven calendar days before:

11098 (A) the municipal general election; and

11099 (B) the regular general election.

11100 (b) The political issues committee shall report:

11101 (i) a detailed listing of all contributions received and expenditures made since the last
11102 statement; and

11103 (ii) all contributions and expenditures as of five calendar days before the required
11104 filing date of the financial statement, except for a financial statement filed on
11105 January 10.

11106 (c) The political issues committee need not file a statement under this section if it
11107 received no contributions and made no expenditures during the reporting period.

11108 (2)(a) That statement shall include:

11109 (i) the name and address, if known, of any individual who makes a political issues
11110 contribution to the reporting political issues committee, and the amount of the
11111 political issues contribution;

11112 (ii) the identification of any publicly identified class of individuals that makes a

- 11113 political issues contribution to the reporting political issues committee, and the
11114 amount of the political issues contribution;
- 11115 (iii) the name and address, if known, of any political issues committee, group, or
11116 entity that makes a political issues contribution to the reporting political issues
11117 committee, and the amount of the political issues contribution;
- 11118 (iv) the name and address of each reporting entity that makes a political issues
11119 contribution to the reporting political issues committee, and the amount of the
11120 political issues contribution;
- 11121 (v) for each nonmonetary contribution, the fair market value of the contribution;
- 11122 (vi) except as provided in Subsection (2)(c), the name and address of each individual,
11123 entity, or group of individuals or entities that received a political issues
11124 expenditure of more than \$50 from the reporting political issues committee, and
11125 the amount of each political issues expenditure;
- 11126 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;
- 11127 (viii) the total amount of political issues contributions received and political issues
11128 expenditures disbursed by the reporting political issues committee;
- 11129 (ix) a statement by the political issues committee's treasurer or chief financial officer
11130 certifying that, to the best of the person's knowledge, the financial statement is
11131 accurate; and
- 11132 (x) a summary page in the form required by the lieutenant governor that identifies:
11133 (A) beginning balance;
11134 (B) total contributions during the period since the last statement;
11135 (C) total contributions to date;
11136 (D) total expenditures during the period since the last statement; and
11137 (E) total expenditures to date.
- 11138 (b)(i) Political issues contributions received by a political issues committee that have
11139 a value of \$50 or less need not be reported individually, but shall be listed on the
11140 report as an aggregate total.
- 11141 (ii) Two or more political issues contributions from the same source that have an
11142 aggregate total of more than \$50 may not be reported in the aggregate, but shall be
11143 reported separately.
- 11144 (c) When reporting political issue expenditures made to circulators of initiative petitions,
11145 the political issues committee:
11146 (i) need only report the amount paid to each initiative petition circulator; and

- 11147 (ii) need not report the name or address of the circulator.
- 11148 (3)(a) As used in this Subsection (3), "received" means:
- 11149 (i) for a cash contribution, that the cash is given to a political issues committee;
- 11150 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
- 11151 instrument or check is negotiated; and
- 11152 (iii) for any other type of contribution, that any portion of the contribution's benefit
- 11153 inures to the political issues committee.
- 11154 (b) A political issues committee shall report each contribution to the lieutenant governor
- 11155 within 31 calendar days after the contribution is received.
- 11156 (4) A political issues committee may not expend a contribution for a political issues
- 11157 expenditure if the contribution:
- 11158 (a) is cash or a negotiable instrument;
- 11159 (b) exceeds \$50; and
- 11160 (c) is from an unknown source.
- 11161 (5) Within 31 calendar days after receiving a contribution that is cash or a negotiable
- 11162 instrument, exceeds \$50, and is from an unknown source, a political issues committee
- 11163 shall disburse the amount of the contribution to:
- 11164 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 11165 political subdivision's general fund; or
- 11166 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
- 11167 Internal Revenue Code.
- 11168 Section 157. Section **20A-11-803** is amended to read:
- 11169 **20A-11-803 . Criminal penalties -- Fines.**
- 11170 (1)(a) As used in this Subsection (1), "completed" means that:
- 11171 (i) the financial statement accurately and completely details the information required
- 11172 by this part except for inadvertent omissions or insignificant errors or
- 11173 inaccuracies; and
- 11174 (ii) the political issues committee corrects the omissions, errors, or inaccuracies
- 11175 described in Subsection (1)(a) in an amended report or the next scheduled report.
- 11176 (b) Each political issues committee that fails to file a completed financial statement
- 11177 before the deadline is subject to a fine imposed in accordance with Section
- 11178 20A-11-1005.
- 11179 (c) Each political issues committee that fails to file a completed financial statement
- 11180 described in Subsection 20A-11-802(1)(a)(vii) or (viii) is guilty of a class B

11181 misdemeanor.

11182 (d) The lieutenant governor shall report all violations of Subsection (1)(c) to the attorney
11183 general.

11184 (2) Within 60 calendar days after a deadline for the filing of the January 10 statement, the
11185 lieutenant governor shall review each filed statement to ensure that:

11186 (a) each political issues committee that is required to file a statement has filed one; and

11187 (b) each statement contains the information required by this part.

11188 (3) If it appears that any political issues committee has failed to file the January 10
11189 statement, if it appears that a filed statement does not conform to the law, or if the
11190 lieutenant governor has received a written complaint alleging a violation of the law or
11191 the falsity of any statement, the lieutenant governor shall, [~~within~~] no later than the first
11192 business day that is at least five calendar days after the day on which the lieutenant
11193 governor discovers the violation or receives the written complaint, notify the political
11194 issues committee of the violation or written complaint and direct the political issues
11195 committee to file a statement correcting the problem.

11196 (4)(a) It is unlawful for any political issues committee to fail to file or amend a statement
11197 within seven calendar days after the day on which the political issues committee
11198 receives notice from the lieutenant governor under this section.

11199 (b) Each political issues committee that violates Subsection (4)(a) is guilty of a class B
11200 misdemeanor.

11201 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney
11202 general.

11203 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
11204 governor shall impose a civil fine of \$1,000 against a political issues committee that
11205 violates Subsection (4)(a).

11206 Section 158. Section **20A-11-1203** is amended to read:

11207 **20A-11-1203 . Public entity prohibited from expending public funds on certain**
11208 **electoral matters.**

11209 (1) Unless specifically required by law, and except as provided in Subsection (5) or Section
11210 20A-11-1206, a public entity may not:

11211 (a) make an expenditure from public funds for political purposes, to influence a ballot
11212 proposition, or to influence a proposed initiative or proposed referendum; or

11213 (b) publish on the public entity's website an argument for or against a ballot proposition,
11214 a proposed initiative, or a proposed referendum.

- 11215 (2) A violation of this section does not invalidate an otherwise valid election.
- 11216 (3) This section does not prohibit the reasonable expenditure of public funds to gather
11217 information for, and respond directly to, an individual who makes an inquiry regarding a
11218 ballot proposition, a proposed initiative, or a proposed referendum.
- 11219 (4) This section does not prohibit:
- 11220 (a) a public entity from conducting research, or collecting and compiling information or
11221 arguments in relation to, a ballot proposition, a proposed initiative, or a proposed
11222 referendum;
- 11223 (b) an elected or appointed official of the public entity described in Subsection (4)(a)
11224 from using the research, information, or arguments described in Subsection (4)(a) for
11225 the purpose of advocating for or against a ballot proposition, proposed initiative, or
11226 proposed referendum via a website, or another medium, not owned or controlled by
11227 the public entity;
- 11228 (c) a public entity from posting on the public entity's website a link to another website,
11229 with a brief description, that is not owned or controlled by a public entity, or from
11230 publishing in any medium owned, controlled, or paid for by a public entity a website
11231 address, with a brief description, where an individual may view research,
11232 information, and arguments for or against a ballot proposition, proposed initiative, or
11233 proposed referendum if the public entity:
- 11234 (i) before posting the link or publishing the address, provides at least seven calendar
11235 days written notice to the sponsors of the ballot proposition, proposed initiative, or
11236 proposed referendum:
- 11237 (A) of the public entity's intent to post the link or publish the address;
- 11238 (B) a description of each medium in which the public entity intends to post the
11239 link or publish the address; and
- 11240 (C) the dates of the publication or posting; and
- 11241 (ii) posts, immediately adjacent to the link or address, and brief description described
11242 in Subsection (4)(c)(i), a link to, or an address for, a website, with a brief
11243 description, containing the sponsors' research, information, and arguments for or
11244 against the ballot proposition, proposed initiative, or proposed referendum, if the
11245 sponsors provide a link or address within seven calendar days after the day on
11246 which the sponsors receive the notice described in Subsection (4)(c)(i); or
- 11247 (d) a public entity from posting on the public entity's website, or any medium, a
11248 complete copy of a proposition information pamphlet described in Section

11249 20A-7-401.5 or a voter information pamphlet.

11250 (5) Subsection (1) does not prohibit a public entity from taking an action under Title 53G,
11251 Chapter 3, Part 3, Creating a New School District, that is necessary for the public entity
11252 to seek the creation of a new school district.

11253 Section 159. Section **20A-11-1301** is amended to read:

11254 **20A-11-1301 . School board office -- Campaign finance requirements --**
11255 **Candidate as a political action committee officer -- No personal use -- Contribution**
11256 **reporting deadline -- Report other accounts -- Anonymous contributions.**

11257 (1)(a)(i) Each school board office candidate shall deposit each contribution received
11258 in one or more separate accounts in a financial institution that are dedicated only
11259 to that purpose.

11260 (ii) A school board office candidate may:

11261 (A) receive a contribution from a political action committee registered under
11262 Section 20A-11-601; and

11263 (B) be designated by a political action committee as an officer who has primary
11264 decision-making authority as described in Section 20A-11-601.

11265 (b) A school board office candidate may not use money deposited in an account
11266 described in Subsection (1)(a)(i) for:

11267 (i) a personal use expenditure; or

11268 (ii) an expenditure prohibited by law.

11269 (c)(i) Each school board officeholder shall deposit each contribution and public
11270 service assistance received in one or more separate accounts in a financial
11271 institution that are dedicated only to that purpose.

11272 (ii) A school board officeholder may:

11273 (A) receive a contribution or public service assistance from a political action
11274 committee registered under Section 20A-11-601; and

11275 (B) be designated by a political action committee as an officer who has primary
11276 decision-making authority as described in Section 20A-11-601.

11277 (d) A school board officeholder may not use money deposited in an account described in
11278 Subsection (1)(a)(i) or (1)(c)(i) for:

11279 (i) a personal use expenditure; or

11280 (ii) an expenditure prohibited by law.

11281 (2)(a) A school board office candidate may not deposit or mingle any contributions
11282 received into a personal or business account.

- 11283 (b) A school board officeholder may not deposit or mingle any contributions or public
11284 service assistance received into a personal or business account.
- 11285 (3) A school board office candidate or school board officeholder may not make any
11286 political expenditures prohibited by law.
- 11287 (4) If a person who is no longer a school board office candidate chooses not to expend the
11288 money remaining in a campaign account, the person shall continue to file the year-end
11289 summary report required by Section 20A-11-1302 until the statement of dissolution and
11290 final summary report required by Section 20A-11-1304 are filed with the lieutenant
11291 governor.
- 11292 (5)(a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who is
11293 no longer a school board office candidate may not expend or transfer the money in a
11294 campaign account in a manner that would cause the former school board office
11295 candidate to recognize the money as taxable income under federal tax law.
- 11296 (b) A person who is no longer a school board office candidate may transfer the money in
11297 a campaign account in a manner that would cause the former school board office
11298 candidate to recognize the money as taxable income under federal tax law if the
11299 transfer is made to a campaign account for federal office.
- 11300 (6)(a) As used in this Subsection (6), "received" means the same as that term is defined
11301 in Subsection 20A-11-1303(1)(a).
- 11302 (b) Except as provided in Subsection (6)(d), each school board office candidate shall
11303 report to the chief election officer each contribution received by the school board
11304 office candidate:
- 11305 (i) except as provided in Subsection (6)(b)(ii), within 31 calendar days after the day
11306 on which the contribution is received; or
- 11307 (ii) within seven business days after the day on which the contribution is received, if:
- 11308 (A) the school board office candidate is contested in a convention and the
11309 contribution is received within 30 calendar days before the day on which the
11310 convention is held;
- 11311 (B) the school board office candidate is contested in a primary election and the
11312 contribution is received within 30 calendar days before the day on which the
11313 primary election is held; or
- 11314 (C) the school board office candidate is contested in a general election and the
11315 contribution is received within 30 calendar days before the day on which the
11316 general election is held.

- 11317 (c) For each contribution that a school board office candidate fails to report within the
11318 time period described in Subsection (6)(b), the chief election officer shall impose a
11319 fine against the school board office candidate in an amount equal to:
- 11320 (i) 10% of the amount of the contribution, if the school board office candidate reports
11321 the contribution within 60 calendar days after the day on which the time period
11322 described in Subsection (6)(b) ends; or
- 11323 (ii) 20% of the amount of the contribution, if the school board office candidate fails
11324 to report the contribution within 60 calendar days after the day on which the time
11325 period described in Subsection (6)(b) ends.
- 11326 (d) The lieutenant governor may waive the fine described in Subsection (6)(c) and issue
11327 a warning to the school board office candidate if:
- 11328 (i) the contribution that the school board office candidate fails to report is paid by the
11329 school board office candidate from the school board office candidate's personal
11330 funds;
- 11331 (ii) the school board office candidate has not previously violated Subsection (6)(c) in
11332 relation to a contribution paid by the school board office candidate from the
11333 school board office candidate's personal funds; and
- 11334 (iii) the lieutenant governor determines that the failure to timely report the
11335 contribution is due to the school board office candidate not understanding that the
11336 reporting requirement includes a contribution paid by a school board office
11337 candidate from the school board office candidate's personal funds.
- 11338 (e) The chief election officer shall:
- 11339 (i) deposit money received under Subsection (6)(c) into the General Fund; and
- 11340 (ii) report on the chief election officer's website, in the location where reports relating
11341 to each school board office candidate are available for public access:
- 11342 (A) each fine imposed by the chief election officer against the school board office
11343 candidate;
- 11344 (B) the amount of the fine;
- 11345 (C) the amount of the contribution to which the fine relates; and
- 11346 (D) the date of the contribution.
- 11347 (7) Within 31 calendar days after [~~receiving~~] the day on which a school board office
11348 candidate receives a contribution that is cash or a negotiable instrument, exceeds \$50,
11349 and is from an unknown source, [a] the school board office candidate shall disburse the
11350 contribution to an organization that is exempt from federal income taxation under

11351 Section 501(c)(3), Internal Revenue Code.

11352 (8)(a) As used in this Subsection (8), "account" means an account in a financial
11353 institution:

11354 (i) that is not described in Subsection (1)(a)(i); and

11355 (ii) into which or from which a person who, as a candidate for an office, other than a
11356 school board office for which the person files a declaration of candidacy or federal
11357 office, or as a holder of an office, other than a school board office for which the
11358 person files a declaration of candidacy or federal office, deposits a contribution or
11359 makes an expenditure.

11360 (b) A school board office candidate shall include on any financial statement filed in
11361 accordance with this part:

11362 (i) a contribution deposited in an account:

11363 (A) since the last campaign finance statement was filed; or

11364 (B) that has not been reported under a statute or ordinance that governs the
11365 account; or

11366 (ii) an expenditure made from an account:

11367 (A) since the last campaign finance statement was filed; or

11368 (B) that has not been reported under a statute or ordinance that governs the
11369 account.

11370 Section 160. Section **20A-11-1303** is amended to read:

11371 **20A-11-1303 . School board office candidate and school board officeholder --**
11372 **Financial reporting requirements -- Interim reports.**

11373 (1)(a) As used in this section, "received" means:

11374 (i) for a cash contribution, that the cash is given to a school board office candidate or
11375 a member of the school board office candidate's personal campaign committee;

11376 (ii) for a contribution that is a check or other negotiable instrument, that the check or
11377 other negotiable instrument is negotiated;

11378 (iii) for a direct deposit made into a campaign account by a person not associated
11379 with the campaign, the earlier of:

11380 (A) the day on which the school board office candidate or a member of the school
11381 board office candidate's personal campaign committee becomes aware of the
11382 deposit and the source of the deposit;

11383 (B) the day on which the school board office candidate or a member of the school
11384 board office candidate's personal campaign committee receives notice of the

- 11385 deposit and the source of the deposit by mail, email, text, or similar means; or
 11386 (C) 31 calendar days after the day on which the direct deposit occurs; or
 11387 (iv) for any other type of contribution, that any portion of the contribution's benefit
 11388 inures to the school board office candidate.
- 11389 (b) As used in this Subsection (1), "campaign account" means a separate campaign
 11390 account required under Subsection 20A-11-1301(1)(a)(i) or (c)(i).
- 11391 (c) Each school board office candidate shall file an interim report at the following times
 11392 in any year in which the candidate has filed a declaration of candidacy for a public
 11393 office:
- 11394 (i) May 15;
 11395 (ii) seven calendar days before the regular primary election date;
 11396 (iii) September 30; and
 11397 (iv) seven calendar days before the regular general election date.
- 11398 (2) Each interim report shall include the following information:
- 11399 (a) the net balance of the last summary report, if any;
 11400 (b) a single figure equal to the total amount of receipts reported on all prior interim
 11401 reports, if any, during the calendar year in which the interim report is due;
 11402 (c) a single figure equal to the total amount of expenditures reported on all prior interim
 11403 reports, if any, filed during the calendar year in which the interim report is due;
 11404 (d) a detailed listing of:
 11405 (i) for a school board office candidate, each contribution received since the last
 11406 summary report that has not been reported in detail on a prior interim report; or
 11407 (ii) for a school board officeholder, each contribution and public service assistance
 11408 received since the last summary report that has not been reported in detail on a
 11409 prior interim report;
- 11410 (e) for each nonmonetary contribution:
 11411 (i) the fair market value of the contribution with that information provided by the
 11412 contributor; and
 11413 (ii) a specific description of the contribution;
- 11414 (f) a detailed listing of each expenditure made since the last summary report that has not
 11415 been reported in detail on a prior interim report;
- 11416 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 11417 (h) a net balance for the year consisting of the net balance from the last summary report,
 11418 if any, plus all receipts since the last summary report minus all expenditures since the

- 11419 last summary report;
- 11420 (i) a summary page in the form required by the lieutenant governor that identifies:
- 11421 (i) beginning balance;
- 11422 (ii) total contributions during the period since the last statement;
- 11423 (iii) total contributions to date;
- 11424 (iv) total expenditures during the period since the last statement; and
- 11425 (v) total expenditures to date; and
- 11426 (j) the name of a political action committee for which the school board office candidate
- 11427 or school board officeholder is designated as an officer who has primary
- 11428 decision-making authority under Section 20A-11-601.
- 11429 (3)(a) In preparing each interim report, all receipts and expenditures shall be reported as
- 11430 of five calendar days before the required filing date of the report.
- 11431 (b) Any negotiable instrument or check received by a school board office candidate or
- 11432 school board officeholder more than five calendar days before the required filing date
- 11433 of a report required by this section shall be included in the interim report.
- 11434 Section 161. Section **20A-11-1305** is amended to read:
- 11435 **20A-11-1305 . School board office candidate -- Failure to file statement --**
- 11436 **Penalties.**
- 11437 (1) A school board office candidate who fails to file a financial statement by the deadline is
- 11438 subject to a fine imposed in accordance with Section 20A-11-1005.
- 11439 (2) If a school board office candidate fails to file an interim report described in Subsections
- 11440 20A-11-1303(1)(c)(i) through (iv), the lieutenant governor may send an electronic notice
- 11441 to the school board office candidate and the political party of which the school board
- 11442 office candidate is a member, if any, that states:
- 11443 (a) that the school board office candidate failed to timely file the report; and
- 11444 (b) that, if the school board office candidate fails to file the report within 24 hours after
- 11445 the deadline for filing the report, the school board office candidate will be
- 11446 disqualified and the political party will not be permitted to replace the candidate.
- 11447 (3)(a) The lieutenant governor shall disqualify a school board office candidate and
- 11448 inform the county clerk and other appropriate election officials that the school board
- 11449 office candidate is disqualified if the school board office candidate fails to file an
- 11450 interim report described in Subsections 20A-11-1303(1)(c)(i) through (iv) within 24
- 11451 hours after the deadline for filing the report.
- 11452 (b) The political party of a school board office candidate who is disqualified under

11453 Subsection (3)(a) may not replace the school board office candidate.

11454 (4) If a school board office candidate is disqualified under Subsection (3)(a), the election
11455 officer shall:

11456 (a) notify every opposing candidate for the school board office that the school board
11457 office candidate is disqualified;

11458 (b) send an email notification to each voter who is eligible to vote in the school board
11459 office race for whom the election officer has an email address informing the voter
11460 that the school board office candidate is disqualified and that votes cast for the school
11461 board office candidate will not be counted;

11462 (c) post notice of the disqualification on the election officer's website; and

11463 (d) if practicable, remove the school board office candidate's name from the ballot.

11464 (5) An election officer may fulfill the requirement described in Subsection (4) in relation to
11465 a mailed ballot, including a military or overseas ballot, by including with the ballot a
11466 written notice directing the voter to the election officer's website to inform the voter
11467 whether a candidate on the ballot is disqualified.

11468 (6) A school board office candidate is not disqualified if:

11469 (a) the school board office candidate files the reports described in Subsections
11470 20A-11-1303(1)(c)(i) through (iv) no later than 24 hours after the applicable
11471 deadlines for filing the reports;

11472 (b) the reports are completed, detailing accurately and completely the information
11473 required by this part except for inadvertent omissions or insignificant errors or
11474 inaccuracies; and

11475 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in
11476 an amended report or the next scheduled report.

11477 (7)(a) Within 60 calendar days after a deadline for the filing of a summary report, the
11478 lieutenant governor shall review each filed summary report to ensure that:

11479 (i) each school board office candidate who is required to file a summary report has
11480 filed the report; and

11481 (ii) each summary report contains the information required by this part.

11482 (b) If it appears that a school board office candidate has failed to file the summary report
11483 required by law, if it appears that a filed summary report does not conform to the law,
11484 or if the lieutenant governor has received a written complaint alleging a violation of
11485 the law or the falsity of any summary report, the lieutenant governor shall, [~~within~~
11486 ~~five days of discovery of a~~ the first business day that is at least five calendar days

11487 after the day on which the lieutenant governor discovers the violation or [receipt of a]
11488 receives the written complaint, notify the school board office candidate of the
11489 violation or written complaint and direct the school board office candidate to file a
11490 summary report correcting the problem.

11491 (c)(i) It is unlawful for a school board office candidate to fail to file or amend a
11492 summary report within seven calendar days after receiving the notice described in
11493 Subsection (7)(b) from the lieutenant governor.

11494 (ii) Each school board office candidate who violates Subsection (7)(c)(i) is guilty of
11495 a class B misdemeanor.

11496 (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the
11497 attorney general.

11498 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the
11499 lieutenant governor shall impose a civil fine of \$100 against a school board office
11500 candidate who violates Subsection (7)(c)(i).

11501 Section 162. Section **20A-11-1406** is amended to read:

11502 **20A-11-1406 . Enforcement of part -- Attorney general.**

11503 (1) Subject to the requirements of Subsections (2) and (3), the attorney general may bring
11504 an action to require the labor organization to comply with the requirements of this part.

11505 (2) Before bringing an action under Subsection (1), the attorney general shall:

11506 (a) notify the labor organization in writing of the precise nature of the violation of this
11507 part; and

11508 (b) give the labor organization 10 calendar days to cease and desist the violation of this
11509 part.

11510 (3) The attorney general may not bring an action under Subsection (1) if the labor
11511 organization:

11512 (a) ceases and desists from violating this part within 10 calendar days; and

11513 (b) provides the attorney general with written confirmation that the labor organization
11514 has ceased from engaging in the conduct the attorney general determined to be a
11515 violation of this part.

11516 Section 163. Section **20A-11-1502** is amended to read:

11517 **20A-11-1502 . Campaign financial reporting of expenditures -- Filing**
11518 **requirements -- Statement contents.**

11519 (1)(a) Each labor organization that has made expenditures for political purposes or
11520 political issues expenditures on current or proposed ballot issues that total at least

- 11521 \$750 during a calendar year shall file a verified financial statement with the
 11522 lieutenant governor's office:
- 11523 (i) on January 10, reporting expenditures as of December 31 of the previous year;
 - 11524 (ii) seven calendar days before the regular primary election date;
 - 11525 (iii) on September 30; and
 - 11526 (iv) seven calendar days before the regular general election date.
- 11527 (b) The labor organization shall report:
- 11528 (i) a detailed listing of all expenditures made since the last statement; and
 - 11529 (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all
 11530 expenditures as of five calendar days before the required filing date of the
 11531 financial statement.
- 11532 (c) The labor organization is not required to file a financial statement under this section
 11533 if the labor organization:
- 11534 (i) made no expenditures during the reporting period; or
 - 11535 (ii) reports the labor organization's expenditures during the reporting period under
 11536 another part of this chapter.
- 11537 (2) The financial statement shall include:
- 11538 (a) the name and address of each reporting entity that received an expenditure or
 11539 political issues expenditure of more than \$50 from the labor organization, and the
 11540 amount of each expenditure or political issues expenditure;
 - 11541 (b) the total amount of expenditures disbursed by the labor organization; and
 - 11542 (c) a statement by the labor organization's treasurer or chief financial officer certifying
 11543 the accuracy of the financial statement.
- 11544 Section 164. Section **20A-11-1503** is amended to read:
- 11545 **20A-11-1503 . Criminal penalties -- Fines.**
- 11546 (1) Within 60 calendar days after a deadline for the filing of a financial statement required
 11547 by this part, the lieutenant governor shall review each filed financial statement to ensure
 11548 that:
 - 11549 (a) each labor organization that is required to file a financial statement has filed one; and
 - 11550 (b) each financial statement contains the information required by this part.
 - 11551 (2) If it appears that any labor organization has failed to file a financial statement, if it
 11552 appears that a filed financial statement does not conform to the law, or if the lieutenant
 11553 governor has received a written complaint alleging a violation of the law or the falsity of
 11554 a financial statement, the lieutenant governor shall:

- 11555 (a) impose a fine against the labor organization in accordance with Section 20A-11-1005;
 11556 and
 11557 (b) ~~[within five days of discovery of a]~~ no later than the first business day that is at least
 11558 five calendar days after the day on which the lieutenant governor discovers the
 11559 violation or [receipt of a] receives the written complaint, notify the labor organization
 11560 of the violation or written complaint and direct the labor organization to file a
 11561 financial statement correcting the problem.
- 11562 (3)(a) It is unlawful for any labor organization to fail to file or amend a financial
 11563 statement within seven calendar days after receiving notice from the lieutenant
 11564 governor under this section.
- 11565 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B
 11566 misdemeanor.
- 11567 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the attorney
 11568 general.
- 11569 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
 11570 governor shall impose a civil fine of \$1,000 against a labor organization that violates
 11571 Subsection (3)(a).

11572 Section 165. Section **20A-11-1604** is amended to read:

11573 **20A-11-1604 . Failure to disclose conflict of interest -- Failure to comply with**
 11574 **reporting requirements.**

- 11575 (1)(a) Before or during the execution of any order, settlement, declaration, contract, or
 11576 any other official act of office in which a state constitutional officer has actual
 11577 knowledge that the state constitutional officer has a conflict of interest that is not
 11578 stated in the conflict of interest disclosure, the state constitutional officer shall
 11579 publicly declare that the state constitutional officer may have a conflict of interest
 11580 and what that conflict of interest is.
- 11581 (b) Before or during any vote on legislation or any legislative matter in which a
 11582 legislator has actual knowledge that the legislator has a conflict of interest that is not
 11583 stated in the conflict of interest disclosure, the legislator shall orally declare to the
 11584 committee or body before which the matter is pending that the legislator may have a
 11585 conflict of interest and what that conflict is.
- 11586 (c) Before or during any vote on any rule, resolution, order, or any other board matter in
 11587 which a member of the State Board of Education has actual knowledge that the
 11588 member has a conflict of interest that is not stated in the conflict of interest

- 11589 disclosure, the member shall orally declare to the board that the member may have a
 11590 conflict of interest and what that conflict of interest is.
- 11591 (2) Any public declaration of a conflict of interest that is made under Subsection (1) shall
 11592 be noted:
- 11593 (a) on the official record of the action taken, for a state constitutional officer;
 11594 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
 11595 applicable, for a legislator; or
 11596 (c) in the minutes of the meeting or on the official record of the action taken, for a
 11597 member of the State Board of Education.
- 11598 (3) A state constitutional officer shall make a complete conflict of interest disclosure on the
 11599 website:
- 11600 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
 11601 (ii) if the state constitutional officer takes office after January 10, within 10 calendar
 11602 days after the day on which the state constitutional officer takes office; and
 11603 (b) each time the state constitutional officer changes employment.
- 11604 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 11605 (a)(i) no sooner than January 1 each year, and before January 11 each year; or
 11606 (ii) if the legislator takes office after January 10, within 10 calendar days after the
 11607 day on which the legislator takes office; and
 11608 (b) each time the legislator changes employment.
- 11609 (5) A member of the State Board of Education shall make a complete conflict of interest
 11610 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 member takes office after January 10, within 10 calendar days after the day
 11613 on which the member takes office; and
 11614 (b) each time the member changes employment.
- 11615 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall include:
- 11616 (a) the regulated officeholder's name;
 11617 (b) the name and address of each of the regulated officeholder's current employers and
 11618 each of the regulated officeholder's employers during the preceding year;
 11619 (c) for each employer described in Subsection (6)(b), a brief description of the
 11620 employment, including the regulated officeholder's occupation and, as applicable, job
 11621 title;
 11622 (d) for each entity in which the regulated officeholder is an owner or officer, or was an

- 11623 owner or officer during the preceding year:
- 11624 (i) the name of the entity;
- 11625 (ii) a brief description of the type of business or activity conducted by the entity; and
- 11626 (iii) the regulated officeholder's position in the entity;
- 11627 (e) in accordance with Subsection (7), for each individual from whom, or entity from
- 11628 which, the regulated officeholder has received \$5,000 or more in income during the
- 11629 preceding year:
- 11630 (i) the name of the individual or entity; and
- 11631 (ii) a brief description of the type of business or activity conducted by the individual
- 11632 or entity;
- 11633 (f) for each entity in which the regulated officeholder holds any stocks or bonds having a
- 11634 fair market value of \$5,000 or more as of the date of the disclosure form or during the
- 11635 preceding year, but excluding funds that are managed by a third party, including
- 11636 blind trusts, managed investment accounts, and mutual funds:
- 11637 (i) the name of the entity; and
- 11638 (ii) a brief description of the type of business or activity conducted by the entity;
- 11639 (g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated
- 11640 officeholder currently serves, or served in the preceding year, in a paid leadership
- 11641 capacity or in a paid or unpaid position on a board of directors:
- 11642 (i) the name of the entity or organization;
- 11643 (ii) a brief description of the type of business or activity conducted by the entity; and
- 11644 (iii) the type of position held by the regulated officeholder;
- 11645 (h) at the option of the regulated officeholder, a description of any real property in which
- 11646 the regulated officeholder holds an ownership or other financial interest that the
- 11647 regulated officeholder believes may constitute a conflict of interest, including a
- 11648 description of the type of interest held by the regulated officeholder in the property;
- 11649 (i) the name of the regulated officeholder's spouse and any other adult residing in the
- 11650 regulated officeholder's household who is not related by blood or marriage, as
- 11651 applicable;
- 11652 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
- 11653 is required to provide under Subsection (6)(b);
- 11654 (k) a brief description of the employment and occupation of each adult who:
- 11655 (i) resides in the regulated officeholder's household; and
- 11656 (ii) is not related to the regulated officeholder by blood or marriage;

- 11657 (l) at the option of the regulated officeholder, a description of any other matter or
11658 interest that the regulated officeholder believes may constitute a conflict of interest;
11659 (m) the date the form was completed;
11660 (n) a statement that the regulated officeholder believes that the form is true and accurate
11661 to the best of the regulated officeholder's knowledge; and
11662 (o) the signature of the regulated officeholder.
- 11663 (7) In making the disclosure described in Subsection (6)(e), a regulated officeholder who
11664 provides goods or services to multiple customers or clients as part of a business or a
11665 licensed profession is only required to provide the information described in Subsection
11666 (6)(e) in relation to the entity or practice through which the regulated officeholder
11667 provides the goods or services and is not required to provide the information described
11668 in Subsection (6)(e) in relation to the regulated officeholder's individual customers or
11669 clients.
- 11670 (8) The disclosure requirements described in this section do not prohibit a regulated
11671 officeholder from voting or acting on any matter.
- 11672 (9) A regulated officeholder may amend a conflict of interest disclosure described in this
11673 part at any time.
- 11674 (10) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a
11675 class B misdemeanor.
- 11676 (11)(a) A regulated officeholder who intentionally or knowingly violates a provision of
11677 this section, other than Subsection (1), is guilty of a class B misdemeanor.
- 11678 (b) In addition to the criminal penalty described in Subsection (11)(a), the lieutenant
11679 governor shall impose a civil penalty of \$100 against a regulated officeholder who
11680 violates a provision of this section, other than Subsection (1).
- 11681 Section 166. Section **20A-11-1605** is amended to read:
- 11682 **20A-11-1605 . Failure to file -- Penalties.**
- 11683 (1) Within 60 calendar days after the day on which a regulated officeholder is required to
11684 file a conflict of interest disclosure under Subsection 20A-11-1604(3), (4) or (5), the
11685 lieutenant governor shall review each filed conflict of interest disclosure to ensure that:
- 11686 (a) each regulated officeholder who is required to file a conflict of interest disclosure has
11687 filed one; and
- 11688 (b) each conflict of interest disclosure contains the information required under Section
11689 20A-11-1604.
- 11690 (2) The lieutenant governor shall take the action described in Subsection (3) if:

- 11691 (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;
- 11692 (b) a filed conflict of interest disclosure does not comply with the requirements of
- 11693 Section 20A-11-1604; or
- 11694 (c) the lieutenant governor receives a written complaint alleging a violation of Section
- 11695 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the
- 11696 complaint and giving the regulated officeholder notice and an opportunity to be
- 11697 heard, the lieutenant governor determines that a violation occurred.
- 11698 (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall, [
11699 ~~within~~] no later than the first business day that is at least five calendar days after the day
- 11700 on which the lieutenant governor determines that a violation occurred, notify the
- 11701 regulated officeholder of the violation and direct the regulated officeholder to file an
- 11702 amended report correcting the problem.
- 11703 (4)(a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of
- 11704 interest disclosure within seven calendar days after the day on which the regulated
- 11705 officeholder receives the notice described in Subsection (3).
- 11706 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B
- 11707 misdemeanor.
- 11708 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney
- 11709 general.
- 11710 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
- 11711 governor shall impose a civil fine of \$100 against a regulated officeholder who
- 11712 violates Subsection (4)(a).
- 11713 (5) The lieutenant governor shall deposit a fine collected under this part into the General
- 11714 Fund as a dedicated credit to pay for the costs of administering the provisions of this part.
- 11715 Section 167. Section **20A-11-1702** is amended to read:
- 11716 **20A-11-1702 . Definitions.**
- 11717 As used in this part:
- 11718 (1) "Clearly identified" means:
- 11719 (a) the name of the candidate appears;
- 11720 (b) a photograph or drawing of the candidate appears; or
- 11721 (c) the identity of the candidate or ballot proposition is apparent by unambiguous
- 11722 reference.
- 11723 (2)(a) "Independent expenditure" means an expenditure by a person expressly
- 11724 advocating the success or defeat of a clearly identified candidate or ballot proposition

11725 if the expenditure is not made in coordination with, or at the request or suggestion of:

- 11726 (i) a candidate;
- 11727 (ii) a candidate's personal campaign committee;
- 11728 (iii) a member of a candidate's personal campaign committee;
- 11729 (iv) a political action committee for which the candidate is an officer with primary
- 11730 decision making authority;
- 11731 (v) an agent of a candidate; or
- 11732 (vi) a political issues committee.

11733 (b) "Independent expenditure" includes:

- 11734 (i) the cost of creating and disseminating material for a public communication,
- 11735 including design and production costs; and
- 11736 (ii) a contract or other promise to make an expenditure described in Subsection (2)(a)
- 11737 or (2)(b)(i).

11738 (3)(a) "Public communication" means a communication by:

- 11739 (i) broadcast, cable, satellite communication, newspaper, magazine, outdoor
- 11740 advertising facility, mass mailing, or telephone bank; or
- 11741 (ii) another medium used for political advertising to the general public.

11742 (b) "Public communication" does not include:

- 11743 (i) a news story, a commentary, or an editorial disseminated by a broadcasting
- 11744 station, including a cable television operator, programmer, or producer, satellite
- 11745 television or radio provider, website, newspaper, magazine, or other periodical
- 11746 publication, that is not controlled by a candidate or political party; or
- 11747 (ii) a candidate debate or forum.

11748 (4) "Telephone bank" means 500 or more identical or substantially similar telephone calls

11749 within any [~~30-day~~] 30-calendar-day period.

11750 Section 168. Section **20A-11-1704** is amended to read:

11751 **20A-11-1704 . Independent expenditure report.**

- 11752 (1) Except as provided in Section 20A-11-1703, within 31 calendar days after the day on
- 11753 which a person has made a total of at least \$1,000 in independent expenditures during an
- 11754 election cycle, the person shall file an independent expenditure report with the chief
- 11755 election officer.
- 11756 (2) Except as provided in Section 20A-11-1703, within 31 calendar days after the day on
- 11757 which a person has made a total of at least \$1,000 in independent expenditures during an
- 11758 election cycle that were not reported in an independent expenditure report already filed

- 11759 with the chief election officer during the same election cycle, the person shall file
11760 another independent expenditure report with the chief election officer.
- 11761 (3) An independent expenditure report shall include the following information:
- 11762 (a) if the person who made the independent expenditures is an individual, the person's
11763 name, address, and phone number;
- 11764 (b) if the person who made the independent expenditures is not an individual:
- 11765 (i) the person's name, address, and phone number; and
11766 (ii) the name, address, and phone number of an individual who may be contacted by
11767 the chief election officer in relation to the independent expenditure report; and
- 11768 (c) for each independent expenditure made by the person during the current election
11769 cycle that was not reported in a previous independent expenditure report:
- 11770 (i) the date of the independent expenditure;
11771 (ii) the amount of the independent expenditure;
11772 (iii) the candidate or ballot proposition for which the independent expenditure
11773 expressly advocates the success or defeat and a description of whether the
11774 independent expenditure supports or opposes the candidate or ballot proposition;
11775 (iv) the identity, address, and phone number of the person to whom the independent
11776 expenditure was made;
11777 (v) a description of the goods or services obtained by the independent expenditure;
11778 and
- 11779 (vi) for each person who, for political purposes, made cumulative donations of
11780 \$1,000 or more during the current election cycle to the filer of the independent
11781 expenditure report:
- 11782 (A) the identity, address, and phone number of the person;
11783 (B) the date of the donation; and
11784 (C) the amount of the donation.
- 11785 (4)(a) If the person filing an independent expenditure report is an individual, the person
11786 shall sign the independent expenditure report and certify that the information
11787 contained in the report is complete and accurate.
- 11788 (b) If the person filing an independent expenditure report is not an individual:
- 11789 (i) the person filing the independent expenditure report shall designate an authorized
11790 individual to sign the independent expenditure report on behalf of the person; and
11791 (ii) the individual designated under Subsection (4)(b)(i) shall sign the independent
11792 expenditure report and certify that the information contained in the report is

- 11793 complete and accurate.
- 11794 (5) If a person who files an independent expenditure report previously filed an independent
 11795 expenditure report during, or in relation to, the same election cycle that includes
 11796 information, described in Subsection (3)(a) or (b), that has changed since the person
 11797 filed the previous independent expenditure report, the person shall include in the most
 11798 recent independent expenditure report a description of the information that has changed
 11799 that includes both the old information and the new information.
- 11800 (6) An independent expenditure report is a public record under Title 63G, Chapter 2,
 11801 Government Records Access and Management Act.
 11802 Section 169. Section **20A-12-303** is amended to read:
 11803 **20A-12-303 . Separate account for campaign funds -- Reporting contributions.**
- 11804 (1) The judge or the judge's personal campaign committee shall deposit each contribution in
 11805 one or more separate personal campaign accounts in a financial institution.
- 11806 (2) The judge or the judge's personal campaign committee may not deposit or mingle any
 11807 contributions received into a personal or business account.
- 11808 (3)(a) As used in this Subsection (3) and Section 20A-12-305, "received" means:
 11809 (i) for a cash contribution, that the cash is given to a judge or the judge's personal
 11810 campaign committee;
 11811 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
 11812 instrument or check is negotiated; and
 11813 (iii) for any other type of contribution, that any portion of the contribution's benefit
 11814 inures to the judge.
- 11815 (b) The judge or the judge's personal campaign committee shall report to the lieutenant
 11816 governor each contribution received by the judge, within 31 calendar days after the
 11817 day on which the contribution is received.
- 11818 (c) For each contribution that a judge fails to report within the time period described in
 11819 Subsection (3)(b), the lieutenant governor shall impose a fine against the judge in an
 11820 amount equal to:
 11821 (i) 10% of the amount of the contribution if the judge reports the contribution within
 11822 60 calendar days after the day on which the time period described in Subsection
 11823 (3)(b) ends; or
 11824 (ii) 20% of the amount of the contribution, if the judge fails to report the contribution
 11825 within 60 calendar days after the day on which the time period described in
 11826 Subsection (3)(b) ends.

- 11827 (d) The lieutenant governor shall:
- 11828 (i) deposit money received under Subsection (3)(c) into the General Fund; and
- 11829 (ii) report on the lieutenant governor's website, in the location where reports relating
- 11830 to each judge are available for public access:
- 11831 (A) each fine imposed by the lieutenant governor against the judge;
- 11832 (B) the amount of the fine;
- 11833 (C) the amount of the contribution to which the fine relates; and
- 11834 (D) the date of the contribution.

11835 (4) Within 31 calendar days after [~~receiving~~] the day on which a judge receives a

11836 contribution that is cash or a negotiable instrument, exceeds \$50, and is from an

11837 unknown source, [~~a~~] the judge [~~or the judge's personal campaign committee~~] shall

11838 disburse the amount of the contribution to an organization that is exempt from federal

11839 income taxation under Section 501(c)(3), Internal Revenue Code.

11840 Section 170. Section **20A-12-305** is amended to read:

11841 **20A-12-305 . Judicial retention election candidates -- Financial reporting**

11842 **requirements -- Interim report.**

- 11843 (1) The judge's personal campaign committee shall file an interim report with the lieutenant
- 11844 governor [~~on the date seven~~] seven calendar days before the regular general election date.
- 11845 (2) Each interim report shall include the following information:
- 11846 (a) a detailed listing of each contribution received since the last financial statement;
- 11847 (b) for each nonmonetary contribution, the fair market value of the contribution;
- 11848 (c) a detailed listing of each expenditure made since the last summary report;
- 11849 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and
- 11850 (e) a net balance for the year consisting of all contributions since the last summary
- 11851 report minus all expenditures since the last summary report.
- 11852 (3)(a) For all individual contributions of \$50 or less, a single aggregate figure may be
- 11853 reported without separate detailed listings.
- 11854 (b) Two or more contributions from the same source that have an aggregate total of
- 11855 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 11856 (4) In preparing each interim report, all contributions and expenditures shall be reported as
- 11857 of five calendar days before the required filing date of the report.
- 11858 (5) A negotiable instrument or check received by a judge or the judge's personal campaign
- 11859 committee more than five calendar days before the required filing date of a report
- 11860 required by this section shall be included in the interim report.

11861 Section 171. Section **20A-12-306** is amended to read:

11862 **20A-12-306 . Judges -- Failure to file reports -- Penalties.**

11863 (1)(a) If a judge's personal campaign committee fails to file the interim report due before
11864 the regular general election, the lieutenant governor shall, after making a reasonable
11865 attempt to discover if the report was timely filed:

11866 (i) inform the county clerk and other appropriate election officials who:

11867 (A)(I) shall, if practicable, remove the name of the judge from the ballots

11868 before the ballots are delivered to voters; or

11869 (II) shall, if removing the judge's name from the ballot is not practicable,

11870 inform the voters by any practicable method that the judge has been

11871 disqualified and that votes cast for the judge will not be counted; and

11872 (B) may not count any votes for that judge; and

11873 (ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

11874 (b) Any judge who fails to file timely a financial statement required by this part is
11875 disqualified.

11876 (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified and the
11877 lieutenant governor may not impose a fine if:

11878 (i) the candidate timely files the reports required by this section in accordance with
11879 Section 20A-11-103;

11880 (ii) the reports are completed, detailing accurately and completely the information
11881 required by this part except for inadvertent omissions or insignificant errors or
11882 inaccuracies; and

11883 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are
11884 corrected in an amended report or in the next scheduled report.

11885 (2)(a) Within 30 calendar days after a deadline for the filing of a summary report, the
11886 lieutenant governor shall review each filed summary report to ensure that:

11887 (i) each judge that is required to file a summary report has filed one; and

11888 (ii) each summary report contains the information required by this part.

11889 (b) If it appears that any judge has failed to file the summary report required by law, if it
11890 appears that a filed summary report does not conform to the law, or if the lieutenant
11891 governor has received a written complaint alleging a violation of the law or the
11892 falsity of any summary report, the lieutenant governor shall, [~~within five days of~~
11893 ~~discovery of a violation or receipt of a~~] no later than the first business day that is at
11894 least five calendar days after the day on which the lieutenant governor discovers the

11895 violation or receives the written complaint, notify the judge of the violation or written
 11896 complaint and direct the judge to file a summary report correcting the problem.

11897 (c)(i) It is unlawful for [~~any~~] a judge to fail to file or amend a summary report within
 11898 14 calendar days after [~~receiving~~] the day on which the judge receives notice from
 11899 the lieutenant governor under this section.

11900 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

11901 (iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the
 11902 attorney general.

11903 Section 172. Section **20A-13-102.2** is amended to read:

11904 **20A-13-102.2 . County clerk, Utah Geospatial Resource Center, and lieutenant**
 11905 **governor responsibilities -- Maps and voting precinct boundaries.**

11906 (1) As used in this section[~~,"redistricting"~~] :

11907 (a) "Geospatial center" means the Utah Geospatial Resource Center.

11908 (b) "Redistricting boundary data" means the Congressional shapefile in the possession of
 11909 the lieutenant governor's office.

11910 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's
 11911 county from the lieutenant governor's office.

11912 (3)(a) A county clerk may create one or more county maps that identify the boundaries
 11913 of Utah's Congressional districts as generated from the redistricting boundary data.

11914 (b) Before publishing or distributing any map or data created by the county clerk that
 11915 identifies the boundaries of Utah's Congressional districts within the county, the
 11916 county clerk shall submit the county map and data to the lieutenant governor and to
 11917 the [~~Utah Geospatial Resource Center~~] geospatial center for review.

11918 (c) Within 30 [~~days after receipt of~~] calendar days after the day on which the geospatial
 11919 center receives a county map and data from a county clerk, the [~~Utah Geospatial~~
 11920 ~~Resource Center~~] geospatial center shall:

11921 (i) review the county map and data to evaluate if the county map and data accurately
 11922 reflect the boundaries of Utah's Congressional districts established by the
 11923 Legislature in the redistricting boundary data;

11924 (ii) determine whether the county map and data are correct or incorrect; and

11925 (iii) communicate those findings to the lieutenant governor.

11926 (d) The lieutenant governor shall either notify the county clerk that the county map and
 11927 data are correct or notify the county clerk that the county map and data are incorrect.

11928 (e) If the county clerk receives notice from the lieutenant governor that the county map

and data submitted are incorrect, the county clerk shall:

- (i) make the corrections necessary to conform the county map and data to the redistricting boundary data; and
- (ii) resubmit the corrected county map and data to the lieutenant governor and to the [~~Utah Geospatial Resource Center~~] geospatial center for a new review under this Subsection (3).

(4)(a) Subject to the requirements of this Subsection (4), each county clerk shall establish voting precincts and polling places within each Utah Congressional district according to the procedures and requirements of Section 20A-5-303.

(b) Within five [~~working~~] business days after approval of voting precincts and polling places by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the lieutenant governor and to the [~~Utah Geospatial Resource Center~~] geospatial center for review.

(c) Within 30 [~~days after receipt of~~] calendar days after the day on which the geospatial center receives a map from a county clerk, the [~~Utah Geospatial Resource Center~~] geospatial center shall:

- (i) review the voting precinct map to evaluate if the voting precinct map accurately reflects the boundaries of Utah's Congressional districts established by the Legislature in the redistricting boundary data;
- (ii) determine whether the voting precinct map is correct or incorrect; and
- (iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the map is incorrect.

(e) If the county clerk receives notice from the lieutenant governor that the voting precinct map is incorrect, the county clerk shall:

- (i) make the corrections necessary to conform the voting precinct map to the redistricting boundary data; and
- (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the [~~Utah Geospatial Resource Center~~] geospatial center for a new review under this Subsection (4).

Section 173. Section **20A-13-104** is amended to read:

20A-13-104 . Uncertain boundaries -- How resolved.

(1) As used in this section, "affected party" means:

- 11963 (a) a representative whose Congressional district boundary is uncertain because the
11964 boundary in the Congressional shapefile used to establish the district boundary has
11965 been removed, modified, or is unable to be identified or who is uncertain about
11966 whether the representative or another individual resides in a particular Congressional
11967 district;
- 11968 (b) a candidate for Congressional representative whose Congressional district boundary
11969 is uncertain because the boundary in the Congressional shapefile used to establish the
11970 district boundary has been removed, modified, or is unable to be identified or who is
11971 uncertain about whether the candidate or another individual resides in a particular
11972 Congressional district; or
- 11973 (c) an individual who is uncertain about which Congressional district contains the
11974 individual's residence because the boundary in the Congressional shapefile used to
11975 establish the district boundary has been removed, modified, or is unable to be
11976 identified.
- 11977 (2)(a) An affected party may file a written request petitioning the lieutenant governor to
11978 determine:
- 11979 (i) the precise location of the Congressional district boundary;
- 11980 (ii) the number of the Congressional district in which an individual resides; or
- 11981 (iii) both Subsections (2)(a)(i) and (ii).
- 11982 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
11983 governor shall review:
- 11984 (i) the Congressional block equivalency file and the resulting Congressional
11985 shapefile; and
- 11986 (ii) any other relevant data such as aerial photographs, aerial maps, or other data
11987 about the area.
- 11988 (c) Within five days [~~of receipt of~~] after the day on which the lieutenant governor receives
11989 the request, the lieutenant governor shall:
- 11990 (i) complete the review described in Subsection (2)(b); and
- 11991 (ii) make a determination.
- 11992 (d) When the lieutenant governor determines the location of the Congressional district
11993 boundary, the lieutenant governor shall:
- 11994 (i) prepare a certification identifying the appropriate boundary and attaching a map, if
11995 necessary; and
- 11996 (ii) send a copy of the certification to:

- 11997 (A) the affected party;
 11998 (B) the county clerk of the affected county; and
 11999 (C) the Utah Geospatial Resource Center created under Section 63A-16-505.

- 12000 (e) If the lieutenant governor determines the number of the Congressional district in
 12001 which a particular individual resides, the lieutenant governor shall send a letter
 12002 identifying that district by number to:
 12003 (i) the individual;
 12004 (ii) the affected party who filed the petition, if different than the individual whose
 12005 Congressional district number was identified; and
 12006 (iii) the county clerk of the affected county.

12007 Section 174. Section **20A-13-301** is amended to read:

12008 **20A-13-301 . Presidential elections -- Effect of vote.**

- 12009 (1)(a) Each registered political party shall choose individuals to act as presidential
 12010 electors and to fill vacancies in the office of presidential electors for their party's
 12011 candidates for president and vice president of the United States according to the
 12012 procedures established in their bylaws.
 12013 (b) Each registered political party shall certify to the lieutenant governor the names and
 12014 addresses of the individuals selected by the political party as the party's presidential
 12015 electors before 5 p.m. no later than August 31.
 12016 (c) An unaffiliated candidate or write-in candidate for the office of president of the
 12017 United States shall, no later than 5 p.m. ~~[ten]~~ on the first business day that is at least
 12018 10 calendar days after the day on which the candidate files a declaration of
 12019 candidacy, certify to the lieutenant governor the names and addresses of each
 12020 individual selected by the candidate as a presidential elector for the candidate and
 12021 each individual selected by the candidate to fill a vacancy in the office of presidential
 12022 elector for the candidate.

12023 (2) The highest number of votes cast for candidates for president and vice president of the
 12024 United States elects the presidential electors for:

- 12025 (a) except as provided in Subsection (2)(b), the political party of those candidates; or
 12026 (b) if the candidates receiving the highest number of votes are unaffiliated candidates or
 12027 write-in candidates, the presidential electors selected for those candidates under
 12028 Subsection (1)(c).

12029 Section 175. Section **20A-14-102.2** is amended to read:

12030 **20A-14-102.2 . Uncertain boundaries -- How resolved.**

- 12031 (1) As used in this section:
- 12032 (a) "Affected party" means:
- 12033 (i) a state school board member whose State Board of Education district boundary is
- 12034 uncertain because the feature used to establish the district boundary in the Board
- 12035 shapefile has been removed, modified, or is unable to be identified or who is
- 12036 uncertain about whether the member or another individual resides in a particular
- 12037 State Board of Education district;
- 12038 (ii) a candidate for state school board whose State Board of Education district
- 12039 boundary is uncertain because the feature used to establish the district boundary in
- 12040 the Board shapefile has been removed, modified, or is unable to be identified or
- 12041 who is uncertain about whether the candidate or another individual resides in a
- 12042 particular State Board of Education district; or
- 12043 (iii) an individual who is uncertain about which State Board of Education district
- 12044 contains the individual's residence because the feature used to establish the district
- 12045 boundary in the Board shapefile has been removed, modified, or is unable to be
- 12046 identified.
- 12047 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or
- 12048 political subdivision boundary that is used to establish a State Board of Education
- 12049 district boundary.
- 12050 (2)(a) An affected party may file a written request petitioning the lieutenant governor to
- 12051 determine:
- 12052 (i) the precise location of the State Board of Education district boundary;
- 12053 (ii) the number of the State Board of Education district in which an individual
- 12054 resides; or
- 12055 (iii) both Subsections (2)(a)(i) and (ii).
- 12056 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
- 12057 governor shall review:
- 12058 (i) the Board block equivalency file and the resulting Board shapefile; and
- 12059 (ii) any other relevant data such as aerial photographs, aerial maps, or other data
- 12060 about the area.
- 12061 (c) ~~[Within five days of receipt of]~~ No later than the first business day that is at least five
- 12062 calendar days after the day on which the lieutenant governor receives the request, the
- 12063 lieutenant governor shall:
- 12064 (i) complete the review described in Subsection (2)(b); and

- 12065 (ii) make a determination.
- 12066 (d) If the lieutenant governor determines the precise location of the State Board of
- 12067 Education district boundary, the lieutenant governor shall:
- 12068 (i) prepare a certification identifying the appropriate State Board of Education district
- 12069 boundary and attaching a map, if necessary; and
- 12070 (ii) send a copy of the certification to:
- 12071 (A) the affected party;
- 12072 (B) the county clerk of the affected county; and
- 12073 (C) the Utah Geospatial Resource Center created under Section 63A-16-505.
- 12074 (e) If the lieutenant governor determines the number of the State Board of Education
- 12075 district in which a particular individual resides, the lieutenant governor shall send a
- 12076 letter identifying that district by number to:
- 12077 (i) the individual;
- 12078 (ii) the affected party who filed the petition, if different than the individual whose
- 12079 State Board of Education district number was identified; and
- 12080 (iii) the county clerk of the affected county.

12081 Section 176. Section **20A-14-102.3** is amended to read:

12082 **20A-14-102.3 . County clerk, Utah Geospatial Resource Center, and lieutenant**

12083 **governor responsibilities -- Maps and voting precinct boundaries.**

- 12084 (1) As used in this section~~[, "redistricting"]~~ :
- 12085 (a) "Geospatial center" means the Utah Geospatial Resource Center.
- 12086 (b) "Redistricting boundary data" means the Board shapefile in the possession of the
- 12087 lieutenant governor's office.
- 12088 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's
- 12089 county from the lieutenant governor's office.
- 12090 (3)(a) A county clerk may create one or more county maps that identify the boundaries
- 12091 of State Board of Education districts as generated from the redistricting boundary
- 12092 data.
- 12093 (b) Before publishing or distributing any map or data created by the county clerk that
- 12094 identifies the boundaries of State Board of Education districts within the county, the
- 12095 clerk shall submit the county map and data to the lieutenant governor and to the [~~Utah Geospatial Resource Center~~]
- 12096 geospatial center for review.
- 12097 (c) Within 30 ~~[days after receipt of]~~ calendar days after the day on which the geospatial
- 12098 center receives a county map and data from a county clerk, the [~~Utah Geospatial~~

12099 ~~Resource Center~~] geospatial center shall:

12100 (i) review the county map and data to evaluate if the county map and data accurately
12101 reflect the boundaries of State Board of Education districts established by the
12102 Legislature in the redistricting boundary data;

12103 (ii) determine whether the county map and data are correct or incorrect; and

12104 (iii) communicate those findings to the lieutenant governor.

12105 (d) The lieutenant governor shall either notify the county clerk that the county map and
12106 data are correct or inform the county clerk that the county map and data are incorrect.

12107 (e) If the county clerk receives notice from the lieutenant governor that the county map
12108 and data submitted are incorrect, the county clerk shall:

12109 (i) make the corrections necessary to conform the county map and data to the
12110 redistricting boundary data; and

12111 (ii) resubmit the corrected county map and data to the lieutenant governor for a new
12112 review under this Subsection (3).

12113 (4)(a) Subject to the requirements of this Subsection (4), each county clerk shall

12114 establish voting precincts and polling places within each State Board of Education
12115 district according to the procedures and requirements of Section 20A-5-303.

12116 (b) Within five [~~working days after approval of voting precincts and polling places by~~]

12117 business days after the day on which the county legislative body [~~as required by~~]

12118 approves the voting precincts under Section 20A-5-303, each county clerk shall

12119 submit a voting precinct map identifying the boundaries of each voting precinct

12120 within the county to the lieutenant governor and to the [~~Utah Geospatial Resource~~

12121 ~~Center~~] geospatial center for review.

12122 (c) Within 30 [~~days after receipt of~~] calendar days after the day on which the geospatial

12123 center receives a voting precinct map from a county clerk, the [~~Utah Geospatial~~

12124 ~~Resource Center~~] geospatial center shall:

12125 (i) review the voting precinct map to evaluate if the voting precinct map accurately
12126 reflects the boundaries of State Board of Education districts established by the
12127 Legislature in the redistricting boundary data;

12128 (ii) determine whether the voting precinct map is correct or incorrect; and

12129 (iii) communicate those findings to the lieutenant governor.

12130 (d) The lieutenant governor shall either notify the county clerk that the voting precinct
12131 map is correct or notify the county clerk that the voting precinct map is incorrect.

12132 (e) If the county clerk receives notice from the lieutenant governor that the voting

12133 precinct map is incorrect, the county clerk shall:

- 12134 (i) make the corrections necessary to conform the voting precinct map to the
 12135 redistricting boundary data; and
 12136 (ii) resubmit the corrected voting precinct map to the lieutenant governor and to the [
 12137 ~~Utah Geospatial Resource Center~~] geospatial center for a new review under this
 12138 Subsection (4).

12139 Section 177. Section **20A-14-201** is amended to read:

12140 **20A-14-201 . Boards of education -- School board districts -- Creation --**

12141 **Redistricting.**

- 12142 (1) The county legislative body, for local school districts whose boundaries encompass
 12143 more than a single municipality, and the municipal legislative body, for local school
 12144 districts contained completely within a municipality, shall divide the local school district
 12145 into local school board districts as required under Subsection 20A-14-202(1).
 12146 (2) The county and municipal legislative bodies shall divide the school district so that the
 12147 local school board districts are substantially equal in population and are as contiguous
 12148 and compact as practicable.
 12149 (3) County and municipal legislative bodies shall redistrict local school board districts to
 12150 meet the population, compactness, and contiguity requirements of this section:
 12151 (a) at least once every 10 years;
 12152 (b) for a new school district or a reorganized new school district that is approved by the
 12153 voters at a regular general election under Section 53G-3-301.1, 53G-3-301.3, or
 12154 53G-3-301.4, before April 1 of the following year;
 12155 (c) whenever school districts are consolidated;
 12156 (d) whenever a school district loses more than 20% of the population of the entire school
 12157 district to another school district;
 12158 (e) whenever a school district loses more than 50% of the population of a local school
 12159 board district to another school district;
 12160 (f) whenever a school district receives new residents equal to at least 20% of the
 12161 population of the school district at the time of the last redistricting because of a
 12162 transfer of territory from another school district; and
 12163 (g) whenever it is necessary to increase the membership of a board as a result of changes
 12164 in student membership under Section 20A-14-202.
 12165 (4) If a school district receives territory containing less than 20% of the population of the
 12166 transferee district at the time of the last redistricting, the local school board may assign

- 12167 the new territory to one or more existing school board districts.
- 12168 (5) Except as provided in Subsection 53G-3-302(1)(b)(ii), redistricting does not affect the
12169 right of any school board member to complete the term for which the member was
12170 elected.
- 12171 (6)(a) After redistricting, representation in a local school board district shall be
12172 determined as provided in this Subsection (6).
- 12173 (b) If, after redistricting, only one board member whose term extends beyond
12174 redistricting lives within a local school board district, that board member shall
12175 represent that local school board district.
- 12176 (c) If, after redistricting, two or more members whose terms extend beyond redistricting
12177 live within a local school board district, the members involved shall select one
12178 member by lot to represent the local school board district.
- 12179 (d) The other members shall serve at-large for the remainder of their terms.
- 12180 (e) The at-large board members shall serve in addition to the designated number of
12181 board members for the board in question for the remainder of their terms.
- 12182 (f) If there is no board member living within a local school board district whose term
12183 extends beyond redistricting, the seat shall be treated as vacant and filled as provided
12184 in this part.
- 12185 (7)(a) If, before an election affected by redistricting, the county or municipal legislative
12186 body that conducted the redistricting determines that one or more members shall be
12187 elected to terms of two years to meet this part's requirements for staggered terms, the
12188 legislative body shall determine by lot which of the redistricted local school board
12189 districts will elect members to two-year terms and which will elect members to
12190 four-year terms.
- 12191 (b) All subsequent elections are for four-year terms.
- 12192 (8) Within 10 calendar days after [~~any~~] the day of a local school board district boundary
12193 change, the county or municipal legislative body making the change shall send an
12194 accurate map or plat of the boundary change to the Utah Geospatial Resource Center
12195 created under Section 63A-16-505.
- 12196 (9) Subsections (4) through (7) do not apply to a redistricting that occurs under Subsection
12197 (3)(b).

12198 Section 178. Section **20A-15-103** is amended to read:

12199 **20A-15-103 . Delegates -- Candidacy -- Qualifications -- Nominating procedures**
12200 **-- Removal of petition signature.**

- 12201 (1) Candidates for the office of delegate to the ratification convention shall be citizens,
 12202 residents of Utah, and at least 21 years old.
- 12203 (2) Persons wishing to be delegates to the ratification convention shall:
 12204 (a) circulate a nominating petition meeting the requirements of this section; and
 12205 (b) obtain the signature of at least 100 registered voters.
- 12206 (3)(a) A single nominating petition may nominate any number of candidates up to 21,
 12207 the total number of delegates to be elected.
 12208 (b) Nominating petitions may not contain anything identifying a candidate's party or
 12209 political affiliation.
 12210 (c) Each nominating petition shall contain a written statement signed by each nominee,
 12211 indicating either that the candidate will:
 12212 (i) vote for ratification of the proposed amendment; or
 12213 (ii) vote against ratification of the proposed amendment.
 12214 (d) A nominating petition containing the names of more than one nominee may not
 12215 contain the name of any nominee whose stated position in the nominating petition is
 12216 inconsistent with that of any other nominee listed in the petition.
- 12217 (4)(a) [~~Candidates shall file their nominating petitions~~] A candidate shall file the
 12218 candidate's nominating petition with the lieutenant governor [~~before 5 p.m.~~]no later
 12219 than 5 p.m. on the last business day that is at least 40 calendar days before the
 12220 proclaimed date of the election.
- 12221 (b) Within 10 calendar days after the last day for filing the petitions, the lieutenant
 12222 governor shall:
 12223 (i) use the procedures described in Section 20A-1-1002 to determine whether a signer
 12224 is a registered voter;
 12225 (ii) declare nominated the 21 nominees in favor of ratification and the 21 nominees
 12226 against ratification whose nominating petitions have been signed by the largest
 12227 number of registered voters;
 12228 (iii) decide any ties by lot drawn by the lieutenant governor; and
 12229 (iv) certify the nominated candidates of each group to the county clerk of each county
 12230 within the state.
- 12231 (5)(a) A voter who signs a nomination petition under this section may have the voter's
 12232 signature removed from the petition by, no later than 5 p.m. three business days after
 12233 the last day for filing the petitions, submitting to the lieutenant governor a statement
 12234 requesting that the voter's signature be removed.

- 12235 (b) A statement described in Subsection (5)(a) shall comply with the requirements
12236 described in Subsection 20A-1-1003(2).
- 12237 (c) The lieutenant governor shall use the procedures described in Subsection
12238 20A-1-1003(3) to determine whether to remove an individual's signature from a
12239 petition after receiving a timely, valid statement requesting removal of the signature.
12240 Section 179. Section **20A-15-201** is amended to read:
- 12241 **20A-15-201 . Convening -- Vacancies -- Election of officers -- Journal of**
12242 **proceedings.**
- 12243 (1) The delegates to the convention shall convene at the state capitol at noon on the 28th
12244 calendar day after [~~their~~] the delegates' election to pass upon the question of whether [~~or~~
12245 ~~not~~]the proposed amendment shall be ratified.
- 12246 (2)(a) If, at the time the convention convenes, there is a vacancy in the convention, the
12247 delegates from the group from which the delegate creating the vacancy was elected
12248 shall, by majority vote, appoint a person to fill the vacancy.
- 12249 (b) If the convention contains no other delegates from the group from which the delegate
12250 creating the vacancy was elected, the governor shall appoint a person to fill the
12251 vacancy.
- 12252 (3) The convention may:
- 12253 (a) elect a president, secretary, and other officers; and
12254 (b) adopt its own rules.
- 12255 (4) The convention shall:
- 12256 (a) keep a journal of its proceedings;
12257 (b) record in the journal the vote of each delegate on the question of ratification of the
12258 proposed amendment; and
12259 (c) file the journal with the lieutenant governor after the convention adjourns.
- 12260 (5)(a) Delegates to the ratification convention shall:
- 12261 (i) serve without pay;
12262 (ii) receive a per diem of \$4 per day while the convention is in session; and
12263 (iii) receive mileage at the rate of 10 cents per mile for the distance necessarily
12264 traveled in going to and returning from the place of meeting by the most usual
12265 route.
- 12266 (b) The lieutenant governor shall pay the per diem and mileage, together with the
12267 necessary expenses of the convention for printing and stenographic services, from the
12268 state treasury.

12269 Section 180. Section **20A-16-202** is amended to read:

12270 **20A-16-202 . Report on ballots.**

12271 (1) No later than 60 calendar days after each regular general election date, each county
12272 clerk shall submit a report to the lieutenant governor indicating:

12273 (a) the number of ballots sent to covered voters; and

12274 (b) the number of ballots returned by covered voters that were counted.

12275 (2) No later than 90 calendar days after each regular general election date, the lieutenant
12276 governor shall submit a statewide report to the Election Assistance Commission that
12277 includes the information required by Subsection (1).

12278 Section 181. Section **20A-16-403** is amended to read:

12279 **20A-16-403 . Transmission of unvoted ballots.**

12280 (1) For an election for which the state has not received a waiver pursuant to the Military
12281 and Overseas Voter Empowerment Act, 52 U.S.C. Sec. 20302(g)(2), not later than 45
12282 calendar days before the day of the election or, notwithstanding Section 20A-1-104, if
12283 the 45th calendar day before the day of the election is a weekend or holiday, not later
12284 than the business day preceding the 45th calendar day before the day of the election, the
12285 election official in each jurisdiction charged with distributing a ballot and balloting
12286 materials shall transmit a ballot and balloting materials to all covered voters who by that
12287 date submit a valid military-overseas ballot application.

12288 (2)(a) A covered voter who requests that a ballot and balloting materials be sent to the
12289 voter by electronic transmission may choose:

12290 (i) facsimile transmission;

12291 (ii) email delivery; or

12292 (iii) if offered by the voter's jurisdiction, Internet delivery.

12293 (b) The election official in each jurisdiction charged with distributing a ballot and
12294 balloting materials shall transmit the ballot and balloting materials to the voter using
12295 the means of transmission chosen by the voter.

12296 (3) If a ballot application from a covered voter arrives after the jurisdiction begins
12297 transmitting ballots and balloting materials to voters, the official charged with
12298 distributing a ballot and balloting materials shall transmit the ballot and balloting
12299 materials to the voter no later than two business days after the day on which the
12300 application arrives.

12301 Section 182. Section **20A-16-502** is amended to read:

12302 **20A-16-502 . Publication of election notice.**

- 12303 (1) At least 100 calendar days before the day of an election, other than a statewide special
12304 election or local special election, and as soon as practicable before a statewide special
12305 election or local special election, the election officer shall prepare an election notice for
12306 the election officer's jurisdiction, to be used in conjunction with a federal write-in
12307 absentee ballot.
- 12308 (2) The election notice must contain:
- 12309 (a) a list of all of the ballot propositions and federal, state, and local offices that as of
12310 that date the election officer expects to be on the ballot on the date of the election; and
- 12311 (b) specific instructions for how a covered voter is to indicate on the federal write-in
12312 absentee ballot the covered voter's choice for each office to be filled and for each
12313 ballot proposition to be contested.
- 12314 (3)(a) A covered voter may request a copy of an election notice.
- 12315 (b) The election officer shall send the notice to the covered voter by facsimile, email, or
12316 regular mail, as the covered voter requests.
- 12317 (4) As soon as the ballot is certified, and not later than the date ballots are required to be
12318 transmitted to voters under Chapter 3a, Voting, the election officer charged with
12319 preparing the election notice under Subsection (1) shall update the notice with the
12320 certified candidates for each office and ballot propositions and make the updated notice
12321 publicly available.
- 12322 (5) A political subdivision that maintains a website shall make the election notice prepared
12323 under this section and updated versions of the election notice regularly available on the
12324 website.

12325 Section 183. Section **20A-21-201** is amended to read:

12326 **20A-21-201 . Electronic signature gathering for an initiative, a referendum, or**
12327 **candidate qualification.**

- 12328 (1)(a) After filing a petition for a statewide initiative or a statewide referendum, and
12329 before gathering signatures, the sponsors shall, after consulting with the Office of the
12330 Lieutenant Governor, sign a form provided by the Office of the Lieutenant Governor
12331 indicating whether the sponsors will gather signatures manually or electronically.
- 12332 (b) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather
12333 signatures electronically:
- 12334 (i) in relation to a statewide initiative, signatures for that initiative:
- 12335 (A) may only be gathered and submitted electronically, in accordance with this
12336 section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

- 12337 (B) may not be gathered or submitted using the manual signature-gathering
12338 process described in Sections 20A-7-105 and 20A-7-204; and
- 12339 (ii) in relation to a statewide referendum, signatures for that referendum:
- 12340 (A) may only be gathered and submitted electronically, in accordance with this
12341 section and Sections 20A-7-313, 20A-7-314, and 20A-7-315; and
- 12342 (B) may not be gathered or submitted using the manual signature-gathering
12343 process described in Sections 20A-7-105 and 20A-7-304.
- 12344 (c) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather
12345 signatures manually:
- 12346 (i) in relation to a statewide initiative, signatures for that initiative:
- 12347 (A) may only be gathered and submitted using the manual signature-gathering
12348 process described in Sections 20A-7-105 and 20A-7-204; and
- 12349 (B) may not be gathered or submitted electronically, as described in this section
12350 and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and
- 12351 (ii) in relation to a statewide referendum, signatures for that referendum:
- 12352 (A) may only be gathered and submitted using the manual signature-gathering
12353 process described in Sections 20A-7-105 and 20A-7-304; and
- 12354 (B) may not be gathered or submitted electronically, as described in this section
12355 and Sections 20A-7-313, 20A-7-314, and 20A-7-315.
- 12356 (2)(a) After filing a petition for a local initiative or a local referendum, and before
12357 gathering signatures, the sponsors shall, after consulting with the local clerk's office,
12358 sign a form provided by the local clerk's office indicating whether the sponsors will
12359 gather signatures manually or electronically.
- 12360 (b) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather
12361 signatures electronically:
- 12362 (i) in relation to a local initiative, signatures for that initiative:
- 12363 (A) may only be gathered and submitted electronically, in accordance with this
12364 section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and
- 12365 (B) may not be gathered or submitted using the manual signature-gathering
12366 process described in Sections 20A-7-105 and 20A-7-504; and
- 12367 (ii) in relation to a local referendum, signatures for that referendum:
- 12368 (A) may only be gathered and submitted electronically, in accordance with this
12369 section and Sections 20A-7-614, 20A-7-615, and 20A-7-616; and
- 12370 (B) may not be gathered or submitted using the manual signature-gathering

- 12371 process described in Sections 20A-7-105 and 20A-7-604.
- 12372 (c) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather
12373 signatures manually:
- 12374 (i) in relation to a local initiative, signatures for that initiative:
- 12375 (A) may only be gathered and submitted using the manual signature-gathering
12376 process described in Sections 20A-7-105 and 20A-7-504; and
- 12377 (B) may not be gathered or submitted electronically, as described in this section
12378 and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and
- 12379 (ii) in relation to a local referendum, signatures for that referendum:
- 12380 (A) may only be gathered and submitted using the manual signature-gathering
12381 process described in Sections 20A-7-105 and 20A-7-604; and
- 12382 (B) may not be gathered or submitted electronically, as described in this section
12383 and Sections 20A-7-614, 20A-7-615, and 20A-7-616.
- 12384 (3)(a) After a candidate files a notice of intent to gather signatures to qualify for a ballot,
12385 and before gathering signatures, the candidate shall, after consulting with the election
12386 officer, sign a form provided by the election officer indicating whether the candidate
12387 will gather signatures manually or electronically.
- 12388 (b) If a candidate indicates, under Subsection (3)(a), that the candidate will gather
12389 signatures electronically, signatures for the candidate:
- 12390 (i) may only be gathered and submitted using the electronic candidate qualification
12391 process; and
- 12392 (ii) may not be gathered or submitted using the manual candidate qualification
12393 process.
- 12394 (c) If a candidate indicates, under Subsection (3)(a), that the candidate will gather
12395 signatures manually, signatures for the candidate:
- 12396 (i) may only be gathered and submitted using the manual candidate qualification
12397 process; and
- 12398 (ii) may not be gathered or submitted using the electronic candidate qualification
12399 process.
- 12400 (4) To gather a signature electronically, a signature-gatherer shall:
- 12401 (a) use a device provided by the signature-gatherer or a sponsor of the petition that:
- 12402 (i) is approved by the lieutenant governor;
- 12403 (ii) except as provided in Subsection (4)(a)(iii), does not store a signature or any
12404 other information relating to an individual signing the petition in any location

- 12405 other than the location used by the website to store the information;
- 12406 (iii) does not, on the device, store a signature or any other information relating to an
12407 individual signing the petition except for the minimum time necessary to upload
12408 information to the website;
- 12409 (iv) does not contain any applications, software, or data other than those approved by
12410 the lieutenant governor; and
- 12411 (v) complies with cyber-security and other security protocols required by the
12412 lieutenant governor;
- 12413 (b) use the approved device to securely access a website designated by the lieutenant
12414 governor, directly, or via an application designated by the lieutenant governor; and
- 12415 (c) while connected to the website, present the approved device to an individual
12416 considering signing the petition and, while the signature-gatherer is in the physical
12417 presence of the individual:
- 12418 (i) wait for the individual to reach each screen presented to the individual on the
12419 approved device; and
- 12420 (ii) wait for the individual to advance to each subsequent screen by clicking on the
12421 acknowledgement at the bottom of the screen.
- 12422 (5) Each screen shown on an approved device as part of the signature-gathering process
12423 shall appear as a continuous electronic document that, if the entire document does not
12424 appear on the screen at once, requires the individual viewing the screen to, before
12425 advancing to the next screen, scroll through the document until the individual reaches
12426 the end of the document.
- 12427 (6) After advancing through each screen required for the petition, the signature process
12428 shall proceed as follows:
- 12429 (a) except as provided in Subsection (6)(b):
- 12430 (i) the individual desiring to sign the petition shall present the individual's driver
12431 license or state identification card to the signature-gatherer;
- 12432 (ii) the signature-gatherer shall verify that the individual pictured on the driver
12433 license or state identification card is the individual signing the petition;
- 12434 (iii) the signature-gatherer shall scan or enter the driver license number or state
12435 identification card number through the approved device; and
- 12436 (iv) immediately after the signature-gatherer complies with Subsection (6)(a)(iii), the
12437 website shall determine whether the individual desiring to sign the petition is
12438 eligible to sign the petition;

- 12439 (b) if the individual desiring to sign the petition is unable to provide a driver license or
12440 state identification card to the signature gatherer:
- 12441 (i) the individual may present other valid voter identification;
- 12442 (ii) if the valid voter identification contains a picture of the individual, the
12443 signature-gatherer shall verify that the individual pictured is the individual signing
12444 the petition;
- 12445 (iii) if the valid voter identification does not contain a picture of the individual, the
12446 signature-gatherer shall, to the extent reasonably practicable, use the individual's
12447 address or other available means to determine whether the identification relates to
12448 the individual presenting the identification;
- 12449 (iv) the signature-gatherer shall scan an image of the valid voter identification and
12450 immediately upload the image to the website; and
- 12451 (v) the individual:
- 12452 (A) shall enter the individual's address; and
- 12453 (B) may, at the discretion of the individual, enter the individual's date of birth or
12454 age after the individual clicks on the screen acknowledging that they have read
12455 and understand the following statement, "Birth date or age information is not
12456 required, but may be used to verify your identity with voter registration
12457 records. If you choose not to provide it, your signature may not be verified as a
12458 valid signature if you change your address before your signature is verified or
12459 if the information you provide does not match your voter registration records.";
- 12460 and
- 12461 (c) after completing the process described in Subsection (6)(a) or (b), the screen shall:
- 12462 (i) except for a petition to qualify a candidate for the ballot, give the individual
12463 signing the petition the opportunity to enter the individual's email address after the
12464 individual reads the following statement, "If you provide your email address, you
12465 may receive an email with additional information relating to the petition you are
12466 signing."; and
- 12467 (ii)(A) if the website determines, under Subsection (6)(a)(iv), that the individual is
12468 eligible to sign the petition, permit the individual to enter the individual's name
12469 as the individual's electronic signature and, immediately after the
12470 signature-gatherer timely complies with Subsection (10), certify the signature; or
- 12471 (B) if the individual provides valid voter identification under Subsection (6)(b),
12472 permit the individual to enter the individual's name as the individual's

- 12473 electronic signature.
- 12474 (7) If an individual provides valid voter identification under Subsection (6)(b), the county
- 12475 clerk shall, within seven calendar days after the day on which the individual submits the
- 12476 valid voter identification, certify the signature if:
- 12477 (a) the individual is eligible to sign the petition;
- 12478 (b) the identification provided matches the information on file; and
- 12479 (c) the signature-gatherer timely complies with Subsection (10).
- 12480 (8) For each signature submitted under this section, the website shall record:
- 12481 (a) the information identifying the individual who signs;
- 12482 (b) the date the signature was collected; and
- 12483 (c) the name of the signature-gatherer.
- 12484 (9) An individual who is a signature-gatherer may not sign a petition unless another
- 12485 individual acts as the signature-gatherer when the individual signs the petition.
- 12486 (10) Except for a petition for a candidate to seek the nomination of a registered political party,
- 12487 each individual who gathers a signature under this section shall, within one business day after
- 12488 the day on which the individual gathers a signature, electronically sign and submit the
- 12489 following statement to the website:
- 12490 "VERIFICATION OF SIGNATURE-GATHERER
- 12491 State of Utah, County of ____
- 12492 I, _____, of _____, hereby state, under penalty of perjury, that:
- 12493 I am at least 18 years old;
- 12494 All the signatures that I collected on [Date signatures were gathered] were signed by
- 12495 individuals who professed to be the individuals whose signatures I gathered, and each of the
- 12496 individuals signed the petition in my presence;
- 12497 I did not knowingly make a misrepresentation of fact concerning the law or proposed
- 12498 law to which the petition relates;
- 12499 I believe that each individual has signed the individual's name and written the
- 12500 individual's residence correctly, that each signer has read and understands the law to which the
- 12501 petition relates, and that each signer is registered to vote in Utah;
- 12502 Each signature correctly reflects the date on which the individual signed the petition; and
- 12503 I have not paid or given anything of value to any individual who signed this petition to
- 12504 encourage that individual to sign it."
- 12505 (11) Except for a petition for a candidate to seek the nomination of a registered political
- 12506 party:

- 12507 (a) the county clerk may not certify a signature that is not timely verified in accordance
- 12508 with Subsection (10); and
- 12509 (b) if a signature certified by a county clerk under Subsection (6)(c)(ii)(A) is not timely
- 12510 verified in accordance with Subsection (10), the county clerk shall:
- 12511 (i) revoke the certification;
- 12512 (ii) remove the signature from the posting described in Subsection 20A-7-217(4),
- 12513 20A-7-315(3), 20A-7-516(4), or 20A-7-616(3); and
- 12514 (iii) update the totals described in Subsections 20A-7-217(5)(a)(ii), 20A-7-315
- 12515 (5)(a)(ii), 20A-7-516(5)(a)(ii), and 20A-7-616(5)(a)(ii).

12516 (12) For a petition for a candidate to seek the nomination of a registered political party, each
 12517 individual who gathers a signature under this section shall, within one business day after the
 12518 day on which the individual gathers a signature, electronically sign and submit the following
 12519 statement to the lieutenant governor in the manner specified by the lieutenant governor:

12520 "VERIFICATION OF SIGNATURE-GATHERER

12521 State of Utah, County of _____

12522 I, _____, of _____, hereby state that:

12523 I am at least 18 years old;

12524 All the signatures that I collected on [Date signatures were gathered] were signed by
 12525 individuals who professed to be the individuals whose signatures I gathered, and each of the
 12526 individuals signed the petition in my presence;

12527 I believe that each individual has signed the individual's name and written the
 12528 individual's residence correctly and that each signer is registered to vote in Utah; and

12529 Each signature correctly reflects the date on which the individual signed the petition."

12530 (13) For a petition for a candidate to seek the nomination of a registered political party, the
 12531 election officer may not certify a signature that is not timely verified in accordance with
 12532 Subsection (12).

12533 Section 184. Section **63G-1-301** is repealed and reenacted to read:

12534 **63G-1-301 . Legal holidays -- Personal preference day -- Governor authorized to**
 12535 **declare additional legal holidays.**

12536 (1) The following days are legal holidays in Utah:

12537 (a) except as provided in Subsection (2)(a) or (b):

12538 (i) January 1, New Year's Day;

12539 (ii) July 4, Independence Day;

12540 (iii) July 24, Pioneer Day;

- 12541 (iv) November 11, Veterans Day;
- 12542 (v) December 25, Christmas; and
- 12543 (vi) a day designated by proclamation issued by the president of the United States or
- 12544 the governor as a day of fasting or thanksgiving;
- 12545 (b)(i) the third Monday of January, Dr. Martin Luther King, Jr. Day;
- 12546 (ii) the third Monday of February, Washington and Lincoln Day;
- 12547 (iii) the last Monday of May, Memorial Day;
- 12548 (iv) the first Monday of September, Labor Day;
- 12549 (v) the second Monday of October, Columbus Day;
- 12550 (vi) the fourth Thursday of November, Thanksgiving Day; and
- 12551 (vii) except as provided in Subsection (2)(c) or (d), June 19, Juneteenth National
- 12552 Freedom Day; and
- 12553 (c) except as provided in Subsection (3), every Sunday.
- 12554 (2)(a) If a day described in Subsection (1)(a) falls on a Saturday, the preceding Friday is
- 12555 the legal holiday.
- 12556 (b) If a day described in Subsection (1)(a) falls on a Sunday, the following Monday is
- 12557 the legal holiday.
- 12558 (c) If June 19 falls on a Tuesday, Wednesday, Thursday, or Friday, the preceding
- 12559 Monday is the legal holiday.
- 12560 (d) If June 19 falls on Saturday or Sunday, the following Monday is the legal holiday.
- 12561 (3) For purposes of Utah Constitution, Article VI, Section 16, Subsection (1), regarding the
- 12562 exclusion of state holidays from the 45-day legislative general session, Sunday is not
- 12563 considered a state holiday.
- 12564 (4) Each employee may select one additional day, called Personal Preference Day, to be
- 12565 scheduled in accordance with rules made, in accordance with Title 63G, Chapter 3, Utah
- 12566 Administrative Rulemaking Act, by the Division of Human Resource Management.
- 12567 (5)(a) If, in the governor's opinion, extraordinary conditions exist justifying the action,
- 12568 the governor may:
- 12569 (i) declare, by proclamation, legal holidays in addition to those legal holidays
- 12570 described in Subsections (1) and (2); or
- 12571 (ii) limit the legal holidays described in Subsection (5)(a)(i) to certain classes of
- 12572 business and activities to be designated by the governor.
- 12573 (b) Except as provided in Subsection (5)(c), a legal holiday described in Subsection
- 12574 (5)(a) may not extend for a longer period than 60 consecutive days.

- 12575 (c) The governor may, by proclamation:
- 12576 (i) renew a legal holiday described in Subsection (5)(a) for one or more periods not
- 12577 exceeding 30 days each as the governor determines necessary; or
- 12578 (ii) terminate a legal holiday described under Subsection (5)(a) or (b) earlier than the
- 12579 time period described in a preceding proclamation.

12580 Section 185. **Effective Date.**

12581 This bill takes effect on May 7, 2025.

12582 Section 186. **Coordinating S.B. 164 with S.B. 259.**

12583 If S.B. 164, Modifications to Election Law, and S.B. 259, State Holy Days, both pass

12584 and become law, the Legislature intends that, on May 7, 2025:

12585 (1) the following language be inserted as new Subsection 63G-1-301(1)(b)(i) in S.B. 164

12586 and that the remaining subsections in Subsection 63G-1-301(1)(b) in S.B. 164 be renumbered

12587 accordingly:

12588 "(i) the first Sunday after the first full moon that occurs on or after the spring equinox,

12589 Easter Sunday;"; and

12590 (2) Subsection 63G-1-301(4) enacted in S.B. 164 be amended to read:

12591 "(4) Each employee may select one additional day, called Personal Preference Day, to be

12592 scheduled in accordance with rules made, in accordance with Title 63G, Chapter 3, Utah

12593 Administrative Rulemaking Act, by the Division of Human Resource Management, which the

12594 employee may use to observe a state holy day, as described in Section 63G-1-1101, or any

12595 other day the employee chooses to recognize."