

## SB0107S02 compared with SB0107S01

~~{deleted text}~~ shows text that was in SB0107S01 but was deleted in SB0107S02.

inserted text shows text that was not in SB0107S01 but was inserted into SB0107S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Todd D. Weiler proposes the following substitute bill:

### ~~{UNAFFILIATED CANDIDATE}~~ELECTION PROCESS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd D. Weiler**

House Sponsor: ~~{\_\_\_\_\_}~~Jordan D. Teuscher

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#### LONG TITLE

##### General Description:

This bill ~~{addresses candidates for public office who are not affiliated with a political party}~~modifies provisions related to petitions.

##### Highlighted Provisions:

This bill:

- ▶ repeals the in-state residency requirement for individuals who collect petition signatures;
- ▶ repeals provisions related to the in-state residency requirement described above;
- ▶ establishes the deadline by which a candidate for public office who is not affiliated with a political party must submit signatures to the county clerk for verification;
- ▶ establishes a deadline for the county clerk to count and certify the number of registered voters who signed a signature packet;

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- ▶ expands the time period within which a candidate described above may file the certificate of nomination with a filing officer; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

[20A-7-105](#), as enacted by Laws of Utah 2023, Chapter 116

[20A-7-203](#), as last amended by Laws of Utah 2023, Chapter 107

[20A-7-213](#), as last amended by Laws of Utah 2023, Chapters 107, 116

[20A-7-303](#), as last amended by Laws of Utah 2023, Chapter 107

[20A-7-312](#), as last amended by Laws of Utah 2023, Chapter 107

[20A-7-503](#), as last amended by Laws of Utah 2023, Chapter 107

[20A-7-512](#), as last amended by Laws of Utah 2023, Chapter 107

[20A-7-603](#), as last amended by Laws of Utah 2023, Chapter 107

[20A-7-612](#), as last amended by Laws of Utah 2023, Chapter 107

[20A-9-502](#), as last amended by Laws of Utah 2023, Chapter 116

[20A-9-503](#), as last amended by Laws of Utah 2023, Chapter 15

[20A-9-504](#), as last amended by Laws of Utah 2019, Chapter 255

[20A-21-201](#), as last amended by Laws of Utah 2023, Chapter 116

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

[Section 1. Section 20A-7-105 is amended to read:](#)

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

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

(2) As used in this section:

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(a) "Local petition" means:

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

or

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

Procedures.

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

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

(d) "Statewide petition" means:

(i) a manual statewide initiative petition described in Part 2, Statewide Initiatives; or

(ii) a manual statewide referendum petition described in Part 3, Statewide Referenda.

(3) (a) A Utah voter may sign a statewide petition if the voter is a legal voter.

(b) A Utah voter may sign a local petition if the voter:

(i) is a legal voter; and

(ii) resides in the local jurisdiction.

(4) (a) The sponsors shall ensure that the individual in whose presence each signature sheet was signed:

(i) is at least 18 years old ~~and meets the residency requirements of Section 20A-2-105~~;

(ii) verifies each signature sheet by completing the verification printed on the last page of each packet; and

(iii) is informed that each signer is required to read and understand:

(A) for an initiative petition, the law proposed by the initiative; or

(B) for a referendum petition, the law that the referendum seeks to overturn.

(b) An individual may not sign the verification printed on the last page of a packet if the individual signed a signature sheet in the packet.

(5) (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than the earlier of:

(i) for a statewide initiative:

(A) 30 days after the day on which the first individual signs the initiative packet;

(B) 316 days after the day on which the application for the initiative petition is filed; or

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(C) the February 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-202;

(ii) for a statewide referendum:

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

(B) 40 days after the day on which the legislative session at which the law passed ends;

(iii) for a local initiative:

(A) 30 days after the day on which the first individual signs the initiative packet;

(B) 316 days after the day on which the application is filed;

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

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

(iv) for a local referendum:

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

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

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

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

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

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

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

"You signed a petition for the following initiative:

[insert title of initiative]

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

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in the email]."

(d) When the sponsors submit the last initiative packet to the county clerk, the sponsors shall submit to the county clerk:

(i) a list containing:

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

(B) the date the email was sent;

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

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

"Verification of initiative sponsor State of Utah, County of \_\_\_\_\_, I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

I am a sponsor of the initiative petition entitled \_\_\_\_\_; and

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

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(Name) { \_\_\_\_\_ } (Residence Address) \_\_\_\_\_ (Date)".

(e) Signatures gathered for an initiative petition are not valid if the sponsors do not comply with Subsection (5)(c) or (d).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) 90 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-507(2);

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

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

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

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

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

(ii) 45 days after the day on which the local clerk posts the voter's name under Subsection 20A-7-607(2)(a).

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

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

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

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

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

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

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

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

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

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

Section 2. Section 20A-7-203 is amended to read:

**20A-7-203. Manual initiative process -- Form of initiative petition and signature sheets.**

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

(2) (a) Each proposed initiative petition shall be printed in substantially the following form:

"INITIATIVE PETITION To the Honorable \_\_\_\_, Lieutenant Governor:

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the regular general election/session to be held/ beginning on \_\_\_\_\_(month\day\year);

Each signer says:

I have personally signed this initiative petition;

The date next to my signature correctly reflects the date that I actually signed the initiative petition;

I have personally reviewed the entire statement included with this packet;

I am registered to vote in Utah; and

My residence and post office address are written correctly after my name.

NOTICE TO SIGNERS:

Public hearings to discuss this initiative were held at: (list dates and locations of public hearings.)".

(b) If the initiative proposes a tax increase, the following statement shall appear, in at least 14-point, bold type, immediately following the information described in Subsection (2)(a):

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax



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percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."

(c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the proposed law to each initiative petition.

(3) Each initiative signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;

(c) include the title of the initiative printed below the horizontal line, in at least 14-point, bold type;

(d) include a table immediately below the title of the initiative, and beginning .5 inch from the left side of the paper, as follows:

(i) the first column shall be .5 inch wide and include three rows;

(ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;

(iii) the second row of the first column shall be .35 inch tall;

(iv) the third row of the first column shall be .5 inch tall;

(v) the second column shall be 2.75 inches wide;

(vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

(vii) the second row of the second column shall be .5 inch tall;

(viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;

(ix) the fourth row of the second column shall be .5 inch tall;

(x) the third column shall be 2.75 inches wide;

(xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;

(xii) the second row of the third column shall be .5 inch tall;

(xiii) the third row of the third column shall be .35 inch tall and contain the words

"Email Address (optional, to receive additional information)" in 10-point type;

(xiv) the fourth row of the third column shall be .5 inch tall;

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(xv) the fourth column shall be one inch wide;

(xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;

(xvii) the second row of the fourth column shall be .5 inch tall;

(xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;

(xix) the fourth row of the third column shall be .5 inch tall; and

(xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following statement, "By signing this initiative petition, you are stating that you have read and understand the law proposed by this initiative petition." in 12-point type;

(e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection (3)(f); and

(f) at the bottom of the sheet, include in the following order:

(i) the words "Fiscal Impact of" followed by the title of the initiative, in at least 12-point, bold type;

(ii) except as provided in Subsection (5), the initial fiscal impact statement issued by the Office of the Legislative Fiscal Analyst in accordance with Subsection 20A-7-202.5(2)(a), including any update in accordance with Subsection 20A-7-204.1(5), in not less than 12-point type;

(iii) if the initiative proposes a tax increase, the following statement in 12-point, bold type:

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

(iv) the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign an initiative petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same initiative petition, or to sign an initiative petition when the individual knows that the individual is not a registered voter.

Birth date or age information is not required, but it may be used to verify your identity

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with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

(4) The final page of each initiative packet shall contain the following printed or typed statement:

Verification of signature collector

State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

I am ~~[a resident of Utah and am]~~ at least 18 years old;

All the names that appear in this initiative packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law proposed by the initiative;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law proposed by the initiative, and that each signer is registered to vote in Utah.

Each individual who signed the initiative packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this initiative packet to encourage that individual to sign it.

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(Name)	(Residence Address)	(Date)
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(5) If the initial fiscal impact statement described in Subsection (3)(f)(ii), as updated in accordance with Subsection 20A-7-204.1(5), exceeds 200 words, the Office of the Legislative Fiscal Analyst shall prepare a shorter summary statement, for the purpose of inclusion on an initiative signature sheet, that does not exceed 200 words.

(6) If the forms described in this section are substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

~~[(7) An individual's status as a resident, under Subsection (4), is determined in~~

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accordance with Section ~~20A-2-105.~~]

Section 3. Section 20A-7-213 is amended to read:

### **20A-7-213. Misconduct of electors and officers -- Penalty.**

(1) It is unlawful for an individual to:

(a) sign any name other than the individual's own to an initiative petition or a statement described in Subsection 20A-7-105(8) or 20A-7-216(4);

(b) knowingly sign the individual's name more than once for the same initiative at one election;

(c) knowingly indicate that an individual who signed an initiative petition signed the initiative petition on a date other than the date that the individual signed the initiative petition;

(d) sign an initiative petition knowing the individual is not a legal voter; or

(e) knowingly and willfully violate any provision of this part.

(2) It is unlawful for an individual to sign the verification for an initiative packet, or to electronically sign the verification for a signature under Subsection ~~[20A-21-201(9)]~~

20A-21-201(10), knowing that:

~~[(a) the individual does not meet the residency requirements of Section 20A-2-105;]~~

~~[(b)]~~ [(a)] the signature date associated with the individual's signature for the initiative petition is not the date that the individual signed the initiative petition;

~~[(c)]~~ [(b)] the individual has not witnessed the signatures of those individuals whose signatures the individual collects or submits; or

~~[(d)]~~ [(c)] one or more individuals who signed the initiative petition are not registered to vote in Utah.

(3) It is unlawful for an individual to:

(a) pay an individual to sign an initiative petition;

(b) pay an individual to remove the individual's signature from an initiative petition;

(c) accept payment to sign an initiative petition; or

(d) accept payment to have the individual's name removed from an initiative petition.

(4) A violation of this section is a class A misdemeanor.

Section 4. Section 20A-7-303 is amended to read:

**20A-7-303. Manual referendum process -- Form of referendum petition and signature sheets.**

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

(2) (a) Each proposed referendum petition shall be printed in substantially the following form:

"REFERENDUM PETITION To the Honorable \_\_\_\_\_, Lieutenant Governor:

We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No. \_\_\_\_\_, entitled (title of act, and, if the petition is against less than the whole act, set forth here the part or parts on which the referendum is sought), passed by the Legislature of the state of Utah during the \_\_\_\_\_ Session, be referred to the people of Utah for their approval or rejection at a regular general election or a statewide special election;

Each signer says:

I have personally signed this referendum petition;

The date next to my signature correctly reflects the date that I actually signed the referendum petition;

I have personally reviewed the entire statement included with this referendum packet;

I am registered to vote in Utah; and

My residence and post office address are written correctly after my name."

(b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the law that is the subject of the referendum to each referendum petition.

(3) Each referendum signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;

(c) include the title of the referendum printed below the horizontal line, in at least 14-point, bold type;

(d) include a table immediately below the title of the referendum, and beginning .5 inch from the left side of the paper, as follows:

(i) the first column shall be .5 inch wide and include three rows;

(ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;

(iii) the second row of the first column shall be .35 inch tall;

(iv) the third row of the first column shall be .5 inch tall;

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(v) the second column shall be 2.75 inches wide;

(vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

(vii) the second row of the second column shall be .5 inch tall;

(viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;

(ix) the fourth row of the second column shall be .5 inch tall;

(x) the third column shall be 2.75 inches wide;

(xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;

(xii) the second row of the third column shall be .5 inch tall;

(xiii) the third row of the third column shall be .35 inch tall and contain the words "Email Address (optional, to receive additional information)" in 10-point type;

(xiv) the fourth row of the third column shall be .5 inch tall;

(xv) the fourth column shall be one inch wide;

(xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;

(xvii) the second row of the fourth column shall be .5 inch tall;

(xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;

(xix) the fourth row of the third column shall be .5 inch tall; and

(xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following words "By signing this referendum petition, you are stating that you have read and understand the law that this referendum petition seeks to overturn." in 12-point type;

(e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection (3)(f); and

(f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign a referendum petition with a name other than the individual's own name, or to knowingly sign the individual's name more than

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once for the same referendum petition, or to sign a referendum petition when the individual knows that the individual is not a registered voter.

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

(4) The final page of each referendum packet shall contain the following printed or typed statement:

Verification of signature collector

State of Utah, County of \_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

I ~~am a Utah resident and~~ am at least 18 years old;

All the names that appear in this referendum packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to overturn;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law that the referendum seeks to overturn, and that each signer is registered to vote in Utah.

Each individual who signed the referendum packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this referendum packet to encourage that individual to sign it.

---

(Name)

(Residence Address)

(Date).

(5) If the forms described in this section are substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

~~[(6) An individual's status as a resident, under Subsection (4), is determined in~~

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accordance with Section ~~20A-2-105.~~

Section 5. Section 20A-7-312 is amended to read:

### **20A-7-312. Misconduct of electors and officers -- Penalty.**

(1) It is unlawful for any person to:

(a) sign any name other than the person's own to a referendum petition;

(b) knowingly sign the person's name more than once for the same referendum petition at one election;

(c) knowingly indicate that a person who signed a referendum petition signed the referendum petition on a date other than the date that the person signed the petition;

(d) sign a referendum petition knowing the person is not a legal voter; or

(e) knowingly and willfully violate any provision of this part.

(2) It is unlawful for any person to sign the verification for a referendum packet, or to electronically sign the verification for a signature under Subsection ~~[20A-21-201(9)]~~

20A-21-201(10) knowing that:

~~[(a)]~~ the person does not meet the residency requirements of Section 20A-2-105;

~~[(b)]~~ (a) the signature date associated with the person's signature for the referendum petition is not the date that the person signed the referendum petition;

~~[(c)]~~ (b) the person has not witnessed the signatures of those persons whose signatures the person collects or submits; or

~~[(d)]~~ (c) one or more individuals who sign the referendum petition are not registered to vote in Utah.

(3) It is unlawful for any person to:

(a) pay a person to sign a referendum petition;

(b) pay a person to remove the person's signature from a referendum petition;

(c) accept payment to sign a referendum petition; or

(d) accept payment to have the person's name removed from a referendum petition.

(4) Any person violating this section is guilty of a class A misdemeanor.

Section 6. Section 20A-7-503 is amended to read:

**20A-7-503. Manual initiative process -- Form of initiative petition and signature sheet.**

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



## **SB0107S02 compared with SB0107S01**

(2) (a) Each proposed initiative petition shall be printed in substantially the following form:

"INITIATIVE PETITION To the Honorable \_\_\_\_, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully demand that the following proposed law be submitted to: the legislative body for its approval or rejection at its next meeting; and the legal voters of the county/city/town, if the legislative body rejects the proposed law or takes no action on it.

Each signer says:

I have personally signed this initiative petition;

The date next to my signature correctly reflects the date that I actually signed the petition;

I have personally reviewed the entire statement included with this packet;

I am registered to vote in Utah; and

My residence and post office address are written correctly after my name."

(b) If the initiative proposes a tax increase, the following statement shall appear, in at least 14-point, bold type, immediately following the information described in Subsection (2)(a):

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

(c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the proposed law to each initiative petition.

(3) Each initiative signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;

(c) include the title of the initiative printed below the horizontal line, in at least 14-point, bold type;

(d) include a table immediately below the title of the initiative, and beginning .5 inch from the left side of the paper, as follows:

## **SB0107S02 compared with SB0107S01**

- (i) the first column shall be .5 inch wide and include three rows;
- (ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;
- (iii) the second row of the first column shall be .35 inch tall;
- (iv) the third row of the first column shall be .5 inch tall;
- (v) the second column shall be 2.75 inches wide;
- (vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;
- (vii) the second row of the second column shall be .5 inch tall;
- (viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;
- (ix) the fourth row of the second column shall be .5 inch tall;
- (x) the third column shall be 2.75 inches wide;
- (xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;
- (xii) the second row of the third column shall be .5 inch tall;
- (xiii) the third row of the third column shall be .35 inch tall and contain the words "Email Address (optional, to receive additional information)" in 10-point type;
- (xiv) the fourth row of the third column shall be .5 inch tall;
- (xv) the fourth column shall be one inch wide;
- (xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;
- (xvii) the second row of the fourth column shall be .5 inch tall;
- (xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;
- (xix) the fourth row of the third column shall be .5 inch tall; and
- (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following words "By signing this initiative petition, you are stating that you have read and understand the law proposed by this initiative petition." in 12-point type;
- (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet for the information described in Subsection (3)(f); and

## SB0107S02 compared with SB0107S01

(f) at the bottom of the sheet, include in the following order:

(i) the words "Fiscal and legal impact of" followed by the title of the initiative, in at least 12-point, bold type;

(ii) the summary statement in the initial fiscal impact and legal statement issued by the budget officer in accordance with Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and distributing information related to the initiative petition in accordance with Subsection 20A-7-502.5(3), in not less than 12-point, bold type;

(iii) if the initiative proposes a tax increase, the following statement in 12-point, bold type:

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

(iv) the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign an initiative petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same initiative petition, or to sign an initiative petition when the individual knows that the individual is not a registered voter.

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

(4) The final page of each initiative packet shall contain the following printed or typed statement:

"Verification of signature collector

State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

I ~~am a resident of Utah and~~ am at least 18 years old;

All the names that appear in this packet were signed by individuals who professed to be the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

## SB0107S02 compared with SB0107S01

I did not knowingly make a misrepresentation of fact concerning the law proposed by the initiative;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law proposed by the initiative, and that each signer is registered to vote in Utah.

---

(Name) \_\_\_\_\_ (Residence Address) ~~{ }~~ (Date)

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it.

---

(Name) \_\_\_\_\_ (Residence Address) ~~{ }~~ (Date)".

(5) If the forms described in this section are substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

~~[(6) An individual's status as a resident, under Subsection (4), is determined in accordance with Section 20A-2-105.]~~

Section 7. Section 20A-7-512 is amended to read:

**20A-7-512. Misconduct of electors and officers -- Penalty.**

- (1) It is unlawful for any individual to:
  - (a) sign any name other than the individual's own name to an initiative petition or a statement described in Subsection 20A-7-505(4) or 20A-7-515(4);
  - (b) knowingly sign the individual's name more than once for the same initiative at one election;
  - (c) knowingly indicate that an individual who signed an initiative petition signed the initiative petition on a date other than the date that the individual signed the initiative petition;
  - (d) sign an initiative petition knowing the individual is not a legal voter; or
  - (e) knowingly and willfully violate any provision of this part.
- (2) It is unlawful for an individual to sign the verification for an initiative packet, or to

## SB0107S02 compared with SB0107S01

electronically sign the verification for a signature under Subsection ~~[20A-21-201(9)]~~

20A-21-201(10), knowing that:

~~[(a) the individual does not meet the residency requirements of Section 20A-2-105;]~~

~~[(b)]~~ (a) the signature date associated with the individual's signature for the initiative petition is not the date that the individual signed the initiative petition;

~~[(c)]~~ (b) the individual has not witnessed the signatures of the individuals whose signatures the individual collects or submits; or

~~[(d)]~~ (c) one or more individuals who signed the initiative petition are not registered to vote in Utah.

(3) It is unlawful for an individual to:

(a) pay an individual to sign an initiative petition;

(b) pay an individual to remove the individual's signature from an initiative petition;

(c) accept payment to sign an initiative petition; or

(d) accept payment to have the individual's name removed from an initiative petition.

(4) A violation of this section is a class A misdemeanor.

Section 8. Section 20A-7-603 is amended to read:

**20A-7-603. Manual referendum process -- Form of referendum petition and signature sheet.**

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

(2) (a) Each proposed referendum petition shall be printed in substantially the following form:

"REFERENDUM PETITION To the Honorable \_\_\_\_\_, County Clerk/City

Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully order that (description of local law or portion of local law being challenged), passed by the \_\_\_\_\_ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on \_\_\_\_\_ (month\day\year);

Each signer says:

I have personally signed this referendum petition;

The date next to my signature correctly reflects the date that I actually signed the petition;

## **SB0107S02 compared with SB0107S01**

I have personally reviewed the entire statement included with this packet;

I am registered to vote in Utah; and

My residence and post office address are written correctly after my name."

(b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the law that is the subject of the referendum to each referendum petition.

(3) Each referendum signature sheet shall:

(a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

(b) be ruled with a horizontal line three-fourths inch from the top, with the space above that line blank for the purpose of binding;

(c) include the title of the referendum printed below the horizontal line, in at least 14-point type;

(d) include a table immediately below the title of the referendum, and beginning .5 inch from the left side of the paper, as follows:

(i) the first column shall be .5 inch wide and include three rows;

(ii) the first row of the first column shall be .85 inch tall and contain the words "For Office Use Only" in 10-point type;

(iii) the second row of the first column shall be .35 inch tall;

(iv) the third row of the first column shall be .5 inch tall;

(v) the second column shall be 2.75 inches wide;

(vi) the first row of the second column shall be .35 inch tall and contain the words "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

(vii) the second row of the second column shall be .5 inch tall;

(viii) the third row of the second column shall be .35 inch tall and contain the words "Street Address, City, Zip Code" in 10-point type;

(ix) the fourth row of the second column shall be .5 inch tall;

(x) the third column shall be 2.75 inches wide;

(xi) the first row of the third column shall be .35 inch tall and contain the words "Signature of Registered Voter" in 10-point type;

(xii) the second row of the third column shall be .5 inch tall;

(xiii) the third row of the third column shall be .35 inch tall and contain the words "Email Address (optional, to receive additional information)" in 10-point type;

## SB0107S02 compared with SB0107S01

(xiv) the fourth row of the third column shall be .5 inch tall;

(xv) the fourth column shall be one inch wide;

(xvi) the first row of the fourth column shall be .35 inch tall and contain the words "Date Signed" in 10-point type;

(xvii) the second row of the fourth column shall be .5 inch tall;

(xviii) the third row of the fourth column shall be .35 inch tall and contain the words "Birth Date or Age (optional)" in 10-point type;

(xix) the fourth row of the third column shall be .5 inch tall; and

(xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall, and contain the following words, "By signing this referendum petition, you are stating that you have read and understand the law that this referendum petition seeks to overturn." in 12-point type;

(e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at the bottom of the sheet or the information described in Subsection (3)(f); and

(f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type, followed by the following statement in not less than eight-point type:

"It is a class A misdemeanor for an individual to sign a referendum petition with a name other than the individual's own name, or to knowingly sign the individual's name more than once for the same referendum petition, or to sign a referendum petition when the individual knows that the individual is not a registered voter.

Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before petition signatures are verified or if the information you provide does not match your voter registration records."

(4) The final page of each referendum packet shall contain the following printed or typed statement:

"Verification of signature collector

State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

I ~~am a resident of Utah and~~ am at least 18 years old;

All the names that appear in this packet were signed by individuals who professed to be

## SB0107S02 compared with SB0107S01

the individuals whose names appear in it, and each of the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to overturn;

I believe that each individual has printed and signed the individual's name and written the individual's post office address and residence correctly, that each signer has read and understands the law that the referendum seeks to overturn, and that each signer is registered to vote in Utah.

---

(Name)\_\_\_\_\_ (Residence Address)\_\_\_\_\_ (Date)

Each individual who signed the packet wrote the correct date of signature next to the individual's name.

I have not paid or given anything of value to any individual who signed this referendum packet to encourage that individual to sign it.

---

(Name)\_\_\_\_\_ (Residence Address)\_\_\_\_\_ (Date)".

(5) If the forms described in this section are substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

~~[(6) An individual's status as a resident, under Subsection (4), is determined in accordance with Section 20A-2-105.]~~

Section 9. Section 20A-7-612 is amended to read:

### **20A-7-612. Misconduct of electors and officers -- Penalty.**

(1) It is unlawful for an individual to:

- (a) sign a name other than the individual's own name to any referendum petition;
- (b) knowingly sign the individual's name more than once for the same referendum at one election;

(c) knowingly indicate that an individual who signed a referendum petition signed the referendum petition on a date other than the date that the individual signed the referendum petition;



## SB0107S02 compared with SB0107S01

(d) sign a referendum petition knowing that the individual is not a legal voter;

(e) in connection with circulating a referendum petition, represent that a document is an official government document if the individual knows or has reason to know that the document is not an official government document; or

(f) knowingly and willfully violate any provision of this part.

(2) It is unlawful for an individual to sign the verification for a referendum packet, or to electronically sign the verification for a signature under Subsection ~~[20A-21-201(9)]~~ 20A-21-201(10), knowing that:

~~[(a) the individual does not meet the residency requirements of Section 20A-2-105;]~~

~~[(b)]~~ [(a)] the signature date associated with the individual's signature for the referendum petition is not the date that the individual signed the referendum petition;

~~[(c)]~~ [(b)] the individual has not witnessed the signatures the individual collects or submits; or

~~[(d)]~~ [(c)] one or more individuals whose signatures appear in the referendum packet is not registered to vote in Utah.

(3) It is unlawful for an individual to:

(a) pay an individual to sign a referendum petition;

(b) pay an individual to remove the individual's signature from a referendum petition;

(c) accept payment to sign a referendum petition; or

(d) accept payment to have the individual's name removed from a referendum petition.

(4) A violation of this section is a class A misdemeanor.

(5) The county attorney or municipal attorney shall prosecute any violation of this section.

Section ~~{H}~~ 10. Section **20A-9-502** is amended to read:

**20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification -- Criminal penalty -- Removal of petition signature.**

(1) The candidate shall:

(a) prepare a certificate of nomination in substantially the following form:

"State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, declare my intention of becoming an unaffiliated candidate for the political group designated as \_\_\_\_ for the office of \_\_\_\_ . I do solemnly swear that I can

**SB0107S02 compared with SB0107S01**

qualify to hold that office both legally and constitutionally if selected, and that I reside at \_\_\_\_\_ Street, in the city of \_\_\_\_\_, county of \_\_\_\_\_, state of \_\_\_\_\_, zip code \_\_\_\_\_, phone \_\_\_\_\_, and that I am providing, or have provided, the required number of holographic signatures of registered voters required by law; that as a candidate at the next election I will not knowingly violate any election or campaign law; that, if filing via a designated agent for an office other than president of the United States, I will be out of the state of Utah during the entire candidate filing period; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot.

\_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_(month\day\year).

{ \_\_\_\_\_ Notary } \_\_\_\_\_  
\_\_\_\_\_

Notary Public (or other officer{ })  
qualified to administer oaths");

(b) [~~bind signature sheets to the certificate that:~~] for each signature packet, bind signature sheets to a copy of the certificate of nomination and the circulator verification, that:

- (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;
- (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate Certificate of Nomination Petition" printed directly below the horizontal line;
- (iv) contain the word "Warning" printed directly under the words described in Subsection (1)(b)(iii);
- (v) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination signature sheet with any name other than the person's own name or more than once for the same candidate or if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures.";

(vi) contain the following statement directly under the statement described in

## SB0107S02 compared with SB0107S01

Subsection (1)(b)(v):

"Each signer says:

I have personally signed this petition with a holographic signature;

I am registered to vote in Utah or intend to become registered to vote in Utah before the county clerk certifies my signature; and

My street address is written correctly after my name.";

(vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in

Subsection (1)(b)(vi); and

(viii) be vertically divided into columns as follows:

(A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;

(B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";

(C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of Registered Voter";

(D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

(E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and

(F) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be certified as a valid signature if you change your address before petition signatures are certified or if the information you provide does not match your voter registration records."; and

(c) bind a final page to one or more signature sheets that are bound together that contains, except as provided by Subsection (3), the following printed statement:

"Verification

State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

I ~~am a Utah resident and~~ am at least 18 years old;

All the names that appear on the signature sheets bound to this page were signed by

## SB0107S02 compared with SB0107S01

persons who professed to be the persons whose names appear on the signature sheets, and each of them signed the person's name on the signature sheets in my presence;

I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah or will register to vote in Utah before the county clerk certifies the signatures on the signature sheet.

---

(Signature) (Residence Address) (Date)".

(2) An agent designated to file a certificate of nomination under Subsection 20A-9-503(2)(b) or (4)(b) may not sign the form described in Subsection (1)(a).

(3) (a) The candidate shall circulate the nomination petition and ensure that the person in whose presence each signature sheet is signed:

(i) is at least 18 years old;

(ii) except as provided by Subsection (3)(b), meets the residency requirements of Section 20A-2-105; and

(iii) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.

~~[(b) A person who is not a resident may sign the { circulator } ] [ verification on a { } petition { } signature packet } for an unaffiliated candidate for the office of president of the United States.]~~

~~[(c) ] (b) A person may not sign the circulator verification if the person signed a signature sheet bound to the verification.~~

(4) (a) It is unlawful for any person to:

(i) knowingly sign a certificate of nomination signature sheet:

(A) with any name other than the person's own name;

(B) more than once for the same candidate; or

(C) if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures; or

(ii) sign the verification of a certificate of nomination signature sheet if the person:

(A) except as provided by Subsection (3)(b), does not meet the residency requirements of Section 20A-2-105;

(B) has not witnessed the signing by those persons whose names appear on the

## SB0107S02 compared with SB0107S01

certificate of nomination signature sheet; or

(C) knows that a person whose signature appears on the certificate of nomination signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.

(b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.

(5) (a) [~~The candidate shall submit the petition and signature sheets to the county clerk for certification when the petition has been completed by:~~] To qualify for placement on the general election ballot, the candidate shall, no earlier than the start of the declaration of candidacy period described in Section 20A-9-201.5 and no later than 5 p.m. on June 15 of the year in which the election will be held:

(i) comply with Subsection 20A-9-503(1); and

(ii) submit each signature packet to the county clerk where the majority of the signatures in the packet were collected, with signatures totaling:

[(+)] (A) at least 1,000 registered voters residing within the state when the nomination is for an office to be filled by the voters of the entire state; or

[(+)] (B) at least 300 registered voters residing within a political division or at least 5% of the registered voters residing within a political division, whichever is less, when the nomination is for an office to be filled by the voters of any political division smaller than the state.

(b) A candidate has not complied with Subsection (5)(a)(ii), unless the county clerks verify that each required signature is a valid signature of a registered voter who is eligible to sign the signature packet and has not signed a signature packet to nominate another candidate for the same office.

[(b)] (c) In reviewing the [~~petition~~] signature packets, the county clerk shall count and certify only those persons who signed [~~the petition~~] with a holographic signature, who:

(i) are registered voters within the political division that the candidate seeks to represent; and

(ii) did not sign any other certificate of nomination for that office.

(d) The county clerk shall count and certify the number of registered voters who validly signed a signature packet, no later than 30 days after the day on which the candidate submits the signature packet.

## SB0107S02 compared with SB0107S01

~~[(e)]~~ (e) The candidate may supplement the signatures or amend the certificate of nomination or declaration of candidacy at any time on or before ~~[the filing deadline]~~ 5 p.m. on June 15 of the year in which the election will be held.

~~[(d)]~~ (f) The county clerk shall use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered voter who is qualified to sign the ~~[petition]~~ signature packet.

(6) (a) A voter who signs a ~~[nomination petition]~~ signature packet under this section may have the voter's signature removed from the ~~[petition]~~ signature packet by, no later than three business days after the day on which the candidate submits the ~~[petition]~~ signature packet to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) A statement described in Subsection (6)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

(c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a ~~[petition]~~ signature packet after receiving a timely, valid statement requesting removal of the signature.

Section ~~{2}~~11. Section **20A-9-503** is amended to read:

### **20A-9-503. Certificate of nomination -- Filing -- Fees.**

(1) ~~[Except as provided in Subsection (1)(b), after the certificate of nomination has been certified, executed, and acknowledged by the county clerk, the candidate shall:]~~ A candidate shall, in accordance with the deadline described in Subsection 20A-9-502(5)(a):

(a) file the certificate of nomination and the applicable declaration of candidacy, in person unless otherwise provided in statute, with the filing officer; and

(b) pay the filing fee.

~~[(a) (i) file the petition in person with the lieutenant governor, if the office the candidate seeks is a constitutional office or a federal office, or the county clerk, if the office the candidate seeks is a county office, during the declaration of candidacy filing period described in Section 20A-9-201.5; and]~~

~~[(ii) pay the filing fee; or]~~

~~[(b) not later than the close of normal office hours on June 15 of any odd-numbered year:]~~

## SB0107S02 compared with SB0107S01

~~[(i) file the petition in person with the municipal clerk, if the candidate seeks an office in a city or town, or the special district clerk, if the candidate seeks an office in a special district; and]~~

~~[(ii) pay the filing fee.]~~

(2) (a) The provisions of this Subsection (2) do not apply to an individual who files a ~~[declaration of candidacy]~~ certificate of nomination and declaration of candidacy for president of the United States.

(b) Subject to Subsections ~~[(4)(c)]~~ (5) and 20A-9-502(2), an individual may designate an agent to file a ~~[declaration of candidacy]~~ certificate of nomination or declaration of candidacy with the appropriate filing officer if:

- (i) the individual is located outside of the state during the entire filing period;
- (ii) the designated agent appears in person before the filing officer; and
- (iii) the individual communicates with the filing officer using an electronic device that allows the individual and filing officer to see and hear each other.

(3) (a) At the time of filing, and before accepting the ~~[petition]~~ certificate of nomination and declaration of candidacy, the filing officer shall read the constitutional and statutory requirements for candidacy to the candidate.

(b) If the candidate states that the candidate does not meet the requirements, the filing officer may not accept the ~~[petition]~~ certificate of nomination and declaration of candidacy.

(4) An individual filing a certificate of nomination for president of the United States under this section:

(a) shall pay a filing fee of \$500; and

(b) may use a designated agent to file the nomination petition.

(5) An agent designated to file a certificate of nomination under Subsection (2)(b) or (4)(b) may not sign the certificate of nomination form.

~~[(4)(a) An individual filing a certificate of nomination for president or vice president of the United States under this section shall pay a filing fee of \$500.]~~

~~[(b) Notwithstanding Subsection (1), an individual filing a certificate of nomination for president or vice president of the United States:]~~

~~[(i) may file the certificate of nomination during the declaration of candidacy filing period described in Section 20A-9-201.5; and]~~

## SB0107S02 compared with SB0107S01

~~[(ii) may use a designated agent to file the certificate of nomination.]~~

~~[(c) An agent designated under Subsection (2) or described in Subsection (4)(b)(ii) may not sign the certificate of nomination form.]~~

Section ~~3~~12. Section 20A-9-504 is amended to read:

### **20A-9-504. Unaffiliated candidates -- Governor and president of the United States.**

(1) (a) Each unaffiliated candidate for governor shall, before 5 p.m. no later than ~~[July~~ June 15 of the regular general election year, select a running mate to file as an unaffiliated candidate for the office of lieutenant governor.

(b) The unaffiliated lieutenant governor candidate shall, before 5 p.m. no later than ~~[July]~~ June 15 of the regular general election year, file as an unaffiliated candidate by following the procedures and requirements of this part.

(2) (a) Each unaffiliated candidate for president of the United States shall, before 5 p.m. no later than August 15 of a regular general election year, select a running mate to file as an unaffiliated candidate for the office of vice president of the United States.

(b) Before 5 p.m. no later than August 15 of a regular general election year, the unaffiliated candidate for vice president of the United States described in Subsection (2)(a) shall comply with the requirements of Subsection 20A-9-202(7).

Section 13. Section 20A-21-201 is amended to read:

### **20A-21-201. Electronic signature gathering for an initiative, a referendum, or candidate qualification.**

(1) (a) After filing a petition for a statewide initiative or a statewide referendum, and before gathering signatures, the sponsors shall, after consulting with the Office of the Lieutenant Governor, sign a form provided by the Office of the Lieutenant Governor indicating whether the sponsors will gather signatures manually or electronically.

(b) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures electronically:

(i) in relation to a statewide initiative, signatures for that initiative:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

(B) may not be gathered or submitted using the manual signature-gathering process



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described in Sections 20A-7-105 and 20A-7-204; and

(ii) in relation to a statewide referendum, signatures for that referendum:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-313, 20A-7-314, and 20A-7-315; and

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-304.

(c) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather signatures manually:

(i) in relation to a statewide initiative, signatures for that initiative:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-204; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

(ii) in relation to a statewide referendum, signatures for that referendum:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-304; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-313, 20A-7-314, and 20A-7-315.

(2) (a) After filing a petition for a local initiative or a local referendum, and before gathering signatures, the sponsors shall, after consulting with the local clerk's office, sign a form provided by the local clerk's office indicating whether the sponsors will gather signatures manually or electronically.

(b) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather signatures electronically:

(i) in relation to a local initiative, signatures for that initiative:

(A) may only be gathered and submitted electronically, in accordance with this section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-504; and

(ii) in relation to a local referendum, signatures for that referendum:

(A) may only be gathered and submitted electronically, in accordance with this section

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and Sections 20A-7-614, 20A-7-615, and 20A-7-616; and

(B) may not be gathered or submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-604.

(c) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather signatures manually:

(i) in relation to a local initiative, signatures for that initiative:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-504; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and

(ii) in relation to a local referendum, signatures for that referendum:

(A) may only be gathered and submitted using the manual signature-gathering process described in Sections 20A-7-105 and 20A-7-604; and

(B) may not be gathered or submitted electronically, as described in this section and Sections 20A-7-614, 20A-7-615, and 20A-7-616.

(3) (a) After a candidate files a notice of intent to gather signatures to qualify for a ballot, and before gathering signatures, the candidate shall, after consulting with the election officer, sign a form provided by the election officer indicating whether the candidate will gather signatures manually or electronically.

(b) If a candidate indicates, under Subsection (3)(a), that the candidate will gather signatures electronically, signatures for the candidate:

(i) may only be gathered and submitted using the electronic candidate qualification process; and

(ii) may not be gathered or submitted using the manual candidate qualification process.

(c) If a candidate indicates, under Subsection (3)(a), that the candidate will gather signatures manually, signatures for the candidate:

(i) may only be gathered and submitted using the manual candidate qualification process; and

(ii) may not be gathered or submitted using the electronic candidate qualification process.

(4) To gather a signature electronically, a signature-gatherer shall:

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(a) use a device provided by the signature-gatherer or a sponsor of the petition that:

(i) is approved by the lieutenant governor;

(ii) except as provided in Subsection (4)(a)(iii), does not store a signature or any other information relating to an individual signing the petition in any location other than the location used by the website to store the information;

(iii) does not, on the device, store a signature or any other information relating to an individual signing the petition except for the minimum time necessary to upload information to the website;

(iv) does not contain any applications, software, or data other than those approved by the lieutenant governor; and

(v) complies with cyber-security and other security protocols required by the lieutenant governor;

(b) use the approved device to securely access a website designated by the lieutenant governor, directly, or via an application designated by the lieutenant governor; and

(c) while connected to the website, present the approved device to an individual considering signing the petition and, while the signature-gatherer is in the physical presence of the individual:

(i) wait for the individual to reach each screen presented to the individual on the approved device; and

(ii) wait for the individual to advance to each subsequent screen by clicking on the acknowledgement at the bottom of the screen.

(5) Each screen shown on an approved device as part of the signature-gathering process shall appear as a continuous electronic document that, if the entire document does not appear on the screen at once, requires the individual viewing the screen to, before advancing to the next screen, scroll through the document until the individual reaches the end of the document.

(6) After advancing through each screen required for the petition, the signature process shall proceed as follows:

(a) except as provided in Subsection (6)(b):

(i) the individual desiring to sign the petition shall present the individual's driver license or state identification card to the signature-gatherer;

(ii) the signature-gatherer shall verify that the individual pictured on the driver license

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or state identification card is the individual signing the petition;

(iii) the signature-gatherer shall scan or enter the driver license number or state identification card number through the approved device; and

(iv) immediately after the signature-gatherer complies with Subsection (6)(a)(iii), the website shall determine whether the individual desiring to sign the petition is eligible to sign the petition;

(b) if the individual desiring to sign the petition is unable to provide a driver license or state identification card to the signature gatherer:

(i) the individual may present other valid voter identification;

(ii) if the valid voter identification contains a picture of the individual, the signature-gatherer shall verify that the individual pictured is the individual signing the petition;

(iii) if the valid voter identification does not contain a picture of the individual, the signature-gatherer shall, to the extent reasonably practicable, use the individual's address or other available means to determine whether the identification relates to the individual presenting the identification;

(iv) the signature-gatherer shall scan an image of the valid voter identification and immediately upload the image to the website; and

(v) the individual:

(A) shall enter the individual's address; and

(B) may, at the discretion of the individual, enter the individual's date of birth or age after the individual clicks on the screen acknowledging that they have read and understand the following statement, "Birth date or age information is not required, but may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be verified as a valid signature if you change your address before your signature is verified or if the information you provide does not match your voter registration records."; and

(c) after completing the process described in Subsection (6)(a) or (b), the screen shall:

(i) except for a petition to qualify a candidate for the ballot, give the individual signing the petition the opportunity to enter the individual's email address after the individual reads the following statement, "If you provide your email address, you may receive an email with additional information relating to the petition you are signing."; and

(ii) (A) if the website determines, under Subsection (6)(a)(iv), that the individual is

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eligible to sign the petition, permit the individual to enter the individual's name as the individual's electronic signature and, immediately after the signature-gatherer timely complies with Subsection (10), certify the signature; or

(B) if the individual provides valid voter identification under Subsection (6)(b), permit the individual to enter the individual's name as the individual's electronic signature.

(7) If an individual provides valid voter identification under Subsection (6)(b), the county clerk shall, within seven days after the day on which the individual submits the valid voter identification, certify the signature if:

(a) the individual is eligible to sign the petition;

(b) the identification provided matches the information on file; and

(c) the signature-gatherer timely complies with Subsection (10).

(8) For each signature submitted under this section, the website shall record:

(a) the information identifying the individual who signs;

(b) the date the signature was collected; and

(c) the name of the signature-gatherer.

(9) An individual who is a signature-gatherer may not sign a petition unless another individual acts as the signature-gatherer when the individual signs the petition.

(10) Except for a petition for a candidate to seek the nomination of a registered political party, each individual who gathers a signature under this section shall, within one business day after the day on which the individual gathers a signature, electronically sign and submit the following statement to the website:

"VERIFICATION OF SIGNATURE-GATHERER

State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

I [am a resident of Utah and] am at least 18 years old;

All the signatures that I collected on [Date signatures were gathered] were signed by individuals who professed to be the individuals whose signatures I gathered, and each of the individuals signed the petition in my presence;

I did not knowingly make a misrepresentation of fact concerning the law or proposed law to which the petition relates;

I believe that each individual has signed the individual's name and written the

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individual's residence correctly, that each signer has read and understands the law to which the petition relates, and that each signer is registered to vote in Utah;

Each signature correctly reflects the date on which the individual signed the petition;  
and

I have not paid or given anything of value to any individual who signed this petition to encourage that individual to sign it."

(11) Except for a petition for a candidate to seek the nomination of a registered political party:

(a) the county clerk may not certify a signature that is not timely verified in accordance with Subsection (10); and

(b) if a signature certified by a county clerk under Subsection (6)(c)(ii)(A) is not timely verified in accordance with Subsection (10), the county clerk shall:

(i) revoke the certification;

(ii) remove the signature from the posting described in Subsection 20A-7-217(4), 20A-7-315(3), 20A-7-516(4), or 20A-7-616(3); and

(iii) update the totals described in Subsections 20A-7-217(5)(a)(ii), 20A-7-315(5)(a)(ii), 20A-7-516(5)(a)(ii), and 20A-7-616(5)(a)(ii).

(12) For a petition for a candidate to seek the nomination of a registered political party, each individual who gathers a signature under this section shall, within one business day after the day on which the individual gathers a signature, electronically sign and submit the following statement to the lieutenant governor in the manner specified by the lieutenant governor:

"VERIFICATION OF SIGNATURE-GATHERER

State of Utah, County of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

I [am a resident of Utah and] am at least 18 years old;

All the signatures that I collected on [Date signatures were gathered] were signed by individuals who professed to be the individuals whose signatures I gathered, and each of the individuals signed the petition in my presence;

I believe that each individual has signed the individual's name and written the individual's residence correctly and that each signer is registered to vote in Utah; and

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Each signature correctly reflects the date on which the individual signed the petition."

(13) For a petition for a candidate to seek the nomination of a registered political party, the election officer may not certify a signature that is not timely verified in accordance with Subsection (12).

Section ~~{4}~~14. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.