

1 **ELECTION AND CAMPAIGN AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jon Hawkins**

5 Senate Sponsor: Daniel W. Thatcher

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to elections and campaigns.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ amends notice requirements in the Utah Municipal Code;
- 14 ▶ addresses provisions relating to a ballot voted by a voter who moves within a
- 15 county;
- 16 ▶ corrects an error relating to the deadline to file a request to prepare a written
- 17 argument for or against a special local ballot proposition;
- 18 ▶ modifies the filing fee for a vice presidential candidate;
- 19 ▶ provides signature and form requirements for a nomination petition for municipal
- 20 office;
- 21 ▶ amends provisions relating to an address reported under Title 20A, Chapter 11,
- 22 Campaign and Financial Reporting Requirements;
- 23 ▶ expands campaign coordination provisions to a political action committee and a
- 24 political issues committee;
- 25 ▶ extends the deadline for the lieutenant governor to review certain campaign
- 26 disclosures;
- 27 ▶ amends provisions relating to the use of public email for a political purpose;
- 28 ▶ establishes a procedure for the selection of presidential electors for unaffiliated or
- 29 write-in candidates; and

30 ▶ makes technical and conforming amendments.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **10-2-415**, as last amended by Laws of Utah 2019, Chapter 255

38 **10-2-708**, as last amended by Laws of Utah 2019, Chapter 255

39 **10-2a-210**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
40 by Coordination Clause, Laws of Utah 2019, Chapter 165

41 **10-2a-213**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
42 by Coordination Clause, Laws of Utah 2019, Chapter 165

43 **10-2a-214**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
44 by Coordination Clause, Laws of Utah 2019, Chapter 165

45 **10-2a-215**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
46 by Coordination Clause, Laws of Utah 2019, Chapter 165

47 **20A-2-307**, as last amended by Laws of Utah 2018, Chapter 206

48 **20A-7-402**, as last amended by Laws of Utah 2019, Chapters 203, 255 and last
49 amended by Coordination Clause, Laws of Utah 2019, Chapter 203

50 **20A-9-201**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

51 **20A-9-202**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

52 **20A-9-203**, as last amended by Laws of Utah 2019, Chapters 142, 255, 258, and 305

53 **20A-9-403**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

54 **20A-9-406**, as last amended by Laws of Utah 2018, Chapter 274

55 **20A-9-503**, as last amended by Laws of Utah 2018, Chapter 11

56 **20A-11-101**, as last amended by Laws of Utah 2019, Chapters 155 and 165

57 **20A-11-206**, as last amended by Laws of Utah 2019, Chapter 74

- 58 **20A-11-305**, as last amended by Laws of Utah 2016, Chapter 16
- 59 **20A-11-403**, as last amended by Laws of Utah 2019, Chapter 74
- 60 **20A-11-508**, as last amended by Laws of Utah 2015, Chapter 204
- 61 **20A-11-512**, as last amended by Laws of Utah 2019, Chapter 74
- 62 **20A-11-601**, as last amended by Laws of Utah 2019, Chapters 176, 255, 284 and last
- 63 amended by Coordination Clause, Laws of Utah 2019, Chapter 176
- 64 **20A-11-603**, as last amended by Laws of Utah 2019, Chapters 74 and 116
- 65 **20A-11-703**, as last amended by Laws of Utah 2013, Chapter 420
- 66 **20A-11-801**, as last amended by Laws of Utah 2019, Chapters 116, 255, and 284
- 67 **20A-11-803**, as last amended by Laws of Utah 2019, Chapter 74
- 68 **20A-11-1205**, as last amended by Laws of Utah 2019, Chapter 203
- 69 **20A-11-1305**, as last amended by Laws of Utah 2018, Chapter 19
- 70 **20A-11-1503**, as last amended by Laws of Utah 2013, Chapter 420
- 71 **20A-11-1605**, as last amended by Laws of Utah 2019, Chapter 266
- 72 **20A-13-301**, as last amended by Laws of Utah 2019, Chapter 255
- 73 **20A-13-302**, as last amended by Laws of Utah 2001, Chapter 78
- 74 **20A-13-303**, as last amended by Laws of Utah 2001, Chapter 78
- 75 **20A-13-304**, as enacted by Laws of Utah 1995, Chapter 1
- 76 **36-11-103**, as last amended by Laws of Utah 2019, Chapter 339



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

79 Section 1. Section **10-2-415** is amended to read:

80 **10-2-415. Public hearing -- Notice.**

81 (1) (a) If the results of the feasibility study or supplemental feasibility study meet the

82 requirements of Subsection **10-2-416(3)** with respect to a proposed annexation of an area

83 located in a county of the first class, the commission shall hold a public hearing within 30 days

84 after the day on which the commission receives the feasibility study or supplemental feasibility

85 study results.

86 (b) At the public hearing described in Subsection (1)(a), the commission shall:
87 (i) require the feasibility consultant to present the results of the feasibility study and, if
88 applicable, the supplemental feasibility study;
89 (ii) allow those present to ask questions of the feasibility consultant regarding the study
90 results; and
91 (iii) allow those present to speak to the issue of annexation.
92 (2) The commission shall publish notice of the public hearing described in Subsection
93 (1)(a):
94 (a) (i) at least once a week for two successive weeks before the public hearing in a
95 newspaper of general circulation within the area proposed for annexation, the surrounding 1/2
96 mile of unincorporated area, and the proposed annexing municipality;
97 (ii) if there is no newspaper of general circulation within the combined area described
98 in Subsection (2)(a)(i), at least two weeks before the day of the public hearing, by posting one
99 notice, and at least one additional notice per 2,000 population within the combined area, in
100 places within the combined area that are most likely to give notice of the public hearing to the
101 residents within, and the owners of real property located within, the combined area; or
102 (iii) by mailing notice to each residence within, and to each owner of real property
103 located within, the combined area described in Subsection (2)(a)(i);
104 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for two weeks
105 before the day of the public hearing;
106 (c) in accordance with Section [45-1-101](#), for two weeks before the day of the public
107 hearing;
108 (d) by sending written notice of the public hearing to the municipal legislative body of
109 the proposed annexing municipality, the contact sponsor on the annexation petition, each entity
110 that filed a protest, and, if a protest was filed under Subsection [10-2-407\(1\)\(c\)](#), the contact
111 person; [~~and~~]
112 (e) if the municipality has a website, on the municipality's website for two weeks
113 before the day of the public hearing[~~;~~]; and

- 114 (f) on the county's website for two weeks before the day of the public hearing.
- 115 (3) The notice described in Subsection (2) shall:
- 116 (a) be entitled, "notice of annexation hearing";
- 117 (b) state the name of the annexing municipality;
- 118 (c) describe the area proposed for annexation; and
- 119 (d) specify the following sources where an individual may obtain a copy of the
- 120 feasibility study conducted in relation to the proposed annexation:
- 121 (i) if the municipality has a website, the municipality's website;
- 122 (ii) a municipality's physical address; and
- 123 (iii) a mailing address and telephone number.
- 124 (4) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest has
- 125 expired with respect to a proposed annexation of an area located in a specified county, the
- 126 boundary commission shall hold a hearing on all protests that were filed with respect to the
- 127 proposed annexation.
- 128 (5) At least 14 days before the date of a hearing described in Subsection(4), the
- 129 commission chair shall publish notice of the hearing:
- 130 (a) (i) in a newspaper of general circulation within the area proposed for annexation;
- 131 (ii) if there is no newspaper of general circulation within the area proposed for
- 132 annexation, by posting one notice, and at least one additional notice per 2,000 population
- 133 within the area in places within the area that are most likely to give notice of the hearing to the
- 134 residents within, and the owners of real property located within, the area; or
- 135 (iii) mailing notice to each resident within, and each owner of real property located
- 136 within, the area proposed for annexation;
- 137 (b) on the Utah Public Notice Website created in Section 63F-1-701, for 14 days before
- 138 the day of the hearing;
- 139 (c) in accordance with Section 45-1-101, for 14 days before the day of the hearing;
- 140 [~~and~~]
- 141 (d) if the municipality has a website, on the municipality's website for two weeks

142 before the day of the public hearing; and

143 [~~(d)~~] (e) on the county's website for two weeks before the day of the public hearing.

144 (6) Each notice described in Subsection (5) shall state the date, time, and place of the
145 hearing;

146 (a) briefly summarize the nature of the protest; and

147 (b) state that a copy of the protest is on file at the commission's office.

148 (7) The commission may continue a hearing under Subsection (4) from time to time,
149 but no continued hearing may be held later than 60 days after the original hearing date.

150 (8) In considering protests, the commission shall consider whether the proposed
151 annexation:

152 (a) complies with the requirements of Sections 10-2-402 and 10-2-403 and the
153 annexation policy plan of the proposed annexing municipality;

154 (b) conflicts with the annexation policy plan of another municipality; and

155 (c) if the proposed annexation includes urban development, will have an adverse tax
156 consequence on the remaining unincorporated area of the county.

157 (9) (a) The commission shall record each hearing under this section by electronic
158 means.

159 (b) A transcription of the recording under Subsection (9)(a), the feasibility study, if
160 applicable, information received at the hearing, and the written decision of the commission
161 shall constitute the record of the hearing.

162 Section 2. Section **10-2-708** is amended to read:

163 **10-2-708. Notice of disincorporation -- Publication and filing.**

164 When a municipality has been dissolved, the clerk of the court shall publish notice of
165 the dissolution:

166 (1) (a) in a newspaper of general circulation in the county in which the municipality is
167 located at least once a week for four consecutive weeks;

168 (b) if there is no newspaper of general circulation in the county in which the
169 municipality is located, by posting one notice, and at least one additional notice per 2,000

170 population of the county in places within the county that are most likely to give notice to the
 171 residents within, and the owners of real property located within, the county, including the
 172 residents and owners within the municipality that is dissolved; or

173 (c) by mailing notice to each residence within, and each owner of real property located
 174 within, the county;

175 (2) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks;

176 (3) in accordance with Section 45-1-101, for four weeks; [~~and~~]

177 (4) if the municipality has a website, on the municipality's website for four weeks; and

178 [~~(4)~~] (5) on the county's website for four weeks.

179 Section 3. Section 10-2a-210 is amended to read:

180 **10-2a-210. Incorporation election.**

181 (1) (a) If the lieutenant governor certifies a petition under Subsection 10-2a-209(1)(b),
 182 the lieutenant governor shall schedule an incorporation election for the proposed municipality
 183 described in the petition to be held on the date of the next regular general election described in
 184 Section 20A-1-201, or the next municipal general election described in Section 20A-1-202, that
 185 is at least 65 days after the day on which the lieutenant governor certifies the petition.

186 (b)(i) The lieutenant governor shall direct the county legislative body of the county in
 187 which the proposed municipality is located to hold the election on the date that the lieutenant
 188 governor schedules under Subsection (1)(a).

189 (ii) The county shall hold the election as directed by the lieutenant governor under
 190 Subsection (1)(b)(i).

191 (2) The county clerk shall publish notice of the election:

192 (a) (i) in a newspaper of general circulation within the area proposed to be incorporated
 193 at least once a week for three successive weeks before the election;

194 (ii) if there is no newspaper of general circulation in the area proposed to be
 195 incorporated, at least three weeks before the day of the election, by posting one notice, and at
 196 least one additional notice per 2,000 population of the area proposed to be incorporated, in
 197 places within the area proposed to be incorporated that are most likely to give notice to the

198 voters within the area proposed to be incorporated; or

199 (iii) at least three weeks before the day of the election, by mailing notice to each
200 registered voter in the area proposed to be incorporated;

201 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks
202 before the day of the election;

203 (c) in accordance with Section 45-1-101, for three weeks before the day of the election;

204 [~~and~~]

205 (d) if the proposed municipality has a website, on the proposed municipality's website
206 for three weeks before the day of the election; and

207 [~~(d)~~] (e) on the county's website for three weeks before the day of the election.

208 (3) (a) The notice required by Subsection (2) shall contain:

209 (i) a statement of the contents of the petition;

210 (ii) a description of the area proposed to be incorporated as a municipality;

211 (iii) a statement of the date and time of the election and the location of polling places;

212 and

213 (iv) except as provided in Subsection (3)(c), the feasibility study summary described in
214 Subsection 10-2a-205(3)(c) and a statement that a full copy of the study is available on the
215 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

216 (b) The last notice required to be published under Subsection (2)(a)(i) shall be
217 published at least one day, but no more than seven days, before the day of the election.

218 (c) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the notice
219 may include a statement that specifies the following sources where a registered voter in area
220 proposed to be incorporated may view or obtain a copy the feasibility study:

221 (i) the lieutenant governor's website;

222 (ii) the physical address of the Office of the Lieutenant Governor; and

223 (iii) a mailing address and telephone number.

224 (4) An individual may not vote in an incorporation election under this section unless
225 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the

226 boundaries of the proposed municipality.

227 (5) If a majority of those who vote in an incorporation election held under this section
228 cast votes in favor of incorporation, the area shall incorporate.

229 Section 4. Section **10-2a-213** is amended to read:

230 **10-2a-213. Determination of number of council members -- Determination of**
231 **election districts -- Hearings and notice.**

232 (1) If the incorporation proposal passes, the petition sponsors shall, within 60 days
233 after the day on which the county conducts the canvass of the election under Section
234 **10-2a-212:**

235 (a) for the incorporation of a city:

236 (i) if the voters at the incorporation election choose the council-mayor form of
237 government, determine the number of council members that will constitute the city council of
238 the city; and

239 (ii) if the voters at the incorporation election vote to elect council members by district,
240 determine the number of council members to be elected by district and draw the boundaries of
241 those districts, which shall be substantially equal in population; and

242 (b) for the incorporation of any municipality:

243 (i) determine the initial terms of the mayor and members of the municipal council so
244 that:

245 (A) the mayor and approximately half the members of the municipal council are
246 elected to serve an initial term, of no less than one year, that allows the mayor's and members'
247 successors to serve a full four-year term that coincides with the schedule established in
248 Subsection **10-3-205**(1); and

249 (B) the remaining members of the municipal council are elected to serve an initial
250 term, of no less than one year, that allows the members' successors to serve a full four-year
251 term that coincides with the schedule established in Subsection **10-3-205**(2); and

252 (ii) submit in writing to the county legislative body the results of the determinations
253 made by the sponsors under Subsections (1)(a) and (b)(i).

254 (2) A newly incorporated town shall operate under the five-member council form of
255 government as defined in Section 10-3b-102.

256 (3) Before making a determination under Subsection (1)(a) or (b)(i), the petition
257 sponsors shall hold a public hearing within the future municipality on the applicable issues
258 described in Subsections (1)(a) and (b)(i).

259 (4) The petition sponsors shall publish notice of the public hearing described in
260 Subsection (3):

261 (a) (i) in a newspaper of general circulation within the future municipality at least once
262 a week for two successive weeks before the public hearing;

263 (ii) if there is no newspaper of general circulation in the future municipality, at least
264 two weeks before the day of the public hearing, by posting one notice, and at least one
265 additional notice per 2,000 population of the future municipality, in places within the future
266 municipality that are most likely to give notice to the residents within, and the owners of real
267 property located within, the future municipality; or

268 (iii) at least two weeks before the day of the public hearing, by mailing notice to each
269 residence within, and each owner of real property located within, the future municipality;

270 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks
271 before the day of the public hearing;

272 (c) in accordance with Section 45-1-101, for at least two weeks before the day of the
273 public hearing; [~~and~~]

274 (d) if the future municipality has a website, for two weeks before the day of the public
275 hearing; and

276 [~~(d)~~] (e) on the county's website for two weeks before the day of the public hearing.

277 (5) The last notice required to be published under Subsection (4)(a)(i) shall be
278 published at least three days before the day of the public hearing described in Subsection (3).

279 Section 5. Section 10-2a-214 is amended to read:

280 **10-2a-214. Notice of number of commission or council members to be elected and**
281 **of district boundaries -- Declaration of candidacy for municipal office.**

282 (1) Within 20 days after the day on which a county legislative body receives the
283 petition sponsors' determination under Subsection 10-2a-213(1)(b)(ii), the county clerk shall
284 publish, in accordance with Subsection (2), notice containing:

285 (a) the number of municipal council members to be elected for the new municipality;

286 (b) except as provided in Subsection (3), if some or all of the municipal council
287 members are to be elected by district, a description of the boundaries of those districts;

288 (c) information about the deadline for an individual to file a declaration of candidacy to
289 become a candidate for mayor or municipal council; and

290 (d) information about the length of the initial term of each of the municipal officers.

291 (2) The county clerk shall publish the notice described in Subsection (1):

292 (a) (i) in a newspaper of general circulation within the future municipality at least once
293 a week for two consecutive weeks;

294 (ii) if there is no newspaper of general circulation in the future municipality, by posting
295 one notice, and at least one additional notice per 2,000 population of the future municipality, in
296 places within the future municipality that are most likely to give notice to the residents in the
297 future municipality; or

298 (iii) by mailing notice to each residence in the future municipality;

299 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks;

300 (c) in accordance with Section 45-1-101, for two weeks; [~~and~~]

301 (d) if the future municipality has a website, on the future municipality's website for two
302 weeks; and

303 [~~(d)~~] (e) on the county's website for two weeks.

304 (3) Instead of publishing the district boundaries described in Subsection (1)(b), the
305 notice may include a statement that specifies the following sources where a resident of the
306 future municipality may view or obtain a copy the district:

307 (a) the county website;

308 (b) the physical address of the county offices; and

309 (c) a mailing address and telephone number.

310 (4) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a
311 candidate for mayor or municipal council of a municipality incorporating under this part shall
312 file a declaration of candidacy with the clerk of the county in which the future municipality is
313 located and in accordance with:

314 (a) for an incorporation held on the date of a regular general election, the deadlines for
315 filing a declaration of candidacy under Section 20A-9-202; or

316 (b) for an incorporation held on the date of a municipal general election, the deadlines
317 for filing a declaration of candidacy under Section 20A-9-203.

318 Section 6. Section 10-2a-215 is amended to read:

319 **10-2a-215. Election of officers of new municipality -- Primary and final election**
320 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**

321 (1) For the election of municipal officers, the county legislative body shall:

322 (a) unless a primary election is prohibited under Subsection 20A-9-404(2), hold a
323 primary election; and

324 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
325 final election.

326 (2) Each election described in Subsection (1) shall be held:

327 (a) consistent with the petition sponsors' determination of the length of each council
328 member's initial term; and

329 (b) for the incorporation of a city:

330 (i) appropriate to the form of government chosen by the voters at the incorporation
331 election;

332 (ii) consistent with the voters' decision about whether to elect city council members by
333 district and, if applicable, consistent with the boundaries of those districts as determined by the
334 petition sponsors; and

335 (iii) consistent with the sponsors' determination of the number of city council members
336 to be elected.

337 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),

338 the primary election described in Subsection (1)(a) shall be held at the earliest of the next:

339 (i) regular primary election described in Subsection 20A-1-201.5(1); or

340 (ii) municipal primary election described in Section 20A-9-404.

341 (b) The county shall hold the primary election, if necessary, on the next election date
342 described in Subsection (3)(a) that is after the incorporation election conducted under Section
343 10-2a-210.

344 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election described in
345 Subsection (1)(b):

346 (i) on the following election date that next follows the date of the incorporation
347 election held under Subsection 10-2a-210(1)(a);

348 (ii) a regular general election described in Section 20A-1-201; or

349 (iii) a regular municipal general election under Section 20A-1-202.

350 (b) The county shall hold the final election on the earliest of the next election date that
351 is listed in Subsection (4)(a)(i), (ii), or (iii):

352 (i) that is after a primary election; or

353 (ii) if there is no primary election, that is at least:

354 (A) 75 days after the incorporation election under Section 10-2a-210; and

355 (B) 65 days after the candidate filing period.

356 (5) The county clerk shall publish notice of an election under this section:

357 (a) (i) in accordance with Subsection (6), at least once a week for two consecutive
358 weeks before the election in a newspaper of general circulation within the future municipality;

359 (ii) if there is no newspaper of general circulation in the future municipality, at least
360 two weeks before the day of the election, by posting one notice, and at least one additional
361 notice per 2,000 population of the future municipality, in places within the future municipality
362 that are most likely to give notice to the voters within the future municipality; or

363 (iii) at least two weeks before the day of the election, by mailing notice to each
364 registered voter within the future municipality;

365 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks

366 before the day of the election;

367 (c) in accordance with Section 45-1-101, for two weeks before the day of the election;

368 [~~and~~]

369 (d) if the future municipality has a website, on the future municipality's website for two
370 weeks before the day of the election; and

371 [~~(d)~~] (e) on the county's website for two weeks before the day of the election.

372 (6) The last notice required to be published under Subsection (5)(a)(i) shall be
373 published at least one day but no more than seven days before the day of the election.

374 (7) Until the municipality is incorporated, the county clerk:

375 (a) is the election officer for all purposes related to the election of municipal officers;

376 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions
377 related to the election of municipal officers for a new municipality that are not otherwise
378 contrary to law;

379 (c) shall require and determine deadlines for municipal office candidates to file
380 campaign financial disclosures in accordance with Section 10-3-208; and

381 (d) shall ensure that the ballot for the election includes each office that is required to be
382 included in the election for officers of the newly incorporated municipality, including the term
383 of each office.

384 (8) An individual who has filed as a candidate for an office described in this section
385 shall comply with:

386 (a) the campaign finance disclosure requirements described in Section 10-3-208; and

387 (b) the requirements and deadlines established by the county clerk under this section.

388 (9) Notwithstanding Section 10-3-201, the officers elected at a final election described
389 in Subsection (4)(a) shall take office:

390 (a) after taking the oath of office; and

391 (b) at noon on the first Monday following the day on which the election official
392 transmits a certificate of nomination or election under the officer's seal to each elected
393 candidate in accordance with Subsection 20A-4-304(4)(b).

394 Section 7. Section **20A-2-307** is amended to read:

395 **20A-2-307. County clerks' instructions to election judges.**

396 (1) Each county clerk shall instruct election judges to allow a voter to vote a regular
397 ballot if:

398 (a) the voter has moved from one address within a [~~voting precinct~~] county to another
399 address within the same [~~voting precinct~~] county; and

400 (b) the voter affirms the change of address orally or in writing before the election
401 judges.

402 (2) Each county clerk shall instruct election judges to allow an individual to vote a
403 provisional ballot if:

404 (a) the individual is not registered to vote, but is otherwise legally entitled to vote
405 under Section **20A-2-207**;

406 (b) the voter's name does not appear on the official register; or

407 (c) the voter is challenged as provided in Section **20A-3-202**.

408 Section 8. Section **20A-7-402** is amended to read:

409 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
410 **Preparation -- Statement on front cover.**

411 (1) The county or municipality that is subject to a ballot proposition shall prepare a
412 local voter information pamphlet that complies with the requirements of this part.

413 (2) (a) Within the time requirements described in Subsection (2)(c)(i), a municipality
414 that is subject to a special local ballot proposition shall provide a notice that complies with the
415 requirements of Subsection (2)(c)(ii) to the municipality's residents by:

416 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the
417 municipality's residents, including the notice with a newsletter, utility bill, or other material;

418 (ii) posting the notice, until after the deadline described in Subsection (2)(d) has
419 passed, on:

420 (A) the Utah Public Notice Website created in Section **63F-1-701**; and

421 (B) the home page of the municipality's website, if the municipality has a website; and

422 (iii) sending the notice electronically to each individual in the municipality for whom
423 the municipality has an email address.

424 (b) A county that is subject to a special local ballot proposition shall:

425 (i) send an electronic notice that complies with the requirements of Subsection
426 (2)(c)(ii) to each individual in the county for whom the county has an email address; or

427 (ii) until after the deadline described in Subsection (2)(d) has passed, post a notice that
428 complies with the requirements of Subsection (2)(c)(ii) on:

429 (A) the Utah Public Notice Website created in Section 63F-1-701; and

430 (B) the home page of the county's website.

431 (c) A municipality or county that mails, sends, or posts a notice under Subsection (2)(a)
432 or (b) shall:

433 (i) mail, send, or post the notice:

434 (A) not less than 90 days before the date of the election at which a special local ballot
435 proposition will be voted upon; or

436 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable
437 after the special local ballot proposition is approved to be voted upon in an election; and

438 (ii) ensure that the notice contains:

439 (A) the ballot title for the special local ballot proposition;

440 (B) instructions on how to file a request under Subsection (2)(d); and

441 (C) the deadline described in Subsection (2)(d).

442 (d) To prepare a written argument for or against a special local ballot proposition, an
443 eligible voter shall file a request with the election officer before 5 p.m. no later than ~~[55]~~ 64
444 days before the day of the election at which the special local ballot proposition is to be voted
445 on.

446 (e) If more than one eligible voter requests the opportunity to prepare a written
447 argument for or against a special local ballot proposition, the election officer shall make the
448 final designation in accordance with the following order of priority:

449 (i) sponsors have priority in preparing an argument regarding a special local ballot

450 proposition; and

451 (ii) members of the local legislative body have priority over others if a majority of the
452 local legislative body supports the written argument.

453 (f) The election officer shall grant a request described in Subsection (2)(d) or (e) no
454 later than [67] 60 days before the day of the election at which the ballot proposition is to be
455 voted on.

456 (g) (i) A sponsor of a special local ballot proposition may prepare a written argument in
457 favor of the special local ballot proposition.

458 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot
459 proposition who submits a request under Subsection (2)(d) may prepare a written argument
460 against the special local ballot proposition.

461 (h) An eligible voter who submits a written argument under this section in relation to a
462 special local ballot proposition shall:

463 (i) ensure that the written argument does not exceed 500 words in length, not counting
464 the information described in Subsection (2)(h)(ii) or (iv);

465 (ii) list, at the end of the argument, at least one, but no more than five, names as
466 sponsors;

467 (iii) submit the written argument to the election officer before 5 p.m. no later than [60]
468 55 days before the election day on which the ballot proposition will be submitted to the voters;

469 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's
470 residential address; and

471 (v) submit with the written argument the eligible voter's name, residential address,
472 postal address, email address if available, and phone number.

473 (i) An election officer shall refuse to accept and publish an argument submitted after
474 the deadline described in Subsection (2)(h)(iii).

475 (3) (a) An election officer who timely receives the written arguments in favor of and
476 against a special local ballot proposition shall, within one business day after the day on which
477 the election office receives both written arguments, send, via mail or email:

478 (i) a copy of the written argument in favor of the special local ballot proposition to the
479 eligible voter who submitted the written argument against the special local ballot proposition;
480 and

481 (ii) a copy of the written argument against the special local ballot proposition to the
482 eligible voter who submitted the written argument in favor of the special local ballot
483 proposition.

484 (b) The eligible voter who submitted a timely written argument in favor of the special
485 local ballot proposition:

486 (i) may submit to the election officer a written rebuttal argument of the written
487 argument against the special local ballot proposition;

488 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,
489 not counting the information described in Subsection (3)(h)(ii) or (iv); and

490 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
491 before the election day on which the special local ballot proposition will be submitted to the
492 voters.

493 (c) The eligible voter who submitted a timely written argument against the special local
494 ballot proposition:

495 (i) may submit to the election officer a written rebuttal argument of the written
496 argument in favor of the special local ballot proposition;

497 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,
498 not counting the information described in Subsection (3)(h)(ii) or (iv); and

499 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
500 before the election day on which the special local ballot proposition will be submitted to the
501 voters.

502 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
503 relation to a special local ballot proposition that is submitted after the deadline described in
504 Subsection (3)(b)(iii) or (3)(c)(iii).

505 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot

506 proposition:

507 (i) an eligible voter may not modify a written argument or a written rebuttal argument
508 after the eligible voter submits the written argument or written rebuttal argument to the election
509 officer; and

510 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
511 modify a written argument or a written rebuttal argument.

512 (b) The election officer, and the eligible voter who submits a written argument or
513 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to
514 modify a written argument or written rebuttal argument in order to:

515 (i) correct factual, grammatical, or spelling errors; and

516 (ii) reduce the number of words to come into compliance with the requirements of this
517 section.

518 (c) An election officer shall refuse to accept and publish a written argument or written
519 rebuttal argument in relation to a special local ballot proposition if the eligible voter who
520 submits the written argument or written rebuttal argument fails to negotiate, in good faith, to
521 modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).

522 (5) In relation to a special local ballot proposition, an election officer may designate
523 another eligible voter to take the place of an eligible voter described in this section if the
524 original eligible voter is, due to injury, illness, death, or another circumstance, unable to
525 continue to fulfill the duties of an eligible voter described in this section.

526 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
527 included in a proposition information pamphlet under Section [20A-7-401.5](#):

528 (a) may, if a written argument against the standard local ballot proposition is included
529 in the proposition information pamphlet, submit a written rebuttal argument to the election
530 officer;

531 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
532 and

533 (c) shall submit the written rebuttal argument no later than 45 days before the election

534 day on which the standard local ballot proposition will be submitted to the voters.

535 (7) (a) A county or municipality that submitted a written argument against a standard
536 local ballot proposition that is included in a proposition information pamphlet under Section
537 [20A-7-401.5](#):

538 (i) may, if a written argument in favor of the standard local ballot proposition is
539 included in the proposition information pamphlet, submit a written rebuttal argument to the
540 election officer;

541 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;
542 and

543 (iii) shall submit the written rebuttal argument no later than 45 days before the election
544 day on which the ballot proposition will be submitted to the voters.

545 (b) If a county or municipality submits more than one written rebuttal argument under
546 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments,
547 giving preference to a written rebuttal argument submitted by a member of a local legislative
548 body.

549 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument
550 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

551 (b) Before an election officer publishes a local voter information pamphlet under this
552 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government
553 Records Access and Management Act.

554 (c) An election officer who receives a written rebuttal argument described in this
555 section may not, before publishing the local voter information pamphlet described in this
556 section, disclose the written rebuttal argument, or any information contained in the written
557 rebuttal argument, to any person who may in any way be involved in preparing an opposing
558 rebuttal argument.

559 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written
560 rebuttal argument after the written rebuttal argument is submitted to the election officer.

561 (b) The election officer, and the person who submits a written rebuttal argument, may

562 jointly agree to modify a written rebuttal argument in order to:

563 (i) correct factual, grammatical, or spelling errors; or

564 (ii) reduce the number of words to come into compliance with the requirements of this
565 section.

566 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
567 the person who submits the written rebuttal argument:

568 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
569 accordance with Subsection (9)(b); or

570 (ii) does not timely submit the written rebuttal argument to the election officer.

571 (d) An election officer shall make a good faith effort to negotiate a modification
572 described in Subsection (9)(b) in an expedited manner.

573 (10) An election officer may designate another person to take the place of a person who
574 submits a written rebuttal argument in relation to a standard local ballot proposition if the
575 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the
576 person's duties.

577 (11) (a) The local voter information pamphlet shall include a copy of the initial fiscal
578 impact estimate and the legal impact statement prepared for each initiative under Section
579 [20A-7-502.5](#).

580 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall
581 include the following statement in bold type:

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

585 (12) (a) In preparing the local voter information pamphlet, the election officer shall:

586 (i) ensure that the written arguments are printed on the same sheet of paper upon which
587 the ballot proposition is also printed;

588 (ii) ensure that the following statement is printed on the front cover or the heading of
589 the first page of the printed written arguments:

590 "The arguments for or against a ballot proposition are the opinions of the authors.";
591 (iii) pay for the printing and binding of the local voter information pamphlet; and
592 (iv) not less than 15 days before, but not more than 45 days before, the election at
593 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered
594 voter entitled to vote on the ballot proposition:

- 595 (A) a voter information pamphlet; or
- 596 (B) the notice described in Subsection (12)(c).

597 (b) (i) If the language of the ballot proposition exceeds 500 words in length, the
598 election officer may summarize the ballot proposition in 500 words or less.

599 (ii) The summary shall state where a complete copy of the ballot proposition is
600 available for public review.

601 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
602 preaddressed return form that a person may use to request delivery of a voter information
603 pamphlet by mail.

604 (ii) The notice described in Subsection (12)(c)(i) shall include:

605 (A) the address of the Statewide Electronic Voter Information Website authorized by
606 Section [20A-7-801](#); and

607 (B) the phone number a voter may call to request delivery of a voter information
608 pamphlet by mail or carrier.

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

610 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
611 **more than one political party prohibited with exceptions -- General filing and form**
612 **requirements -- Affidavit of impecuniosity.**

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

- 615 (a) be a United States citizen;
- 616 (b) meet the legal requirements of that office; and
- 617 (c) if seeking a registered political party's nomination as a candidate for elective office,

618 state:

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

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

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

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

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

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

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

632 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more
633 than one justice court judge office.

634 (iii) An individual may file a declaration of candidacy for lieutenant governor even if
635 the individual filed a declaration of candidacy for another office in the same election year if the
636 individual withdraws as a candidate for the other office in accordance with Subsection
637 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

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

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

642 (ii) require the individual to state whether the individual meets the requirements
643 described in Subsection (3)(a)(i); and

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

646 elected office.

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

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

652 (i) a United States citizen;

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

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

656 (iv) a current resident of the county in which the individual is seeking office and either
657 has been a resident of that county for at least one year or was appointed and is currently serving
658 as county attorney and became a resident of the county within 30 days after appointment to the
659 office.

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

663 (i) a United States citizen;

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

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

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

673 (d) Before accepting a declaration of candidacy for the office of county sheriff, the

674 county clerk shall ensure that the individual filing the declaration:

675 (i) is a United States citizen;

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

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

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

681 (iv) is qualified to be certified as a law enforcement officer, as defined in Section
682 53-13-103; and

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

685 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant
686 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of
687 Education member, the filing officer shall ensure:

688 (i) that the individual filing the declaration of candidacy also makes the conflict of
689 interest disclosure required by Section 20A-11-1603; and

690 (ii) until January 1, 2020, if the filing officer is not the lieutenant governor, that the
691 individual provides the conflict of interest disclosure form to the lieutenant governor in
692 accordance with Section 20A-11-1603.

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

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

698 (a) inform the individual that:

699 (i) the individual's name will appear on the ballot as the individual's name is written on
700 the individual's declaration of candidacy;

701 (ii) the individual may be required to comply with state or local campaign finance

702 disclosure laws; and

703 (iii) the individual is required to file a financial statement before the individual's

704 political convention under:

705 (A) Section 20A-11-204 for a candidate for constitutional office;

706 (B) Section 20A-11-303 for a candidate for the Legislature; or

707 (C) local campaign finance disclosure laws, if applicable;

708 (b) except for a presidential candidate, provide the individual with a copy of the current

709 campaign financial disclosure laws for the office the individual is seeking and inform the

710 individual that failure to comply will result in disqualification as a candidate and removal of

711 the individual's name from the ballot;

712 (c) provide the individual with a copy of Section 20A-7-801 regarding the Statewide

713 Electronic Voter Information Website Program and inform the individual of the submission

714 deadline under Subsection 20A-7-801(4)(a);

715 (d) provide the candidate with a copy of the pledge of fair campaign practices

716 described under Section 20A-9-206 and inform the candidate that:

717 (i) signing the pledge is voluntary; and

718 (ii) signed pledges shall be filed with the filing officer;

719 (e) accept the individual's declaration of candidacy; and

720 (f) if the individual has filed for a partisan office, provide a certified copy of the

721 declaration of candidacy to the chair of the county or state political party of which the

722 individual is a member.

723 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing

724 officer shall:

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

726 (b) if the candidate has filed for a partisan office, provide a certified copy of the

727 candidate's pledge to the chair of the county or state political party of which the candidate is a

728 member.

729 (7) (a) Except for a candidate for president or vice president of the United States, the

730 form of the declaration of candidacy shall:

731 (i) be substantially as follows:

732 "State of Utah, County of ____

733 I, _____, declare my candidacy for the office of _____, seeking the

734 nomination of the ____ party. I do solemnly swear that: I will meet the qualifications to

735 hold the office, both legally and constitutionally, if selected; I reside at _____

736 in the City or Town of _____, Utah, Zip Code _____ Phone No. _____; I will not

737 knowingly violate any law governing campaigns and elections; if filing via a designated

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

739 file all campaign financial disclosure reports as required by law; and I understand that

740 failure to do so will result in my disqualification as a candidate for this office and

741 removal of my name from the ballot. The mailing address that I designate for receiving

742 official election notices is _____.

743 _____

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

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

746 (ii) require the candidate to state, in the sworn statement described in Subsection

747 (7)(a)(i):

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

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

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

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

752 (8) (a) Except for ~~[presidential candidates]~~ a candidate for president or vice president
753 of the United States, the fee for filing a declaration of candidacy is:

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

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

757 (b) Except for presidential candidates, the filing officer shall refund the filing fee to

758 any candidate:

759 (i) who is disqualified; or

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

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

763 (ii) The lieutenant governor shall:

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

766 (B) ensure that each county receives that proportion of the total amount paid to the
767 lieutenant governor from the congressional district that the total vote of that county for all
768 candidates for representative in Congress bears to the total vote of all counties within the
769 congressional district for all candidates for representative in Congress.

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

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

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

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

781 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
782 substantially the following form:

783 "Affidavit of Impecuniosity

784 Individual Name

785 _____ Address _____

786 Phone Number _____

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

790 Date _____ Signature _____

791 Affiant

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

793 _____
794 (signature)

795 Name and Title of Officer Authorized to Administer Oath _____":

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

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

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

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

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

809 Section 10. Section 20A-9-202 is amended to read:

810 **20A-9-202. Declarations of candidacy for regular general elections.**

811 (1) (a) An individual seeking to become a candidate for an elective office that is to be
812 filled at the next regular general election shall:

813 (i) except as provided in Subsection (1)(c), file a declaration of candidacy in person

814 with the filing officer on or after January 1 of the regular general election year, and, if
815 applicable, before the individual circulates nomination petitions under Section 20A-9-405; and

816 (ii) pay the filing fee.

817 (b) Unless expressly provided otherwise in this title, for a registered political party that
818 is not a qualified political party, the deadline for filing a declaration of candidacy for an
819 elective office that is to be filled at the next regular general election is:

820 (i) in a year other than 2020, 5 p.m. on the first Monday after the third Saturday in
821 April; or

822 (ii) in 2020, before 5 p.m. April 27.

823 (c) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file
824 a declaration of candidacy with the filing officer if:

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

826 (ii) the designated agent appears in person before the filing officer;

827 (iii) the individual communicates with the filing officer using an electronic device that
828 allows the individual and filing officer to see and hear each other; and

829 (iv) the individual provides the filing officer with an email address to which the filing
830 officer may send the individual the copies described in Subsection 20A-9-201(5).

831 (d) Each county clerk who receives a declaration of candidacy from a candidate for
832 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
833 candidacy to the lieutenant governor within one business day after the candidate files the
834 declaration of candidacy.

835 (e) Each day during the filing period, each county clerk shall notify the lieutenant
836 governor electronically or by telephone of candidates who have filed a declaration of candidacy
837 with the county clerk.

838 (f) Each individual seeking the office of lieutenant governor, the office of district
839 attorney, or the office of president or vice president of the United States shall comply with the
840 specific declaration of candidacy requirements established by this section.

841 (2) (a) Each individual intending to become a candidate for the office of district

842 attorney within a multicounty prosecution district that is to be filled at the next regular general
843 election shall:

844 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
845 creating the prosecution district on or after January 1 of the regular general election year, and
846 before the individual circulates nomination petitions under Section 20A-9-405; and

847 (ii) pay the filing fee.

848 (b) The designated clerk shall provide to the county clerk of each county in the
849 prosecution district a certified copy of each declaration of candidacy filed for the office of
850 district attorney.

851 (3) (a) Before the deadline described in Subsection (1)(b)(i) or (ii), each lieutenant
852 governor candidate shall:

853 (i) file a declaration of candidacy with the lieutenant governor;

854 (ii) pay the filing fee; and

855 (iii) submit a letter from a candidate for governor who has received certification for the
856 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
857 as a joint-ticket running mate.

858 (b) (i) A candidate for lieutenant governor who fails to timely file is disqualified.

859 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to
860 replace the disqualified candidate.

861 (4) Before 5 p.m. no later than August 31, each registered political party shall:

862 (a) certify the names of the political party's candidates for president and vice president
863 of the United States to the lieutenant governor; or

864 (b) provide written authorization for the lieutenant governor to accept the certification
865 of candidates for president and vice president of the United States from the national office of
866 the registered political party.

867 (5) (a) A declaration of candidacy filed under this section is valid unless a written
868 objection is filed with the clerk or lieutenant governor before 5 p.m. within five days after the
869 last day for filing.

870 (b) If an objection is made, the clerk or lieutenant governor shall:

871 (i) mail or personally deliver notice of the objection to the affected candidate

872 immediately; and

873 (ii) decide any objection within 48 hours after it is filed.

874 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the

875 problem by amending the declaration or petition before 5 p.m. within three days after the day

876 on which the objection is sustained or by filing a new declaration before 5 p.m. within three

877 days after the day on which the objection is sustained.

878 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

879 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable

880 by a district court if prompt application is made to the court.

881 (iii) The decision of the district court is final unless the Supreme Court, in the exercise

882 of its discretion, agrees to review the lower court decision.

883 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by

884 filing a written affidavit with the clerk.

885 (7) (a) Except for a candidate who is certified by a registered political party under

886 Subsection (4), and except as provided in Section [20A-9-504](#), before 5 p.m. no later than

887 August 31 of a general election year, each individual running as a candidate for vice president

888 of the United States shall:

889 (i) file a declaration of candidacy, in person or via a designated agent, on a form

890 developed by the lieutenant governor, that:

891 (A) contains the individual's name, address, and telephone number;

892 (B) states that the individual meets the qualifications for the office of vice president of

893 the United States;

894 (C) names the presidential candidate, who has qualified for the general election ballot,

895 with which the individual is running as a joint-ticket running mate;

896 (D) states that the individual agrees to be the running mate of the presidential candidate

897 described in Subsection (7)(a)(i)(C); and

- 898 (E) contains any other necessary information identified by the lieutenant governor;
- 899 (ii) pay the filing fee~~[-, if applicable]~~; and
- 900 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C)
- 901 that names the individual as a joint-ticket running mate as a vice presidential candidate.
- 902 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of
- 903 candidacy.
- 904 (c) A vice presidential candidate who fails to meet the requirements described in this
- 905 Subsection (7) may not appear on the general election ballot.
- 906 (8) An individual filing a declaration of candidacy for president or vice president of the
- 907 United States shall pay a filing fee of \$500.

908 Section 11. Section **20A-9-203** is amended to read:

909 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

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

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

912 (b) (i) the individual has resided within the municipality in which the individual seeks

913 to hold elective office for the 12 consecutive months immediately before the date of the

914 election; or

915 (ii) the territory in which the individual resides was annexed into the municipality, the

916 individual has resided within the annexed territory or the municipality the 12 consecutive

917 months immediately before the date of the election.

918 (2) (a) For purposes of determining whether an individual meets the residency

919 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months

920 before the election, the municipality is considered to have been incorporated 12 months before

921 the date of the election.

922 (b) In addition to the requirements of Subsection (1), each candidate for a municipal

923 council position shall, if elected from a district, be a resident of the council district from which

924 the candidate is elected.

925 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent

926 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
927 against the elective franchise may not hold office in this state until the right to hold elective
928 office is restored under Section 20A-2-101.3 or 20A-2-101.5.

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

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

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

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

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

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

941 (iii) the individual communicates with the city recorder or town clerk using an
942 electronic device that allows the individual and city recorder or town clerk to see and hear each
943 other; and

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

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

948 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
949 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during
950 the office hours described in Section 10-3-301 and not later than the close of those office
951 hours, between June 1 and June 7 of any odd-numbered year[~~;~~ and] that includes signatures in
952 support of the nomination petition of the lesser of at least:

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

- 954 (B) 20% of the registered voters who reside in the municipality; and
955 (ii) paying the filing fee, if one is required by municipal ordinance.
- 956 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
957 petition, the filing officer shall:
- 958 (i) read to the prospective candidate or individual filing the petition the constitutional
959 and statutory qualification requirements for the office that the candidate is seeking;
- 960 (ii) require the candidate or individual filing the petition to state whether the candidate
961 meets the requirements described in Subsection (4)(a)(i); and
- 962 (iii) inform the candidate or the individual filing the petition that an individual who
963 holds a municipal elected office may not, at the same time, hold a county elected office.
- 964 (b) If the prospective candidate does not meet the qualification requirements for the
965 office, the filing officer may not accept the declaration of candidacy or nomination petition.
- 966 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
967 filing officer shall:
- 968 (i) inform the candidate that the candidate's name will appear on the ballot as it is
969 written on the declaration of candidacy;
- 970 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
971 for the office the candidate is seeking and inform the candidate that failure to comply will
972 result in disqualification as a candidate and removal of the candidate's name from the ballot;
- 973 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
974 Electronic Voter Information Website Program and inform the candidate of the submission
975 deadline under Subsection 20A-7-801(4)(a);
- 976 (iv) provide the candidate with a copy of the pledge of fair campaign practices
977 described under Section 20A-9-206 and inform the candidate that:
- 978 (A) signing the pledge is voluntary; and
979 (B) signed pledges shall be filed with the filing officer; and
- 980 (v) accept the declaration of candidacy or nomination petition.
- 981 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing

982 officer shall:

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

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

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

988 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
989 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
990 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
991 the legal qualifications required of candidates for this office. If filing via a designated agent, I
992 attest that I will be out of the state of Utah during the entire candidate filing period. I will file
993 all campaign financial disclosure reports as required by law and I understand that failure to do
994 so will result in my disqualification as a candidate for this office and removal of my name from
995 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

996 _____

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

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

1000 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
1001 not sign the form described in Subsection (5)(a).

1002 (c) (i) A nomination petition shall be in substantially the following form:

1003 "NOMINATION PETITION

1004 The undersigned residents of (name of municipality), being registered voters, nominate
1005 (name of nominee) for the office of (name of office) for the (length of term of office)."

1006 (ii) The remainder of the petition shall contain lines and columns for the signatures of
1007 individuals signing the petition and each individual's address and phone number.

1008 (6) If the declaration of candidacy or nomination petition fails to state whether the
1009 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be

1010 for the four-year term.

1011 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
1012 voters.

1013 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
1014 print the candidate's name on the ballot.

1015 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
1016 clerk shall:

1017 (a) publish a list of the names of the candidates as they will appear on the ballot:

1018 (i) (A) in at least two successive publications of a newspaper of general circulation in
1019 the municipality;

1020 (B) if there is no newspaper of general circulation in the municipality, by posting one
1021 copy of the list, and at least one additional copy of the list per 2,000 population of the
1022 municipality, in places within the municipality that are most likely to give notice to the voters
1023 in the municipality; or

1024 (C) by mailing notice to each registered voter in the municipality;

1025 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#), for seven days;

1026 (iii) in accordance with Section [45-1-101](#), for seven days; and

1027 (iv) if the municipality has a website, on the municipality's website for seven days; and

1028 (b) notify the lieutenant governor of the names of the candidates as they will appear on
1029 the ballot.

1030 (9) Except as provided in Subsection (10)(c), an individual may not amend a
1031 declaration of candidacy or nomination petition filed under this section after the candidate
1032 filing period ends.

1033 (10) (a) A declaration of candidacy or nomination petition that an individual files under
1034 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
1035 five days after the last day for filing.

1036 (b) If a person files an objection, the clerk shall:

1037 (i) mail or personally deliver notice of the objection to the affected candidate

1038 immediately; and

1039 (ii) decide any objection within 48 hours after the objection is filed.

1040 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
1041 days after the day on which the clerk sustains the objection, correct the problem for which the
1042 objection is sustained by amending the candidate's declaration of candidacy or nomination
1043 petition, or by filing a new declaration of candidacy.

1044 (d) (i) The clerk's decision upon objections to form is final.

1045 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
1046 prompt application is made to the district court.

1047 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1048 of its discretion, agrees to review the lower court decision.

1049 (11) A candidate who qualifies for the ballot under this section may withdraw as a
1050 candidate by filing a written affidavit with the municipal clerk.

1051 Section 12. Section **20A-9-403** is amended to read:

1052 **20A-9-403. Regular primary elections.**

1053 (1) (a) Candidates for elective office that are to be filled at the next regular general
1054 election shall be nominated in a regular primary election by direct vote of the people in the
1055 manner prescribed in this section. The regular primary election is held on the date specified in
1056 Section **20A-1-201.5**. Nothing in this section shall affect a candidate's ability to qualify for a
1057 regular general election's ballot as an unaffiliated candidate under Section **20A-9-501** or to
1058 participate in a regular general election as a write-in candidate under Section **20A-9-601**.

1059 (b) Each registered political party that chooses to have the names of the registered
1060 political party's candidates for elective office featured with party affiliation on the ballot at a
1061 regular general election shall comply with the requirements of this section and shall nominate
1062 the registered political party's candidates for elective office in the manner described in this
1063 section.

1064 (c) A filing officer may not permit an official ballot at a regular general election to be
1065 produced or used if the ballot denotes affiliation between a registered political party or any

1066 other political group and a candidate for elective office who is not nominated in the manner
1067 prescribed in this section or in Subsection 20A-9-202(4).

1068 (d) Unless noted otherwise, the dates in this section refer to those that occur in each
1069 even-numbered year in which a regular general election will be held.

1070 (2) (a) Each registered political party, in a statement filed with the lieutenant governor,
1071 shall:

1072 (i) either declare the registered political party's intent to participate in the next regular
1073 primary election or declare that the registered political party chooses not to have the names of
1074 the registered political party's candidates for elective office featured on the ballot at the next
1075 regular general election; and

1076 (ii) if the registered political party participates in the upcoming regular primary
1077 election, identify one or more registered political parties whose members may vote for the
1078 registered political party's candidates and whether individuals identified as unaffiliated with a
1079 political party may vote for the registered political party's candidates.

1080 (b) (i) A registered political party that is a continuing political party shall file the
1081 statement described in Subsection (2)(a) with the lieutenant governor no later than 5 p.m. on
1082 November 30 of each odd-numbered year.

1083 (ii) An organization that is seeking to become a registered political party under Section
1084 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered
1085 political party files the petition described in Section 20A-8-103.

1086 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a
1087 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective
1088 office on the regular primary ballot of the registered political party listed on the declaration of
1089 candidacy only if the individual is certified by the appropriate filing officer as having submitted
1090 a set of nomination petitions that was:

1091 (i) circulated and completed in accordance with Section 20A-9-405; and

1092 (ii) signed by at least 2% of the registered political party's members who reside in the
1093 political division of the office that the individual seeks.

1094 (b) (i) A candidate for elective office shall submit nomination petitions to the
1095 appropriate filing officer for verification and certification no later than 5 p.m. on the final day
1096 in March.

1097 (ii) A candidate may supplement the candidate's submissions at any time on or before
1098 the filing deadline.

1099 (c) (i) The lieutenant governor shall determine for each elective office the total number
1100 of signatures that must be submitted under Subsection (3)(a)(ii) or [20A-9-408\(8\)](#) by counting
1101 the aggregate number of individuals residing in each elective office's political division who
1102 have designated a particular registered political party on the individuals' voter registration
1103 forms on or before November 15 of each odd-numbered year.

1104 (ii) The lieutenant governor shall publish the determination for each elective office no
1105 later than November 30 of each odd-numbered year.

1106 (d) The filing officer shall:

1107 (i) verify signatures on nomination petitions in a transparent and orderly manner, no
1108 later than 14 days after the day on which a candidate submits the signatures to the filing officer;

1109 (ii) for all qualifying candidates for elective office who submit nomination petitions to
1110 the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline
1111 described in Subsection [20A-9-202\(1\)\(b\)\(i\)](#) or (ii);

1112 (iii) consider active and inactive voters eligible to sign nomination petitions;

1113 (iv) consider an individual who signs a nomination petition a member of a registered
1114 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that
1115 registered political party as the individual's party membership on the individual's voter
1116 registration form; and

1117 (v) utilize procedures described in Section [20A-7-206.3](#) to verify submitted nomination
1118 petition signatures, or use statistical sampling procedures to verify submitted nomination
1119 petition signatures in accordance with rules made under Subsection (3)(f).

1120 (e) Notwithstanding any other provision in this Subsection (3), a candidate for
1121 lieutenant governor may appear on the regular primary ballot of a registered political party

1122 without submitting nomination petitions if the candidate files a declaration of candidacy and
1123 complies with Subsection 20A-9-202(3).

1124 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1125 director of elections, within the Office of the Lieutenant Governor, may make rules that:

1126 (i) provide for the use of statistical sampling procedures that:

1127 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

1128 (B) reflect a bona fide effort to determine the validity of a candidate's entire

1129 submission, using widely recognized statistical sampling techniques; and

1130 (ii) provide for the transparent, orderly, and timely submission, verification, and
1131 certification of nomination petition signatures.

1132 (g) The county clerk shall:

1133 (i) review the declarations of candidacy filed by candidates for local boards of
1134 education to determine if more than two candidates have filed for the same seat;

1135 (ii) place the names of all candidates who have filed a declaration of candidacy for a
1136 local board of education seat on the nonpartisan section of the ballot if more than two
1137 candidates have filed for the same seat; and

1138 (iii) determine the order of the local board of education candidates' names on the ballot
1139 in accordance with Section 20A-6-305.

1140 (4) (a) Before the deadline described in Subsection 20A-9-409(4)(c), the lieutenant
1141 governor shall provide to the county clerks:

1142 (i) a list of the names of all candidates for federal, constitutional, multi-county, single
1143 county, and county offices who have received certifications under Subsection (3), along with
1144 instructions on how those names shall appear on the primary election ballot in accordance with
1145 Section 20A-6-305; and

1146 (ii) a list of unopposed candidates for elective office who have been nominated by a
1147 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the
1148 unopposed candidates from the primary election ballot.

1149 (b) A candidate for lieutenant governor and a candidate for governor campaigning as

1150 joint-ticket running mates shall appear jointly on the primary election ballot.

1151 (c) After the county clerk receives the certified list from the lieutenant governor under
1152 Subsection (4)(a), the county clerk shall post or publish a primary election notice in
1153 substantially the following form:

1154 "Notice is given that a primary election will be held Tuesday, June ____,
1155 ____ (year), to nominate party candidates for the parties and candidates for nonpartisan
1156 local school board positions listed on the primary ballot. The polling place for voting precinct
1157 ____ is _____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.

1158 Attest: county clerk."

1159 (5) (a) A candidate who, at the regular primary election, receives the highest number of
1160 votes cast for the office sought by the candidate is:

1161 (i) nominated for that office by the candidate's registered political party; or

1162 (ii) for a nonpartisan local school board position, nominated for that office.

1163 (b) If two or more candidates are to be elected to the office at the regular general
1164 election, those party candidates equal in number to positions to be filled who receive the
1165 highest number of votes at the regular primary election are the nominees of the candidates'
1166 party for those positions.

1167 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

1168 (A) no individual other than the candidate receives a certification under Subsection (3)
1169 for the regular primary election ballot of the candidate's registered political party for a
1170 particular elective office; or

1171 (B) for an office where more than one individual is to be elected or nominated, the
1172 number of candidates who receive certification under Subsection (3) for the regular primary
1173 election of the candidate's registered political party does not exceed the total number of
1174 candidates to be elected or nominated for that office.

1175 (ii) A candidate who is unopposed for an elective office in the regular primary election
1176 of a registered political party is nominated by the party for that office without appearing on the
1177 primary election ballot.

1178 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
 1179 office that represents more than one county, the governor, lieutenant governor, and attorney
 1180 general shall, at a public meeting called by the governor and in the presence of the candidates
 1181 involved, select the nominee by lot cast in whatever manner the governor determines.

1182 (b) When a tie vote occurs in any primary election for any county office, the district
 1183 court judges of the district in which the county is located shall, at a public meeting called by
 1184 the judges and in the presence of the candidates involved, select the nominee by lot cast in
 1185 whatever manner the judges determine.

1186 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
 1187 primary election provided for by this section, and all expenses necessarily incurred in the
 1188 preparation for or the conduct of that primary election shall be paid out of the treasury of the
 1189 county or state, in the same manner as for the regular general elections.

1190 (8) An individual may not file a declaration of candidacy for a registered political party
 1191 of which the individual is not a member, except to the extent that the registered political party
 1192 permits otherwise under the registered political party's bylaws.

1193 Section 13. Section **20A-9-406** is amended to read:

1194 **20A-9-406. Qualified political party -- Requirements and exemptions.**

1195 The following provisions apply to a qualified political party:

1196 (1) the qualified political party shall, no later than 5 p.m. on November 30 of each
 1197 odd-numbered year, certify to the lieutenant governor the identity of one or more registered
 1198 political parties whose members may vote for the qualified political party's candidates and
 1199 whether unaffiliated voters may vote for the qualified political party's candidates;

1200 (2) the following provisions [~~of Subsections 20A-9-403(1) through (4)(a), Subsection~~
 1201 ~~20A-9-403(5)(c), and Section 20A-9-405~~] do not apply to a nomination for the qualified
 1202 political party[;]:

1203 (a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a);

1204 (b) Subsection 20A-9-403(5)(c); and

1205 (c) Section 20A-9-405;

1206 (3) an individual may only seek the nomination of the qualified political party by using
1207 a method described in Section 20A-9-407, Section 20A-9-408, or both;

1208 (4) the qualified political party shall comply with the provisions of Sections
1209 20A-9-407, 20A-9-408, and 20A-9-409;

1210 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(f), or (2)(a), each election officer
1211 shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated
1212 by a qualified political party:

1213 (a) under the qualified political party's name, if any; or

1214 (b) under the title of the qualified registered political party as designated by the
1215 qualified political party in the certification described in Subsection (1), or, if none is
1216 designated, then under some suitable title;

1217 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for
1218 paper ballots in regular general elections, that each candidate who is nominated by the qualified
1219 political party is listed by party;

1220 (7) notwithstanding Subsection 20A-6-303(1)(d), each election officer shall ensure that
1221 the party designation of each candidate who is nominated by the qualified political party is
1222 printed immediately adjacent to the candidate's name on ballot sheets or ballot labels;

1223 (8) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that
1224 the party designation of each candidate who is nominated by the qualified political party is
1225 displayed adjacent to the candidate's name on an electronic ballot;

1226 (9) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also
1227 includes an individual who files a declaration of candidacy under Section 20A-9-407 or
1228 20A-9-408 to run in a regular general election for a federal office, constitutional office,
1229 multicounty office, or county office;

1230 (10) an individual who is nominated by, or seeking the nomination of, the qualified
1231 political party is not required to comply with Subsection 20A-9-201(1)(c);

1232 (11) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled
1233 to have each of the qualified political party's candidates for elective office appear on the

1234 primary ballot of the qualified political party with an indication that each candidate is a
1235 candidate for the qualified political party;

1236 (12) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include
1237 on the list provided by the lieutenant governor to the county clerks:

1238 (a) the names of all candidates of the qualified political party for federal, constitutional,
1239 multicounty, and county offices; and

1240 (b) the names of unopposed candidates for elective office who have been nominated by
1241 the qualified political party and instruct the county clerks to exclude such candidates from the
1242 primary-election ballot;

1243 (13) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an
1244 elective office in the regular primary election of the qualified political party is nominated by
1245 the party for that office without appearing on the primary ballot; and

1246 (14) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section
1247 20A-9-405, the qualified political party is entitled to have the names of its candidates for
1248 elective office featured with party affiliation on the ballot at a regular general election.

1249 Section 14. Section 20A-9-503 is amended to read:

1250 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

1251 (1) (a) Except as provided in Subsection (1)(b), after the certificate of nomination has
1252 been certified, executed, and acknowledged by the county clerk, the candidate shall:

1253 (i) between the second Friday in March and the close of normal office hours on the
1254 third Thursday in March of the year in which the regular general election will be held:

1255 (A) file the petition in person with the lieutenant governor, if the office the candidate
1256 seeks is a constitutional office or a federal office, or the county clerk, if the office the candidate
1257 seeks is a county office; and

1258 (B) pay the filing fee; or

1259 (ii) not later than the close of normal office hours on June 15 of any odd-numbered
1260 year:

1261 (A) file the petition in person with the municipal clerk, if the candidate seeks an office

1262 in a city or town, or the local district clerk, if the candidate seeks an office in a local district;
1263 and

1264 (B) pay the filing fee.

1265 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a
1266 declaration of candidacy for president of the United States.

1267 (ii) Subject to Subsections (3)(c) and 20A-9-502(2), an individual may designate an
1268 agent to file a declaration of candidacy with the appropriate filing officer if:

1269 (A) the individual is located outside of the state during the entire filing period;

1270 (B) the designated agent appears in person before the filing officer; and

1271 (C) the individual communicates with the filing officer using an electronic device that
1272 allows the individual and filing officer to see and hear each other.

1273 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall
1274 read the constitutional and statutory requirements for candidacy to the candidate.

1275 (b) If the candidate states that he does not meet the requirements, the filing officer may
1276 not accept the petition.

1277 (3) (a) [~~Persons~~] An individual filing a certificate of nomination for president or vice
1278 president of the United States under this section shall pay a filing fee of \$500.

1279 (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for
1280 president or vice president of the United States:

1281 (i) may file the certificate of nomination between the second Friday in March and the
1282 close of normal office hours on August 15 of the year in which the regular general election will
1283 be held; and

1284 (ii) may use a designated agent to file the certificate of nomination.

1285 (c) An agent designated under Subsection (1)(b)(ii) or described in Subsection
1286 (3)(b)(ii) may not sign the certificate of nomination form.

1287 Section 15. Section **20A-11-101** is amended to read:

1288 **20A-11-101. Definitions.**

1289 As used in this chapter:

1290 (1) (a) "Address" means the number and street where an individual resides or where a
1291 reporting entity has its principal office.

1292 (b) "Address" does not include a post office box.

1293 (2) "Agent of a reporting entity" means:

1294 (a) a person acting on behalf of a reporting entity at the direction of the reporting
1295 entity;

1296 (b) a person employed by a reporting entity in the reporting entity's capacity as a
1297 reporting entity;

1298 (c) the personal campaign committee of a candidate or officeholder;

1299 (d) a member of the personal campaign committee of a candidate or officeholder in the
1300 member's capacity as a member of the personal campaign committee of the candidate or
1301 officeholder; or

1302 (e) a political consultant of a reporting entity.

1303 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
1304 amendments, and any other ballot propositions submitted to the voters that are authorized by
1305 the Utah Code Annotated 1953.

1306 (4) "Candidate" means any person who:

1307 (a) files a declaration of candidacy for a public office; or

1308 (b) receives contributions, makes expenditures, or gives consent for any other person to
1309 receive contributions or make expenditures to bring about the person's nomination or election
1310 to a public office.

1311 (5) "Chief election officer" means:

1312 (a) the lieutenant governor for state office candidates, legislative office candidates,
1313 officeholders, political parties, political action committees, corporations, political issues
1314 committees, state school board candidates, judges, and labor organizations, as defined in
1315 Section [20A-11-1501](#); and

1316 (b) the county clerk for local school board candidates.

1317 (6) (a) "Contribution" means any of the following when done for political purposes:

1318 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
1319 value given to the filing entity;

1320 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
1321 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
1322 anything of value to the filing entity;

1323 (iii) any transfer of funds from another reporting entity to the filing entity;

1324 (iv) compensation paid by any person or reporting entity other than the filing entity for
1325 personal services provided without charge to the filing entity;

1326 (v) remuneration from:

1327 (A) any organization or its directly affiliated organization that has a registered lobbyist;

1328 or

1329 (B) any agency or subdivision of the state, including school districts;

1330 (vi) a loan made by a candidate deposited to the candidate's own campaign; and

1331 (vii) in-kind contributions.

1332 (b) "Contribution" does not include:

1333 (i) services provided by individuals volunteering a portion or all of their time on behalf
1334 of the filing entity if the services are provided without compensation by the filing entity or any
1335 other person;

1336 (ii) money lent to the filing entity by a financial institution in the ordinary course of
1337 business; or

1338 (iii) goods or services provided for the benefit of a [~~candidate or political party~~]
1339 political entity at less than fair market value that are not authorized by or coordinated with the
1340 [~~candidate or political party~~] political entity.

1341 (7) "Coordinated with" means that goods or services provided for the benefit of a
1342 [~~candidate or political party~~] political entity are provided:

1343 (a) with the [~~candidate's or political party's~~] political entity's prior knowledge, if the
1344 [~~candidate or political party~~] political entity does not object;

1345 (b) by agreement with the [~~candidate or political party~~] political entity;

1346 (c) in coordination with the [~~candidate or political party~~] political entity; or

1347 (d) using official logos, slogans, and similar elements belonging to a [~~candidate or~~
1348 ~~political party~~] political entity.

1349 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
1350 organization that is registered as a corporation or is authorized to do business in a state and
1351 makes any expenditure from corporate funds for:

1352 (i) the purpose of expressly advocating for political purposes; or

1353 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
1354 proposition.

1355 (b) "Corporation" does not mean:

1356 (i) a business organization's political action committee or political issues committee; or

1357 (ii) a business entity organized as a partnership or a sole proprietorship.

1358 (9) "County political party" means, for each registered political party, all of the persons
1359 within a single county who, under definitions established by the political party, are members of
1360 the registered political party.

1361 (10) "County political party officer" means a person whose name is required to be
1362 submitted by a county political party to the lieutenant governor in accordance with Section
1363 [20A-8-402](#).

1364 (11) "Detailed listing" means:

1365 (a) for each contribution or public service assistance:

1366 (i) the name and address of the individual or source making the contribution or public
1367 service assistance, except to the extent that the name or address of the individual or source is
1368 unknown;

1369 (ii) the amount or value of the contribution or public service assistance; and

1370 (iii) the date the contribution or public service assistance was made; and

1371 (b) for each expenditure:

1372 (i) the amount of the expenditure;

1373 (ii) the person or entity to whom it was disbursed;

- 1374 (iii) the specific purpose, item, or service acquired by the expenditure; and
1375 (iv) the date the expenditure was made.
- 1376 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment
1377 for membership in the corporation, to a corporation without receiving full and adequate
1378 consideration for the money.
- 1379 (b) "Donor" does not include a person that signs a statement that the corporation may
1380 not use the money for an expenditure or political issues expenditure.
- 1381 (13) "Election" means each:
- 1382 (a) regular general election;
1383 (b) regular primary election; and
1384 (c) special election at which candidates are eliminated and selected.
- 1385 (14) "Electioneering communication" means a communication that:
- 1386 (a) has at least a value of \$10,000;
1387 (b) clearly identifies a candidate or judge; and
1388 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
1389 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
1390 identified candidate's or judge's election date.
- 1391 (15) (a) "Expenditure" means any of the following made by a reporting entity or an
1392 agent of a reporting entity on behalf of the reporting entity:
- 1393 (i) any disbursement from contributions, receipts, or from the separate bank account
1394 required by this chapter;
- 1395 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
1396 or anything of value made for political purposes;
- 1397 (iii) an express, legally enforceable contract, promise, or agreement to make any
1398 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
1399 value for political purposes;
- 1400 (iv) compensation paid by a filing entity for personal services rendered by a person
1401 without charge to a reporting entity;

1402 (v) a transfer of funds between the filing entity and a candidate's personal campaign
1403 committee; or

1404 (vi) goods or services provided by the filing entity to or for the benefit of another
1405 reporting entity for political purposes at less than fair market value.

1406 (b) "Expenditure" does not include:

1407 (i) services provided without compensation by individuals volunteering a portion or all
1408 of their time on behalf of a reporting entity;

1409 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
1410 business; or

1411 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to
1412 candidates for office or officeholders in states other than Utah.

1413 (16) "Federal office" means the office of president of the United States, United States
1414 Senator, or United States Representative.

1415 (17) "Filing entity" means the reporting entity that is required to file a financial
1416 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

1417 (18) "Financial statement" includes any summary report, interim report, verified
1418 financial statement, or other statement disclosing contributions, expenditures, receipts,
1419 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
1420 Retention Elections.

1421 (19) "Governing board" means the individual or group of individuals that determine the
1422 candidates and committees that will receive expenditures from a political action committee,
1423 political party, or corporation.

1424 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal
1425 Incorporation, by which a geographical area becomes legally recognized as a city, town, or
1426 metro township.

1427 (21) "Incorporation election" means the election conducted under Section [10-2a-210](#) or
1428 [10-2a-404](#).

1429 (22) "Incorporation petition" means a petition described in Section [10-2a-208](#).

- 1430 (23) "Individual" means a natural person.
- 1431 (24) "In-kind contribution" means anything of value, other than money, that is accepted
1432 by or coordinated with a filing entity.
- 1433 (25) "Interim report" means a report identifying the contributions received and
1434 expenditures made since the last report.
- 1435 (26) "Legislative office" means the office of state senator, state representative, speaker
1436 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
1437 whip of any party caucus in either house of the Legislature.
- 1438 (27) "Legislative office candidate" means a person who:
- 1439 (a) files a declaration of candidacy for the office of state senator or state representative;
- 1440 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
1441 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
1442 assistant whip of any party caucus in either house of the Legislature; or
- 1443 (c) receives contributions, makes expenditures, or gives consent for any other person to
1444 receive contributions or make expenditures to bring about the person's nomination, election, or
1445 appointment to a legislative office.
- 1446 (28) "Loan" means any of the following provided by a person that benefits a filing
1447 entity if the person expects repayment or reimbursement:
- 1448 (a) an expenditure made using any form of payment;
- 1449 (b) money or funds received by the filing entity;
- 1450 (c) the provision of a good or service with an agreement or understanding that payment
1451 or reimbursement will be delayed; or
- 1452 (d) use of any line of credit.
- 1453 (29) "Major political party" means either of the two registered political parties that
1454 have the greatest number of members elected to the two houses of the Legislature.
- 1455 (30) "Officeholder" means a person who holds a public office.
- 1456 (31) "Party committee" means any committee organized by or authorized by the
1457 governing board of a registered political party.

1458 (32) "Person" means both natural and legal persons, including individuals, business
1459 organizations, personal campaign committees, party committees, political action committees,
1460 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

1461 (33) "Personal campaign committee" means the committee appointed by a candidate to
1462 act for the candidate as provided in this chapter.

1463 (34) "Personal use expenditure" has the same meaning as provided under Section
1464 20A-11-104.

1465 (35) (a) "Political action committee" means an entity, or any group of individuals or
1466 entities within or outside this state, a major purpose of which is to:

1467 (i) solicit or receive contributions from any other person, group, or entity for political
1468 purposes; or

1469 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
1470 vote for or against any candidate or person seeking election to a municipal or county office.

1471 (b) "Political action committee" includes groups affiliated with a registered political
1472 party but not authorized or organized by the governing board of the registered political party
1473 that receive contributions or makes expenditures for political purposes.

1474 (c) "Political action committee" does not mean:

1475 (i) a party committee;

1476 (ii) any entity that provides goods or services to a candidate or committee in the regular
1477 course of its business at the same price that would be provided to the general public;

1478 (iii) an individual;

1479 (iv) individuals who are related and who make contributions from a joint checking
1480 account;

1481 (v) a corporation, except a corporation a major purpose of which is to act as a political
1482 action committee; or

1483 (vi) a personal campaign committee.

1484 (36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid
1485 by another person on behalf of and with the knowledge of the reporting entity, to provide

1486 political advice to the reporting entity.

1487 (b) "Political consultant" includes a circumstance described in Subsection (36)(a),
1488 where the person:

1489 (i) has already been paid, with money or other consideration;

1490 (ii) expects to be paid in the future, with money or other consideration; or

1491 (iii) understands that the person may, in the discretion of the reporting entity or another
1492 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with
1493 money or other consideration.

1494 (37) "Political convention" means a county or state political convention held by a
1495 registered political party to select candidates.

1496 (38) "Political entity" means a candidate, a political party, a political action committee,
1497 or a political issues committee.

1498 [~~38~~] (39) (a) "Political issues committee" means an entity, or any group of individuals
1499 or entities within or outside this state, a major purpose of which is to:

1500 (i) solicit or receive donations from any other person, group, or entity to assist in
1501 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
1502 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

1503 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
1504 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any
1505 proposed ballot proposition or an incorporation in an incorporation election; or

1506 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
1507 ballot or to assist in keeping a ballot proposition off the ballot.

1508 (b) "Political issues committee" does not mean:

1509 (i) a registered political party or a party committee;

1510 (ii) any entity that provides goods or services to an individual or committee in the
1511 regular course of its business at the same price that would be provided to the general public;

1512 (iii) an individual;

1513 (iv) individuals who are related and who make contributions from a joint checking

1514 account;

1515 (v) a corporation, except a corporation a major purpose of which is to act as a political
1516 issues committee; or

1517 (vi) a group of individuals who:

1518 (A) associate together for the purpose of challenging or supporting a single ballot
1519 proposition, ordinance, or other governmental action by a county, city, town, local district,
1520 special service district, or other local political subdivision of the state;

1521 (B) have a common liberty, property, or financial interest that is directly impacted by
1522 the ballot proposition, ordinance, or other governmental action;

1523 (C) do not associate together, for the purpose described in Subsection [~~38~~]
1524 (39)(b)(vi)(A), via a legal entity;

1525 (D) do not receive funds for challenging or supporting the ballot proposition,
1526 ordinance, or other governmental action from a person other than an individual in the group;
1527 and

1528 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection
1529 [~~38~~] (39)(b)(vi)(A).

1530 [~~39~~] (40) (a) "Political issues contribution" means any of the following:

1531 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
1532 anything of value given to a political issues committee;

1533 (ii) an express, legally enforceable contract, promise, or agreement to make a political
1534 issues donation to influence the approval or defeat of any ballot proposition;

1535 (iii) any transfer of funds received by a political issues committee from a reporting
1536 entity;

1537 (iv) compensation paid by another reporting entity for personal services rendered
1538 without charge to a political issues committee; and

1539 (v) goods or services provided to or for the benefit of a political issues committee at
1540 less than fair market value.

1541 (b) "Political issues contribution" does not include:

1542 (i) services provided without compensation by individuals volunteering a portion or all
1543 of their time on behalf of a political issues committee; or

1544 (ii) money lent to a political issues committee by a financial institution in the ordinary
1545 course of business.

1546 [~~(40)~~] (41) (a) "Political issues expenditure" means any of the following when made by
1547 a political issues committee or on behalf of a political issues committee by an agent of the
1548 reporting entity:

1549 (i) any payment from political issues contributions made for the purpose of influencing
1550 the approval or the defeat of:

1551 (A) a ballot proposition; or

1552 (B) an incorporation petition or incorporation election;

1553 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
1554 the express purpose of influencing the approval or the defeat of:

1555 (A) a ballot proposition; or

1556 (B) an incorporation petition or incorporation election;

1557 (iii) an express, legally enforceable contract, promise, or agreement to make any
1558 political issues expenditure;

1559 (iv) compensation paid by a reporting entity for personal services rendered by a person
1560 without charge to a political issues committee; or

1561 (v) goods or services provided to or for the benefit of another reporting entity at less
1562 than fair market value.

1563 (b) "Political issues expenditure" does not include:

1564 (i) services provided without compensation by individuals volunteering a portion or all
1565 of their time on behalf of a political issues committee; or

1566 (ii) money lent to a political issues committee by a financial institution in the ordinary
1567 course of business.

1568 [~~(41)~~] (42) "Political purposes" means an act done with the intent or in a way to
1569 influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote

1570 for or against any:

1571 (a) candidate or a person seeking a municipal or county office at any caucus, political
1572 convention, or election; or

1573 (b) judge standing for retention at any election.

1574 [~~(42)~~] (43) (a) "Poll" means the survey of a person regarding the person's opinion or
1575 knowledge of an individual who has filed a declaration of candidacy for public office, or of a
1576 ballot proposition that has legally qualified for placement on the ballot, which is conducted in
1577 person or by telephone, facsimile, Internet, postal mail, or email.

1578 (b) "Poll" does not include:

1579 (i) a ballot; or

1580 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

1581 (A) the focus group consists of more than three, and less than thirteen, individuals; and

1582 (B) all individuals in the focus group are present during the interview.

1583 [~~(43)~~] (44) "Primary election" means any regular primary election held under the
1584 election laws.

1585 [~~(44)~~] (45) "Publicly identified class of individuals" means a group of 50 or more
1586 individuals sharing a common occupation, interest, or association that contribute to a political
1587 action committee or political issues committee and whose names can be obtained by contacting
1588 the political action committee or political issues committee upon whose financial statement the
1589 individuals are listed.

1590 [~~(45)~~] (46) "Public office" means the office of governor, lieutenant governor, state
1591 auditor, state treasurer, attorney general, state school board member, state senator, state
1592 representative, speaker of the House of Representatives, president of the Senate, and the leader,
1593 whip, and assistant whip of any party caucus in either house of the Legislature.

1594 [~~(46)~~] (47) (a) "Public service assistance" means the following when given or provided
1595 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
1596 communicate with the officeholder's constituents:

1597 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of

1598 money or anything of value to an officeholder; or

1599 (ii) goods or services provided at less than fair market value to or for the benefit of the
1600 officeholder.

1601 (b) "Public service assistance" does not include:

1602 (i) anything provided by the state;

1603 (ii) services provided without compensation by individuals volunteering a portion or all
1604 of their time on behalf of an officeholder;

1605 (iii) money lent to an officeholder by a financial institution in the ordinary course of
1606 business;

1607 (iv) news coverage or any publication by the news media; or

1608 (v) any article, story, or other coverage as part of any regular publication of any
1609 organization unless substantially all the publication is devoted to information about the
1610 officeholder.

1611 [~~(47)~~] (48) "Receipts" means contributions and public service assistance.

1612 [~~(48)~~] (49) "Registered lobbyist" means a person [~~registered~~] licensed under Title 36,
1613 Chapter 11, Lobbyist Disclosure and Regulation Act.

1614 [~~(49)~~] (50) "Registered political action committee" means any political action
1615 committee that is required by this chapter to file a statement of organization with the Office of
1616 the Lieutenant Governor.

1617 [~~(50)~~] (51) "Registered political issues committee" means any political issues
1618 committee that is required by this chapter to file a statement of organization with the Office of
1619 the Lieutenant Governor.

1620 [~~(51)~~] (52) "Registered political party" means an organization of voters that:

1621 (a) participated in the last regular general election and polled a total vote equal to 2%
1622 or more of the total votes cast for all candidates for the United States House of Representatives
1623 for any of its candidates for any office; or

1624 (b) has complied with the petition and organizing procedures of Chapter 8, Political
1625 Party Formation and Procedures.

1626 [~~(52)~~] (53) (a) "Remuneration" means a payment:

1627 (i) made to a legislator for the period the Legislature is in session; and

1628 (ii) that is approximately equivalent to an amount a legislator would have earned

1629 during the period the Legislature is in session in the legislator's ordinary course of business.

1630 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

1631 (i) the legislator's primary employer in the ordinary course of business; or

1632 (ii) a person or entity in the ordinary course of business:

1633 (A) because of the legislator's ownership interest in the entity; or

1634 (B) for services rendered by the legislator on behalf of the person or entity.

1635 [~~(53)~~] (54) "Reporting entity" means a candidate, a candidate's personal campaign

1636 committee, a judge, a judge's personal campaign committee, an officeholder, a party

1637 committee, a political action committee, a political issues committee, a corporation, or a labor

1638 organization, as defined in Section [20A-11-1501](#).

1639 [~~(54)~~] (55) "School board office" means the office of state school board.

1640 [~~(55)~~] (56) (a) "Source" means the person or entity that is the legal owner of the

1641 tangible or intangible asset that comprises the contribution.

1642 (b) "Source" means, for political action committees and corporations, the political

1643 action committee and the corporation as entities, not the contributors to the political action

1644 committee or the owners or shareholders of the corporation.

1645 [~~(56)~~] (57) "State office" means the offices of governor, lieutenant governor, attorney

1646 general, state auditor, and state treasurer.

1647 [~~(57)~~] (58) "State office candidate" means a person who:

1648 (a) files a declaration of candidacy for a state office; or

1649 (b) receives contributions, makes expenditures, or gives consent for any other person to

1650 receive contributions or make expenditures to bring about the person's nomination, election, or

1651 appointment to a state office.

1652 [~~(58)~~] (59) "Summary report" means the year end report containing the summary of a

1653 reporting entity's contributions and expenditures.

1654 [~~(59)~~] (60) "Supervisory board" means the individual or group of individuals that
1655 allocate expenditures from a political issues committee.

1656 Section 16. Section **20A-11-206** is amended to read:

1657 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

1658 (1) A state office candidate who fails to file a financial statement before the deadline is
1659 subject to a fine imposed in accordance with Section **20A-11-1005**.

1660 (2) If a state office candidate fails to file an interim report described in Subsections
1661 **20A-11-204**(1)(b) through (d), the lieutenant governor may send an electronic notice to the
1662 state office candidate and the political party of which the state office candidate is a member, if
1663 any, that states:

1664 (a) that the state office candidate failed to timely file the report; and

1665 (b) that, if the state office candidate fails to file the report within 24 hours after the
1666 deadline for filing the report, the state office candidate will be disqualified and the political
1667 party will not be permitted to replace the candidate.

1668 (3) (a) The lieutenant governor shall disqualify a state office candidate and inform the
1669 county clerk and other appropriate election officials that the state office candidate is
1670 disqualified if the state office candidate fails to file an interim report described in Subsections
1671 **20A-11-204**(1)(b) through (d) within 24 hours after the deadline for filing the report.

1672 (b) The political party of a state office candidate who is disqualified under Subsection
1673 (3)(a) may not replace the state office candidate.

1674 (4) (a) If a state office candidate is disqualified under Subsection (3)(a), the election
1675 official shall:

1676 (i) remove the state office candidate's name from the ballot; or

1677 (ii) if removing the state office candidate's name from the ballot is not practicable,
1678 inform the voters by any practicable method that the state office candidate has been
1679 disqualified and that votes cast for the state office candidate will not be counted.

1680 (b) An election official may fulfill the requirement described in Subsection (4)(a) in
1681 relation to an absentee voter, including a military or overseas absentee voter, by including with

1682 the absentee ballot a written notice directing the voter to a public website that will inform the
1683 voter whether a candidate on the ballot is disqualified.

1684 (5) A state office candidate is not disqualified if:

1685 (a) the state office candidate timely files the reports described in Subsections
1686 [20A-11-204](#)(1)(b) through (d) no later than 24 hours after the applicable deadlines for filing the
1687 reports;

1688 (b) the reports are completed, detailing accurately and completely the information
1689 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1690 and

1691 (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in
1692 an amended report or the next scheduled report.

1693 (6) (a) Within [~~30~~] 60 days after a deadline for the filing of a summary report, the
1694 lieutenant governor shall review each filed summary report to ensure that:

1695 (i) each state office candidate that is required to file a summary report has filed one;
1696 and

1697 (ii) each summary report contains the information required by this part.

1698 (b) If it appears that any state office candidate has failed to file the summary report
1699 required by law, if it appears that a filed summary report does not conform to the law, or if the
1700 lieutenant governor has received a written complaint alleging a violation of the law or the
1701 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1702 violation or receipt of a written complaint, notify the state office candidate of the violation or
1703 written complaint and direct the state office candidate to file a summary report correcting the
1704 problem.

1705 (c) (i) It is unlawful for a state office candidate to fail to file or amend a summary
1706 report within seven days after receiving notice from the lieutenant governor described in this
1707 Subsection (6).

1708 (ii) Each state office candidate who violates Subsection (6)(c)(i) is guilty of a class B
1709 misdemeanor.

1710 (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the
1711 attorney general.

1712 (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant
1713 governor shall impose a civil fine of \$100 against a state office candidate who violates
1714 Subsection (6)(c)(i).

1715 Section 17. Section **20A-11-305** is amended to read:

1716 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

1717 (1) A legislative office candidate who fails to file a financial statement before the
1718 deadline is subject to a fine imposed in accordance with Section **20A-11-1005**.

1719 (2) If a legislative office candidate fails to file an interim report described in
1720 Subsections **20A-11-303**(1)(b)(ii) through (iv), the lieutenant governor may send an electronic
1721 notice to the legislative office candidate and the political party of which the legislative office
1722 candidate is a member, if any, that states:

1723 (a) that the legislative office candidate failed to timely file the report; and

1724 (b) that, if the legislative office candidate fails to file the report within 24 hours after
1725 the deadline for filing the report, the legislative office candidate will be disqualified and the
1726 political party will not be permitted to replace the candidate.

1727 (3) (a) The lieutenant governor shall disqualify a legislative office candidate and
1728 inform the county clerk and other appropriate election officials that the legislative office
1729 candidate is disqualified if the legislative office candidate fails to file an interim report
1730 described in Subsections **20A-11-303**(1)(b)(ii) through (iv) within 24 hours after the deadline
1731 for filing the report.

1732 (b) The political party of a legislative office candidate who is disqualified under
1733 Subsection (3)(a) may not replace the legislative office candidate.

1734 (4) (a) If a legislative office candidate is disqualified under Subsection (3)(a), the
1735 election officer shall:

1736 (i) remove the legislative office candidate's name from the ballot; or

1737 (ii) if removing the legislative office candidate's name from the ballot is not

1738 practicable, inform the voters by any practicable method that the legislative office candidate
1739 has been disqualified and that votes cast for the legislative office candidate will not be counted.

1740 (b) An election official may fulfill the requirement described in Subsection (4)(a) in
1741 relation to an absentee voter, including a military or overseas absentee voter, by including with
1742 the absentee ballot a written notice directing the voter to a public website that will inform the
1743 voter whether a candidate on the ballot is disqualified.

1744 (5) A legislative office candidate is not disqualified if:

1745 (a) the legislative office candidate files the reports described in Subsections
1746 [20A-11-303](#)(1)(b)(ii) through (iv) no later than 24 hours after the applicable deadlines for filing
1747 the reports;

1748 (b) the reports are completed, detailing accurately and completely the information
1749 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
1750 and

1751 (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in
1752 an amended report or the next scheduled report.

1753 (6) (a) Within [~~30~~] 60 days after a deadline for the filing of a summary report, the
1754 lieutenant governor shall review each filed summary report to ensure that:

1755 (i) each legislative office candidate that is required to file a summary report has filed
1756 one; and

1757 (ii) each summary report contains the information required by this part.

1758 (b) If it appears that any legislative office candidate has failed to file the summary
1759 report required by law, if it appears that a filed summary report does not conform to the law, or
1760 if the lieutenant governor has received a written complaint alleging a violation of the law or the
1761 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
1762 violation or receipt of a written complaint, notify the legislative office candidate of the
1763 violation or written complaint and direct the legislative office candidate to file a summary
1764 report correcting the problem.

1765 (c) (i) It is unlawful for a legislative office candidate to fail to file or amend a summary

1766 report within seven days after receiving notice from the lieutenant governor described in this
1767 Subsection (6).

1768 (ii) Each legislative office candidate who violates Subsection (6)(c)(i) is guilty of a
1769 class B misdemeanor.

1770 (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the
1771 attorney general.

1772 (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant
1773 governor shall impose a civil fine of \$100 against a legislative office candidate who violates
1774 Subsection (6)(c)(i).

1775 Section 18. Section **20A-11-403** is amended to read:

1776 **20A-11-403. Failure to file -- Penalties.**

1777 (1) Within [~~30~~] 60 days after a deadline for the filing of a summary report, the
1778 lieutenant governor shall review each filed summary report to ensure that:

1779 (a) each officeholder that is required to file a summary report has filed one; and

1780 (b) each summary report contains the information required by this part.

1781 (2) If it appears that any officeholder has failed to file the summary report required by
1782 law, if it appears that a filed summary report does not conform to the law, or if the lieutenant
1783 governor has received a written complaint alleging a violation of the law or the falsity of any
1784 summary report, the lieutenant governor shall, if the lieutenant governor determines that a
1785 violation has occurred:

1786 (a) impose a fine against the filing entity in accordance with Section **20A-11-1005**; and

1787 (b) within five days of discovery of a violation or receipt of a written complaint, notify
1788 the officeholder of the violation or written complaint and direct the officeholder to file a
1789 summary report correcting the problem.

1790 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report
1791 within seven days after receiving notice from the lieutenant governor under this section.

1792 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B
1793 misdemeanor.

1794 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
1795 attorney general.

1796 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
1797 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
1798 (3)(a).

1799 (4) Within [~~30~~] 60 days after a deadline for the filing of an interim report by an
1800 officeholder under Subsection [20A-11-204\(2\)](#), [20A-11-303\(1\)\(c\)](#), or [20A-11-1303\(1\)\(d\)](#), the
1801 lieutenant governor shall review each filed interim report to ensure that each interim report
1802 contains the information required for the report.

1803 (5) If it appears that any officeholder has failed to file an interim report required by
1804 law, if it appears that a filed interim report does not conform to the law, or if the lieutenant
1805 governor has received a written complaint alleging a violation of the law or the falsity of any
1806 interim report, the lieutenant governor shall, if the lieutenant governor determines that a
1807 violation has occurred:

1808 (a) impose a fine against the filing entity in accordance with Section [20A-11-1005](#); and

1809 (b) within five days after the day on which the violation is discovered or a written
1810 complaint is received, notify the officeholder of the violation or written complaint and direct
1811 the officeholder to file an interim report correcting the problem.

1812 (6) (a) It is unlawful for any officeholder to fail to file or amend an interim report
1813 within seven days after the day on which the officeholder receives notice from the lieutenant
1814 governor under this section.

1815 (b) Each officeholder who violates Subsection (6)(a) is guilty of a class B
1816 misdemeanor.

1817 (c) The lieutenant governor shall report all violations of Subsection (6)(a) to the
1818 attorney general.

1819 (d) In addition to the criminal penalty described in Subsection (6)(b), the lieutenant
1820 governor shall impose a civil fine of \$100 against an officeholder who violates Subsection
1821 (6)(a).

1822 Section 19. Section **20A-11-508** is amended to read:

1823 **20A-11-508. Political party reporting requirements -- Criminal penalties -- Fines.**

1824 (1) (a) Each registered political party that fails to file a financial statement by the
1825 deadline is subject to a fine imposed in accordance with Section **20A-11-1005**.

1826 (b) Each registered political party that fails to file an interim report described in
1827 Subsections **20A-11-507**(1)(b) through (d) is guilty of a class B misdemeanor.

1828 (c) The lieutenant governor shall report all violations of Subsection (1)(b) to the
1829 attorney general.

1830 (2) Within [~~30~~] 60 days after a deadline for the filing of a summary report required by
1831 this part, the lieutenant governor shall review each filed report to ensure that:

1832 (a) each political party that is required to file a report has filed one; and

1833 (b) each report contains the information required by this part.

1834 (3) If it appears that any political party has failed to file a report required by law, if it
1835 appears that a filed report does not conform to the law, or if the lieutenant governor has
1836 received a written complaint alleging a violation of the law or the falsity of any report, the
1837 lieutenant governor shall, within five days of discovery of a violation or receipt of a written
1838 complaint, notify the political party of the violation or written complaint and direct the political
1839 party to file a summary report correcting the problem.

1840 (4) (a) It is unlawful for any political party to fail to file or amend a summary report
1841 within seven days after receiving notice from the lieutenant governor under this section.

1842 (b) Each political party who violates Subsection (4)(a) is guilty of a class B
1843 misdemeanor.

1844 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
1845 attorney general.

1846 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
1847 governor shall impose a civil fine of \$1,000 against a political party that violates Subsection
1848 (4)(a).

1849 Section 20. Section **20A-11-512** is amended to read:

1850 **20A-11-512. County political party -- Criminal penalties -- Fines.**

1851 (1) A county political party that fails to file an interim report described in Subsections
1852 **20A-11-511**(1)(a)(i) through (iv) before the deadline is subject to a fine in accordance with
1853 Section **20A-11-1005**, which the chief election officer shall deposit in the General Fund.

1854 (2) Within [~~30~~] 60 days after a deadline for the filing of the January 10 statement
1855 required by Section **20A-11-510**, the lieutenant governor shall review each filed statement to
1856 ensure that:

1857 (a) a county political party officer who is required to file a statement has filed one; and

1858 (b) each statement contains the information required by Section **20A-11-510**.

1859 (3) If it appears that any county political party officer has failed to file a financial
1860 statement before the deadline, if it appears that a filed financial statement does not conform to
1861 the law, or if the lieutenant governor has received a written complaint alleging a violation of
1862 the law or the falsity of any financial statement, the lieutenant governor shall, within five days
1863 after the day on which the lieutenant governor discovers the violation or receives the written
1864 complaint, notify the county political party officer of the violation or written complaint and
1865 direct the county political party officer to file a financial statement correcting the problem.

1866 (4) (a) A county political party that fails to file or amend a financial statement within
1867 seven days after the day on which the county political party receives notice from the lieutenant
1868 governor under this section is subject to a fine of the lesser of:

1869 (i) 10% of the total contributions received, and the total expenditures made, by the
1870 county political party during the reporting period for the financial statement that the county
1871 political party failed to file or amend; or

1872 (ii) \$1,000.

1873 (b) The chief election officer shall deposit a fine collected under Subsection (4)(a) into
1874 the General Fund.

1875 Section 21. Section **20A-11-601** is amended to read:

1876 **20A-11-601. Political action committees -- Registration -- Name or acronym used**
1877 **by political action committee -- Criminal penalty for providing false information or**

1878 **accepting unlawful contribution.**

1879 (1) (a) A political action committee shall file an initial statement of organization with
1880 the lieutenant governor's office no later than 5 p.m. seven days after the day on which the
1881 political action committee:

1882 (i) receives contributions totaling at least \$750; or

1883 (ii) distributes expenditures for political purposes totaling at least \$750.

1884 (b) Unless the political action committee has filed a notice of dissolution under
1885 Subsection (7), after filing an initial statement of organization, a political action committee
1886 shall file an updated statement of organization with the lieutenant governor's office each year
1887 after the year in which the political action committee files an initial statement of organization:

1888 (i) before 5 p.m. on January 10; or

1889 (ii) electronically, before midnight on January 10.

1890 (c) After filing an initial statement of organization, a political action committee shall,
1891 before January 10 each year after the year in which the political action committee files an initial
1892 statement of organization, file an updated statement of organization with the lieutenant
1893 governor's office.

1894 (2) A statement of organization described in Subsection (1) shall include:

1895 (a) the full name of the political action committee, a second name, if any, and an
1896 acronym, if any;

1897 (b) the address and phone number of the political action committee;

1898 (c) the name, address, telephone number, title, and occupation of:

1899 (i) the two officers described in Subsection (5) and the treasurer of the political action
1900 committee;

1901 (ii) all other officers, advisory members, and governing board members of the political
1902 action committee; and

1903 (iii) each individual or entity represented by, or affiliated with, the political action
1904 committee; and

1905 (d) other relevant information requested by the lieutenant governor.

1906 (3) (a) A political action committee may not use a name or acronym:
1907 (i) other than a name or acronym disclosed in the political action committee's latest
1908 statement of organization;
1909 (ii) that is the same, or deceptively similar to, the name or acronym of another political
1910 action committee; or
1911 (iii) that is likely to mislead a potential donor regarding the individuals or entities
1912 represented by, or affiliated with, the political action committee.
1913 (b) Within seven days after the day on which a political action committee files an
1914 initial statement of organization, the lieutenant governor's office shall:
1915 (i) review the statement and determine whether a name or acronym used by the
1916 political action committee violates Subsection (3)(a)(ii) or (iii); and
1917 (ii) if the lieutenant governor's office determines that a name or acronym used by the
1918 political action committee violates Subsection (3)(a)(ii) or (iii), order, in writing, that the
1919 political action committee:
1920 (A) immediately cease and desist use of the name or acronym; and
1921 (B) within seven days after the day of the order, file an updated statement of
1922 organization with a name and acronym that does not violate Subsection (3)(a)(ii) or (iii).
1923 (c) If, beginning on May 14, 2019, a political action committee is using a name or
1924 acronym that is the same, or deceptively similar to, the name or acronym of another political
1925 action committee, the lieutenant governor shall determine which political action committee has
1926 been using the name the longest and shall order, in writing, any other political action
1927 committee using the same, or a deceptively similar, name or acronym to:
1928 (i) immediately cease and desist use of the name or acronym; and
1929 (ii) within seven days after the day of the order, file an updated statement of
1930 organization with a name and acronym that does not violate Subsection (3)(a)(ii) or (iii).
1931 (d) If a political action committee uses a name or acronym other than a name or
1932 acronym disclosed in the political action committee's latest statement of organization:
1933 (i) the lieutenant governor shall order, in writing, that the political action committee

1934 cease and desist use of the name or acronym; and

1935 (ii) the political action committee shall immediately comply with the order described in
1936 Subsection (3)(d)(i).

1937 (4) (a) The lieutenant governor may, in addition to any other penalty provided by law,
1938 impose a \$100 fine against a political action committee that:

1939 (i) fails to timely file a complete and accurate statement of organization or subsequent
1940 statement of organization; or

1941 (ii) fails to comply with an order described in Subsection (3).

1942 (b) The attorney general, or a political action committee that is harmed by the action of
1943 a political action committee in violation of this section, may bring an action for an injunction
1944 against the violating political action committee, or an officer of the violating political action
1945 committee, to enforce the provisions of this section.

1946 (c) A political action committee may bring an action for damages against another
1947 political action committee that uses a name or acronym that is the same, or deceptively similar
1948 to, the name or acronym of the political action committee bringing the action.

1949 (5) (a) Each political action committee shall designate two officers who have primary
1950 decision-making authority for the political action committee.

1951 (b) An individual may not exercise primary decision-making authority for a political
1952 action committee if the individual is not designated under Subsection (5)(a).

1953 (6) A political action committee shall deposit each contribution received in one or
1954 more separate accounts in a financial institution that are dedicated only to that purpose.

1955 (7) (a) A registered political action committee that intends to permanently cease
1956 operations shall file a notice of dissolution with the lieutenant governor's office.

1957 (b) A notice of dissolution filed by a political action committee does not exempt the
1958 political action committee from complying with the financial reporting requirements described
1959 in this chapter in relation to all contributions received, and all expenditures made, before, at, or
1960 after dissolution.

1961 (c) A political action committee shall, before filing a notice of dissolution, dispose of

1962 any money remaining in an account described in Subsection (1)(c) by:

1963 (i) returning the money to the donors;

1964 (ii) donating the money to the campaign account of a candidate or officeholder;

1965 (iii) donating the money to another political action committee;

1966 (iv) donating the money to a political party;

1967 (v) donating the money to an organization that is exempt from federal income taxation

1968 under Section 501(c)(3), Internal Revenue Code; or

1969 (vi) making another lawful expenditure of the money for a political purpose.

1970 (d) A political action committee shall report all money donated or expended under

1971 Subsection (4)(c) in a financial report to the lieutenant governor, in accordance with the

1972 financial reporting requirements described in this chapter.

1973 (8) (a) Unless the political action committee has filed a notice of dissolution under

1974 Subsection (7), a political action committee shall file, with the lieutenant governor's office,

1975 notice of any change of an officer described in Subsection (5)(a).

1976 (b) A political action committee may not accept a contribution from a political issues

1977 committee, but may donate money to a political issues committee.

1978 (c) A political action committee shall:

1979 (i) file a notice of a change of a primary officer described in Subsection (5)(a) before 5

1980 p.m. within 10 days after the day on which the change occurs; and

1981 (ii) include in the notice of change the name and title of the officer being replaced, and

1982 the name, [street] address, occupation, and title of the new officer.

1983 (9) (a) A person is guilty of providing false information in relation to a political action

1984 committee if the person intentionally or knowingly gives false or misleading material

1985 information in a statement of organization or the notice of change of primary officer.

1986 (b) Each primary officer designated in Subsection (5)(a) or (8)(c) is guilty of accepting

1987 an unlawful contribution if the political action committee knowingly or recklessly accepts a

1988 contribution from a corporation that:

1989 (i) was organized less than 90 days before the date of the general election; and

1990 (ii) at the time the political action committee accepts the contribution, has failed to file
1991 a statement of organization with the lieutenant governor's office as required by Section
1992 20A-11-704.

1993 (c) A violation of this Subsection (9) is a third degree felony.

1994 Section 22. Section 20A-11-603 is amended to read:

1995 **20A-11-603. Criminal penalties -- Fines.**

1996 (1) (a) As used in this Subsection (1), "completed" means that:

1997 (i) the financial statement accurately and completely details the information required
1998 by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

1999 (ii) the political action committee corrects the omissions, errors, or inaccuracies
2000 described in Subsection (1)(a) in an amended report or the next scheduled report.

2001 (b) Each political action committee that fails to file a completed financial statement
2002 before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

2003 (c) Each political action committee that fails to file a completed financial statement
2004 described in Subsections 20A-11-602(1)(a)(iv) through (vi) is guilty of a class B misdemeanor.

2005 (d) The lieutenant governor shall report all violations of Subsection (1)(c) to the
2006 attorney general.

2007 (2) Within [~~30~~] 60 days after a deadline for the filing of the January 10 statement
2008 required by this part, the lieutenant governor shall review each filed statement to ensure that:

2009 (a) each political action committee that is required to file a statement has filed one; and

2010 (b) each statement contains the information required by this part.

2011 (3) If it appears that any political action committee has failed to file the January 10
2012 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
2013 governor has received a written complaint alleging a violation of the law or the falsity of any
2014 statement, the lieutenant governor shall, within five days after the day on which the lieutenant
2015 governor discovers the violation or receives the written complaint, notify the political action
2016 committee of the violation or written complaint and direct the political action committee to file
2017 a statement correcting the problem.

2018 (4) (a) It is unlawful for any political action committee to fail to file or amend a
2019 statement within seven days after the day on which the political action committee receives
2020 notice from the lieutenant governor under this section.

2021 (b) Each political action committee that violates Subsection (4)(a) is guilty of a class B
2022 misdemeanor.

2023 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
2024 attorney general.

2025 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
2026 governor shall impose a civil fine of \$1,000 against a political action committee that violates
2027 Subsection (4)(a).

2028 Section 23. Section **20A-11-703** is amended to read:

2029 **20A-11-703. Criminal penalties -- Fines.**

2030 (1) Within [~~30~~] 60 days after a deadline for the filing of any statement required by this
2031 part, the lieutenant governor shall review each filed statement to ensure that:

2032 (a) each corporation that is required to file a statement has filed one; and

2033 (b) each statement contains the information required by this part.

2034 (2) If it appears that any corporation has failed to file any statement, if it appears that a
2035 filed statement does not conform to the law, or if the lieutenant governor has received a written
2036 complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor
2037 shall:

2038 (a) impose a fine against the corporation in accordance with Section **20A-11-1005**; and

2039 (b) within five days of discovery of a violation or receipt of a written complaint, notify
2040 the corporation of the violation or written complaint and direct the corporation to file a
2041 statement correcting the problem.

2042 (3) (a) It is unlawful for any corporation to fail to file or amend a statement within
2043 seven days after receiving notice from the lieutenant governor under this section.

2044 (b) Each corporation that violates Subsection (3)(a) is guilty of a class B misdemeanor.

2045 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the

2046 attorney general.

2047 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
2048 governor shall impose a civil fine of \$1,000 against a corporation that violates Subsection
2049 (3)(a).

2050 Section 24. Section **20A-11-801** is amended to read:

2051 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
2052 **providing false information or accepting unlawful contribution.**

2053 (1) (a) Unless the political issues committee has filed a notice of dissolution under
2054 Subsection (4), each political issues committee shall file a statement of organization with the
2055 lieutenant governor's office:

2056 (i) before 5 p.m. on January 10 of each year; or

2057 (ii) electronically, before midnight on January 10 of each year.

2058 (b) If a political issues committee is organized after the filing deadline described in
2059 Subsection (1)(a), the political issues committee shall file an initial statement of organization
2060 no later than seven days after the day on which the political issues committee:

2061 (i) receives political issues contributions totaling at least \$750; or

2062 (ii) distributes political issues expenditures totaling at least \$750.

2063 (c) Each political issues committee shall deposit each contribution received into one or
2064 more separate accounts in a financial institution that are dedicated only to that purpose.

2065 (2) (a) Each political issues committee shall designate two officers that have primary
2066 decision-making authority for the political issues committee.

2067 (b) An individual may not exercise primary decision-making authority for a political
2068 issues committee if the individual is not designated under Subsection (2)(a).

2069 (3) The statement of organization shall include:

2070 (a) the name and [street] address of the political issues committee;

2071 (b) the name, [street] address, phone number, occupation, and title of the two primary
2072 officers designated under Subsection (2);

2073 (c) the name, [street] address, occupation, and title of all other officers of the political

2074 issues committee;

2075 (d) the name and [street] address of the organization, individual, corporation,
2076 association, unit of government, or union that the political issues committee represents, if any;

2077 (e) the name and [street] address of all affiliated or connected organizations and their
2078 relationships to the political issues committee;

2079 (f) the name, [street] residential address, business address, occupation, and phone
2080 number of the committee's treasurer or chief financial officer;

2081 (g) the name, [street] address, and occupation of each member of the supervisory and
2082 advisory boards, if any; and

2083 (h) the ballot proposition whose outcome they wish to affect, and whether they support
2084 or oppose it.

2085 (4) (a) A registered political issues committee that intends to permanently cease
2086 operations during a calendar year shall:

2087 (i) dispose of all remaining funds by returning the funds to donors or donating the
2088 funds to an organization that is exempt from federal income taxation under Section 501(c)(3),
2089 Internal Revenue Code; and

2090 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the
2091 lieutenant governor's office.

2092 (b) A political issues committee may not donate money to a political action committee,
2093 but may accept a contribution from a political action committee.

2094 (c) Any notice of dissolution filed by a political issues committee does not exempt that
2095 political issues committee from complying with the financial reporting requirements of this
2096 chapter in relation to all contributions received, and all expenditures made, before, at, or after
2097 dissolution.

2098 (d) A political issues committee shall report all money donated or expended under
2099 Subsection (4)(a) in a financial report to the lieutenant governor, in accordance with the
2100 financial reporting requirements described in this chapter.

2101 (5) (a) Unless the political issues committee has filed a notice of dissolution under

2102 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
2103 notice of any change of an officer described in Subsection (2).

2104 (b) A political issues committee shall:

2105 (i) file a notice of a change of a primary officer described in Subsection (2)(a) before 5
2106 p.m. within 10 days after the day on which the change occurs; and

2107 (ii) include in the notice of change the name and title of the officer being replaced and
2108 the name, [street] address, occupation, and title of the new officer.

2109 (6) (a) A person is guilty of providing false information in relation to a political issues
2110 committee if the person intentionally or knowingly gives false or misleading material
2111 information in the statement of organization or the notice of change of primary officer.

2112 (b) Each primary officer designated in Subsection (2)(a) or (5)(b) is guilty of accepting
2113 an unlawful contribution if the political issues committee knowingly or recklessly accepts a
2114 contribution from a corporation that:

2115 (i) was organized less than 90 days before the date of the general election; and

2116 (ii) at the time the political issues committee accepts the contribution, has failed to file
2117 a statement of organization with the lieutenant governor's office as required by Section
2118 [20A-11-704](#).

2119 (c) A violation of this Subsection (6) is a third degree felony.

2120 (7) (a) As used in this Subsection (7), "received" means:

2121 (i) for a cash contribution, that the cash is given to a political issues committee;

2122 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
2123 instrument or check is negotiated; and

2124 (iii) for any other type of contribution, that any portion of the contribution's benefit
2125 inures to the political issues committee.

2126 (b) Each political issues committee shall report to the lieutenant governor each
2127 contribution received by the political issues committee within three business days after the day
2128 on which the contribution is received if the contribution is received within 30 days before the
2129 last day on which the sponsors of the initiative or referendum described in Subsection

2130 20A-11-801(3)(h) may submit signatures to qualify the initiative or referendum for the ballot.

2131 (c) For each contribution that a political issues committee fails to report within the
2132 period described in Subsection (7)(b), the lieutenant governor shall impose a fine against the
2133 political issues committee in an amount equal to:

2134 (i) 10% of the amount of the contribution, if the political issues committee reports the
2135 contribution within 60 days after the last day on which the political issues committee should
2136 have reported the contribution under Subsection (7)(b); or

2137 (ii) 20% of the amount of the contribution, if the political issues committee fails to
2138 report the contribution within 60 days after the last day on which the political issues committee
2139 should have reported the contribution under Subsection (7)(b).

2140 (d) The lieutenant governor shall:

2141 (i) deposit money received under Subsection (7)(c) into the General Fund; and

2142 (ii) report on the lieutenant governor's website, in the location where reports relating to
2143 each political issues committee are available for public access:

2144 (A) each fine imposed by the lieutenant governor against the political issues
2145 committee;

2146 (B) the amount of the fine;

2147 (C) the amount of the contribution to which the fine relates; and

2148 (D) the date of the contribution.

2149 Section 25. Section 20A-11-803 is amended to read:

2150 **20A-11-803. Criminal penalties -- Fines.**

2151 (1) (a) As used in this Subsection (1), "completed" means that:

2152 (i) the financial statement accurately and completely details the information required
2153 by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

2154 (ii) the political issues committee corrects the omissions, errors, or inaccuracies
2155 described in Subsection (1)(a) in an amended report or the next scheduled report.

2156 (b) Each political issues committee that fails to file a completed financial statement
2157 before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

2158 (c) Each political issues committee that fails to file a completed financial statement
2159 described in Subsection 20A-11-802(1)(a)(vii) or (viii) is guilty of a class B misdemeanor.

2160 (d) The lieutenant governor shall report all violations of Subsection (1)(c) to the
2161 attorney general.

2162 (2) Within [~~30~~] 60 days after a deadline for the filing of the January 10 statement, the
2163 lieutenant governor shall review each filed statement to ensure that:

2164 (a) each political issues committee that is required to file a statement has filed one; and

2165 (b) each statement contains the information required by this part.

2166 (3) If it appears that any political issues committee has failed to file the January 10
2167 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant
2168 governor has received a written complaint alleging a violation of the law or the falsity of any
2169 statement, the lieutenant governor shall, within five days after the day on which the lieutenant
2170 governor discovers the violation or receives the written complaint, notify the political issues
2171 committee of the violation or written complaint and direct the political issues committee to file
2172 a statement correcting the problem.

2173 (4) (a) It is unlawful for any political issues committee to fail to file or amend a
2174 statement within seven days after the day on which the political issues committee receives
2175 notice from the lieutenant governor under this section.

2176 (b) Each political issues committee that violates Subsection (4)(a) is guilty of a class B
2177 misdemeanor.

2178 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
2179 attorney general.

2180 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
2181 governor shall impose a civil fine of \$1,000 against a political issues committee that violates
2182 Subsection (4)(a).

2183 Section 26. Section 20A-11-1205 is amended to read:

2184 **20A-11-1205. Use of public email for a political purpose.**

2185 (1) Except as provided in Subsection (5), a person may not send an email using the

2186 email of a public entity:

2187 (a) for a political purpose;

2188 (b) to advocate for or against a proposed initiative, initiative, proposed referendum,

2189 [~~or~~] referendum, a proposed bond, a bond, or any ballot proposition; or

2190 (c) to solicit a campaign contribution.

2191 (2) (a) The lieutenant governor shall, after giving the person and the complainant

2192 notice and an opportunity to be heard, impose a civil fine against a person who violates

2193 Subsection (1) as follows:

2194 (i) up to \$250 for a first violation; and

2195 (ii) except as provided in Subsection (3), for each subsequent violation committed after
2196 the lieutenant governor imposes a fine against the person for a first violation, \$1,000 multiplied
2197 by the number of violations committed by the person.

2198 (b) A person may, within 30 days after the day on which the lieutenant governor
2199 imposes a fine against the person under this Subsection (2), appeal the fine to a district court.

2200 (3) The lieutenant governor shall consider a violation of this section as a first violation
2201 if the violation is committed more than seven years after the day on which the person last
2202 committed a violation of this section.

2203 (4) For purposes of this section, one violation means one act of sending an email,
2204 regardless of the number of recipients of the email.

2205 (5) A person does not violate this section if:

2206 (a) the lieutenant governor finds that the email described in Subsection (1) was
2207 inadvertently sent by the person using the email of a public entity;

2208 (b) the person is directly providing information solely to another person or a group of
2209 people in response to a question asked by the other person or group of people;

2210 (c) the information the person emails is an argument or rebuttal argument prepared
2211 under Section [20A-7-401.5](#) or [20A-7-402](#), and the email includes each opposing argument and
2212 rebuttal argument that:

2213 (i) relates to the same proposed initiative, initiative, proposed referendum, or

- 2214 referendum; and
- 2215 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or
- 2216 (d) the person is engaging in:
- 2217 (i) an internal communication solely within the public entity;
- 2218 (ii) a communication solely with another public entity;
- 2219 (iii) a communication solely with legal counsel;
- 2220 (iv) a communication solely with the sponsors of an initiative or referendum;
- 2221 (v) a communication solely with a land developer for a project permitted by a local
- 2222 land use law that is challenged by a proposed referendum or a referendum; or
- 2223 (vi) a communication solely with a person involved in a business transaction directly
- 2224 relating to a project described in Subsection (5)(d)(v).
- 2225 (6) A violation of this section does not invalidate an otherwise valid election.
- 2226 (7) An email sent in violation of Subsection (1), as determined by the records officer,
- 2227 constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of Title
- 2228 63G, Chapter 2, Government Records Access and Management Act, notwithstanding any
- 2229 applicability of Subsection 63G-2-103(22)(b)(i).

2230 Section 27. Section 20A-11-1305 is amended to read:

2231 **20A-11-1305. School board office candidate -- Failure to file statement --**

2232 **Penalties.**

2233 (1) A school board office candidate who fails to file a financial statement by the

2234 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

2235 (2) If a school board office candidate fails to file an interim report described in

2236 Subsections 20A-11-1303(1)(c)(i) through (iv), the lieutenant governor may send an electronic

2237 notice to the school board office candidate and the political party of which the school board

2238 office candidate is a member, if any, that states:

2239 (a) that the school board office candidate failed to timely file the report; and

2240 (b) that, if the school board office candidate fails to file the report within 24 hours after

2241 the deadline for filing the report, the school board office candidate will be disqualified and the

2242 political party will not be permitted to replace the candidate.

2243 (3) (a) The lieutenant governor shall disqualify a school board office candidate and
2244 inform the county clerk and other appropriate election officials that the school board office
2245 candidate is disqualified if the school board office candidate fails to file an interim report
2246 described in Subsections [20A-11-1303\(1\)\(c\)\(i\)](#) through (iv) within 24 hours after the deadline
2247 for filing the report.

2248 (b) The political party of a school board office candidate who is disqualified under
2249 Subsection (3)(a) may not replace the school board office candidate.

2250 (4) (a) If a school board office candidate is disqualified under Subsection (3)(a), the
2251 election officer shall:

2252 (i) remove the school board office candidate's name from the ballot; or

2253 (ii) if removing the school board office candidate's name from the ballot is not
2254 practicable, inform the voters by any practicable method that the school board office candidate
2255 has been disqualified and that votes cast for the school board office candidate will not be
2256 counted.

2257 (b) An election officer may fulfill the requirement described in Subsection (4)(a) in
2258 relation to an absentee voter, including a military or overseas absentee voter, by including with
2259 the absentee ballot a written notice directing the voter to a public website that will inform the
2260 voter whether a candidate on the ballot is disqualified.

2261 (5) A school board office candidate is not disqualified if:

2262 (a) the school board office candidate files the reports described in Subsections
2263 [20A-11-1303\(1\)\(c\)\(i\)](#) through (iv) no later than 24 hours after the applicable deadlines for
2264 filing the reports;

2265 (b) the reports are completed, detailing accurately and completely the information
2266 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
2267 and

2268 (c) the omissions, errors, or inaccuracies described in Subsection (5)(b) are corrected in
2269 an amended report or the next scheduled report.

2270 (6) (a) Within [~~30~~] 60 days after a deadline for the filing of a summary report, the
2271 lieutenant governor shall review each filed summary report to ensure that:

2272 (i) each school board office candidate who is required to file a summary report has
2273 filed the report; and

2274 (ii) each summary report contains the information required by this part.

2275 (b) If it appears that a school board office candidate has failed to file the summary
2276 report required by law, if it appears that a filed summary report does not conform to the law, or
2277 if the lieutenant governor has received a written complaint alleging a violation of the law or the
2278 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
2279 violation or receipt of a written complaint, notify the school board office candidate of the
2280 violation or written complaint and direct the school board office candidate to file a summary
2281 report correcting the problem.

2282 (c) (i) It is unlawful for a school board office candidate to fail to file or amend a
2283 summary report within seven days after receiving the notice described in Subsection (6)(b)
2284 from the lieutenant governor.

2285 (ii) Each school board office candidate who violates Subsection (6)(c)(i) is guilty of a
2286 class B misdemeanor.

2287 (iii) The lieutenant governor shall report all violations of Subsection (6)(c)(i) to the
2288 attorney general.

2289 (iv) In addition to the criminal penalty described in Subsection (6)(c)(ii), the lieutenant
2290 governor shall impose a civil fine of \$100 against a school board office candidate who violates
2291 Subsection (6)(c)(i).

2292 Section 28. Section **20A-11-1503** is amended to read:

2293 **20A-11-1503. Criminal penalties -- Fines.**

2294 (1) Within [~~30~~] 60 days after a deadline for the filing of a financial statement required
2295 by this part, the lieutenant governor shall review each filed financial statement to ensure that:

2296 (a) each labor organization that is required to file a financial statement has filed one;
2297 and

2298 (b) each financial statement contains the information required by this part.

2299 (2) If it appears that any labor organization has failed to file a financial statement, if it
2300 appears that a filed financial statement does not conform to the law, or if the lieutenant
2301 governor has received a written complaint alleging a violation of the law or the falsity of a
2302 financial statement, the lieutenant governor shall:

2303 (a) impose a fine against the labor organization in accordance with Section
2304 20A-11-1005; and

2305 (b) within five days of discovery of a violation or receipt of a written complaint, notify
2306 the labor organization of the violation or written complaint and direct the labor organization to
2307 file a financial statement correcting the problem.

2308 (3) (a) It is unlawful for any labor organization to fail to file or amend a financial
2309 statement within seven days after receiving notice from the lieutenant governor under this
2310 section.

2311 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B
2312 misdemeanor.

2313 (c) The lieutenant governor shall report all violations of Subsection (3)(a) to the
2314 attorney general.

2315 (d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant
2316 governor shall impose a civil fine of \$1,000 against a labor organization that violates
2317 Subsection (3)(a).

2318 Section 29. Section 20A-11-1605 is amended to read:

2319 **20A-11-1605. Failure to file -- Penalties.**

2320 (1) Within [~~30~~] 60 days after the day on which a regulated officeholder is required to
2321 file a conflict of interest disclosure under Subsection 20A-11-1604(3)(a)(i), (b)(i), (c)(i), (d)(i),
2322 (e)(i), or (f)(i), the lieutenant governor shall review each filed conflict of interest disclosure to
2323 ensure that:

2324 (a) each regulated officeholder who is required to file a conflict of interest disclosure
2325 has filed one; and

2326 (b) each conflict of interest disclosure contains the information required under Section
2327 20A-11-1604.

2328 (2) The lieutenant governor shall take the action described in Subsection (3) if:

2329 (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;

2330 (b) a filed conflict of interest disclosure does not comply with the requirements of
2331 Section 20A-11-1604; or

2332 (c) the lieutenant governor receives a written complaint alleging a violation of Section
2333 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the complaint and
2334 giving the regulated officeholder notice and an opportunity to be heard, the lieutenant governor
2335 determines that a violation occurred.

2336 (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall,
2337 within five days after the day on which the lieutenant governor determines that a violation
2338 occurred, notify the regulated officeholder of the violation and direct the regulated officeholder
2339 to file an amended report correcting the problem.

2340 (4) (a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of
2341 interest disclosure within seven days after the day on which the regulated officeholder receives
2342 the notice described in Subsection (3).

2343 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B
2344 misdemeanor.

2345 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
2346 attorney general.

2347 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
2348 governor shall impose a civil fine of \$100 against a regulated officeholder who violates
2349 Subsection (4)(a).

2350 (5) The lieutenant governor shall deposit a fine collected under this part into the
2351 General Fund as a dedicated credit to pay for the costs of administering the provisions of this
2352 part.

2353 Section 30. Section **20A-13-301** is amended to read:

2354 **20A-13-301. Presidential elections -- Effect of vote.**

2355 (1) (a) Each registered political party shall choose [~~persons~~] individuals to act as
2356 presidential electors and to fill vacancies in the office of presidential electors for their party's
2357 candidates for [~~President and Vice President~~] president and vice president of the United States
2358 according to the procedures established in their bylaws.

2359 (b) Each registered political party shall certify to the lieutenant governor the names and
2360 addresses of the [~~persons~~] individuals selected by the political party as the party's presidential
2361 electors before 5 p.m. no later than August 31.

2362 [~~(2) The highest number of votes cast for a political party's president and vice president~~
2363 ~~candidates elects the presidential electors selected by that political party.]~~

2364 (c) An unaffiliated candidate or write-in candidate for the office of president of the
2365 United States shall, no later than 5 p.m. ten days after the day on which the candidate files a
2366 declaration of candidacy, certify to the lieutenant governor the names and addresses of each
2367 individual selected by the candidate as a presidential elector for the candidate and each
2368 individual selected by the candidate to fill a vacancy in the office of presidential elector for the
2369 candidate.

2370 (2) The highest number of votes cast for candidates for president and vice president of
2371 the United States elects the presidential electors for:

2372 (a) except as provided in Subsection (2)(b), the political party of those candidates; or

2373 (b) if the candidates receiving the highest number of votes are unaffiliated candidates
2374 or write-in candidates, the presidential electors selected for those candidates under Subsection
2375 (1)(c).

2376 Section 31. Section **20A-13-302** is amended to read:

2377 **20A-13-302. Certificate of election.**

2378 (1) The lieutenant governor shall transmit certificates of election to each of the electors
2379 selected under Section 20A-13-301:

2380 (a) if the candidates for president and vice president of the United States who receive
2381 the highest number of votes in the state are unaffiliated candidates or write-in candidates, by

2382 the candidate for president; or

2383 (b) if the candidates for president and vice president of the United States who receive
2384 the highest number of votes in the state are the nominees of a registered political party, by the
2385 registered political party [~~whose candidates for president and vice president received the~~
2386 ~~highest number of votes in Utah~~].

2387 (2) Presidential electors may not receive compensation for their services.

2388 Section 32. Section **20A-13-303** is amended to read:

2389 **20A-13-303. Filling vacancies.**

2390 If there is a vacancy in the office of presidential elector because of death, refusal to act,
2391 failure to attend, ineligibility, or any other cause, the individual or political party represented by
2392 the elector who caused the vacancy shall immediately fill the vacancy.

2393 Section 33. Section **20A-13-304** is amended to read:

2394 **20A-13-304. Meeting to ballot -- Casting ballot for individual not nominated by**
2395 **elector's candidate or party.**

2396 (1) The electors shall meet at the office of the lieutenant governor at the state capitol at
2397 noon of the first Wednesday of the January after their election, or at noon of any other day
2398 designated by the Congress of the United States of America.

2399 (2) After convening, the electors shall perform their duties in conformity with the
2400 United States Constitution and laws.

2401 (3) Any elector who casts an electoral ballot for [~~a person~~] an individual not nominated
2402 by the individual, or by the party of which [~~he~~] the elector is an elector, except in the cases of
2403 death or felony conviction of a candidate, is considered to have resigned from the office of
2404 elector, [~~his~~] the elector's vote may not be recorded, and the remaining electors shall appoint
2405 another [~~person~~] individual to fill the vacancy.

2406 Section 34. Section **36-11-103** is amended to read:

2407 **36-11-103. Licensing requirements.**

2408 (1) (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the
2409 lieutenant governor by completing the form required by this section.

- 2410 (b) The lieutenant governor shall issue licenses to qualified lobbyists.
- 2411 (c) The lieutenant governor shall prepare a Lobbyist License Application Form that
2412 includes:
- 2413 (i) a place for the lobbyist's name and business address;
- 2414 (ii) a place for the following information for each principal for whom the lobbyist
2415 works or is hired as an independent contractor:
- 2416 (A) the principal's name;
- 2417 (B) the principal's business address;
- 2418 (C) the name of each public official that the principal employs and the nature of the
2419 employment with the public official; and
- 2420 (D) the general purposes, interests, and nature of the principal;
- 2421 (iii) a place for the name and address of the person who paid or will pay the lobbyist's
2422 [~~registration~~] licensing fee, if the fee is not paid by the lobbyist;
- 2423 (iv) a place for the lobbyist to disclose:
- 2424 (A) any elected or appointed position that the lobbyist holds in state or local
2425 government, if any; and
- 2426 (B) the name of each public official that the lobbyist employs and the nature of the
2427 employment with the public official, if any;
- 2428 (v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist
2429 will be reimbursed; and
- 2430 (vi) a certification to be signed by the lobbyist that certifies that the information
2431 provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and
2432 belief.
- 2433 (2) Each lobbyist who obtains a license under this section shall update the licensure
2434 information when the lobbyist accepts employment for lobbying by a new client.
- 2435 (3) (a) Except as provided in Subsection (4), the lieutenant governor shall grant a
2436 lobbying license to an applicant who:
- 2437 (i) files an application with the lieutenant governor that contains the information

2438 required by this section;

2439 (ii) completes the training required by Section 36-11-307; and

2440 (iii) pays a \$60 [~~filing~~] licensing fee.

2441 (b) A license entitles a person to serve as a lobbyist on behalf of one or more principals

2442 and expires on December 31 each year.

2443 (4) (a) The lieutenant governor may disapprove an application for a lobbying license:

2444 (i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107,

2445 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;

2446 (ii) if the applicant has been convicted of violating Section 76-8-104 or 76-8-304

2447 within one year before the date of the lobbying license application;

2448 (iii) during the term of any suspension imposed under Section 36-11-401;

2449 (iv) if the applicant has not complied with Subsection 36-11-307(6);

2450 (v) during the term of a suspension imposed under Subsection 36-11-501(3);

2451 (vi) if the lobbyist fails to pay a fine imposed under Subsection 36-11-501(3);

2452 (vii) if, within one year before the date of the lobbying license application, the

2453 applicant has been found to have willingly and knowingly:

2454 (A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303,

2455 36-11-304, 36-11-305, or 36-11-403; or

2456 (B) filed a document required by this chapter that the lobbyist knew contained

2457 materially false information or omitted material information; or

2458 (viii) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter

2459 24, Lobbying Restrictions Act.

2460 (b) An applicant may appeal the disapproval in accordance with the procedures

2461 established by the lieutenant governor under this chapter and Title 63G, Chapter 4,

2462 Administrative Procedures Act.

2463 (5) The lieutenant governor shall deposit each [~~license~~] licensing fee into the General

2464 Fund as a dedicated credit to be used by the lieutenant governor to pay the cost of

2465 administering the license program described in this section.

2466 (6) A principal need not obtain a license under this section, but if the principal makes
2467 expenditures to benefit a public official without using a lobbyist as an agent to confer those
2468 benefits, the principal shall disclose those expenditures as required by Section 36-11-201.

2469 (7) Government officers need not obtain a license under this section, but shall disclose
2470 any expenditures made to benefit public officials as required by Section 36-11-201.

2471 (8) Surrender, cancellation, or expiration of a lobbyist license does not absolve the
2472 lobbyist of the duty to file the financial reports if the lobbyist is otherwise required to file the
2473 reports by Section 36-11-201.