

**ELECTIONS OFFICE**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ryan D. Wilcox**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill establishes the Elections Office, to assume all responsibility for elections currently under the authority of the lieutenant governor.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates the Elections Office, as an independent state agency, to assume all responsibility for elections currently under the authority of the lieutenant governor;
- ▶ provides for the appointment of a director of the Elections Office who will serve as the chief election officer of the state;
- ▶ transfers all duties and powers of the lieutenant governor in relation to elections to the Elections Office or the director of the Elections Office; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**10-2-302**, as last amended by Laws of Utah 2015, Chapter 352



- 28            **10-2a-102**, as last amended by Laws of Utah 2023, Chapter 224
- 29            **10-2a-208**, as last amended by Laws of Utah 2023, Chapters 116, 224 and last amended
- 30 by Coordination Clause, Laws of Utah 2023, Chapter 116
- 31            **10-2a-210**, as last amended by Laws of Utah 2023, Chapters 16, 224 and 435
- 32            **10-2a-212**, as last amended by Laws of Utah 2019, Chapter 165
- 33            **10-2a-216**, as last amended by Laws of Utah 2019, Chapter 165
- 34            **10-2a-403**, as enacted by Laws of Utah 2015, Chapter 352 and further amended by
- 35 Revisor Instructions, Laws of Utah 2015, Chapter 352
- 36            **10-2a-408**, as enacted by Laws of Utah 2015, Chapter 352
- 37            **10-2a-412**, as enacted by Laws of Utah 2015, Chapter 352
- 38            **10-3-208**, as last amended by Laws of Utah 2023, Chapter 45
- 39            **10-3-301**, as last amended by Laws of Utah 2023, Chapter 435
- 40            **11-14-102**, as last amended by Laws of Utah 2023, Chapter 16
- 41            **11-14-201**, as last amended by Laws of Utah 2014, Chapter 356
- 42            **11-14-202**, as last amended by Laws of Utah 2023, Chapter 435
- 43            **11-14-301**, as last amended by Laws of Utah 2022, Chapter 325
- 44            **17-2-104**, as renumbered and amended by Laws of Utah 2009, Chapter 350
- 45            **17-2-105**, as renumbered and amended by Laws of Utah 2009, Chapter 350
- 46            **17-2-204**, as renumbered and amended by Laws of Utah 2009, Chapter 350
- 47            **17-2-205**, as renumbered and amended by Laws of Utah 2009, Chapter 350
- 48            **17-3-3**, as last amended by Laws of Utah 2009, Chapter 350
- 49            **17-16-6.5**, as last amended by Laws of Utah 2023, Chapter 45
- 50            **17-20-5**, as last amended by Laws of Utah 2022, Chapter 18
- 51            **17-50-502**, as last amended by Laws of Utah 2019, Chapter 14
- 52            **17-52a-503**, as last amended by Laws of Utah 2023, Chapter 15
- 53            **17B-1-303**, as last amended by Laws of Utah 2023, Chapter 15
- 54            **17B-1-306**, as last amended by Laws of Utah 2023, Chapters 15, 435
- 55            **20A-1-102**, as last amended by Laws of Utah 2023, Chapters 15, 234 and 297
- 56            **20A-1-105**, as enacted by Laws of Utah 2023, Chapter 297
- 57            **20A-1-106**, as enacted by Laws of Utah 2023, Chapter 297
- 58            **20A-1-107**, as enacted by Laws of Utah 2023, Chapter 297

- 59            **20A-1-108**, as enacted by Laws of Utah 2023, Chapter 297
- 60            **20A-1-206**, as last amended by Laws of Utah 2023, Chapters 15, 435
- 61            **20A-1-305**, as enacted by Laws of Utah 1993, Chapter 1
- 62            **20A-1-308**, as last amended by Laws of Utah 2020, Chapter 31
- 63            **20A-1-501**, as last amended by Laws of Utah 2023, Chapter 234
- 64            **20A-1-503**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4
- 65            **20A-1-510**, as last amended by Laws of Utah 2023, Chapter 46
- 66            **20A-1-603**, as last amended by Laws of Utah 2023, Chapter 175
- 67            **20A-1-802**, as enacted by Laws of Utah 2014, Chapter 254
- 68            **20A-1-1001**, as enacted by Laws of Utah 2023, Chapter 116
- 69            **20A-2-101.1**, as last amended by Laws of Utah 2018, Chapter 223
- 70            **20A-2-102.5**, as last amended by Laws of Utah 2023, Chapter 45
- 71            **20A-2-104**, as last amended by Laws of Utah 2023, Chapters 327, 406
- 72            **20A-2-107**, as last amended by Laws of Utah 2023, Chapters 45, 89 and last amended
- 73            by Coordination Clause, Laws of Utah 2023, Chapter 89
- 74            **20A-2-108**, as last amended by Laws of Utah 2023, Chapter 406
- 75            **20A-2-201**, as last amended by Laws of Utah 2020, Chapters 31, 95 and last amended
- 76            by Coordination Clause, Laws of Utah 2020, Chapter 95
- 77            **20A-2-204**, as last amended by Laws of Utah 2023, Chapter 237
- 78            **20A-2-205**, as last amended by Laws of Utah 2020, Chapter 31 and last amended by
- 79            Coordination Clause, Laws of Utah 2020, Chapter 95
- 80            **20A-2-206**, as last amended by Laws of Utah 2023, Chapter 297
- 81            **20A-2-207**, as last amended by Laws of Utah 2022, Chapter 18
- 82            **20A-2-300.6**, as last amended by Laws of Utah 2023, Chapter 297
- 83            **20A-2-502**, as renumbered and amended by Laws of Utah 2023, Chapter 297
- 84            **20A-2-503**, as renumbered and amended by Laws of Utah 2023, Chapter 297
- 85            **20A-2-505**, as last amended by Laws of Utah 2023, Chapters 327, 406 and renumbered
- 86            and amended by Laws of Utah 2023, Chapter 297
- 87            **20A-2-506**, as renumbered and amended by Laws of Utah 2023, Chapter 297
- 88            **20A-2-507**, as enacted by Laws of Utah 2023, Chapter 297
- 89            **20A-3a-106**, as enacted by Laws of Utah 2023, Chapter 297

- 90            **20A-3a-202**, as last amended by Laws of Utah 2023, Chapters 56, 106 and 297
- 91            **20A-3a-401**, as last amended by Laws of Utah 2023, Chapters 56, 106, 297, and 406
- 92 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 106
- 93            **20A-3a-401.1**, as enacted by Laws of Utah 2023, Chapter 297
- 94            **20A-3a-401.5**, as last amended by Laws of Utah 2023, Chapter 297
- 95            **20A-3a-402**, as last amended by Laws of Utah 2022, Chapter 380
- 96            **20A-3a-402.5**, as enacted by Laws of Utah 2023, Chapter 297
- 97            **20A-3a-404**, as enacted by Laws of Utah 2022, Chapter 156
- 98            **20A-3a-601**, as last amended by Laws of Utah 2020, Chapter 95 and renumbered and
- 99 amended by Laws of Utah 2020, Chapter 31
- 100           **20A-3a-603**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 101           **20A-3a-703**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 102           **20A-3a-801**, as last amended by Laws of Utah 2022, Chapters 18, 380
- 103           **20A-4-101**, as last amended by Laws of Utah 2022, Chapter 342
- 104           **20A-4-102**, as last amended by Laws of Utah 2023, Chapters 156, 297
- 105           **20A-4-104**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435
- 106           **20A-4-106**, as last amended by Laws of Utah 2023, Chapters 156, 297
- 107           **20A-4-109**, as enacted by Laws of Utah 2023, Chapter 297
- 108           **20A-4-202**, as last amended by Laws of Utah 2023, Chapters 156, 297
- 109           **20A-4-304**, as last amended by Laws of Utah 2023, Chapters 15, 297 and 435
- 110           **20A-4-306**, as last amended by Laws of Utah 2022, Chapter 18
- 111           **20A-4-401**, as last amended by Laws of Utah 2023, Chapter 15
- 112           **20A-4-602**, as last amended by Laws of Utah 2022, Chapter 170
- 113           **20A-5-101**, as last amended by Laws of Utah 2023, Chapters 45, 56, 106, 297, and 435
- 114           **20A-5-302**, as last amended by Laws of Utah 2023, Chapter 15
- 115           **20A-5-400.1**, as last amended by Laws of Utah 2021, Chapter 101
- 116           **20A-5-403**, as last amended by Laws of Utah 2023, Chapter 15
- 117           **20A-5-403.5**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435
- 118           **20A-5-405**, as last amended by Laws of Utah 2023, Chapters 45, 435
- 119           **20A-5-409**, as last amended by Laws of Utah 2011, Chapter 327
- 120           **20A-5-802**, as last amended by Laws of Utah 2019, Chapter 305

- 121            **20A-5-901**, as last amended by Laws of Utah 2023, Chapter 45
- 122            **20A-5-905**, as enacted by Laws of Utah 2022, Chapter 156
- 123            **20A-6-105**, as last amended by Laws of Utah 2023, Chapter 406
- 124            **20A-6-107**, as last amended by Laws of Utah 2018, Chapter 458
- 125            **20A-6-108**, as enacted by Laws of Utah 2022, Chapter 156
- 126            **20A-6-203**, as last amended by Laws of Utah 2020, Chapter 31
- 127            **20A-6-305**, as last amended by Laws of Utah 2020, Chapter 49
- 128            **20A-7-103**, as last amended by Laws of Utah 2023, Chapter 435
- 129            **20A-7-104**, as enacted by Laws of Utah 2021, Chapter 418
- 130            **20A-7-105**, as enacted by Laws of Utah 2023, Chapter 116
- 131            **20A-7-201**, as last amended by Laws of Utah 2023, Chapter 107
- 132            **20A-7-202**, as last amended by Laws of Utah 2023, Chapter 107
- 133            **20A-7-202.5**, as last amended by Laws of Utah 2023, Chapter 107
- 134            **20A-7-202.7**, as last amended by Laws of Utah 2023, Chapter 107
- 135            **20A-7-203**, as last amended by Laws of Utah 2023, Chapter 107
- 136            **20A-7-204**, as last amended by Laws of Utah 2023, Chapter 107
- 137            **20A-7-204.1**, as last amended by Laws of Utah 2023, Chapters 107, 435 and last
- 138 amended by Coordination Clause, Laws of Utah 2023, Chapter 107
- 139            **20A-7-206.1**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 140            **20A-7-207**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 141            **20A-7-208**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 142            **20A-7-209**, as last amended by Laws of Utah 2023, Chapters 45, 107 and last amended
- 143 by Coordination Clause, Laws of Utah 2023, Chapter 45
- 144            **20A-7-211**, as last amended by Laws of Utah 2023, Chapter 107
- 145            **20A-7-215**, as last amended by Laws of Utah 2023, Chapter 107
- 146            **20A-7-216**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 147            **20A-7-217**, as last amended by Laws of Utah 2023, Chapter 107
- 148            **20A-7-301**, as last amended by Laws of Utah 2023, Chapter 107
- 149            **20A-7-302**, as last amended by Laws of Utah 2023, Chapter 107
- 150            **20A-7-303**, as last amended by Laws of Utah 2023, Chapter 107
- 151            **20A-7-304**, as last amended by Laws of Utah 2023, Chapter 107

- 152            **20A-7-304.5**, as last amended by Laws of Utah 2023, Chapter 107
- 153            **20A-7-307**, as last amended by Laws of Utah 2023, Chapters 107, 116 and last
- 154 amended by Coordination Clause, Laws of Utah 2023, Chapter 116
- 155            **20A-7-308**, as last amended by Laws of Utah 2023, Chapters 45, 107
- 156            **20A-7-309**, as last amended by Laws of Utah 2023, Chapter 107
- 157            **20A-7-310**, as last amended by Laws of Utah 2023, Chapter 107
- 158            **20A-7-311**, as last amended by Laws of Utah 2023, Chapter 107
- 159            **20A-7-313**, as last amended by Laws of Utah 2023, Chapter 107
- 160            **20A-7-314**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 161            **20A-7-315**, as last amended by Laws of Utah 2023, Chapter 107
- 162            **20A-7-406**, as enacted by Laws of Utah 2019, Chapter 203
- 163            **20A-7-507**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 164            **20A-7-515**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 165            **20A-7-516**, as last amended by Laws of Utah 2023, Chapter 107
- 166            **20A-7-607**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 167            **20A-7-615**, as last amended by Laws of Utah 2023, Chapters 107, 116
- 168            **20A-7-616**, as last amended by Laws of Utah 2023, Chapter 107
- 169            **20A-7-701**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
- 170            **20A-7-702**, as last amended by Laws of Utah 2023, Chapter 107
- 171            **20A-7-702.5**, as enacted by Laws of Utah 2022, Chapter 11
- 172            **20A-7-703**, as last amended by Laws of Utah 2020, Chapter 277
- 173            **20A-7-704**, as last amended by Laws of Utah 2019, Chapters 217, 255
- 174            **20A-7-705**, as last amended by Laws of Utah 2019, Chapters 217, 255
- 175            **20A-7-706**, as last amended by Laws of Utah 2019, Chapter 255
- 176            **20A-7-801**, as last amended by Laws of Utah 2021, Chapter 100
- 177            **20A-8-103**, as last amended by Laws of Utah 2023, Chapter 116
- 178            **20A-8-106**, as last amended by Laws of Utah 2019, Chapter 255
- 179            **20A-8-401**, as last amended by Laws of Utah 2019, Chapter 255
- 180            **20A-8-402**, as last amended by Laws of Utah 2019, Chapter 255
- 181            **20A-8-402.5**, as last amended by Laws of Utah 2022, Chapter 13
- 182            **20A-8-403**, as enacted by Laws of Utah 1997, Chapter 182

- 183            [20A-9-101](#), as last amended by Laws of Utah 2023, Chapters 15, 45
- 184            [20A-9-201](#), as last amended by Laws of Utah 2022, Chapters 13, 18
- 185            [20A-9-202](#), as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
- 186            [20A-9-202.5](#), as last amended by Laws of Utah 2019, Chapter 433
- 187            [20A-9-203](#), as last amended by Laws of Utah 2023, Chapters 116, 435
- 188            [20A-9-402](#), as last amended by Laws of Utah 1996, Second Special Session, Chapter 3
- 189            [20A-9-403](#), as last amended by Laws of Utah 2023, Chapter 116
- 190            [20A-9-405](#), as last amended by Laws of Utah 2022, Chapter 325
- 191            [20A-9-406](#), as last amended by Laws of Utah 2022, Chapter 13
- 192            [20A-9-407](#), as last amended by Laws of Utah 2022, Chapter 13
- 193            [20A-9-408](#), as last amended by Laws of Utah 2023, Chapter 116
- 194            [20A-9-409](#), as last amended by Laws of Utah 2021, Second Special Session, Chapter 6
- 195            [20A-9-410](#), as enacted by Laws of Utah 2014, Chapter 17
- 196            [20A-9-503](#), as last amended by Laws of Utah 2023, Chapter 15
- 197            [20A-9-601](#), as last amended by Laws of Utah 2019, Chapters 142, 255 and 279
- 198            [20A-9-701](#), as last amended by Laws of Utah 2015, Chapter 296
- 199            [20A-9-802](#), as last amended by Laws of Utah 2019, Chapter 433
- 200            [20A-9-803](#), as last amended by Laws of Utah 2019, Chapter 433
- 201            [20A-9-805](#), as last amended by Laws of Utah 2019, Chapter 433
- 202            [20A-9-806](#), as last amended by Laws of Utah 2020, Chapter 31
- 203            [20A-9-809](#), as last amended by Laws of Utah 2019, Chapter 433
- 204            [20A-11-101](#), as last amended by Laws of Utah 2023, Chapter 15
- 205            [20A-11-101.3](#), as last amended by Laws of Utah 2021, Chapter 20
- 206            [20A-11-103](#), as last amended by Laws of Utah 2016, Chapter 16
- 207            [20A-11-104](#), as last amended by Laws of Utah 2021, Chapter 20
- 208            [20A-11-105](#), as last amended by Laws of Utah 2019, Chapter 255
- 209            [20A-11-201](#), as last amended by Laws of Utah 2021, Chapter 20
- 210            [20A-11-202](#), as last amended by Laws of Utah 2022, Chapter 18
- 211            [20A-11-204](#), as last amended by Laws of Utah 2021, Chapter 20
- 212            [20A-11-205](#), as last amended by Laws of Utah 2013, Chapter 170
- 213            [20A-11-206](#), as last amended by Laws of Utah 2023, Chapter 45



214 **20A-11-301**, as last amended by Laws of Utah 2021, Chapter 20  
215 **20A-11-303**, as last amended by Laws of Utah 2021, Chapter 20  
216 **20A-11-304**, as last amended by Laws of Utah 2013, Chapter 170  
217 **20A-11-305**, as last amended by Laws of Utah 2023, Chapter 45  
218 **20A-11-402**, as last amended by Laws of Utah 2019, Chapter 74  
219 **20A-11-403**, as last amended by Laws of Utah 2021, Chapter 20  
220 **20A-11-507**, as last amended by Laws of Utah 2019, Chapter 74  
221 **20A-11-508**, as last amended by Laws of Utah 2020, Chapter 22  
222 **20A-11-511**, as last amended by Laws of Utah 2019, Chapter 74  
223 **20A-11-512**, as last amended by Laws of Utah 2020, Chapter 22  
224 **20A-11-513**, as enacted by Laws of Utah 2011, Chapter 396  
225 **20A-11-601**, as last amended by Laws of Utah 2022, Chapter 340  
226 **20A-11-602**, as last amended by Laws of Utah 2019, Chapters 74, 116  
227 **20A-11-603**, as last amended by Laws of Utah 2022, Chapter 340  
228 **20A-11-701.5**, as renumbered and amended by Laws of Utah 2019, Chapter 74  
229 **20A-11-702**, as last amended by Laws of Utah 2017, Chapter 276  
230 **20A-11-703**, as last amended by Laws of Utah 2020, Chapter 22  
231 **20A-11-704**, as last amended by Laws of Utah 2018, Chapter 83  
232 **20A-11-801**, as last amended by Laws of Utah 2021, Chapter 20  
233 **20A-11-802**, as last amended by Laws of Utah 2023, Chapter 116  
234 **20A-11-803**, as last amended by Laws of Utah 2020, Chapter 22  
235 **20A-11-901**, as last amended by Laws of Utah 2022, Chapter 18  
236 **20A-11-905**, as enacted by Laws of Utah 2013, Chapter 86  
237 **20A-11-1004**, as enacted by Laws of Utah 1995, Chapter 1  
238 **20A-11-1202**, as last amended by Laws of Utah 2023, Chapters 15, 327  
239 **20A-11-1205**, as last amended by Laws of Utah 2020, Chapter 22  
240 **20A-11-1301**, as last amended by Laws of Utah 2021, Chapter 20  
241 **20A-11-1303**, as last amended by Laws of Utah 2021, Chapter 20  
242 **20A-11-1304**, as enacted by Laws of Utah 1997, Chapter 355  
243 **20A-11-1305**, as last amended by Laws of Utah 2023, Chapter 45  
244 **20A-11-1502**, as last amended by Laws of Utah 2018, Chapter 83



245            **20A-11-1503**, as last amended by Laws of Utah 2020, Chapter 22  
246            **20A-11-1602**, as last amended by Laws of Utah 2021, Chapter 20  
247            **20A-11-1602.5**, as last amended by Laws of Utah 2021, Chapter 20  
248            **20A-11-1603**, as last amended by Laws of Utah 2023, Chapter 45  
249            **20A-11-1604**, as last amended by Laws of Utah 2022, Chapter 170  
250            **20A-11-1605**, as last amended by Laws of Utah 2021, Chapter 20  
251            **20A-11-1606**, as last amended by Laws of Utah 2019, Chapter 266  
252            **20A-12-201 (Superseded 07/01/24)**, as last amended by Laws of Utah 2022, Chapter  
253    202  
254            **20A-12-201 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 394  
255            **20A-12-302**, as enacted by Laws of Utah 2001, Chapter 166  
256            **20A-12-303**, as last amended by Laws of Utah 2021, Chapter 20  
257            **20A-12-304**, as last amended by Laws of Utah 2010, Chapter 389  
258            **20A-12-305**, as last amended by Laws of Utah 2019, Chapter 255  
259            **20A-12-306**, as last amended by Laws of Utah 2010, Chapter 389  
260            **20A-13-102**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2  
261            **20A-13-102.2**, as last amended by Laws of Utah 2021, Second Special Session, Chapter  
262    2  
263            **20A-13-103**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2  
264            **20A-13-104**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 2  
265            **20A-13-301**, as last amended by Laws of Utah 2020, Chapter 22  
266            **20A-13-302**, as last amended by Laws of Utah 2020, Chapter 22  
267            **20A-13-304**, as last amended by Laws of Utah 2020, Chapter 22  
268            **20A-14-102**, as last amended by Laws of Utah 2021, Second Special Session, Chapter  
269    10  
270            **20A-14-102.1**, as last amended by Laws of Utah 2021, Second Special Session, Chapter  
271    10  
272            **20A-14-102.2**, as last amended by Laws of Utah 2021, Second Special Session, Chapter  
273    10  
274            **20A-14-102.3**, as last amended by Laws of Utah 2021, Second Special Session, Chapter  
275    10

276 **20A-14-103**, as last amended by Laws of Utah 2021, Second Special Session, Chapter  
 277 10  
 278 **20A-15-103**, as last amended by Laws of Utah 2023, Chapter 116  
 279 **20A-15-201**, as enacted by Laws of Utah 1995, Chapter 1  
 280 **20A-15-202**, as enacted by Laws of Utah 1995, Chapter 1  
 281 **20A-16-201**, as last amended by Laws of Utah 2023, Chapter 215  
 282 **20A-16-202**, as last amended by Laws of Utah 2020, Chapter 31  
 283 **20A-16-302**, as last amended by Laws of Utah 2023, Chapter 215  
 284 **20A-16-401**, as last amended by Laws of Utah 2023, Chapter 215  
 285 **20A-16-410**, as enacted by Laws of Utah 2011, Chapter 327  
 286 **20A-21-101**, as enacted by Laws of Utah 2022, Chapter 325  
 287 **20A-21-201**, as last amended by Laws of Utah 2023, Chapter 116  
 288 **36-11-102**, as last amended by Laws of Utah 2023, Chapter 16  
 289 **63C-27-201**, as enacted by Laws of Utah 2022, Chapter 153  
 290 **63G-2-203**, as last amended by Laws of Utah 2022, Chapter 128  
 291 **63G-2-302**, as last amended by Laws of Utah 2023, Chapters 329, 471  
 292 **63G-2-305**, as last amended by Laws of Utah 2023, Chapters 1, 16, 205, and 329  
 293 **63G-2-704**, as enacted by Laws of Utah 2023, Chapter 516  
 294 **67-1a-2**, as last amended by Laws of Utah 2023, Chapter 297

295 ENACTS:

296 **17-2-103.5**, Utah Code Annotated 1953  
 297 **63A-19-101**, Utah Code Annotated 1953  
 298 **63A-19-201**, Utah Code Annotated 1953  
 299 **63A-19-202**, Utah Code Annotated 1953

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

302 Section 1. Section **10-2-302** is amended to read:

303 **10-2-302. Change of class of municipality.**

304 (1) Each municipality shall retain its classification under Section **10-2-301** until  
 305 changed as provided in this section or Subsection **67-1a-2(3)**.

306 (2) (a) If a municipality's population, as determined by the lieutenant governor under

307 Subsection [~~67-1a-2(3)~~] 67-1a-2(2), indicates that the municipality's population has decreased  
308 below the limit for its current class, the legislative body of the municipality may petition the  
309 lieutenant governor to prepare a certificate indicating the class in which the municipality  
310 belongs based on the decreased population figure.

311 (b) Notwithstanding Subsection (2)(a), the legislative body of a metro township may  
312 not petition under this section to change from a metro township to a city or town.

313 (3) A municipality's change in class is effective on the date of the lieutenant governor's  
314 certificate under Subsection [~~67-1a-2(3)~~] 67-1a-2(2).

315 Section 2. Section **10-2a-102** is amended to read:

316 **10-2a-102. Definitions.**

317 (1) As used in this part and Part 2, Incorporation of a Municipality:

318 (a) "Contact sponsor" means the person designated in the feasibility request as the  
319 contact sponsor under Subsection 10-2a-202(2)(d).

320 (b) (i) "Contiguous" means, except as provided in Subsection (1)(b)(ii), the same as  
321 that term is defined in Section 10-1-104.

322 (ii) "Contiguous" does not include a circumstance where:

323 (A) two areas of land are only connected by a strip of land between geographically  
324 separate areas; and

325 (B) the distance between the geographically separate areas described in Subsection  
326 (1)(b)(ii)(A) is greater than the average width of the strip of land connecting the geographically  
327 separate areas.

328 (c) "Director" means the director of the Elections Office, appointed under Subsection  
329 63A-19-201(3)(a).

330 [~~(e)~~] (d) "Feasibility consultant" means a person or firm:

331 (i) with expertise in the processes and economics of local government; and

332 (ii) who is independent of and not affiliated with a county or sponsor of a petition to  
333 incorporate.

334 [~~(d)~~] (e) "Feasibility request" means a request, described in Section 10-2a-202, for a  
335 feasibility study for the proposed incorporation of a municipality.

336 [~~(e)~~] (f) (i) "Municipal service" means any of the following that are publicly provided:

337 (A) culinary water;

- 338 (B) secondary water;
- 339 (C) sewer service;
- 340 (D) storm drainage or flood control;
- 341 (E) recreational facilities or parks;
- 342 (F) electrical power generation or distribution;
- 343 (G) construction or maintenance of local streets and roads;
- 344 (H) street lighting;
- 345 (I) curb, gutter, and sidewalk maintenance;
- 346 (J) law or code enforcement service;
- 347 (K) fire protection service;
- 348 (L) animal services;
- 349 (M) planning and zoning;
- 350 (N) building permits and inspections;
- 351 (O) refuse collection; or
- 352 (P) weed control.

353 (ii) "Municipal service" includes the physical facilities required to provide a service  
 354 described in Subsection ~~[(1)(e)(i)]~~ (1)(f)(i).

355 ~~[(f)]~~ (g) "Private," with respect to real property, means taxable property.

356 (2) For purposes of this part:

357 (a) the owner of real property shall be the record title owner according to the records of  
 358 the county recorder on the date of the filing of the feasibility request or petition for  
 359 incorporation; and

360 (b) the assessed fair market value of private real property shall be determined  
 361 according to the last assessment roll for county taxes before the filing of the feasibility request  
 362 or petition for incorporation.

363 (3) For purposes of each provision of this part that requires the owners of private real  
 364 property covering a percentage or fraction of the total private land area within an area to sign a  
 365 feasibility request or a petition for incorporation:

366 (a) a parcel of real property may not be included in the calculation of the required  
 367 percentage or fraction unless the feasibility request or petition for incorporation is signed by:

368 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority

- 369 ownership interest in that parcel; or
- 370 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
- 371 of owners of that parcel;
- 372 (b) the signature of a person signing a feasibility request or a petition for incorporation
- 373 in a representative capacity on behalf of an owner is invalid unless:
- 374 (i) the person's representative capacity and the name of the owner the person represents
- 375 are indicated on the feasibility request or petition for incorporation with the person's signature;
- 376 and
- 377 (ii) the person provides documentation accompanying the feasibility request or petition
- 378 for incorporation that substantiates the person's representative capacity; and
- 379 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a
- 380 feasibility request or a petition for incorporation on behalf of a deceased owner.

381 Section 3. Section **10-2a-208** is amended to read:

382 **10-2a-208. Petition for incorporation -- Requirements and form.**

383 (1) At any time within one year after the day on which the county clerk completes the

384 public hearings required under Section [10-2a-207](#), individuals within the proposed

385 municipality may proceed with the incorporation process by circulating, and submitting to the

386 county clerk, a petition for incorporation that, to be certified under Subsection

387 [10-2a-209\(1\)\(b\)\(i\)](#), is required to be signed by:

- 388 (a) 10% of all registered voters within the area proposed to be incorporated as a
- 389 municipality, as of the day on which the petition for incorporation is filed;
- 390 (b) if the petition for incorporation proposes the incorporation of a city, and subject to
- 391 Subsection (5), 10% of all registered voters within 90% of the voting precincts within the area
- 392 proposed to be incorporated as a city, as of the day on which the petition for incorporation is
- 393 filed; and
- 394 (c) the owners of private real property that:
  - 395 (i) is located within the proposed municipality;
  - 396 (ii) covers at least 10% of the total private land area within the proposed municipality;
  - 397 and
  - 398 (iii) on January 1 of the current year, was equal in assessed fair market value to at least
  - 399 7% of the assessed fair market value of all private real property within the proposed

400 municipality.

401 (2) The petition for incorporation shall:

402 (a) include the typed or printed name and current residence address of each voter who  
403 signs the petition for incorporation;

404 (b) describe the area proposed to be incorporated as a municipality, as described in the  
405 feasibility request or the modified feasibility request that complies with Subsection  
406 10-2a-205(5)(a);

407 (c) state the proposed name for the proposed municipality;

408 (d) designate five signers of the petition for incorporation as petition sponsors, one of  
409 whom is designated as the contact sponsor, with the mailing address and telephone number of  
410 each;

411 (e) if the sponsors propose the incorporation of a city, state that the signers of the  
412 petition for incorporation appoint the sponsors, if the incorporation measure passes, to  
413 represent the signers in:

414 (i) selecting the number of commission or council members the new city will have; and

415 (ii) drawing district boundaries for the election of council members, if the voters  
416 decide to elect council members by district;

417 (f) be accompanied by and circulated with an accurate plat or map, prepared by a  
418 licensed surveyor, showing the boundaries of the proposed municipality; and

419 (g) substantially comply with and be circulated in the following form:

420 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed  
421 municipality)

422 To the [~~Honorable Lieutenant Governor~~] director of the Elections Office and the [name  
423 of county legislative body]:

424 We, the undersigned registered voters within the area described in this petition for  
425 incorporation, respectfully petition the [~~lieutenant governor~~] director of the Elections Office  
426 and the county legislative body to submit to the registered voters residing within the area  
427 described in this petition for incorporation, at the next regular general election, the question of  
428 whether the area should incorporate as a municipality. Each of the undersigned affirms that  
429 each has personally signed this petition for incorporation and is a registered voter who resides  
430 within the described area, and that the current residence address of each is correctly written

431 after the signer's name. The area proposed to be incorporated as a municipality is described as  
432 follows:[insert an accurate description of the area proposed to be incorporated].

433 (3) (a) Except as provided in Subsection (3)(b), a valid signature on a feasibility  
434 request described in Section 10-2a-202 or a modified feasibility request described in Section  
435 10-2a-206 may be used toward fulfilling the signature requirement described in Subsection (1)  
436 if the feasibility request notified the signer in conspicuous language that the signature, unless  
437 withdrawn, would also be used for a petition for incorporation under this section.

438 (b) A signature described in Subsection (3)(a) may not be used toward fulfilling the  
439 signature requirement described in Subsection (1) if the signer files with the county clerk a  
440 written withdrawal of the signature before the petition for incorporation is filed with the county  
441 clerk under this section.

442 (4) (a) A voter who signs a petition for incorporation may have the voter's signature  
443 removed from the petition by, no later than three business days after the day on which the  
444 petition for incorporation is submitted to the county clerk, submitting to the county clerk a  
445 statement requesting that the voter's signature be removed.

446 (b) A statement described in Subsection (4)(a) shall comply with the requirements  
447 described in Subsection 20A-1-1003(2).

448 (c) The [~~lieutenant governor~~] director shall use the procedures described in Subsection  
449 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after  
450 receiving a timely, valid statement requesting removal of the signature.

451 (d) The county clerk shall use the procedures described in Subsection 20A-1-1003(3)  
452 to determine whether to remove an individual's signature from a petition for incorporation after  
453 receiving a timely, valid statement requesting removal of the signature.

454 (5) (a) A signature does not qualify under Subsection (1)(b) if the signature is gathered  
455 from a voting precinct that:

456 (i) except in a proposed municipality that will be a city of the fifth class, is not located  
457 entirely within the boundaries of a proposed city; or

458 (ii) includes less than 50 registered voters.

459 (b) A voting precinct that is not located entirely within the boundaries of the proposed  
460 city does not qualify as a voting precinct under Subsection (1)(b).

461 Section 4. Section 10-2a-210 is amended to read:



462           **10-2a-210. Incorporation election -- Notice of election -- Voter information**  
463 **pamphlet.**

464           (1) (a) If the county clerk certifies a petition for incorporation under Subsection  
465 [10-2a-209\(1\)\(b\)](#), the [~~lieutenant governor~~] director shall schedule an incorporation election for  
466 the proposed municipality described in the petition for incorporation to be held on the date of  
467 the next regular general election described in Section [20A-1-201](#), or the next municipal general  
468 election described in Section [20A-1-202](#), that is at least 65 days after the day on which the  
469 county clerk certifies the petition for incorporation.

470           (b) (i) The [~~lieutenant governor~~] director shall direct the county legislative body of the  
471 county in which the proposed municipality is located to hold the election on the date that the  
472 [~~lieutenant governor~~] director schedules under Subsection (1)(a).

473           (ii) The county legislative body shall hold the election as directed by the [~~lieutenant~~  
474 ~~governor~~] director under Subsection (1)(b)(i).

475           (2) The county clerk shall provide notice of the election for the area proposed to be  
476 incorporated, as a class B notice under Section [63G-30-102](#), for at least three weeks before the  
477 day of the election.

478           (3) (a) The notice described in Subsection (2) shall include:

479           (i) a statement of the contents of the petition for incorporation;

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

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

482 and

483           (iv) except as provided in Subsection (3)(b), the feasibility study summary described in  
484 Subsection [10-2a-205\(2\)\(c\)\(iii\)](#) and a statement that a full copy of the study is available on the  
485 county's website and for inspection at the county offices.

486           (b) Instead of including the feasibility summary under Subsection (3)(a)(iv), the notice  
487 may include a statement that specifies the following sources where a registered voter in the area  
488 proposed to be incorporated may view or obtain a copy of the feasibility study:

489           (i) the county's website;

490           (ii) the physical address of the county clerk office; and

491           (iii) a mailing address and telephone number.

492           (4) (a) In addition to the notice described in Subsection (2), the county clerk shall

493 publish and distribute, before the incorporation election is held, a voter information pamphlet:

- 494 (i) in accordance with the procedures and requirements of Section 20A-7-402;  
495 (ii) in consultation with the [~~lieutenant governor~~] director; and  
496 (iii) in a manner that the county clerk determines is adequate, subject to Subsections

497 (4)(a)(i) and (ii).

498 (b) The voter information pamphlet described in Subsection (4)(a):

- 499 (i) shall inform the public of the proposed incorporation; and  
500 (ii) may include written statements, printed in the same font style and point size, from  
501 proponents and opponents of the proposed incorporation.

502 (5) An individual may not vote in an incorporation election under this section unless  
503 the individual is a registered voter who is a resident, as defined in Section 20A-1-102, within  
504 the boundaries of the proposed municipality.

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

507 Section 5. Section 10-2a-212 is amended to read:

508 **10-2a-212. Notification to director of incorporation election results.**

509 Within 10 days after the day on which the county conducts a canvass of the  
510 incorporation election, the county clerk shall send written notice to the [~~lieutenant governor~~]  
511 director of:

- 512 (1) the results of the election; and  
513 (2) if the incorporation measure passes, the name of the municipality.

514 Section 6. Section 10-2a-216 is amended to read:

515 **10-2a-216. Notification to director of election of municipal officers.**

516 Within 10 days after the day on which the county conducts the canvass of the final  
517 election of municipal officers under Section 10-2a-215, the county clerk shall send written  
518 notice to the [~~lieutenant governor~~] director of the name and position of each officer elected in a  
519 new municipality and the term for which each has been elected.

520 Section 7. Section 10-2a-403 is amended to read:

521 **10-2a-403. Definitions.**

522 As used in this [section] part:

- 523 (1) "Ballot proposition" means the same as that term is defined in Section 20A-1-102.

524 (2) "Director" means the director of the Elections Office, appointed under Subsection  
 525 [63A-19-201\(3\)\(a\)](#).

526 [(2)] (3) "Eligible city" means a city whose legislative body adopts a resolution  
 527 agreeing to annex an unincorporated island.

528 [(3)] (4) "Local special election" means the same as that term is defined in Section  
 529 [20A-1-102](#).

530 [(4)] (5) "Municipal services district" means a district created in accordance with Title  
 531 17B, Chapter 2a, Part 11, Municipal Services District Act.

532 [(5)] (6) (a) "Metro township" means, except as provided in Subsection (5)(b), a  
 533 planning township that is incorporated in accordance with this part.

534 (b) "Metro township" does not include a township as that term is used in the context of  
 535 identifying a geographic area in common surveyor practice.

536 [(6)] (7) (a) "Planning township" means an area located in a county of the first class  
 537 that is established before January 1, 2015, as a township as defined in and established in  
 538 accordance with law before the enactment of Laws of Utah 2015, Chapter 352.

539 (b) "Planning township" does not include rural real property unless the owner of the  
 540 rural real property provides written consent in accordance with Section [10-2a-405](#).

541 [(7)] (8) (a) "Unincorporated island" means an unincorporated area that is completely  
 542 surrounded by one or more municipalities.

543 (b) "Unincorporated island" does not include a planning township.

544 Section 8. Section **10-2a-408** is amended to read:

545 **10-2a-408. Notification to director of incorporation election results.**

546 Within 10 days of the canvass of the incorporation and annexation election, the county  
 547 clerk shall send written notice to the [~~lieutenant governor~~] director of:

548 (1) the results of the election;

549 (2) for a planning township:

550 (a) if the incorporation of a planning township as a metro township passes:

551 (i) the name of the metro township; and

552 (ii) the class of the metro township as provided under Section [10-2-301.5](#); and

553 (b) if the incorporation of a planning township as a city or town passes:

554 (i) the name of the city or town; and

555 (ii) if the incorporated area is a city, the class of the city as defined in Section  
556 10-2-301; and

557 (3) for an unincorporated island, whether the unincorporated island or a portion of the  
558 island shall be annexed into an eligible city.

559 Section 9. Section 10-2a-412 is amended to read:

560 **10-2a-412. Notification to director of election of officers.**

561 Within 10 days of the canvass of final election of metro township, city, or town officers  
562 under Section 10-2a-411, the county clerk shall send written notice to the [~~lieutenant governor~~  
563 director] of the name and position of each officer elected and the term for which each has been  
564 elected.

565 Section 10. Section 10-3-208 is amended to read:

566 **10-3-208. Campaign finance disclosure in municipal election.**

567 (1) Unless a municipality adopts by ordinance more stringent definitions, [~~the~~  
568 ~~following are defined terms for purposes of~~] as used in this section:

569 (a) "Agent of a candidate" means:

570 (i) a person acting on behalf of a candidate at the direction of the reporting entity;

571 (ii) a person employed by a candidate in the candidate's capacity as a candidate;

572 (iii) the personal campaign committee of a candidate;

573 (iv) a member of the personal campaign committee of a candidate in the member's  
574 capacity as a member of the personal campaign committee of the candidate; or

575 (v) a political consultant of a candidate.

576 (b) "Anonymous contribution limit" means for each calendar year:

577 (i) \$50; or

578 (ii) an amount less than \$50 that is specified in an ordinance of the municipality.

579 (c) (i) "Candidate" means a person who:

580 (A) files a declaration of candidacy for municipal office; or

581 (B) receives contributions, makes expenditures, or gives consent for any other person  
582 to receive contributions or make expenditures to bring about the person's nomination or  
583 election to a municipal office.

584 (ii) "Candidate" does not mean a person who files for the office of judge.

585 (d) (i) "Contribution" means any of the following when done for political purposes:

586 (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
587 value given to a candidate;

588 (B) an express, legally enforceable contract, promise, or agreement to make a gift,  
589 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
590 anything of value to the candidate;

591 (C) any transfer of funds from another reporting entity to the candidate;

592 (D) compensation paid by any person or reporting entity other than the candidate for  
593 personal services provided without charge to the candidate;

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

595 (F) an in-kind contribution.

596 (ii) "Contribution" does not include:

597 (A) services provided by an individual volunteering a portion or all of the individual's  
598 time on behalf of the candidate if the services are provided without compensation by the  
599 candidate or any other person;

600 (B) money lent to the candidate by a financial institution in the ordinary course of  
601 business; or

602 (C) goods or services provided for the benefit of a candidate at less than fair market  
603 value that are not authorized by or coordinated with the candidate.

604 (e) "Coordinated with" means that goods or services provided for the benefit of a  
605 candidate are provided:

606 (i) with the candidate's prior knowledge, if the candidate does not object;

607 (ii) by agreement with the candidate;

608 (iii) in coordination with the candidate; or

609 (iv) using official logos, slogans, and similar elements belonging to a candidate.

610 (f) "Director" means the director of the Elections Office, appointed under Subsection  
611 [63A-19-201\(3\)\(a\)](#).

612 ~~(f)~~ (g) (i) "Expenditure" means any of the following made by a candidate or an agent  
613 of the candidate on behalf of the candidate:

614 (A) any disbursement from contributions, receipts, or from an account described in  
615 Subsection (3)(a);

616 (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,

617 or anything of value made for political purposes;

618 (C) an express, legally enforceable contract, promise, or agreement to make any  
619 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
620 value for a political purpose;

621 (D) compensation paid by a candidate for personal services rendered by a person  
622 without charge to a reporting entity;

623 (E) a transfer of funds between the candidate and a candidate's personal campaign  
624 committee as defined in Section 20A-11-101; or

625 (F) goods or services provided by a reporting entity to or for the benefit of the  
626 candidate for political purposes at less than fair market value.

627 (ii) "Expenditure" does not include:

628 (A) services provided without compensation by an individual volunteering a portion or  
629 all of the individual's time on behalf of a candidate; or

630 (B) money lent to a candidate by a financial institution in the ordinary course of  
631 business.

632 ~~[(g)]~~ (h) "In-kind contribution" means anything of value other than money, that is  
633 accepted by or coordinated with a candidate.

634 ~~[(h)]~~ (i) (i) "Political consultant" means a person who is paid by a candidate, or paid by  
635 another person on behalf of and with the knowledge of the candidate, to provide political  
636 advice to the candidate.

637 (ii) "Political consultant" includes a circumstance described in Subsection ~~[(1)(h)(i)]~~  
638 (1)(i)(i), where the person:

639 (A) has already been paid, with money or other consideration;

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

641 (C) understands that the person may, in the discretion of the candidate or another  
642 person on behalf of and with the knowledge of the candidate, be paid in the future, with money  
643 or other consideration.

644 ~~[(i)]~~ (j) "Political purposes" means an act done with the intent or in a way to influence  
645 or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
646 against any candidate or a person seeking a municipal office at any caucus, political  
647 convention, or election.

648           ~~[(j)]~~ (k) "Reporting entity" means:

- 649           (i) a candidate;
- 650           (ii) a committee appointed by a candidate to act for the candidate;
- 651           (iii) a person who holds an elected municipal office;
- 652           (iv) a party committee as defined in Section 20A-11-101;
- 653           (v) a political action committee as defined in Section 20A-11-101;
- 654           (vi) a political issues committee as defined in Section 20A-11-101;
- 655           (vii) a corporation as defined in Section 20A-11-101; or
- 656           (viii) a labor organization as defined in Section 20A-11-1501.

657           (2) (a) A municipality may adopt an ordinance establishing campaign finance  
658 disclosure requirements for a candidate that are more stringent than the requirements provided  
659 in Subsections (3) through (7).

660           (b) The municipality may adopt definitions that are more stringent than those provided  
661 in Subsection (1).

662           (c) If a municipality fails to adopt a campaign finance disclosure ordinance described  
663 in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained  
664 in Subsections (3) through (7).

665           (3) Each candidate:

666           (a) shall deposit a contribution in a separate campaign account in a financial institution;  
667 and

668           (b) may not deposit or mingle any campaign contributions received into a personal or  
669 business account.

670           (4) (a) In a year in which a municipal primary is held, each candidate who will  
671 participate in the municipal primary shall file a campaign finance statement with the municipal  
672 clerk or recorder no later than seven days before the day described in Subsection  
673 20A-1-201.5(2).

674           (b) Each candidate who is not eliminated at a municipal primary election shall file a  
675 campaign finance statement with the municipal clerk or recorder no later than:

- 676           (i) 28 days before the day on which the municipal general election is held;
- 677           (ii) seven days before the day on which the municipal general election is held; and
- 678           (iii) 30 days after the day on which the municipal general election is held.



679 (c) Each candidate for municipal office who is eliminated at a municipal primary  
680 election shall file with the municipal clerk or recorder a campaign finance statement within 30  
681 days after the day on which the municipal primary election is held.

682 (5) If a municipality does not conduct a primary election for a race, each candidate who  
683 will participate in that race shall file a campaign finance statement with the municipal clerk or  
684 recorder no later than:

685 (a) 28 days before the day on which the municipal general election is held;

686 (b) seven days before the day on which the municipal general election is held; and

687 (c) 30 days after the day on which the municipal general election is held.

688 (6) Each campaign finance statement described in Subsection (4) or (5) shall:

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

690 (i) report all of the candidate's itemized and total:

691 (A) contributions, including in-kind and other nonmonetary contributions, received up  
692 to and including five days before the campaign finance statement is due, excluding a  
693 contribution previously reported; and

694 (B) expenditures made up to and including five days before the campaign finance  
695 statement is due, excluding an expenditure previously reported; and

696 (ii) identify:

697 (A) for each contribution, the amount of the contribution and the name of the donor, if  
698 known; and

699 (B) for each expenditure, the amount of the expenditure and the name of the recipient  
700 of the expenditure; or

701 (b) report the total amount of all contributions and expenditures if the candidate  
702 receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.

703 (7) Within 30 days after receiving a contribution that is cash or a negotiable  
704 instrument, exceeds the anonymous contribution limit, and is from a donor whose name is  
705 unknown, a candidate shall disburse the amount of the contribution to:

706 (a) the treasurer of the state or a political subdivision for deposit into the state's or  
707 political subdivision's general fund; or

708 (b) an organization that is exempt from federal income taxation under Section  
709 501(c)(3), Internal Revenue Code.

710 (8) (a) A municipality may, by ordinance:  
711 (i) provide an anonymous contribution limit less than \$50;  
712 (ii) require greater disclosure of contributions or expenditures than is required in this  
713 section; and  
714 (iii) impose additional penalties on candidates who fail to comply with the applicable  
715 requirements beyond those imposed by this section.

716 (b) A candidate is subject to the provisions of this section and not the provisions of an  
717 ordinance adopted by the municipality under Subsection (8)(a) if:

718 (i) the municipal ordinance establishes requirements or penalties that differ from those  
719 established in this section; and  
720 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the  
721 ordinance as required in Subsection (9).

722 (9) Each municipal clerk or recorder shall, at the time the candidate for municipal  
723 office files a declaration of candidacy, and again 35 days before each municipal general  
724 election, notify the candidate in writing of:

725 (a) the provisions of statute or municipal ordinance governing the disclosure of  
726 contributions and expenditures;  
727 (b) the dates when the candidate's campaign finance statement is required to be filed;  
728 and  
729 (c) the penalties that apply for failure to file a timely campaign finance statement,  
730 including the statutory provision that requires removal of the candidate's name from the ballot  
731 for failure to file the required campaign finance statement when required.

732 (10) Notwithstanding any provision of Title 63G, Chapter 2, Government Records  
733 Access and Management Act, the municipal clerk or recorder shall:

734 (a) make each campaign finance statement filed by a candidate available for public  
735 inspection and copying no later than one business day after the statement is filed; and  
736 (b) make the campaign finance statement filed by a candidate available for public  
737 inspection by:

738 (i) (A) posting an electronic copy or the contents of the statement on the municipality's  
739 website no later than seven business days after the statement is filed; and  
740 (B) verifying that the address of the municipality's website has been provided to the

741 [~~lieutenant governor~~] director in order to meet the requirements of Subsection 20A-11-103(5);  
742 or

743 (ii) submitting a copy of the statement to the [~~lieutenant governor~~] director for posting  
744 on the website established by the [~~lieutenant governor~~] director under Section 20A-11-103 no  
745 later than two business days after the statement is filed.

746 (11) (a) If a candidate fails to timely file a campaign finance statement required under  
747 Subsection (4) or (5), the municipal clerk or recorder:

748 (i) may send an electronic notice to the candidate that states:

749 (A) that the candidate failed to timely file the campaign finance statement; and

750 (B) that, if the candidate fails to file the report within 24 hours after the deadline for  
751 filing the report, the candidate will be disqualified; and

752 (ii) may impose a fine of \$50 on the candidate.

753 (b) The municipal clerk or recorder shall disqualify a candidate and inform the  
754 appropriate election official that the candidate is disqualified if the candidate fails to file a  
755 campaign finance statement described in Subsection (4) or (5) within 24 hours after the  
756 deadline for filing the report.

757 (c) If a candidate is disqualified under Subsection (11)(b), the election official:

758 (i) shall:

759 (A) notify every opposing candidate for the municipal office that the candidate is  
760 disqualified;

761 (B) send an email notification to each voter who is eligible to vote in the municipal  
762 election office race for whom the election official has an email address informing the voter that  
763 the candidate is disqualified and that votes cast for the candidate will not be counted;

764 (C) post notice of the disqualification on a public website; and

765 (D) if practicable, remove the candidate's name from the ballot by blacking out the  
766 candidate's name before the ballots are delivered to voters; and

767 (ii) may not count any votes for that candidate.

768 (12) An election official may fulfill the requirements described in Subsection (11)(c)(i)  
769 in relation to a mailed ballot, including a military overseas ballot, by including with the ballot a  
770 written notice:

771 (a) informing the voter that the candidate is disqualified; or

772 (b) directing the voter to a public website to inform the voter whether a candidate on  
773 the ballot is disqualified.

774 (13) Notwithstanding Subsection (11)(b), a candidate who timely files each campaign  
775 finance statement required under Subsection (4) or (5) is not disqualified if:

776 (a) the statement details accurately and completely the information required under  
777 Subsection (6), except for inadvertent omissions or insignificant errors or inaccuracies; and

778 (b) the omissions, errors, or inaccuracies are corrected in an amended report or in the  
779 next scheduled report.

780 (14) A candidate for municipal office who is disqualified under Subsection (11)(b)  
781 shall file with the municipal clerk or recorder a complete and accurate campaign finance  
782 statement within 30 days after the day on which the candidate is disqualified.

783 (15) A campaign finance statement required under this section is considered filed if it  
784 is received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.

785 (16) (a) A private party in interest may bring a civil action in district court to enforce  
786 the provisions of this section or an ordinance adopted under this section.

787 (b) In a civil action under Subsection (16)(a), the court may award costs and attorney  
788 fees to the prevailing party.

789 Section 11. Section **10-3-301** is amended to read:

790 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**  
791 **office -- Mayor and recorder limitations.**

792 (1) As used in this section:

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

796 (b) "Principal place of residence" means the same as that term is defined in Section  
797 [20A-2-105](#).

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

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

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

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

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

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

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

812 (A) Saturday or Sunday; or

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

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

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

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

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

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

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

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

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

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

836 (iv) fails to respond to a request, within 30 days after the day on which the elected  
837 officer receives the request, from the county clerk or the ~~lieutenant governor~~ director of the  
838 Elections Office, appointed under Subsection 63A-19-201(3)(a), seeking information to  
839 determine the officer's residency.

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

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

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

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

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

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

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

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

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

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

859 Section 12. Section **11-14-102** is amended to read:

860 **11-14-102. Definitions.**

861 [~~For the purpose of~~] As used in this chapter:

862 (1) "Bond" means any bond authorized to be issued under this chapter, including  
863 municipal bonds.

864 (2) "Director" means the director of the Elections Office, appointed under Subsection

865 [63A-19-201\(3\)\(a\)](#).

866 [~~(2)~~] (3) "Election results" has the same meaning as defined in Section [20A-1-102](#).

867 [~~(3)~~] (4) "Governing body" means:

868 (a) for a county, city, town, or metro township, the legislative body of the county, city,  
869 or town;

870 (b) for a special district, the board of trustees of the special district;

871 (c) for a school district, the local board of education; or

872 (d) for a special service district under Title 17D, Chapter 1, Special Service District

873 Act:

874 (i) the governing body of the county or municipality that created the special service  
875 district, if no administrative control board has been established under Section [17D-1-301](#); or

876 (ii) the administrative control board, if one has been established under Section  
877 [17D-1-301](#) and the power to issue bonds not payable from taxes has been delegated to the  
878 administrative control board.

879 [~~(4)~~] (5) (a) "Local political subdivision" means a county, city, town, metro township,  
880 school district, special district, or special service district.

881 (b) "Local political subdivision" does not include the state and its institutions.

882 [~~(5)~~] (6) "Special district" means a district operating under Title 17B, Limited Purpose  
883 Local Government Entities - Special Districts.

884 Section 13. Section **11-14-201** is amended to read:

885 **11-14-201. Election on bond issues -- Qualified electors -- Resolution and notice.**

886 (1) The governing body of any local political subdivision that wishes to issue bonds  
887 under the authority granted in Section [11-14-103](#) shall:

888 (a) at least 75 days before the date of election:

889 (i) approve a resolution submitting the question of the issuance of the bonds to the  
890 voters of the local political subdivision; and

891 (ii) provide a copy of the resolution to:

892 (A) the [~~lieutenant governor~~] director; and

893 (B) the election officer, as defined in Section [20A-1-102](#), charged with conducting the  
894 election; and

895 (b) comply with the requirements of Title 59, Chapter 1, Part 16, Transparency of



896 Ballot Propositions Act.

897 (2) The local political subdivision may not issue the bonds unless the majority of the  
898 qualified voters of the local political subdivision who vote on the bond proposition approve the  
899 issuance of the bonds.

900 (3) Nothing in this section requires an election for the issuance of:

901 (a) refunding bonds; or

902 (b) other bonds not required by law to be voted on at an election.

903 (4) The resolution calling the election shall include a ballot proposition, in substantially  
904 final form, that complies with the requirements of Subsection [11-14-206\(2\)](#).

905 Section 14. Section **11-14-202** is amended to read:

906 **11-14-202. Notice of election -- Voter information pamphlet option -- Changing**  
907 **or designating additional precinct polling places.**

908 (1) The governing body shall provide notice of the election for the local political  
909 subdivision for at least three weeks before the day of the election, as a class A notice under  
910 Section [63G-30-102](#).

911 (2) When the debt service on the bonds to be issued will increase the property tax  
912 imposed upon the average value of a residence by an amount that is greater than or equal to \$15  
913 per year, the governing body shall prepare and mail either a voter information pamphlet or a  
914 notification described in Subsection (8):

915 (a) at least 15 days, but not more than 45 days, before the bond election;

916 (b) to each household containing a registered voter who is eligible to vote on the  
917 bonds; and

918 (c) that includes the information required by Subsections (4) and (5).

919 (3) The election officer may change the location of, or establish an additional:

920 (a) voting precinct polling place, in accordance with Subsection (6);

921 (b) early voting polling place, in accordance with Subsection [20A-3a-603\(2\)](#); or

922 (c) election day voting center, in accordance with Subsection [20A-3a-703\(2\)](#).

923 (4) The notice described in Subsection (1) and the voter information pamphlet  
924 described in Subsection (2):

925 (a) shall include, in the following order:

926 (i) the date of the election;

- 927 (ii) the hours during which the polls will be open;
- 928 (iii) the address of the Statewide Electronic Voter Information Website and, if  
929 available, the address of the election officer's website, with a statement indicating that the  
930 election officer will post on the website the location of each polling place for each voting  
931 precinct, each early voting polling place, and each election day voting center, including any  
932 changes to the location of a polling place and the location of an additional polling place;
- 933 (iv) a phone number that a voter may call to obtain information regarding the location  
934 of a polling place; and
- 935 (v) the title and text of the ballot proposition, including the property tax cost of the  
936 bond described in Subsection 11-14-206(2)(a); and
- 937 (b) may include the location of each polling place.
- 938 (5) The voter information pamphlet required by this section shall include:
- 939 (a) the information required under Subsection (4); and
- 940 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,  
941 which may be based on information the governing body determines to be useful, including:
- 942 (i) expected debt service on the bonds to be issued;
- 943 (ii) a description of the purpose, remaining principal balance, and maturity date of any  
944 outstanding general obligation bonds of the issuer;
- 945 (iii) funds other than property taxes available to pay debt service on general obligation  
946 bonds;
- 947 (iv) timing of expenditures of bond proceeds;
- 948 (v) property values; and
- 949 (vi) any additional information that the governing body determines may be useful to  
950 explain the property tax impact of issuance of the bonds.
- 951 (6) (a) Except as provided in Section 20A-1-308, the election officer may, after the  
952 deadlines described in Subsections (1) and (2):
- 953 (i) if necessary, change the location of a voting precinct polling place; or
- 954 (ii) if the election officer determines that the number of voting precinct polling places  
955 is insufficient due to the number of registered voters who are voting, designate additional  
956 voting precinct polling places.
- 957 (b) Except as provided in Section 20A-1-308, if an election officer changes the

958 location of a voting precinct polling place or designates an additional voting precinct polling  
959 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,  
960 times, and location of a changed voting precinct polling place or an additional voting precinct  
961 polling place:

962 (i) to the [~~lieutenant governor~~] director, for posting on the Statewide Electronic Voter  
963 Information Website;

964 (ii) by posting the information on the website of the election officer, if available; and

965 (iii) by posting notice:

966 (A) of a change in the location of a voting precinct polling place, at the new location  
967 and, if possible, the old location; and

968 (B) of an additional voting precinct polling place, at the additional voting precinct  
969 polling place.

970 (7) The governing body shall pay the costs associated with the notice required by this  
971 section.

972 (8) (a) The governing body may mail a notice printed on a postage prepaid,  
973 preaddressed return form that a person may use to request delivery of a voter information  
974 pamphlet by mail.

975 (b) The notice described in Subsection (8)(a) shall include:

976 (i) the website upon which the voter information pamphlet is available; and

977 (ii) the phone number a voter may call to request delivery of a voter information  
978 pamphlet by mail.

979 (9) A local school board shall comply with the voter information pamphlet  
980 requirements described in Section [53G-4-603](#).

981 Section 15. Section **11-14-301** is amended to read:

982 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness**  
983 **under constitutional and statutory limitations.**

984 (1) If the governing body has declared the bond proposition to have carried and no  
985 contest has been filed, or if a contest has been filed and favorably terminated, the governing  
986 body may proceed to issue the bonds voted at the election.

987 (2) (a) It is not necessary that all of the bonds be issued at one time, but, except as  
988 otherwise provided in this Subsection (2), bonds approved by the voters may not be issued

989 more than 10 years after the day on which the election is held.

990 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the  
991 10-year period:

992 (i) an application for a referendum petition is filed with a local clerk, in accordance  
993 with Section [20A-7-602](#), with respect to the local obligation law relating to the bonds; or

994 (ii) the bonds are challenged in a court of law or an administrative proceeding in  
995 relation to:

996 (A) the legality or validity of the bonds, or the election or proceedings authorizing the  
997 bonds;

998 (B) the authority of the local political subdivision to issue the bonds;

999 (C) the provisions made for the security or payment of the bonds; or

1000 (D) any other issue that materially and adversely affects the marketability of the bonds,  
1001 as determined by the individual or body that holds the executive powers of the local political  
1002 subdivision.

1003 (c) For a bond described in this section that is approved by voters on or after May 8,  
1004 2002, but before May 14, 2019, a tolling period described in Subsection (2)(b)(i) ends on the  
1005 later of the day on which:

1006 (i) the local clerk determines that the petition is insufficient, in accordance with  
1007 Subsection [20A-7-607\(3\)](#), unless an application, described in Subsection [20A-7-607\(4\)\(a\)](#), is  
1008 made to a court;

1009 (ii) a court determines, under Subsection [~~[20A-7-607\(4\)\(c\)](#)~~] [20A-7-607\(5\)\(c\)](#), that the  
1010 petition for the referendum is not legally sufficient; or

1011 (iii) for a referendum petition that is sufficient, the governing body declares, as  
1012 provided by law, the results of the referendum election on the local obligation law.

1013 (d) For a bond described in this section that was approved by voters on or after May  
1014 14, 2019, a tolling period described in Subsection (2)(b)(i) ends:

1015 (i) if a county, city, town, metro township, or court determines, under Section  
1016 [20A-7-602.7](#), that the proposed referendum is not legally referable to voters, the later of:

1017 (A) the day on which the county, city, town, or metro township provides the notice  
1018 described in Subsection [20A-7-602.7\(1\)\(b\)\(ii\)](#); or

1019 (B) if a sponsor appeals, under Subsection [20A-7-602.7\(4\)](#), the day on which a court

1020 decision that the proposed referendum is not legally referable to voters becomes final; or

1021 (ii) if a county, city, town, metro township, or court determines, under Section  
1022 [20A-7-602.7](#), that the proposed referendum is legally referable to voters, the later of:

1023 (A) the day on which the local clerk determines, under Section [20A-7-607](#), that the  
1024 number of certified names is insufficient for the proposed referendum to appear on the ballot;  
1025 or

1026 (B) if the local clerk determines, under Section [20A-7-607](#), that the number of certified  
1027 names is sufficient for the proposed referendum to appear on the ballot, the day on which the  
1028 governing body declares, as provided by law, the results of the referendum election on the local  
1029 obligation law.

1030 (e) A tolling period described in Subsection (2)(b)(ii) ends after:

1031 (i) there is a final settlement, a final adjudication, or another type of final resolution of  
1032 all challenges described in Subsection (2)(b)(ii); and

1033 (ii) the individual or body that holds the executive powers of the local political  
1034 subdivision issues a document indicating that all challenges described in Subsection (2)(b)(ii)  
1035 are resolved and final.

1036 (f) If the 10-year period described in Subsection (2)(a) is tolled under this Subsection  
1037 (2) and, when the tolling ends and after giving effect to the tolling, the period of time  
1038 remaining to issue the bonds is less than one year, the period of time remaining to issue the  
1039 bonds shall be extended to one year.

1040 (g) The tolling provisions described in this Subsection (2) apply to all bonds described  
1041 in this section that were approved by voters on or after May 8, 2002.

1042 (3) (a) Bonds approved by the voters may not be issued to an amount that will cause  
1043 the indebtedness of the local political subdivision to exceed that permitted by the Utah  
1044 Constitution or statutes.

1045 (b) In computing the amount of indebtedness that may be incurred pursuant to  
1046 constitutional and statutory limitations, the constitutionally or statutorily permitted percentage,  
1047 as the case may be, shall be applied to the fair market value, as defined under Section [59-2-102](#),  
1048 of the taxable property in the local political subdivision, as computed from the last applicable  
1049 equalized assessment roll before the incurring of the additional indebtedness.

1050 (c) In determining the fair market value of the taxable property in the local political

1051 subdivision as provided in this section, the value of all tax equivalent property, as defined in  
1052 Section [59-3-102](#), shall be included as a part of the total fair market value of taxable property  
1053 in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property  
1054 Act.

1055 (4) Bonds of improvement districts issued in a manner that they are payable solely  
1056 from the revenues to be derived from the operation of the facilities of the district may not be  
1057 included as bonded indebtedness for the purposes of the computation.

1058 (5) Where bonds are issued by a city, town, or county payable solely from revenues  
1059 derived from the operation of revenue-producing facilities of the city, town, or county, or  
1060 payable solely from a special fund into which are deposited excise taxes levied and collected by  
1061 the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the  
1062 city, town, or county, or any combination of those excise taxes, the bonds shall be included as  
1063 bonded indebtedness of the city, town, or county only to the extent required by the Utah  
1064 Constitution, and any bonds not so required to be included as bonded indebtedness of the city,  
1065 town, or county need not be authorized at an election, except as otherwise provided by the Utah  
1066 Constitution, the bonds being hereby expressly excluded from the election requirement of  
1067 Section [11-14-201](#).

1068 (6) A bond election is not void when the amount of bonds authorized at the election  
1069 exceeded the limitation applicable to the local political subdivision at the time of holding the  
1070 election, but the bonds may be issued from time to time in an amount within the applicable  
1071 limitation at the time the bonds are issued.

1072 (7) (a) A local political subdivision may not receive, from the issuance of bonds  
1073 approved by the voters at an election, an aggregate amount that exceeds by more than 2% the  
1074 maximum principal amount stated in the bond proposition.

1075 (b) The provision in Subsection (7)(a) applies to bonds issued pursuant to an election  
1076 held after January 1, 2019.

1077 Section 16. Section [17-2-103.5](#) is enacted to read:

1078 **17-2-103.5. Definitions.**

1079 As used in this title, "office director" means the director of the Elections Office,  
1080 appointed under Subsection [63A-19-201\(3\)\(a\)](#).

1081 Section 17. Section [17-2-104](#) is amended to read:

1082           **17-2-104. Certification of election result to governor.**

1083           If it appears from the certified report that the [~~lieutenant governor~~] office director  
1084 receives under Section [20A-4-304](#) that a majority of the voters in each of the counties have  
1085 voted in favor of consolidation, the [~~lieutenant governor~~] office director shall certify the result  
1086 of the vote to the governor.

1087           Section 18. Section **17-2-105** is amended to read:

1088           **17-2-105. Governor's proclamation -- Notice and plat to lieutenant governor --**  
1089 **Recording requirements -- Effective date.**

1090           (1) Upon receipt of the election result from the [~~lieutenant governor~~] office director  
1091 under Section [17-2-104](#), the governor shall issue a proclamation, stating the result of the vote  
1092 in each of the counties, and that the consolidation of the one county with the other will take  
1093 effect as provided in Subsection (3).

1094           (2) The legislative body of the consolidating county shall:

1095           (a) within 30 days after the issuance of the governor's proclamation under Subsection  
1096 (1), send to the lieutenant governor:

1097           (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),  
1098 that meets the requirements of Subsection [67-1a-6.5](#)(3); and

1099           (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#); and

1100           (b) upon the lieutenant governor's issuance of a certificate of consolidation under  
1101 Section [67-1a-6.5](#), submit to the recorder of the consolidating county:

1102           (i) the original notice of an impending boundary action;

1103           (ii) the original certificate of consolidation;

1104           (iii) the original approved final local entity plat; and

1105           (iv) a certified copy of the governor's proclamation under Subsection (1).

1106           (3) (a) A consolidation of counties approved at an election under Section [17-2-103](#)  
1107 takes effect on January 1 of the year immediately following the lieutenant governor's issuance  
1108 of a certificate of consolidation under Section [67-1a-6.5](#).

1109           (b) (i) The effective date of a consolidation of counties for purposes of assessing  
1110 property within the consolidating county is governed by Section [59-2-305.5](#).

1111           (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the  
1112 recorder of the county in which the property is located, a consolidating county may not:



1113 (A) levy or collect a property tax on property in the consolidating county that used to  
1114 be in the originating county;

1115 (B) levy or collect an assessment on property in the consolidating county that used to  
1116 be in the originating county; or

1117 (C) charge or collect a fee for service provided to property within the consolidating  
1118 county that used to be in the originating county.

1119 Section 19. Section **17-2-204** is amended to read:

1120 **17-2-204. Certification of election result to governor.**

1121 In an election held under Subsection [17-2-203\(1\)](#), if it appears from the certified report  
1122 that the [~~lieutenant governor~~] office director receives under Section [20A-4-304](#) that a majority  
1123 of those voting in each county have voted in favor of the annexation, the [~~lieutenant governor~~]  
1124 office director shall certify the result of the vote to the governor.

1125 Section 20. Section **17-2-205** is amended to read:

1126 **17-2-205. Governor's proclamation -- Notice to lieutenant governor -- Recording**  
1127 **requirements -- Effective date.**

1128 (1) Upon receipt of the [~~lieutenant governor's~~] office director's certification under  
1129 Section [17-2-204](#), the governor shall issue a proclamation, stating the result of the vote in each  
1130 county, and that the annexation of the territory to the annexing county will take effect as  
1131 provided in Subsection (3).

1132 (2) The legislative body of the annexing county shall:

1133 (a) within 30 days after the issuance of the governor's proclamation under Subsection  
1134 (1), send to the lieutenant governor:

1135 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),  
1136 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

1137 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#); and

1138 (b) upon the lieutenant governor's issuance of a certificate of annexation under Section  
1139 [67-1a-6.5](#), submit to the recorder of the annexing county:

1140 (i) the original notice of an impending boundary action;

1141 (ii) the original certificate of consolidation;

1142 (iii) the original approved final local entity plat; and

1143 (iv) a certified copy of the governor's proclamation under Subsection (1).

1144 (3) (a) An annexation approved at an election under Section 17-2-203 takes effect on  
1145 January 1 of the year immediately following the lieutenant governor's issuance of a certificate  
1146 of annexation under Section 67-1a-6.5.

1147 (b) (i) The effective date of a county annexation for purposes of assessing property  
1148 within the annexing county is governed by Section 59-2-305.5.

1149 (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the  
1150 recorder of the county in which the property is located, an annexing county may not:

1151 (A) levy or collect a property tax on property in the annexing county that used to be in  
1152 the initiating county;

1153 (B) levy or collect an assessment on property in the annexing county that used to be in  
1154 the initiating county; or

1155 (C) charge or collect a fee for service provided to property within the annexing county  
1156 that used to be in the initiating county.

1157 Section 21. Section 17-3-3 is amended to read:

1158 **17-3-3. Certification of returns -- Governor's proclamation of creation of new**  
1159 **county -- Notice and plat to lieutenant governor -- Recording requirements -- Effective**  
1160 **date.**

1161 (1) If it appears that any proposition submitted to the electors as provided in this  
1162 chapter has been carried in the affirmative by a majority vote of the qualified electors residing  
1163 in that portion of the county proposed as a new county, and also by a majority vote of the  
1164 qualified electors residing in the remaining portion of that county:

1165 (a) the [~~lieutenant governor~~] office director, upon receiving the certified report under  
1166 Section 20A-4-304, shall certify the result to the governor; and

1167 (b) upon receiving the results from the lieutenant governor under Subsection (1)(a), the  
1168 governor shall issue a proclamation, stating:

1169 (i) the result of the vote in each division of the county;

1170 (ii) the name and boundaries of the new county;

1171 (iii) the boundaries of the original county as changed by the creation of the new county;

1172 (iv) that the creation of the new county will take effect on the first Monday in January  
1173 following the lieutenant governor's issuance of a certificate of creation under Section

1174 67-1a-6.5;

- 1175 (v) the name proposed in the petition as the name of the new county; and  
1176 (vi) the judicial district to which the new county belongs.
- 1177 (2) The legislative body of the county from which the greatest portion of the new  
1178 county was taken shall:
- 1179 (a) within 30 days after the issuance of the governor's proclamation under Subsection  
1180 (1), send to the lieutenant governor:
- 1181 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
1182 that meets the requirements of Subsection 67-1a-6.5(3); and
- 1183 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
- 1184 (b) upon the lieutenant governor's issuance of a certificate of creation under Section  
1185 67-1a-6.5, submit to the recorder of the new county:
- 1186 (i) the original notice of an impending boundary action;
- 1187 (ii) the original certificate of creation;
- 1188 (iii) the original approved final local entity plat; and
- 1189 (iv) a certified copy of the governor's proclamation under Subsection (1).
- 1190 (3) (a) The new county that is the subject of the lieutenant governor's certificate of  
1191 creation under Section 67-1a-6.5 is a county of the state from and after 12 noon of the first  
1192 Monday in January following the issuance of the lieutenant governor's certificate of creation.
- 1193 (b) (i) The effective date of the creation of a new county for purposes of assessing  
1194 property within the county is governed by Section 59-2-305.5.
- 1195 (ii) Until the documents listed in Subsection [~~(3)(b)~~] (2)(b) are recorded in the office of  
1196 the recorder of the new county, the new county may not:
- 1197 (A) levy or collect a property tax on property in the county;
- 1198 (B) levy or collect an assessment on property in the county; or
- 1199 (C) charge or collect a fee for service provided to property within the county.
- 1200 Section 22. Section 17-16-6.5 is amended to read:
- 1201 **17-16-6.5. Campaign financial disclosure in county elections.**
- 1202 (1) (a) A county shall adopt an ordinance establishing campaign finance disclosure  
1203 requirements for:
- 1204 (i) candidates for county office; and
- 1205 (ii) candidates for local school board office who reside in that county.

1206 (b) The ordinance required by Subsection (1)(a) shall include:  
1207 (i) a requirement that each candidate for county office or local school board office  
1208 report the candidate's itemized and total campaign contributions and expenditures at least once  
1209 within the two weeks before the election and at least once within two months after the election;  
1210 (ii) a definition of "contribution" and "expenditure" that requires reporting of  
1211 nonmonetary contributions such as in-kind contributions and contributions of tangible things;  
1212 (iii) a requirement that the financial reports identify:  
1213 (A) for each contribution, the name of the donor of the contribution, if known, and the  
1214 amount of the contribution; and  
1215 (B) for each expenditure, the name of the recipient and the amount of the expenditure;  
1216 (iv) a requirement that a candidate for county office or local school board office  
1217 deposit a contribution in a separate campaign account in a financial institution;  
1218 (v) a prohibition against a candidate for county office or local school board office  
1219 depositing or mingling any contributions received into a personal or business account; and  
1220 (vi) a requirement that a candidate for county office who receives a contribution that is  
1221 cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown,  
1222 shall, within 30 days after receiving the contribution, disburse the amount of the contribution  
1223 to:  
1224 (A) the treasurer of the state or a political subdivision for deposit into the state's or  
1225 political subdivision's general fund; or  
1226 (B) an organization that is exempt from federal income taxation under Section  
1227 501(c)(3), Internal Revenue Code.  
1228 (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial  
1229 institution:  
1230 (A) that is not described in Subsection (1)(b)(iv); and  
1231 (B) into which or from which a person who, as a candidate for an office, other than a  
1232 county office for which the person files a declaration of candidacy or federal office, or as a  
1233 holder of an office, other than a county office for which the person files a declaration of  
1234 candidacy or federal office, deposits a contribution or makes an expenditure.  
1235 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a  
1236 candidate for county office or local school board office include on a financial report filed in

1237 accordance with the ordinance a contribution deposited in or an expenditure made from an  
1238 account:

1239 (A) since the last financial report was filed; or

1240 (B) that has not been reported under a statute or ordinance that governs the account.

1241 (2) If any county fails to adopt a campaign finance disclosure ordinance described in

1242 Subsection (1), candidates for county office, other than community council office, and

1243 candidates for local school board office shall comply with the financial reporting requirements

1244 contained in Subsections (3) through (8).

1245 (3) A candidate for elective office in a county or local school board office:

1246 (a) shall deposit a contribution in a separate campaign account in a financial institution;

1247 and

1248 (b) may not deposit or mingle any contributions received into a personal or business

1249 account.

1250 (4) Each candidate for elective office in any county who is not required to submit a

1251 campaign financial statement to the [~~lieutenant governor~~] office director, and each candidate

1252 for local school board office, shall file a signed campaign financial statement with the county

1253 clerk:

1254 (a) seven days before the date of the regular general election, reporting each

1255 contribution and each expenditure as of 10 days before the date of the regular general election;

1256 and

1257 (b) no later than 30 days after the date of the regular general election.

1258 (5) (a) The statement filed seven days before the regular general election shall include:

1259 (i) a list of each contribution received by the candidate, and the name of the donor, if

1260 known; and

1261 (ii) a list of each expenditure for political purposes made during the campaign period,

1262 and the recipient of each expenditure.

1263 (b) The statement filed 30 days after the regular general election shall include:

1264 (i) a list of each contribution received after the cutoff date for the statement filed seven

1265 days before the election, and the name of the donor; and

1266 (ii) a list of all expenditures for political purposes made by the candidate after the

1267 cutoff date for the statement filed seven days before the election, and the recipient of each

1268 expenditure.

1269 (6) (a) As used in this Subsection (6), "account" means an account in a financial  
1270 institution:

1271 (i) that is not described in Subsection (3)(a); and

1272 (ii) into which or from which a person who, as a candidate for an office, other than a  
1273 county office for which the person filed a declaration of candidacy or federal office, or as a  
1274 holder of an office, other than a county office for which the person filed a declaration of  
1275 candidacy or federal office, deposits a contribution or makes an expenditure.

1276 (b) A county office candidate and a local school board office candidate shall include on  
1277 any campaign financial statement filed in accordance with Subsection (4) or (5):

1278 (i) a contribution deposited in an account:

1279 (A) since the last campaign finance statement was filed; or

1280 (B) that has not been reported under a statute or ordinance that governs the account; or

1281 (ii) an expenditure made from an account:

1282 (A) since the last campaign finance statement was filed; or

1283 (B) that has not been reported under a statute or ordinance that governs the account.

1284 (7) Within 30 days after receiving a contribution that is cash or a negotiable

1285 instrument, exceeds \$50, and is from a donor whose name is unknown, a county office  
1286 candidate shall disburse the amount of the contribution to:

1287 (a) the treasurer of the state or a political subdivision for deposit into the state's or  
1288 political subdivision's general fund; or

1289 (b) an organization that is exempt from federal income taxation under Section  
1290 501(c)(3), Internal Revenue Code.

1291 (8) Candidates for elective office in any county, and candidates for local school board  
1292 office, who are eliminated at a primary election shall file a signed campaign financial statement  
1293 containing the information required by this section not later than 30 days after the primary  
1294 election.

1295 (9) Any person who fails to comply with this section is guilty of an infraction.

1296 (10) (a) Counties may, by ordinance, enact requirements that:

1297 (i) require greater disclosure of campaign contributions and expenditures; and

1298 (ii) impose additional penalties.

1299 (b) The requirements described in Subsection (10)(a) apply to a local school board  
1300 office candidate who resides in that county.

1301 (11) If a candidate fails to file an interim report due before the election, the county  
1302 clerk:

1303 (a) may send an electronic notice to the candidate and the political party of which the  
1304 candidate is a member, if any, that states:

1305 (i) that the candidate failed to timely file the report; and

1306 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for  
1307 filing the report, the candidate will be disqualified and the political party will not be permitted  
1308 to replace the candidate; and

1309 (b) impose a fine of \$100 on the candidate.

1310 (12) (a) The county clerk shall disqualify a candidate and inform the appropriate  
1311 election officials that the candidate is disqualified if the candidate fails to file an interim report  
1312 described in Subsection (11) within 24 hours after the deadline for filing the report.

1313 (b) The political party of a candidate who is disqualified under Subsection (12)(a) may  
1314 not replace the candidate.

1315 (c) A candidate who is disqualified under Subsection (12)(a) shall file with the county  
1316 clerk a complete and accurate campaign finance statement within 30 days after the day on  
1317 which the candidate is disqualified.

1318 (13) If a candidate is disqualified under Subsection (12)(a), the election official:

1319 (a) shall:

1320 (i) notify every opposing candidate for the county office that the candidate is  
1321 disqualified;

1322 (ii) send an email notification to each voter who is eligible to vote in the county  
1323 election office race for whom the election official has an email address informing the voter that  
1324 the candidate is disqualified and that votes cast for the candidate will not be counted;

1325 (iii) post notice of the disqualification on the county's website; and

1326 (iv) if practicable, remove the candidate's name from the ballot by blacking out the  
1327 candidate's name before the ballots are delivered to voters; and

1328 (b) may not count any votes for that candidate.

1329 (14) An election official may fulfill the requirement described in Subsection (13)(a) in

1330 relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a  
1331 written notice directing the voter to the county's website to inform the voter whether a  
1332 candidate on the ballot is disqualified.

1333 (15) A candidate is not disqualified if:

1334 (a) the candidate files the interim reports described in Subsection (11) no later than 24  
1335 hours after the applicable deadlines for filing the reports;

1336 (b) the reports are completed, detailing accurately and completely the information  
1337 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;  
1338 and

1339 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the  
1340 next scheduled report.

1341 (16) (a) A report is considered timely filed if:

1342 (i) the report is received in the county clerk's office no later than midnight, Mountain  
1343 Time, at the end of the day on which the report is due;

1344 (ii) the report is received in the county clerk's office with a United States Postal Service  
1345 postmark three days or more before the date that the report was due; or

1346 (iii) the candidate has proof that the report was mailed, with appropriate postage and  
1347 addressing, three days before the report was due.

1348 (b) For a county clerk's office that is not open until midnight at the end of the day on  
1349 which a report is due, the county clerk shall permit a candidate to file the report via email or  
1350 another electronic means designated by the county clerk.

1351 (17) (a) Any private party in interest may bring a civil action in district court to enforce  
1352 the provisions of this section or any ordinance adopted under this section.

1353 (b) In a civil action filed under Subsection (17)(a), the court shall award costs and  
1354 attorney fees to the prevailing party.

1355 (18) Notwithstanding any provision of Title 63G, Chapter 2, Government Records  
1356 Access and Management Act, the county clerk shall:

1357 (a) make each campaign finance statement filed by a candidate available for public  
1358 inspection and copying no later than one business day after the statement is filed; and

1359 (b) make the campaign finance statement filed by a candidate available for public  
1360 inspection by:



1361 (i) (A) posting an electronic copy or the contents of the statement on the county's  
1362 website no later than seven business days after the statement is filed; and

1363 (B) verifying that the address of the county's website has been provided to the  
1364 [~~lieutenant governor~~] office director in order to meet the requirements of Subsection  
1365 20A-11-103(5); or

1366 (ii) submitting a copy of the statement to the [~~lieutenant governor~~] office director for  
1367 posting on the website established by the [~~lieutenant governor~~] office director under Section  
1368 20A-11-103 no later than two business days after the statement is filed.

1369 Section 23. Section 17-20-5 is amended to read:

1370 **17-20-5. Report of election and appointment of officers.**

1371 Within 10 days after the day on which a county clerk issues a certificate of election or a  
1372 certificate of appointment made to fill vacancies in elective county offices, the county clerk  
1373 shall notify the [~~lieutenant governor~~] office director of the following:

- 1374 (1) the name of the county;  
1375 (2) the name of the county office to which the individual was elected or appointed;  
1376 (3) the date of the election or appointment of the individual;  
1377 (4) the date of the expiration of the term for which the individual was elected or  
1378 appointed;  
1379 (5) the date of the certificate of election or appointment; and  
1380 (6) the date of the qualification of the individual elected or appointed.

1381 Section 24. Section 17-50-502 is amended to read:

1382 **17-50-502. Change of class of county.**

1383 (1) Each county shall retain its classification under Section 17-50-501 until changed as  
1384 provided in this section.

1385 (2) The [~~lieutenant governor~~] office director shall monitor the population figure for  
1386 each county as shown on:

1387 (a) each official census or census estimate of the United States Bureau of the Census;  
1388 or

1389 (b) if the population figure for a county is not available from the United States Bureau  
1390 of the Census, the population estimate from the Utah Population Committee.

1391 (3) After July 1, 2021, if the applicable population figure under Subsection (2)

1392 indicates that a county's population has increased beyond the limit for its current class, the  
1393 [~~lieutenant governor~~] office director shall:

1394 (a) prepare a certificate indicating the class in which the county belongs based on the  
1395 increased population figure; and

1396 (b) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
1397 county legislative body and, if the county has an executive that is separate from the legislative  
1398 body, the executive of the county whose class was changed.

1399 (4) A county's change in class is effective on the date of the [~~lieutenant governor's~~]  
1400 office director's certificate under Subsection (3).

1401 Section 25. Section **17-52a-503** is amended to read:

1402 **17-52a-503. Adoption of optional plan -- Election of new county officers -- Effect**  
1403 **of adoption.**

1404 (1) If a proposed optional plan is approved at an election held under Section  
1405 **17-52a-501**:

1406 (a) on or before November 1 of the year immediately following the year of the election  
1407 described in Section **17-52a-501** in which the optional plan is approved, the county legislative  
1408 body shall:

1409 (i) if the proposed optional plan under Section **17-52a-404** specifies that one or more  
1410 members of the county legislative body are elected from districts, adopt the geographic  
1411 boundaries of each council or commission member district; and

1412 (ii) adopt the compensation, including benefits, for each member of the county  
1413 legislative body;

1414 (b) the elected county officers specified in the plan shall be elected at the next regular  
1415 general election following the election under Section **17-52a-501**, according to the procedure  
1416 and schedule established under Title 20A, Election Code, for the election of county officers;

1417 (c) the proposed optional plan:

1418 (i) becomes effective according to the optional plan's terms;

1419 (ii) subject to Subsection **17-52a-404(1)(c)**, at the time specified in the optional plan, is  
1420 a public record open to inspection by the public; and

1421 (iii) is judicially noticeable by all courts;

1422 (d) the county clerk shall, within 10 days of the canvass of the election, file with the

1423 [~~lieutenant governor~~] office director a copy of the optional plan, certified by the clerk to be a  
 1424 true and correct copy;

1425 (e) all public officers and employees shall cooperate fully in making the transition  
 1426 between forms of county government; and

1427 (f) the county legislative body may enact and enforce necessary ordinances to bring  
 1428 about an orderly transition to the new form of government, including any transfer of power,  
 1429 records, documents, properties, assets, funds, liabilities, or personnel that are consistent with  
 1430 the approved optional plan and necessary or convenient to place it into full effect.

1431 (2) An action by the county legislative body under Subsection (1)(a) is not an  
 1432 amendment for purposes of Section [17-52a-504](#).

1433 (3) Adoption of an optional plan does not alter or affect the boundaries, organization,  
 1434 powers, duties, or functions of any:

1435 (a) school district;

1436 (b) justice court;

1437 (c) special district under Title 17B, Limited Purpose Local Government Entities -  
 1438 Special Districts;

1439 (d) special service district under Title 17D, Chapter 1, Special Service District Act;

1440 (e) city or town; or

1441 (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal  
 1442 Cooperation Act.

1443 (4) (a) After adoption of the optional plan, the county legislative body may adopt a  
 1444 change to the geographic boundaries of a council or commission member's district.

1445 (b) An action by the county legislative body under Subsection (4)(a) is not an  
 1446 amendment for purposes of Section [17-52a-504](#).

1447 (5) After the adoption of an optional plan, the county remains vested with all powers  
 1448 and duties vested generally in counties by statute.

1449 Section 26. Section **17B-1-303** is amended to read:

1450 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**  
 1451 **of board member contact information.**

1452 (1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each  
 1453 member of a board of trustees begins at noon on the January 1 following the member's election

1454 or appointment.

1455 (b) The term of each member of the initial board of trustees of a newly created special  
1456 district begins:

1457 (i) upon appointment, for an appointed member; and

1458 (ii) upon the member taking the oath of office after the canvass of the election at which  
1459 the member is elected, for an elected member.

1460 (c) The term of each water conservancy district board member whom the governor  
1461 appoints in accordance with Subsection 17B-2a-1005(2)(c):

1462 (i) begins on the later of the following:

1463 (A) the date on which the Senate consents to the appointment; or

1464 (B) the expiration date of the prior term; and

1465 (ii) ends on the February 1 that is approximately four years after the date described in  
1466 Subsection (1)(c)(i)(A) or (B).

1467 (d) The term of a member of a board of trustees whom an appointing authority appoints  
1468 in accordance with Subsection (5)(b) begins upon the member taking the oath of office.

1469 (e) If the member of the board of trustees fails to assume or qualify for office on  
1470 January 1 for any reason, the term begins on the date the member assumes or qualifies for  
1471 office.

1472 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)  
1473 and (iii), the term of each member of a board of trustees is four years, except that  
1474 approximately half the members of the initial board of trustees, chosen by lot, shall serve a  
1475 two-year term so that the term of approximately half the board members expires every two  
1476 years.

1477 (ii) If the terms of members of the initial board of trustees of a newly created special  
1478 district do not begin on January 1 because of application of Subsection (1)(b), the terms of  
1479 those members shall be adjusted as necessary, subject to Subsection (2)(a)(iii), to result in the  
1480 terms of their successors complying with:

1481 (A) the requirement under Subsection (1)(a) for a term to begin on January 1 following  
1482 a member's election or appointment; and

1483 (B) the requirement under Subsection (2)(a)(i) that terms be four years.

1484 (iii) If the term of a member of a board of trustees does not begin on January 1 because

1485 of the application of Subsection (1)(e), the term is shortened as necessary to result in the term  
1486 complying with the requirement under Subsection (1)(a) that the successor member's term,  
1487 regardless of whether the incumbent is the successor, begins at noon on January 1 following the  
1488 successor member's election or appointment.

1489 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or  
1490 subtract more than a year from a member's term.

1491 (b) Each board of trustees member shall serve until a successor is duly elected or  
1492 appointed and qualified, unless the member earlier is removed from office or resigns or  
1493 otherwise leaves office.

1494 (c) If a member of a board of trustees no longer meets the qualifications of Subsection  
1495 17B-1-302(1), (2), or (3), or if the member's term expires without a duly elected or appointed  
1496 successor:

1497 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

1498 (ii) the member may continue to serve until a successor is duly elected or appointed  
1499 and qualified.

1500 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees  
1501 shall take the oath of office specified in Utah Constitution, Article IV,  
1502 Section 10.

1503 (ii) A judge, county clerk, notary public, or the special district clerk may administer an  
1504 oath of office.

1505 (b) The member of the board of trustees taking the oath of office shall file the oath of  
1506 office with the clerk of the special district.

1507 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)  
1508 does not invalidate any official act of that member.

1509 (4) A board of trustees member may serve any number of terms.

1510 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of  
1511 trustees position is filled in accordance with Section 20A-1-512.

1512 (b) When the number of members of a board of trustees increases in accordance with  
1513 Subsection 17B-1-302(6), the appointing authority may appoint an individual to fill a new  
1514 board of trustees position in accordance with Section 17B-1-304 or 20A-1-512.

1515 (6) (a) As used in this Subsection (6):

- 1516 (i) "Appointed official" means a person who:  
1517 (A) is appointed as a member of a special district board of trustees by a county or  
1518 municipality that is entitled to appoint a member to the board; and  
1519 (B) holds an elected position with the appointing county or municipality.  
1520 (ii) "Appointing entity" means the county or municipality that appointed the appointed  
1521 official to the board of trustees.  
1522 (b) The board of trustees shall declare a midterm vacancy for the board position held  
1523 by an appointed official if:  
1524 (i) during the appointed official's term on the board of trustees, the appointed official  
1525 ceases to hold the elected position with the appointing entity; and  
1526 (ii) the appointing entity submits a written request to the board to declare the vacancy.  
1527 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the  
1528 appointing entity shall appoint another person to fill the remaining unexpired term on the board  
1529 of trustees.  
1530 (7) (a) A member of a board of trustees shall obtain a fidelity bond or obtain theft or  
1531 crime insurance for the faithful performance of the member's duties, in the amount and with the  
1532 sureties or with an insurance company that the board of trustees prescribes.  
1533 (b) The special district:  
1534 (i) may assist the board of trustees in obtaining a fidelity bond or obtaining theft or  
1535 crime insurance as a group or for members individually; and  
1536 (ii) shall pay the cost of each fidelity bond or insurance coverage required under this  
1537 Subsection (7).  
1538 (8) (a) The [~~lieutenant governor~~] director of the Elections Office, appointed under  
1539 Subsection 63A-19-201(3)(a), may extend the term of an elected district board member by one  
1540 year in order to compensate for a change in the election year under Subsection 17B-1-306(14).  
1541 (b) When the number of members of a board of trustees increases in accordance with  
1542 Subsection 17B-1-302(6), to ensure that the term of approximately half of the board members  
1543 expires every two years in accordance with Subsection (2)(a):  
1544 (i) the board shall set shorter terms for approximately half of the new board members,  
1545 chosen by lot; and  
1546 (ii) the initial term of a new board member position may be less than two or four years.

1547 (9) (a) A special district shall:

1548 (i) post on the Utah Public Notice Website created in Section 63A-16-601 the name,  
1549 phone number, and email address of each member of the special district's board of trustees;

1550 (ii) update the information described in Subsection (9)(a)(i) when:

1551 (A) the membership of the board of trustees changes; or

1552 (B) a member of the board of trustees' phone number or email address changes; and

1553 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date  
1554 on which the change requiring the update occurs.

1555 (b) This Subsection (9) applies regardless of whether the county or municipal  
1556 legislative body also serves as the board of trustees of the special district.

1557 Section 27. Section 17B-1-306 is amended to read:

1558 **17B-1-306. Special district board -- Election procedures -- Notice.**

1559 (1) Except as provided in Subsection (12), each elected board member shall be selected  
1560 as provided in this section.

1561 (2) (a) Each election of a special district board member shall be held:

1562 (i) at the same time as the municipal general election or the regular general election, as  
1563 applicable; and

1564 (ii) at polling places designated by the special district board in consultation with the  
1565 county clerk for each county in which the special district is located, which polling places shall  
1566 coincide with municipal general election or regular general election polling places, as  
1567 applicable, whenever feasible.

1568 (b) The special district board, in consultation with the county clerk, may consolidate  
1569 two or more polling places to enable voters from more than one district to vote at one  
1570 consolidated polling place.

1571 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under  
1572 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one  
1573 polling place per division of the district, designated by the district board.

1574 (ii) Each polling place designated by an irrigation district board under Subsection  
1575 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection  
1576 (2)(a)(ii).

1577 (3) The clerk of each special district with a board member position to be filled at the

1578 next municipal general election or regular general election, as applicable, shall provide notice  
1579 of:

1580 (a) each elective position of the special district to be filled at the next municipal  
1581 general election or regular general election, as applicable;

1582 (b) the constitutional and statutory qualifications for each position; and

1583 (c) the dates and times for filing a declaration of candidacy.

1584 (4) The clerk of the special district shall publish the notice described in Subsection (3)

1585 for the special district, as a class A notice under Section [63G-30-102](#), for at least 10 days

1586 before the first day for filing a declaration of candidacy.

1587 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective  
1588 special district board position, an individual shall file a declaration of candidacy in person with  
1589 an official designated by the special district within the candidate filing period for the applicable  
1590 election year in which the election for the special district board is held and:

1591 (i) during the special district's standard office hours, if the standard office hours  
1592 provide at least three consecutive office hours each day during the candidate filing period that  
1593 is not a holiday or weekend; or

1594 (ii) if the standard office hours of a special district do not provide at least three  
1595 consecutive office hours each day, a three-hour consecutive time period each day designated by  
1596 the special district during the candidate filing period that is not a holiday or weekend.

1597 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the  
1598 filing time shall be extended until the close of normal office hours on the following regular  
1599 business day.

1600 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a  
1601 declaration of candidacy with the official designated by the special district if:

1602 (i) the individual is located outside of the state during the entire filing period;

1603 (ii) the designated agent appears in person before the official designated by the special  
1604 district; and

1605 (iii) the individual communicates with the official designated by the special district  
1606 using an electronic device that allows the individual and official to see and hear each other.

1607 (d) (i) Before the filing officer may accept any declaration of candidacy from an  
1608 individual, the filing officer shall:



1609 (A) read to the individual the constitutional and statutory qualification requirements for  
1610 the office that the individual is seeking; and

1611 (B) require the individual to state whether the individual meets those requirements.

1612 (ii) If the individual does not meet the qualification requirements for the office, the  
1613 filing officer may not accept the individual's declaration of candidacy.

1614 (iii) If it appears that the individual meets the requirements of candidacy, the filing  
1615 officer shall accept the individual's declaration of candidacy.

1616 (e) The declaration of candidacy shall be in substantially the following form:

1617 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
1618 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, state of Utah, (Zip  
1619 Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications for the  
1620 office of board of trustees member for \_\_\_\_\_ (state the name of the  
1621 special district); that I am a candidate for that office to be voted upon at the next election; and  
1622 that, if filing via a designated agent, I will be out of the state of Utah during the entire  
1623 candidate filing period, and I hereby request that my name be printed upon the official ballot  
1624 for that election.

1625 (Signed) \_\_\_\_\_

1626 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day  
1627 of \_\_\_\_\_, \_\_\_\_\_.

1628 (Signed) \_\_\_\_\_

1629 (Clerk or Notary Public)".

1630 (f) An agent designated under Subsection (5)(c) may not sign the form described in  
1631 Subsection (5)(e).

1632 (g) Each individual wishing to become a valid write-in candidate for an elective special  
1633 district board position is governed by Section 20A-9-601.

1634 (h) If at least one individual does not file a declaration of candidacy as required by this  
1635 section, an individual shall be appointed to fill that board position in accordance with the  
1636 appointment provisions of Section 20A-1-512.

1637 (i) If only one candidate files a declaration of candidacy and there is no write-in  
1638 candidate who complies with Section 20A-9-601, the board, in accordance with Section  
1639 20A-1-206, may:

1640 (i) consider the candidate to be elected to the position; and  
1641 (ii) cancel the election.  
1642 (6) (a) A primary election may be held if:  
1643 (i) the election is authorized by the special district board; and  
1644 (ii) the number of candidates for a particular local board position or office exceeds  
1645 twice the number of persons needed to fill that position or office.  
1646 (b) The primary election shall be conducted:  
1647 (i) on the same date as the municipal primary election or the regular primary election,  
1648 as applicable; and  
1649 (ii) according to the procedures for primary elections provided under Title 20A,  
1650 Election Code.  
1651 (7) (a) Except as provided in Subsection (7)(c), within one business day after the  
1652 deadline for filing a declaration of candidacy, the special district clerk shall certify the  
1653 candidate names to the clerk of each county in which the special district is located.  
1654 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section  
1655 [20A-6-305](#), the clerk of each county in which the special district is located and the special  
1656 district clerk shall coordinate the placement of the name of each candidate for special district  
1657 office in the nonpartisan section of the ballot with the appropriate election officer.  
1658 (ii) If consolidation of the special district election ballot with the municipal general  
1659 election ballot or the regular general election ballot, as applicable, is not feasible, the special  
1660 district board of trustees, in consultation with the county clerk, shall provide for a separate  
1661 special district election ballot to be administered by poll workers at polling places designated  
1662 under Subsection (2).  
1663 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board  
1664 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.  
1665 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall  
1666 prescribe the form of the ballot for each board member election.  
1667 (B) Each ballot for an election of an irrigation district board member shall be in a  
1668 nonpartisan format.  
1669 (C) The name of each candidate shall be placed on the ballot in the order specified  
1670 under Section [20A-6-305](#).

1671 (8) (a) Each voter at an election for a board of trustees member of a special district  
1672 shall:

1673 (i) be a registered voter within the district, except for an election of:

1674 (A) an irrigation district board of trustees member; or

1675 (B) a basic special district board of trustees member who is elected by property owners;

1676 and

1677 (ii) meet the requirements to vote established by the district.

1678 (b) Each voter may vote for as many candidates as there are offices to be filled.

1679 (c) The candidates who receive the highest number of votes are elected.

1680 (9) Except as otherwise provided by this section, the election of special district board  
1681 members is governed by Title 20A, Election Code.

1682 (10) (a) Except as provided in Subsection [17B-1-303](#)(8), a person elected to serve on a  
1683 special district board shall serve a four-year term, beginning at noon on the January 1 after the  
1684 person's election.

1685 (b) A person elected shall be sworn in as soon as practical after January 1.

1686 (11) (a) Except as provided in Subsection (11)(b), each special district shall reimburse  
1687 the county or municipality holding an election under this section for the costs of the election  
1688 attributable to that special district.

1689 (b) Each irrigation district shall bear the district's own costs of each election the district  
1690 holds under this section.

1691 (12) This section does not apply to an improvement district that provides electric or gas  
1692 service.

1693 (13) Except as provided in Subsection [20A-3a-605](#)(1)(b), the provisions of Title 20A,  
1694 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

1695 (14) (a) As used in this Subsection (14)[~~"board"~~]:

1696 (i) "Board" means:

1697 [(†)] (A) a special district board; or

1698 [(†)] (B) the administrative control board of a special service district that has elected  
1699 members on the board.

1700 (ii) "Director" means the director of the Elections Office, appointed under Subsection  
1701 [63A-19-201](#)(3)(a),

1702 (b) A board may hold elections for membership on the board at a regular general  
1703 election instead of a municipal general election if the board submits an application to the  
1704 [~~lieutenant governor~~] director that:

1705 (i) requests permission to hold elections for membership on the board at a regular  
1706 general election instead of a municipal general election; and

1707 (ii) indicates that holding elections at the time of the regular general election is  
1708 beneficial, based on potential cost savings, a potential increase in voter turnout, or another  
1709 material reason.

1710 (c) Upon receipt of an application described in Subsection (14)(b), the [~~lieutenant~~  
1711 ~~governor~~] director may approve the application if the [~~lieutenant governor~~] director concludes  
1712 that holding the elections at the regular general election is beneficial based on the criteria  
1713 described in Subsection (14)(b)(ii).

1714 (d) If the [~~lieutenant governor~~] director approves a board's application described in this  
1715 section:

1716 (i) all future elections for membership on the board shall be held at the time of the  
1717 regular general election; and

1718 (ii) the board may not hold elections at the time of a municipal general election unless  
1719 the board receives permission from the [~~lieutenant governor~~] director to hold all future  
1720 elections for membership on the board at a municipal general election instead of a regular  
1721 general election, under the same procedure, and by applying the same criteria, described in this  
1722 Subsection (14).

1723 (15) (a) This Subsection (15) applies to a special district if:

1724 (i) the special district's board members are elected by the owners of real property, as  
1725 provided in Subsection [17B-1-1402\(1\)\(b\)](#); and

1726 (ii) the special district was created before January 1, 2020.

1727 (b) The board of a special district described in Subsection (15)(a) may conduct an  
1728 election:

1729 (i) to fill a board member position that expires at the end of the term for that board  
1730 member's position; and

1731 (ii) notwithstanding Subsection [20A-1-512\(1\)\(a\)\(i\)](#), to fill a vacancy in an unexpired  
1732 term of a board member.

1733 (c) An election under Subsection (15)(b) may be conducted as determined by the  
1734 special district board, subject to Subsection (15)(d).

1735 (d) (i) The special district board shall provide to property owners eligible to vote at the  
1736 special district election:

1737 (A) notice of the election; and

1738 (B) a form to nominate an eligible individual to be elected as a board member.

1739 (ii) (A) The special district board may establish a deadline for a property owner to  
1740 submit a nomination form.

1741 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after  
1742 the board provides the notice and nomination form under Subsection (15)(d)(i).

1743 (iii) (A) After the deadline for submitting nomination forms, the special district board  
1744 shall provide a ballot to all property owners eligible to vote at the special district election.

1745 (B) A special district board shall allow at least five days for ballots to be returned.

1746 (iv) A special district board shall certify the results of an election under this Subsection  
1747 (15) during an open meeting of the board.

1748 Section 28. Section **20A-1-102** is amended to read:

1749 **20A-1-102. Definitions.**

1750 As used in this title:

1751 (1) "Active voter" means a registered voter who has not been classified as an inactive  
1752 voter by the county clerk.

1753 (2) "Automatic tabulating equipment" means apparatus that automatically examines  
1754 and counts votes recorded on ballots and tabulates the results.

1755 (3) (a) "Ballot" means the storage medium, including a paper, mechanical, or electronic  
1756 storage medium, that records an individual voter's vote.

1757 (b) "Ballot" does not include a record to tally multiple votes.

1758 (4) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
1759 on the ballot for their approval or rejection including:

1760 (a) an opinion question specifically authorized by the Legislature;

1761 (b) a constitutional amendment;

1762 (c) an initiative;

1763 (d) a referendum;

- 1764 (e) a bond proposition;
- 1765 (f) a judicial retention question;
- 1766 (g) an incorporation of a city or town; or
- 1767 (h) any other ballot question specifically authorized by the Legislature.
- 1768 (5) "Bind," "binding," or "bound" means securing more than one piece of paper
- 1769 together using staples or another means in at least three places across the top of the paper in the
- 1770 blank space reserved for securing the paper.
- 1771 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
- 1772 [20A-4-306](#) to canvass election returns.
- 1773 (7) "Bond election" means an election held for the purpose of approving or rejecting
- 1774 the proposed issuance of bonds by a government entity.
- 1775 (8) "Business reply mail envelope" means an envelope that may be mailed free of
- 1776 charge by the sender.
- 1777 (9) "Canvass" means the review of election returns and the official declaration of
- 1778 election results by the board of canvassers.
- 1779 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at
- 1780 the canvass.
- 1781 (11) "Contracting election officer" means an election officer who enters into a contract
- 1782 or interlocal agreement with a provider election officer.
- 1783 (12) "Convention" means the political party convention at which party officers and
- 1784 delegates are selected.
- 1785 (13) "Counting center" means one or more locations selected by the election officer in
- 1786 charge of the election for the automatic counting of ballots.
- 1787 (14) "Counting judge" means a poll worker designated to count the ballots during
- 1788 election day.
- 1789 (15) "Counting room" means a suitable and convenient private place or room for use
- 1790 by the poll workers and counting judges to count ballots.
- 1791 (16) "County officers" means those county officers that are required by law to be
- 1792 elected.
- 1793 (17) "Date of the election" or "election day" or "day of the election":
- 1794 (a) means the day that is specified in the calendar year as the day that the election

1795 occurs; and

1796 (b) does not include:

1797 (i) deadlines established for voting by mail, military-overseas voting, or emergency

1798 voting; or

1799 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early

1800 Voting.

1801 (18) "Director" means the director of the office, appointed under Subsection

1802 63A-19-201(3)(a).

1803 [~~(18)~~] (19) "Elected official" means:

1804 (a) a person elected to an office under Section 20A-1-303 or Chapter 4, Part 6,

1805 Municipal Alternate Voting Methods Pilot Project;

1806 (b) a person who is considered to be elected to a municipal office in accordance with

1807 Subsection [~~20A-1-206(1)(c)(ii)~~] 20A-1-206(3)(b)(ii); or

1808 (c) a person who is considered to be elected to a special district office in accordance

1809 with Subsection [~~20A-1-206(3)(b)(ii)~~] 20A-1-206(5)(b)(ii).

1810 [~~(19)~~] (20) "Election" means a regular general election, a municipal general election, a

1811 statewide special election, a local special election, a regular primary election, a municipal

1812 primary election, and a special district election.

1813 [~~(20)~~] (21) "Election Assistance Commission" means the commission established by

1814 the Help America Vote Act of 2002, Pub. L. No. 107-252.

1815 [~~(21)~~] (22) "Election cycle" means the period beginning on the first day persons are

1816 eligible to file declarations of candidacy and ending when the canvass is completed.

1817 [~~(22)~~] (23) "Election judge" means a poll worker that is assigned to:

1818 (a) preside over other poll workers at a polling place;

1819 (b) act as the presiding election judge; or

1820 (c) serve as a canvassing judge, counting judge, or receiving judge.

1821 [~~(23)~~] (24) "Election officer" means:

1822 (a) the [~~lieutenant governor~~] director, for all statewide ballots and elections;

1823 (b) the county clerk for:

1824 (i) a county ballot and election; and

1825 (ii) a ballot and election as a provider election officer as provided in Section

1826 20A-5-400.1 or 20A-5-400.5;

1827 (c) the municipal clerk for:

1828 (i) a municipal ballot and election; and

1829 (ii) a ballot and election as a provider election officer as provided in Section

1830 20A-5-400.1 or 20A-5-400.5;

1831 (d) the special district clerk or chief executive officer for:

1832 (i) a special district ballot and election; and

1833 (ii) a ballot and election as a provider election officer as provided in Section

1834 20A-5-400.1 or 20A-5-400.5; or

1835 (e) the business administrator or superintendent of a school district for:

1836 (i) a school district ballot and election; and

1837 (ii) a ballot and election as a provider election officer as provided in Section

1838 20A-5-400.1 or 20A-5-400.5.

1839 [~~24~~] (25) "Election official" means any election officer, election judge, or poll  
1840 worker.

1841 [~~25~~] (26) "Election results" means:

1842 (a) for an election other than a bond election, the count of votes cast in the election and  
1843 the election returns requested by the board of canvassers; or

1844 (b) for bond elections, the count of those votes cast for and against the bond  
1845 proposition plus any or all of the election returns that the board of canvassers may request.

1846 [~~26~~] (27) "Election returns" includes:

1847 (a) the pollbook, the military and overseas absentee voter registration and voting  
1848 certificates, one of the tally sheets, any unprocessed ballots, all counted ballots, all excess  
1849 ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes  
1850 cast form; and

1851 (b) the record, described in Subsection 20A-3a-401(8)(c), of voters contacted to cure a  
1852 ballot.

1853 [~~27~~] (28) "Electronic signature" means an electronic sound, symbol, or process  
1854 attached to or logically associated with a record and executed or adopted by a person with the  
1855 intent to sign the record.

1856 [~~28~~] (29) "Inactive voter" means a registered voter who is listed as inactive by a



1857 county clerk under Subsection [20A-2-505\(4\)\(c\)\(i\)](#) or (ii).

1858 ~~[(29)]~~ (30) "Judicial office" means the office filled by any judicial officer.

1859 ~~[(30)]~~ (31) "Judicial officer" means any justice or judge of a court of record or any  
1860 county court judge.

1861 ~~[(31)]~~ (32) "Local election" means a regular county election, a regular municipal  
1862 election, a municipal primary election, a local special election, a special district election, and a  
1863 bond election.

1864 ~~[(32)]~~ (33) "Local political subdivision" means a county, a municipality, a special  
1865 district, or a local school district.

1866 ~~[(33)]~~ (34) "Local special election" means a special election called by the governing  
1867 body of a local political subdivision in which all registered voters of the local political  
1868 subdivision may vote.

1869 ~~[(34)]~~ (35) "Manual ballot" means a paper document produced by an election officer on  
1870 which an individual records an individual's vote by directly placing a mark on the paper  
1871 document using a pen or other marking instrument.

1872 ~~[(35)]~~ (36) "Mechanical ballot" means a record, including a paper record, electronic  
1873 record, or mechanical record, that:

1874 (a) is created via electronic or mechanical means; and

1875 (b) records an individual voter's vote cast via a method other than an individual directly  
1876 placing a mark, using a pen or other marking instrument, to record an individual voter's vote.

1877 ~~[(36)]~~ (37) "Municipal executive" means:

1878 (a) the mayor in the council-mayor form of government defined in Section [10-3b-102](#);

1879 (b) the mayor in the council-manager form of government defined in Subsection  
1880 [10-3b-103\(7\)](#); or

1881 (c) the mayor of a metro township form of government defined in Section [10-3b-102](#).

1882 ~~[(37)]~~ (38) "Municipal general election" means the election held in municipalities and,  
1883 as applicable, special districts on the first Tuesday after the first Monday in November of each  
1884 odd-numbered year for the purposes established in Section [20A-1-202](#).

1885 ~~[(38)]~~ (39) "Municipal legislative body" means:

1886 (a) the council of the city or town in any form of municipal government; or

1887 (b) the council of a metro township.

1888            [~~(39)~~] (40) "Municipal office" means an elective office in a municipality.

1889            [~~(40)~~] (41) "Municipal officers" means those municipal officers that are required by

1890 law to be elected.

1891            [~~(41)~~] (42) "Municipal primary election" means an election held to nominate

1892 candidates for municipal office.

1893            [~~(42)~~] (43) "Municipality" means a city, town, or metro township.

1894            (44) "Office" means the Elections Office, created in Section [63A-19-201](#).

1895            [~~(43)~~] (45) "Official ballot" means the ballots distributed by the election officer for

1896 voters to record their votes.

1897            [~~(44)~~] (46) "Official endorsement" means the information on the ballot that identifies:

1898            (a) the ballot as an official ballot;

1899            (b) the date of the election; and

1900            (c) (i) for a ballot prepared by an election officer other than a county clerk, the

1901 facsimile signature required by Subsection [20A-6-401](#)(1)(a)(iii); or

1902            (ii) for a ballot prepared by a county clerk, the words required by Subsection

1903 [20A-6-301](#)(1)(b)(iii).

1904            [~~(45)~~] (47) "Official register" means the official record furnished to election officials

1905 by the election officer that contains the information required by Section [20A-5-401](#).

1906            [~~(46)~~] (48) "Political party" means an organization of registered voters that has

1907 qualified to participate in an election by meeting the requirements of Chapter 8, Political Party

1908 Formation and Procedures.

1909            [~~(47)~~] (49) (a) "Poll worker" means a person assigned by an election official to assist

1910 with an election, voting, or counting votes.

1911            (b) "Poll worker" includes election judges.

1912            (c) "Poll worker" does not include a watcher.

1913            [~~(48)~~] (50) "Pollbook" means a record of the names of voters in the order that they

1914 appear to cast votes.

1915            [~~(49)~~] (51) "Polling place" means a building where voting is conducted.

1916            [~~(50)~~] (52) "Position" means a square, circle, rectangle, or other geometric shape on a

1917 ballot in which the voter marks the voter's choice.

1918            [~~(51)~~] (53) "Presidential Primary Election" means the election established in Chapter 9,

1919 Part 8, Presidential Primary Election.

1920 [~~(52)~~] (54) "Primary convention" means the political party conventions held during the  
1921 year of the regular general election.

1922 [~~(53)~~] (55) "Protective counter" means a separate counter, which cannot be reset, that:

1923 (a) is built into a voting machine; and

1924 (b) records the total number of movements of the operating lever.

1925 [~~(54)~~] (56) "Provider election officer" means an election officer who enters into a  
1926 contract or interlocal agreement with a contracting election officer to conduct an election for  
1927 the contracting election officer's local political subdivision in accordance with Section  
1928 [20A-5-400.1](#).

1929 [~~(55)~~] (57) "Provisional ballot" means a ballot voted provisionally by a person:

1930 (a) whose name is not listed on the official register at the polling place;

1931 (b) whose legal right to vote is challenged as provided in this title; or

1932 (c) whose identity was not sufficiently established by a poll worker.

1933 [~~(56)~~] (58) "Provisional ballot envelope" means an envelope printed in the form  
1934 required by Section [20A-6-105](#) that is used to identify provisional ballots and to provide  
1935 information to verify a person's legal right to vote.

1936 [~~(57)~~] (59) (a) "Public figure" means an individual who, due to the individual being  
1937 considered for, holding, or having held a position of prominence in a public or private capacity,  
1938 or due to the individual's celebrity status, has an increased risk to the individual's safety.

1939 (b) "Public figure" does not include an individual:

1940 (i) elected to public office; or

1941 (ii) appointed to fill a vacancy in an elected public office.

1942 [~~(58)~~] (60) "Qualify" or "qualified" means to take the oath of office and begin  
1943 performing the duties of the position for which the individual was elected.

1944 [~~(59)~~] (61) "Receiving judge" means the poll worker that checks the voter's name in the  
1945 official register at a polling place and provides the voter with a ballot.

1946 [~~(60)~~] (62) "Registration form" means a form by which an individual may register to  
1947 vote under this title.

1948 [~~(61)~~] (63) "Regular ballot" means a ballot that is not a provisional ballot.

1949 [~~(62)~~] (64) "Regular general election" means the election held throughout the state on

1950 the first Tuesday after the first Monday in November of each even-numbered year for the  
1951 purposes established in Section 20A-1-201.

1952 ~~[(63)]~~ (65) "Regular primary election" means the election, held on the date specified in  
1953 Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan  
1954 local school board positions to advance to the regular general election.

1955 ~~[(64)]~~ (66) "Resident" means a person who resides within a specific voting precinct in  
1956 Utah.

1957 ~~[(65)]~~ (67) "Return envelope" means the envelope, described in Subsection  
1958 20A-3a-202(4), provided to a voter with a manual ballot:

1959 (a) into which the voter places the manual ballot after the voter has voted the manual  
1960 ballot in order to preserve the secrecy of the voter's vote; and

1961 (b) that includes the voter affidavit and a place for the voter's signature.

1962 ~~[(66)]~~ (68) "Sample ballot" means a mock ballot similar in form to the official ballot,  
1963 published as provided in Section 20A-5-405.

1964 ~~[(67)]~~ (69) "Special district" means a local government entity under Title 17B, Limited  
1965 Purpose Local Government Entities - Special Districts, and includes a special service district  
1966 under Title 17D, Chapter 1, Special Service District Act.

1967 ~~[(68)]~~ (70) "Special district officers" means those special district board members who  
1968 are required by law to be elected.

1969 ~~[(69)]~~ (71) "Special election" means an election held as authorized by Section  
1970 20A-1-203.

1971 ~~[(70)]~~ (72) "Spoiled ballot" means each ballot that:

1972 (a) is spoiled by the voter;

1973 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

1974 (c) lacks the official endorsement.

1975 ~~[(71)]~~ (73) "Statewide special election" means a special election called by the governor  
1976 or the Legislature in which all registered voters in Utah may vote.

1977 ~~[(72)]~~ (74) "Tabulation system" means a device or system designed for the sole  
1978 purpose of tabulating votes cast by voters at an election.

1979 ~~[(73)]~~ (75) "Ticket" means a list of:

1980 (a) political parties;

- 1981 (b) candidates for an office; or
- 1982 (c) ballot propositions.
- 1983 [~~(74)~~] (76) "Transfer case" means the sealed box used to transport voted ballots to the
- 1984 counting center.
- 1985 [~~(75)~~] (77) "Vacancy" means:
- 1986 (a) except as provided in Subsection (75)(b), the absence of an individual to serve in a
- 1987 position created by state constitution or state statute, whether that absence occurs because of
- 1988 death, disability, disqualification, resignation, or other cause ; or
- 1989 (b) in relation to a candidate for a position created by state constitution or state statute,
- 1990 the removal of a candidate due to the candidate's death, resignation, or disqualification.
- 1991 [~~(76)~~] (78) "Valid voter identification" means:
- 1992 (a) a form of identification that bears the name and photograph of the voter which may
- 1993 include:
- 1994 (i) a currently valid Utah driver license;
- 1995 (ii) a currently valid identification card that is issued by:
- 1996 (A) the state; or
- 1997 (B) a branch, department, or agency of the United States;
- 1998 (iii) a currently valid Utah permit to carry a concealed weapon;
- 1999 (iv) a currently valid United States passport; or
- 2000 (v) a currently valid United States military identification card;
- 2001 (b) one of the following identification cards, whether or not the card includes a
- 2002 photograph of the voter:
- 2003 (i) a valid tribal identification card;
- 2004 (ii) a Bureau of Indian Affairs card; or
- 2005 (iii) a tribal treaty card; or
- 2006 (c) two forms of identification not listed under Subsection (76)(a) or (b) but that bear
- 2007 the name of the voter and provide evidence that the voter resides in the voting precinct, which
- 2008 may include:
- 2009 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
- 2010 election;
- 2011 (ii) a bank or other financial account statement, or a legible copy thereof;

- 2012 (iii) a certified birth certificate;
- 2013 (iv) a valid social security card;
- 2014 (v) a check issued by the state or the federal government or a legible copy thereof;
- 2015 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 2016 (vii) a currently valid Utah hunting or fishing license;
- 2017 (viii) certified naturalization documentation;
- 2018 (ix) a currently valid license issued by an authorized agency of the United States;
- 2019 (x) a certified copy of court records showing the voter's adoption or name change;
- 2020 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 2021 (xii) a currently valid identification card issued by:
- 2022 (A) a local government within the state;
- 2023 (B) an employer for an employee; or
- 2024 (C) a college, university, technical school, or professional school located within the
- 2025 state; or
- 2026 (xiii) a current Utah vehicle registration.

2027 ~~[(77)]~~ (79) "Valid write-in candidate" means a candidate who has qualified as a  
 2028 write-in candidate by following the procedures and requirements of this title.

2029 ~~[(78)]~~ (80) "Vote by mail" means to vote, using a manual ballot that is mailed to the  
 2030 voter, by:

- 2031 (a) mailing the ballot to the location designated in the mailing; or
- 2032 (b) depositing the ballot in a ballot drop box designated by the election officer.

2033 ~~[(79)]~~ (81) "Voter" means an individual who:

- 2034 (a) meets the requirements for voting in an election;
- 2035 (b) meets the requirements of election registration;
- 2036 (c) is registered to vote; and
- 2037 (d) is listed in the official register book.

2038 ~~[(80)]~~ (82) "Voter registration deadline" means the registration deadline provided in  
 2039 Section [20A-2-102.5](#).

2040 ~~[(81)]~~ (83) "Voting area" means the area within six feet of the voting booths, voting  
 2041 machines, and ballot box.

2042 ~~[(82)]~~ (84) "Voting booth" means:

2043 (a) the space or compartment within a polling place that is provided for the preparation  
2044 of ballots, including the voting enclosure or curtain; or

2045 (b) a voting device that is free standing.

2046 [~~(83)~~] (85) "Voting device" means any device provided by an election officer for a  
2047 voter to vote a mechanical ballot.

2048 [~~(84)~~] (86) "Voting precinct" means the smallest geographical voting unit, established  
2049 under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

2050 [~~(85)~~] (87) "Watcher" means an individual who complies with the requirements  
2051 described in Section 20A-3a-801 to become a watcher for an election.

2052 [~~(86)~~] (88) "Write-in ballot" means a ballot containing any write-in votes.

2053 [~~(87)~~] (89) "Write-in vote" means a vote cast for an individual, whose name is not  
2054 printed on the ballot, in accordance with the procedures established in this title.

2055 Section 29. Section 20A-1-105 is amended to read:

2056 **20A-1-105. Chief election officer of the state -- Duties, authority, and**  
2057 **enforcement.**

2058 (1) The [~~lieutenant governor~~] director:

2059 (a) is the chief election officer of the state;

2060 (b) is responsible to oversee, and generally supervise, all elections and functions  
2061 relating to elections in the state; and

2062 (c) shall enforce compliance by election officers with all legal requirements relating to  
2063 elections, including:

2064 (i) Public Law 103-31, the National Voter Registration Act of 1993;

2065 (ii) Public Law 107-252, the Help America Vote Act of 2002;

2066 (iii) all other applicable provisions of federal law and rule relating to elections;

2067 (iv) state law relating to elections;

2068 (v) the requirements of this title; and

2069 (vi) rules made under this title.

2070 (2) To the extent that the [~~lieutenant governor~~] director determines the following is  
2071 useful in fulfilling the responsibilities described in Subsection (1), the [~~lieutenant governor~~]  
2072 director has:

2073 (a) full access to closely observe, examine, and copy all records, documents,

2074 recordings, and other information in the custody or control of an election officer or a board of  
2075 canvassers;

2076 (b) full access to closely observe, examine, and copy all voter registration records,  
2077 ballots, ballot envelopes, vote tallies, canvassing records, and other election returns in the  
2078 custody or control of an election officer or a board of canvassers;

2079 (c) full access to closely observe and examine all facilities, storage areas, and  
2080 equipment, and to closely observe, examine, or copy all materials, in the custody or control of  
2081 an election officer or a board of canvassers;

2082 (d) full access to all staff, including full-time, part-time, and volunteer staff of an  
2083 election officer or a board of canvassers;

2084 (e) full access to closely observe, examine, and copy all records and information  
2085 relating to election audits that are conducted, directed, or commissioned by a county clerk;

2086 (f) the right to attend any meeting, including a closed meeting, relating to a matter  
2087 within the scope of authority or responsibility of the [~~lieutenant governor~~] director described in  
2088 this chapter or Subsection [~~67-1a-2(2)~~] [63A-19-202\(2\)](#); and

2089 (g) the right to closely observe and examine any work or other process relating to a  
2090 matter within the scope of authority or responsibility of the [~~lieutenant governor~~] director  
2091 described in this chapter or Subsection [~~67-1a-2(2)~~] [63A-19-202\(2\)](#).

2092 (3) An election officer shall fully assist, and cooperate with, the [~~lieutenant governor~~]  
2093 director in:

2094 (a) fulfillment, by the [~~lieutenant governor~~] director, of the responsibilities described in  
2095 Subsection (1); and

2096 (b) obtaining the access and exercising the rights described in Subsection (2).

2097 (4) If the [~~lieutenant governor~~] director determines that an election officer is in  
2098 violation of a law or rule described in Subsection (1)(c), the [~~lieutenant governor~~] director, in  
2099 an effort to remedy the violation and bring the election officer into compliance with the law or  
2100 rule:

2101 (a) shall consult with the election officer; and

2102 (b) may provide training and other assistance to the election officer to the extent the  
2103 [~~lieutenant governor~~] director determines warranted.

2104 (5) If a violation continues after the [~~lieutenant governor~~] director complies with



2105 Subsection (4)(a), the [~~lieutenant governor~~] director shall issue a written order to the election  
2106 officer that:

2107 (a) describes the violation;

2108 (b) describes the action taken under Subsection (4) to remedy the violation and bring  
2109 the election officer into compliance with the law or rule;

2110 (c) directs the election officer to remedy and cease the violation;

2111 (d) describes the specific actions the election officer must take to comply with the  
2112 order;

2113 (e) states the deadline for the election officer to comply with the order; and

2114 (f) describes the actions the election officer must take to verify compliance with the  
2115 order.

2116 (6) (a) An order described in Subsection (5) has the force of law.

2117 (b) An election officer shall fully comply with an order described in Subsection (5)  
2118 unless the election officer obtains a court order rescinding or modifying the order in accordance  
2119 with Subsections (7) through (9).

2120 (7) An election officer desiring to seek a court order described in Subsection (6) shall  
2121 file an action seeking a court order within 10 days after the day on which the [~~lieutenant~~  
2122 ~~governor~~] director issues the order described in Subsection (5).

2123 (8) A court may not rescind or modify an order described in Subsection (5) unless, and  
2124 only to the extent that:

2125 (a) the order is arbitrary or capricious;

2126 (b) the court finds that the violation alleged by the [~~lieutenant governor~~] director did  
2127 not occur; or

2128 (c) the court determines that the violation alleged by the [~~lieutenant governor~~] director  
2129 is not a violation of law or rule.

2130 (9) An election officer who files an action described in Subsection (7) has the burden  
2131 of proof.

2132 (10) This section does not prohibit the [~~lieutenant governor~~] director from bringing a  
2133 legal action, at any time, to compel an election officer to comply with the law and rules  
2134 described in Subsection (1).

2135 Section 30. Section **20A-1-106** is amended to read:

2136 **20A-1-106. Duties of a clerk.**

2137 (1) As used in this section, "clerk" means an election officer other than the [lieutenant  
2138 ~~governor~~] director.

2139 (2) A clerk shall:

2140 (a) comply with all of the following in relation to elections:

2141 (i) federal and state law;

2142 (ii) federal and state rules; and

2143 (iii) the policies and direction of the [~~lieutenant governor~~] director; and

2144 (b) diligently learn and become familiar with the law, rules, policies, and direction  
2145 described in Subsection (2)(a).

2146 Section 31. Section **20A-1-107** is amended to read:

2147 **20A-1-107. Elections training -- Training required -- Reimbursement.**

2148 (1) As used in this section, "election administrator" means:

2149 (a) a county clerk; and

2150 (b) if the county clerk employs one or more individuals who assist with elections:

2151 (i) the most senior employee who assists with elections; or

2152 (ii) if more than one employee qualifies as the most senior employee under Subsection  
2153 (1)(b)(i), one of those employees, as designated by the election officer.

2154 (2) The [~~lieutenant governor~~] director shall, in accordance with this section:

2155 (a) design and provide training to election officers and government workers who  
2156 perform functions relating to elections; and

2157 (b) provide the training described in this section without charge to the officers and  
2158 workers described in Subsection (2)(a).

2159 (3) The training shall include:

2160 (a) a course designed for election administrators:

2161 (i) that may include multiple sessions;

2162 (ii) that may require attendance on multiple occasions; and

2163 (iii) for which the [~~lieutenant governor~~] director may, notwithstanding Section  
2164 [63G-22-103](#), require live attendance; and

2165 (b) a course designed for government workers, who perform functions relating to  
2166 elections, that consists of modules relating to individual election processes.

2167 (4) (a) An election administrator who was elected, appointed, or hired before May 3,  
2168 2023, shall:

2169 (i) begin the first session described in Subsection (3)(a) before July 1, 2024; and

2170 (ii) complete all sessions within four years after the election administrator takes the  
2171 first session.

2172 (b) An election administrator who is elected, appointed, or hired on or after May 3,  
2173 2023, shall:

2174 (i) begin the first session described in Subsection (3)(a) within one year after the day  
2175 on which the election administrator is elected, appointed, or hired; and

2176 (ii) complete all sessions within four years after the election administrator takes the  
2177 first session.

2178 (5) The [~~lieutenant governor~~] director shall reimburse an election administrator who is  
2179 required under this section to attend the training described in Subsection (3)(a) per diem and  
2180 travel expenses for attending the training, in accordance with:

2181 (a) Section [63A-3-106](#);

2182 (b) Section [63A-3-107](#); and

2183 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2184 [63A-3-107](#).

2185 (6) An individual may not perform an election process for which the [~~lieutenant~~  
2186 ~~governor~~] director has developed an online training module described in Subsection (3)(b),  
2187 unless the individual has completed the training module developed for that election process.

2188 (7) The [~~director of elections, within the Office of the Lieutenant Governor,~~] office  
2189 may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
2190 Act, establishing requirements for:

2191 (a) complying with the training requirements described in this section; and

2192 (b) supplemental or refresher training that the [~~lieutenant governor~~] director determines  
2193 is needed to ensure the integrity of elections in the state.

2194 Section 32. Section **20A-1-108** is amended to read:

2195 **20A-1-108. Audits -- Studies relating to elections.**

2196 (1) Except as provided in Subsection (2):

2197 (a) the [~~director of elections within the Office of the Lieutenant Governor~~] office shall

2198 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
 2199 establishing requirements and procedures for an audit described in this title; and

2200 (b) an election officer shall ensure that, when an audit is conducted of work done  
 2201 during ballot processing, the individual who performs the audit does not audit the individual's  
 2202 own work.

2203 (2) Subsection (1) does not relate to an audit conducted by the legislative auditor  
 2204 general or the ~~[lieutenant governor]~~ director.

2205 (3) The ~~[lieutenant governor]~~ director shall keep the Government Operations Interim  
 2206 Committee informed of advances in election technology that the committee may want to study  
 2207 for use in Utah's elections.

2208 (4) The ~~[lieutenant governor]~~ director shall:

2209 (a) study methods to improve post-election audits to confirm that the election correctly  
 2210 identified the winning candidates, including evaluating:

2211 (i) different risk-limiting audit methods; and

2212 (ii) other confirmation methods; and

2213 (b) at or before the last 2023 meeting of the Government Operations Interim

2214 Committee, report to the committee on:

2215 (i) the methods studied; and

2216 (ii) recommendations for post-election audit requirements.

2217 ~~[(5) The Driver License Division shall, in cooperation with the lieutenant governor:]~~

2218 ~~[(a) study:]~~

2219 ~~[(i) the options for improving the quality of signatures collected by the Driver License~~

2220 ~~Division that are used for signature verification in an election; and]~~

2221 ~~[(ii) the technology needs and costs associated with the options described in Subsection~~

2222 ~~(5)(a)(i); and]~~

2223 ~~[(b) at or before the last 2023 meeting of the Government Operations Interim~~

2224 ~~Committee, report to the committee on:]~~

2225 ~~[(i) the options, technology needs, and costs described in Subsection (5)(a); and]~~

2226 ~~[(ii) recommendations regarding the options described in Subsection (5)(a)(i).]~~

2227 Section 33. Section **20A-1-206** is amended to read:

2228 **20A-1-206. Cancellation of local election or local race -- Municipalities -- Special**

2229 **districts -- Notice.**

2230 (1) As used in this section:

2231 (a) "Contested race" means a race in a general election where the number of  
2232 candidates, including any eligible write-in candidates, exceeds the number of offices to be  
2233 filled in the race.

2234 (b) "Election" means an event, run by an election officer, that includes one or more  
2235 races for public office or one or more ballot propositions.

2236 (c) (i) "Race" means a contest between candidates to obtain the number of votes  
2237 necessary to take a particular public office.

2238 (ii) "Race," as the term relates to a contest for an at-large position, includes all open  
2239 positions for the same at-large office.

2240 (iii) "Race," as the term relates to a contest for a municipal council position that is not  
2241 an at-large position, includes only the contest to represent a particular district on the council.

2242 (2) A municipal legislative body may cancel a local election if:

2243 (a) the ballot for the local election will not include any contested races or ballot  
2244 propositions; and

2245 (b) the municipal legislative body passes, no later than 20 days before the day of the  
2246 scheduled election, a resolution that cancels the election and certifies that:

2247 (i) the ballot for the election would not include any contested races or ballot  
2248 propositions; and

2249 (ii) the candidates who qualified for the ballot are considered elected.

2250 (3) A municipal legislative body may cancel a race in a local election if:

2251 (a) the ballot for the race will not include any contested races or ballot propositions;  
2252 and

2253 (b) the municipal legislative body passes, no later than 20 days before the day of the  
2254 scheduled election, a resolution that cancels the race and certifies that:

2255 (i) the ballot for the race would not include any contested races or ballot propositions;  
2256 and

2257 (ii) the candidate for the race is considered elected.

2258 (4) A municipal legislative body that cancels a local election in accordance with  
2259 Subsection (2) shall give notice that the election is cancelled by:

2260 (a) subject to Subsection (8), providing notice to the [lieutenant governor's] office to be  
2261 posted on the Statewide Electronic Voter Information Website described in Section 20A-7-801,  
2262 for 15 consecutive days before the day of the scheduled election; and

2263 (b) providing notice for the municipality, as a class A notice under Section  
2264 63G-30-102, for at least 15 days before the day of the scheduled election.

2265 (5) A special district board may cancel a local election if:

2266 (a) the ballot for the local election will not include any contested races or ballot  
2267 propositions; and

2268 (b) the special district board passes, no later than 20 days before the day of the  
2269 scheduled election, a resolution that cancels the election and certifies that:

2270 (i) the ballot for the election would not include any contested races or ballot  
2271 propositions; and

2272 (ii) the candidates who qualified for the ballot are considered elected.

2273 (6) A special district board may cancel a special district race if:

2274 (a) the race is uncontested; and

2275 (b) the special district board passes, no later than 20 days before the day of the  
2276 scheduled election, a resolution that cancels the race and certifies that the candidate who  
2277 qualified for the ballot for that race is considered elected.

2278 (7) A special district that cancels a local election in accordance with Subsection (5)  
2279 shall provide notice that the election is cancelled:

2280 (a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter  
2281 Information Website described in Section 20A-7-801, for 15 consecutive days before the day of  
2282 the scheduled election; and

2283 (b) as a class A notice under Section 63G-30-102, for at least 15 days before the day of  
2284 the scheduled election.

2285 (8) A municipal legislative body that posts a notice in accordance with Subsection  
2286 (4)(a) or a special district that posts a notice in accordance with Subsection (7)(a) is not liable  
2287 for a notice that fails to post due to technical or other error by the publisher of the Statewide  
2288 Electronic Voter Information Website.

2289 Section 34. Section 20A-1-305 is amended to read:

2290 **20A-1-305. Publication and distribution of election laws.**

- 2291 (1) The [~~lieutenant governor~~] director shall:
- 2292 (a) publish a sufficient number of copies of Title 20A, Election Code, and any other
- 2293 provisions of law that govern elections; and
- 2294 (b) transmit copies to each county clerk.
- 2295 (2) Each county clerk shall:
- 2296 (a) inform the [~~lieutenant governor~~] director of the number of copies needed; and
- 2297 (b) furnish each election officer in the county with one copy.
- 2298 Section 35. Section **20A-1-308** is amended to read:
- 2299 **20A-1-308. Elections during declared emergencies.**
- 2300 (1) As used in this section, "declared emergency" means a state of emergency that:
- 2301 (a) is declared by:
- 2302 (i) the president of the United States;
- 2303 (ii) the governor in an executive order under Title 53, Chapter 2a, Part 2, Disaster
- 2304 Response and Recovery Act; or
- 2305 (iii) the chief executive officer of a political subdivision in a proclamation under Title
- 2306 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; and
- 2307 (b) affects an election in the state, including:
- 2308 (i) voting on election day;
- 2309 (ii) early voting;
- 2310 (iii) the transmittal or voting of a ballot;
- 2311 (iv) the counting of a ballot; or
- 2312 (v) the canvassing of election returns.
- 2313 (2) During a declared emergency, the [~~lieutenant governor~~] director may designate a
- 2314 method, time, or location for, or relating to, an event described in Subsection (1)(b) that is
- 2315 different than the method, time, or location described in this title.
- 2316 (3) The [~~lieutenant governor~~] director shall notify a voter or potential voter of a
- 2317 different method, time, or location designated under Subsection (2) by:
- 2318 (a) posting a notice on the Statewide Electronic Voter Information Website established
- 2319 under Section [20A-7-801](#);
- 2320 (b) notifying each election officer affected by the designation; and
- 2321 (c) notifying a newspaper of general circulation within the state or a local media

2322 correspondent.

2323 Section 36. Section **20A-1-501** is amended to read:

2324 **20A-1-501. Candidate vacancies -- Procedure for filling.**

2325 (1) As used in this section, "central committee" means:

2326 (a) the state central committee of a political party, for a candidate for:

2327 (i) United States senator, United States representative, governor, lieutenant governor,  
2328 attorney general, state treasurer, or state auditor; or

2329 (ii) state legislator if the legislative district encompasses all or a portion of more than  
2330 one county; or

2331 (b) the county central committee of a political party, for a party candidate seeking an  
2332 office, other than an office described in Subsection (1)(a), elected at an election held in an  
2333 even-numbered year.

2334 (2) Except as provided in Subsection (6), the central committee may certify the name  
2335 of another candidate to the appropriate election officer if:

2336 (a) for a registered political party that will have a candidate on a ballot in a primary  
2337 election:

2338 (i) after the close of the period for filing a declaration of candidacy and continuing  
2339 through the day before the day on which the [~~lieutenant governor~~] director provides the list  
2340 described in Subsection **20A-9-403**(4)(a), only one or two candidates from that party have filed  
2341 a declaration of candidacy for that office and one or both dies, resigns as a candidate, or is  
2342 disqualified as a candidate; and

2343 (ii) the central committee provides written certification of the replacement candidate to  
2344 the appropriate election officer before the day on which the [~~lieutenant governor~~] director  
2345 provides the list described in Subsection **20A-9-403**(4)(a); and

2346 (b) for a registered political party that does not have a candidate on the ballot in a  
2347 primary, but will have a candidate on the ballot for a regular general election:

2348 (i) after the close of the period for filing a declaration of candidacy and continuing  
2349 through the day before the day on which the [~~lieutenant governor~~] director makes the  
2350 certification described in Section **20A-5-409**, the party's candidate dies, resigns as a candidate,  
2351 or is disqualified as a candidate; and

2352 (ii) the central committee provides written certification of the replacement candidate to



2353 the appropriate election officer before the day on which the [~~lieutenant governor~~] director  
2354 makes the certification described in Section 20A-5-409; or

2355 (c) for a registered political party with a candidate certified as winning a primary  
2356 election:

2357 (i) after the close of the period for filing a declaration of candidacy and continuing  
2358 through the day before the day on which the [~~lieutenant governor~~] director makes the  
2359 certification described in Section 20A-5-409, the party's candidate dies, resigns as a candidate,  
2360 or is disqualified as a candidate; and

2361 (ii) the central committee provides written certification of the replacement candidate to  
2362 the appropriate election officer before the day on which the [~~lieutenant governor~~] director  
2363 makes the certification described in Section 20A-5-409.

2364 (3) If no more than two candidates from a political party have filed a declaration of  
2365 candidacy for an office elected at a regular general election and one resigns to become the party  
2366 candidate for another position, the central committee of that political party may certify the  
2367 name of another candidate to the appropriate election officer.

2368 (4) Each replacement candidate shall file a declaration of candidacy as required by  
2369 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

2370 (5) (a) The name of a candidate who is certified under Subsection (2)(a) after the  
2371 deadline described in Subsection (2)(a)(ii) may not appear on the primary election ballot.

2372 (b) The name of a candidate who is certified under Subsection (2)(b) after the deadline  
2373 described in Subsection (2)(b)(ii) may not appear on the general election ballot.

2374 (c) The name of a candidate who is certified under Subsection (2)(c) after the deadline  
2375 described in Subsection (2)(c)(ii) may not appear on the general election ballot.

2376 (6) A political party may not replace a candidate who is disqualified for failure to  
2377 timely file a campaign disclosure financial report under Title 20A, Chapter 11, Campaign and  
2378 Financial Reporting Requirements, or Section 17-16-6.5.

2379 (7) This section does not apply to a candidate vacancy for a nonpartisan office.

2380 Section 37. Section 20A-1-503 is amended to read:

2381 **20A-1-503. Midterm vacancies in the Legislature.**

2382 (1) As used in this section:

2383 (a) "Filing deadline" means the final date for filing:

- 2384 (i) a declaration of candidacy as provided in Section 20A-9-202; and  
2385 (ii) a certificate of nomination as provided in Section 20A-9-503.
- 2386 (b) "Party liaison" means the political party officer designated to serve as a liaison with  
2387 the ~~[lieutenant governor]~~ director on all matters relating to the political party's relationship with  
2388 the state as required by Section 20A-8-401.
- 2389 (2) When a vacancy occurs for any reason in the office of representative in the  
2390 Legislature, the governor shall fill the vacancy by immediately appointing the person whose  
2391 name was submitted by the party liaison of the same political party as the prior representative.
- 2392 (3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in  
2393 the office of senator in the Legislature, it shall be filled for the unexpired term at the next  
2394 regular general election.
- 2395 (b) The governor shall fill the vacancy until the next regular general election by  
2396 immediately appointing the person whose name was submitted by the party liaison of the same  
2397 political party as the prior senator.
- 2398 (4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but  
2399 before August 31 of an even-numbered year in which the term of office does not expire, the  
2400 ~~[lieutenant governor]~~ director shall:
- 2401 (i) establish a date and time, which is before the date for a candidate to be certified for  
2402 the ballot under Section 20A-9-701 and no later than 21 days after the day on which the  
2403 vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant  
2404 office shall file:
- 2405 (A) a declaration of candidacy; or  
2406 (B) a certificate of nomination; and  
2407 (ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):  
2408 (A) on the ~~[lieutenant governor's]~~ office's website; and  
2409 (B) to each registered political party.
- 2410 (b) A person intending to obtain a position on the ballot for the vacant office shall:
- 2411 (i) before the date and time specified in Subsection (4)(a)(i), file a declaration of  
2412 candidacy or certificate of nomination according to the procedures and requirements of Chapter  
2413 9, Candidate Qualifications and Nominating Procedures; and  
2414 (ii) run in the regular general election if:

2415 (A) nominated as a party candidate; or

2416 (B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate

2417 Qualifications and Nominating Procedures.

2418 (c) If a vacancy described in Subsection (3)(a) occurs after the deadline described in

2419 Subsection [20A-9-202\(1\)\(b\)](#) and before August 31, of an even-numbered year in which the

2420 term of office does not expire, a party liaison from each registered political party may submit a

2421 name of a person described in Subsection (4)(b) to the [~~lieutenant governor~~] director before 5

2422 p.m. no later than August 30 for placement on the regular general election ballot.

2423 (5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an

2424 even-numbered year in which a term does not expire, the governor shall fill the vacancy for the

2425 unexpired term by immediately appointing the person whose name was submitted by the party

2426 liaison of the same political party as the prior senator.

2427 Section 38. Section **20A-1-510** is amended to read:

2428 **20A-1-510. Midterm vacancies in municipal offices.**

2429 (1) (a) As used in this section:

2430 (i) "Vacancy," subject to Subsection (1)(a)(ii), means the same as that term is defined

2431 in Section [20A-1-102](#).

2432 (ii) "Vacancy," if due to resignation, occurs on the effective date of the resignation.

2433 (b) Except as otherwise provided in this section, if any vacancy occurs in the office of

2434 municipal executive or member of a municipal legislative body, the municipal legislative body

2435 shall, within 30 calendar days after the day on which the vacancy occurs, appoint a registered

2436 voter in the municipality who meets the qualifications for office described in Section [10-3-301](#)

2437 to fill the unexpired term of the vacated office.

2438 (c) Before acting to fill the vacancy, the municipal legislative body shall:

2439 (i) give public notice of the vacancy at least 14 calendar days before the day on which

2440 the municipal legislative body meets to fill the vacancy;

2441 (ii) identify, in the notice:

2442 (A) the date, time, and place of the meeting where the vacancy will be filled;

2443 (B) the person to whom an individual interested in being appointed to fill the vacancy

2444 may submit the interested individual's name for consideration; and

2445 (C) the deadline for submitting an interested individual's name; and

2446 (iii) in an open meeting, interview each individual whose name is submitted for  
2447 consideration, and who meets the qualifications for office, regarding the individual's  
2448 qualifications.

2449 (d) (i) The municipal legislative body shall take an initial vote to fill the vacancy from  
2450 among the names of the candidates interviewed under Subsection (1)(c)(iii).

2451 (ii) (A) If no candidate receives a majority vote of the municipal legislative body in the  
2452 initial vote described in Subsection (1)(d)(i), the two candidates that received the most votes in  
2453 the initial vote, as determined by the tie-breaking procedures described in Subsections  
2454 (1)(d)(ii)(B) through (D) if necessary, shall be placed before the municipal legislative body for  
2455 a second vote to fill the vacancy.

2456 (B) If the initial vote results in a tie for second place, the candidates tied for second  
2457 place shall be reduced to one by a coin toss conducted in accordance with Subsection  
2458 (1)(d)(ii)(D), and the second vote described in Subsection (1)(d)(ii)(A) shall be between the  
2459 candidate that received the most votes in the initial vote and the candidate that wins the coin  
2460 toss described in this Subsection (1)(d)(ii)(B).

2461 (C) If the initial vote results in a tie among three or more candidates for first place, the  
2462 candidates tied for first place shall be reduced to two by a coin toss conducted in accordance  
2463 with Subsection (1)(d)(ii)(D), and the second vote described in Subsection (1)(d)(ii)(A) shall  
2464 be between the two candidates that remain after the coin toss described in this Subsection  
2465 (1)(d)(ii)(C).

2466 (D) A coin toss required under this Subsection (1)(d) shall be conducted by the  
2467 municipal clerk or recorder in the presence of the municipal legislative body.

2468 (iii) If, in the second vote described in Subsection (1)(d)(ii)(A), neither candidate  
2469 receives a majority vote of the municipal legislative body, the vacancy shall be determined by a  
2470 coin toss between the two candidates in accordance with Subsection (1)(d)(ii)(D).

2471 (e) If the municipal legislative body does not timely comply with Subsections (1)(b)  
2472 through (d), the municipal clerk or recorder shall immediately notify the [~~lieutenant governor~~]  
2473 director.

2474 (f) After receiving notice that a municipal legislative body has failed to timely comply  
2475 with Subsections (1)(b) through (d), the [~~lieutenant governor~~] director shall:

2476 (i) notify the municipal legislative body of the violation; and

2477 (ii) direct the municipal legislative body to, within 30 calendar days after the day on  
2478 which the [~~lieutenant governor~~] director provides the notice described in this Subsection (1)(f),  
2479 appoint an eligible individual to fill the vacancy in accordance with Subsections (1)(c) and (d).

2480 (g) If the municipality fails to timely comply with a directive described in Subsection  
2481 (1)(f):

2482 (i) the [~~lieutenant governor~~] director shall notify the governor of the municipality's  
2483 failure to fill the vacancy; and

2484 (ii) the governor shall, within 45 days after the day on which the governor receives the  
2485 notice described in Subsection (1)(g)(i), provide public notice soliciting candidates to fill the  
2486 vacancy in accordance with Subsection (1)(c) and appoint an individual to fill the vacancy.

2487 (2) (a) A vacancy in the office of municipal executive or member of a municipal  
2488 legislative body shall be filled by an interim appointment, followed by an election to fill a  
2489 two-year term, if:

2490 (i) the vacancy occurs, or a letter of resignation is received, by the municipal executive  
2491 at least 14 days before the deadline for filing for election in an odd-numbered year; and

2492 (ii) two years of the vacated term will remain after the first Monday of January  
2493 following the next municipal election.

2494 (b) In appointing an interim replacement, the municipal legislative body shall:

2495 (i) comply with the notice requirements of this section; and

2496 (ii) in an open meeting, interview each individual whose name is submitted for  
2497 consideration, and who meets the qualifications for office, regarding the individual's  
2498 qualifications.

2499 (3) (a) In a municipality operating under the council-mayor form of government, as  
2500 defined in Section [10-3b-102](#):

2501 (i) the council may appoint an individual to fill a vacancy in the office of mayor before  
2502 the effective date of the mayor's resignation by making the effective date of the appointment  
2503 the same as the effective date of the mayor's resignation; and

2504 (ii) if a vacancy in the office of mayor occurs before the effective date of an  
2505 appointment under Subsection (1) or (2) to fill the vacancy, the remaining council members, by  
2506 majority vote, shall appoint a council member to serve as acting mayor during the time between  
2507 the creation of the vacancy and the effective date of the appointment to fill the vacancy.

2508 (b) A council member serving as acting mayor under Subsection (3)(a)(ii) continues to:

2509 (i) act as a council member; and

2510 (ii) vote at council meetings.

2511 (4) (a) (i) For a vacancy of a member of a municipal legislative body as described in  
2512 this section, the municipal legislative body member whose resignation creates the vacancy on  
2513 the municipal legislative body may:

2514 (A) interview an individual whose name is submitted for consideration under  
2515 Subsection (1)(c)(iii) or (2)(b)(ii); and

2516 (B) vote on the appointment of an individual to fill the vacancy.

2517 (ii) Notwithstanding Subsection (4)(a)(i), a member of a legislative body who is  
2518 removed from office in accordance with state law may not cast a vote under Subsection  
2519 (4)(a)(i).

2520 (b) A member of a municipal legislative body who submits his or her resignation to the  
2521 municipal legislative body may not rescind the resignation.

2522 (c) A member of a municipal legislative body may not vote on an appointment under  
2523 this section for himself or herself to fill a vacancy in the municipal legislative body.

2524 (5) In a municipality operating under the six-member council form of government or  
2525 the council-manager form of government, defined in Subsection 10-3b-103(7), if the voting  
2526 members of the city council reach a tie vote on a matter of filling a vacancy, the mayor may  
2527 vote to break the tie.

2528 (6) In a municipality operating under the council-mayor form of government, the  
2529 mayor may not:

2530 (a) participate in the vote to fill a vacancy;

2531 (b) veto a decision of the council to fill a vacancy; or

2532 (c) vote in the case of a tie.

2533 (7) A mayor whose resignation from the municipal legislative body is due to election  
2534 or appointment as mayor may, in the case of a tie, participate in the vote under this section.

2535 (8) A municipal legislative body may, consistent with the provisions of state law, adopt  
2536 procedures governing the appointment, interview, and voting process for filling vacancies in  
2537 municipal offices.

2538 Section 39. Section 20A-1-603 is amended to read:

2539           **20A-1-603. Fraud, interference, disturbance -- Tampering with ballots or records**  
2540 **-- Penalties.**

2541           (1) (a) An individual may not fraudulently vote on the individual's behalf or on behalf  
2542 of another, by:

2543           (i) voting more than once at any one election, regardless of whether one of the  
2544 elections is in a state or territory of the United States outside of Utah;

2545           (ii) knowingly handing in two or more ballots folded together;

2546           (iii) changing any ballot after the ballot is cast or deposited in the ballot box, or ballot  
2547 drop box, or mailed;

2548           (iv) adding or attempting to add any ballot or vote to those legally polled at any  
2549 election by fraudulently introducing the ballot or vote into the ballot box or vote tally, either  
2550 before or after the ballots have been counted;

2551           (v) adding to or mixing or attempting to add or mix, other ballots with the ballots  
2552 lawfully polled while those ballots are being counted or canvassed, or at any other time; or

2553           (vi) voting in a voting district or precinct when the individual knew or should have  
2554 known that the individual was not eligible for voter registration in that district or precinct,  
2555 unless the individual is legally entitled to vote the ballot under Section [20A-4-107](#) or another  
2556 provision of this title.

2557           (b) A person may not fraudulently interfere with an election by:

2558           (i) willfully tampering with, detaining, mutilating, or destroying any election returns;

2559           (ii) in any manner, interfering with the officers holding an election or conducting a  
2560 canvass, or with the voters lawfully exercising their rights of voting at an election, so as to  
2561 prevent the election or canvass from being fairly held or lawfully conducted;

2562           (iii) engaging in riotous conduct at any election, or interfering in any manner with any  
2563 election official in the discharge of the election official's duties;

2564           (iv) inducing any election officer, or officer whose duty it is to ascertain, announce, or  
2565 declare the result of any election or to give or make any certificate, document, or evidence in  
2566 relation to any election, to violate or refuse to comply with the election officer's duty or any law  
2567 regulating the election officer's duty;

2568           (v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook, or  
2569 other thing from a polling place, or from the possession of the person authorized by law to have

2570 the custody of that thing;

2571 (vi) taking, carrying away, concealing, removing, or destroying a ballot drop box or the  
2572 contents of a ballot drop box; or

2573 (vii) aiding, counseling, providing, procuring, advising, or assisting any person to do  
2574 any of the acts described in this section.

2575 (2) In addition to the penalties established in Subsections 20A-1-609(2) and (3):

2576 (a) a person who commits an offense under Subsection (1)(b)(vi), or who aids,  
2577 counsels, provides, procures, advises, or assists a person to commit an offense under  
2578 Subsection (1)(b)(vi), is guilty of a third degree felony; and

2579 (b) a person who commits an offense under Subsection (1), other than an offense  
2580 described in Subsection (2)(a), is guilty of a class A misdemeanor.

2581 (3) The [~~lieutenant governor~~] director shall take, and store for at least 22 months, a  
2582 static copy of the official register made at the following times:

2583 (a) the voter registration deadline described in Subsection 20A-2-102.5(2)(a);

2584 (b) the day of the election; and

2585 (c) the last day of the canvass.

2586 Section 40. Section 20A-1-802 is amended to read:

2587 **20A-1-802. Definitions.**

2588 As used in this part:

2589 (1) "Bad faith" means that a person files a petition described in Subsection

2590 20A-1-803(1):

2591 (a) under circumstances where a reasonable person would not believe that the  
2592 allegations are true; or

2593 (b) (i) within 60 days before an election that the candidate to which the petition relates  
2594 will appear on the ballot; and

2595 (ii) under circumstances where a reasonable person would not believe that the  
2596 allegations constitute a significant violation of a provision of this title.

2597 (2) "Defendant" means each person against whom an allegation is made in the verified  
2598 petition described in Subsection 20A-1-803(1).

2599 (3) "Receiving official" means:

2600 (a) the [~~lieutenant governor~~] director, unless the verified petition described in Section



2601 20A-1-803 alleges a violation by the [~~governor, the lieutenant governor,~~] director or an  
2602 employee of the [~~lieutenant governor's~~] office; or

2603 (b) the attorney general, if the verified petition described in Section 20A-1-803 alleges  
2604 a violation by the [~~governor, the lieutenant governor,~~] director or an employee of the  
2605 [~~lieutenant governor's~~] office.

2606 (4) "Reviewing official" means:

2607 (a) except as provided in Subsection (4)(b), the receiving official; or

2608 (b) the reviewing official appointed under Subsection 20A-1-803(3)(a), if the receiving  
2609 official appoints another individual as the reviewing official under Subsection  
2610 20A-1-803(3)(a).

2611 (5) "Significant violation" means:

2612 (a) a violation that, if known by voters before the election, may have resulted in a  
2613 candidate, other than the candidate certified as having won the election, winning the election;  
2614 or

2615 (b) a violation that, had the violation not occurred, may have resulted in a candidate,  
2616 other than the candidate certified as having won the election, winning the election.

2617 Section 41. Section 20A-1-1001 is amended to read:

2618 **20A-1-1001. Definitions.**

2619 As used in this part:

2620 (1) (a) "Clerk" means the [~~lieutenant governor~~] director, a county clerk, municipal  
2621 clerk, town clerk, city recorder, or municipal recorder.

2622 (b) "Clerk" includes a board of trustees under Title 17B, Chapter 1, Provisions  
2623 Applicable to All Special Districts.

2624 (2) "Local petition" means:

2625 (a) a manual or electronic local initiative petition described in Chapter 7, Part 5, Local  
2626 Initiatives - Procedures; or

2627 (b) a manual or electronic local referendum petition described in Chapter 7, Part 6,  
2628 Local Referenda - Procedures.

2629 (3) "Petition" means one of the following written requests, signed by registered voters,  
2630 appealing to an authority with respect to a particular cause:

2631 (a) a local petition;

- 2632 (b) a petition to consolidate two or more municipalities under Section 10-2-601;
- 2633 (c) a petition for disincorporation of a municipality under Section 10-2-701;
- 2634 (d) a petition to incorporate a proposed municipality under Section 10-2a-208;
- 2635 (e) a petition to consolidate adjoining counties under Section 17-2-103;
- 2636 (f) a petition to annex a portion of a county to an adjoining county under Section
- 2637 17-2-203;
- 2638 (g) a petition for the creation of a new county under Section 17-3-1;
- 2639 (h) a petition for the removal of a county seat under Section 17-11-2;
- 2640 (i) a petition for the adoption of an optional plan under Section 17-52a-303;
- 2641 (j) a petition for the repeal of an optional plan under Section 17-52a-505;
- 2642 (k) a petition to create a special district under Section 17B-1-203;
- 2643 (l) a petition to withdraw an area from a special district under Section 17B-1-504;
- 2644 (m) a petition to dissolve a special district under Section 17B-1-1303;
- 2645 (n) a petition for issuance of local building authority bonds under Section 17D-2-502;
- 2646 (o) a petition to become a registered political party under Section 20A-8-103;
- 2647 (p) a nomination petition for municipal office under Section 20A-9-203;
- 2648 (q) a nomination petition for a regular primary election under Subsection
- 2649 20A-9-403(3)(a) and Section 20A-9-405;
- 2650 (r) a petition for a political party to qualify as a municipal political party under Section
- 2651 20A-9-404;
- 2652 (s) a petition for the nomination of a qualified political party under Section 20A-9-408;
- 2653 (t) a nomination petition for a candidate not affiliated with a political party under
- 2654 Section 20A-9-502;
- 2655 (u) a nomination petition to become a delegate to a ratification convention under
- 2656 Section 20A-15-103;
- 2657 (v) a petition to create a new school district under Section 53G-3-301;
- 2658 (w) a petition to consolidate school districts under Section 53G-3-401;
- 2659 (x) a petition to transfer a portion of a school district to another district under Section
- 2660 53G-3-501;
- 2661 (y) a petition to determine whether a privatization project agreement should be
- 2662 approved under Section 73-10d-4; or

2663 (z) a statewide petition.

2664 (4) "Statewide petition" means:

2665 (a) a manual or electronic statewide initiative petition described in Chapter 7, Part 2,  
2666 Statewide Initiatives; or

2667 (b) a manual or electronic statewide referendum petition described in Chapter 7, Part 3,  
2668 Statewide Referenda.

2669 (5) (a) "Substantially similar name" means:

2670 (i) the given name, the surname, or both, provided by the individual with the  
2671 individual's petition signature, contain only minor spelling differences when compared to the  
2672 given name and surname shown on the official register;

2673 (ii) the surname provided by the individual with the individual's petition signature  
2674 exactly matches the surname shown on the official register, and the given names differ only  
2675 because one of the given names shown is a commonly used abbreviation or variation of the  
2676 other;

2677 (iii) the surname provided by the individual with the individual's petition signature  
2678 exactly matches the surname shown on the official register, and the given names differ only  
2679 because one of the given names shown is accompanied by a first or middle initial or a middle  
2680 name which is not shown on the other record; or

2681 (iv) the surname provided by the individual with the individual's petition signature  
2682 exactly matches the surname shown on the official register, and the given names differ only  
2683 because one of the given names shown is an alphabetically corresponding initial that has been  
2684 provided in the place of a given name shown on the other record.

2685 (b) "Substantially similar name" does not include a name having an initial or a middle  
2686 name provided by the individual with the individual's petition signature that does not match a  
2687 different initial or middle name shown on the official register.

2688 Section 42. Section **20A-2-101.1** is amended to read:

2689 **20A-2-101.1. Preregistering to vote.**

2690 (1) An individual may preregister to vote if the individual:

2691 (a) is 16 or 17 years [~~of age~~] old;

2692 (b) is not eligible to register to vote because the individual does not comply with the  
2693 age requirements described in Subsection **20A-2-101(1)(c)**;

2694 (c) is a citizen of the United States;  
2695 (d) has been a resident of Utah for at least 30 days; and  
2696 (e) currently resides within the voting district or precinct in which the individual  
2697 preregisters to vote.

2698 (2) An individual described in Subsection (1) may not vote in an election and is not  
2699 registered to vote until:

2700 (a) the individual is otherwise eligible to register to vote because the individual  
2701 complies with the age requirements described in Subsection 20A-2-101(1)(c); and

2702 (b) the county clerk registers the individual to vote under Subsection (4).

2703 (3) An individual who preregisters to vote shall:

2704 (a) complete a voter registration form, including an indication that the individual is  
2705 preregistering to vote; and

2706 (b) submit the voter registration form to a county clerk in person, by mail, or in any  
2707 other manner authorized by this chapter for the submission of a voter registration form.

2708 (4) (a) A county clerk shall:

2709 (i) retain the voter registration form of an individual who meets the qualifications for  
2710 preregistration and who submits a completed voter registration form to the county clerk under  
2711 Subsection (3)(b);

2712 (ii) register the individual to vote in the next election in which the individual will be  
2713 eligible to vote, before the voter registration deadline established in Section 20A-2-102.5 for  
2714 that election; and

2715 (iii) send a notice to the individual that:

2716 (A) informs the individual that the individual's voter registration form has been  
2717 accepted as an application for preregistration;

2718 (B) informs the individual that the individual will be registered to vote in the next  
2719 election in which the individual will be eligible to vote; and

2720 (C) indicates in which election the individual will be registered to vote.

2721 (b) An individual who the county clerk registers under Subsection (4)(a)(ii) is  
2722 considered to have applied for voter registration on the earlier of:

2723 (i) the day of the voter registration deadline immediately preceding the election day on  
2724 which the individual will be at least 18 years ~~[of age]~~ old; or

2725 (ii) the day on which the individual turns 18 years ~~[of age]~~ old.

2726 (c) A county clerk shall refer a voter registration form to the county attorney for  
2727 investigation and possible prosecution if the clerk or the clerk's designee believes the  
2728 individual is attempting to preregister to vote in an election in which the individual will not be  
2729 legally entitled to vote.

2730 (5) (a) The ~~[lieutenant governor]~~ director or a county clerk shall classify the voter  
2731 registration record of an individual who preregisters to vote as a private record until the day on  
2732 which the individual turns 18 years ~~[of age]~~ old.

2733 (b) On the day on which the individual described in Subsection (5)(a) turns 18 years ~~[of~~  
2734 ~~age, the]~~ ~~[lieutenant governor]~~ old, the director or county clerk shall classify the individual's  
2735 voter registration record as a public record in accordance with Subsection [63G-2-301\(2\)\(l\)](#).

2736 (6) If an individual who is at least 18 years ~~[of age]~~ old erroneously indicates on the  
2737 voter registration form that the individual is preregistering to vote, the county clerk shall  
2738 consider the form as a voter registration form and shall process the form in accordance with  
2739 this chapter.

2740 Section 43. Section **20A-2-102.5** is amended to read:

2741 **20A-2-102.5. Voter registration deadline.**

2742 (1) Except as otherwise provided in Chapter 16, Uniform Military and Overseas Voters  
2743 Act, an individual who fails to timely submit a correctly completed voter registration form may  
2744 not vote in the election.

2745 (2) The voter registration deadline is as follows:

2746 (a) the voter registration must be received by the county clerk, the municipal clerk, or  
2747 the ~~[lieutenant governor]~~ director no later than 5 p.m. 11 calendar days before the date of the  
2748 election, if the individual registers to vote:

2749 (i) at the office of the county clerk, in accordance with Section [20A-2-201](#);

2750 (ii) by mail, in accordance with Section [20A-2-202](#);

2751 (iii) via an application for a driver license, in accordance with Section [20A-2-204](#);

2752 (iv) via a public assistance agency or a discretionary voter registration agency, in  
2753 accordance with Section [20A-2-205](#); or

2754 (v) via electronic registration, in accordance with Section [20A-2-206](#);

2755 (b) before the polls close on the last day of early voting, described in Section

2756 20A-3a-601, if the individual registers by casting a provisional ballot at an early voting  
2757 location in accordance with Section 20A-2-207; or

2758 (c) before polls close on the date of the election, if the individual registers to vote on  
2759 the date of the election by casting a provisional ballot, in accordance with Section 20A-2-207.

2760 Section 44. Section 20A-2-104 is amended to read:

2761 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

2762 (1) As used in this section:

2763 (a) "Candidate for public office" means an individual:

2764 (i) who files a declaration of candidacy for a public office;

2765 (ii) who files a notice of intent to gather signatures under Section 20A-9-408; or

2766 (iii) employed by, under contract with, or a volunteer of, an individual described in  
2767 Subsection (1)(a)(i) or (ii) for political campaign purposes.

2768 (b) "Dating violence" means the same as that term is defined in Section 78B-7-402 and  
2769 the federal Violence Against Women Act of 1994, as amended.

2770 (c) "Domestic violence" means the same as that term is defined in Section 77-36-1 and  
2771 the federal Violence Against Women Act of 1994, as amended.

2772 (d) "Hash Code" means a code generated by applying an algorithm to a set of data to  
2773 produce a code that:

2774 (i) uniquely represents the set of data;

2775 (ii) is always the same if the same algorithm is applied to the same set of data; and

2776 (iii) cannot be reversed to reveal the data applied to the algorithm.

2777 (e) "Protected individual" means an individual:

2778 (i) who submits a withholding request form with the individual's voter registration  
2779 record, or to the [~~lieutenant governor~~] director or a county clerk, if the individual indicates on  
2780 the form that the individual, or an individual who resides with the individual, is a victim of  
2781 domestic violence or dating violence or is likely to be a victim of domestic violence or dating  
2782 violence;

2783 (ii) who submits a withholding request form with the individual's voter registration  
2784 record, or to the [~~lieutenant governor~~] director or a county clerk, if the individual indicates on  
2785 the form and provides verification that the individual, or an individual who resides with the  
2786 individual, is a law enforcement officer, a member of the armed forces as defined in Section

2787 20A-1-513, a public figure, or protected by a protective order or protection order; or  
 2788 (iii) whose voter registration record was classified as a private record at the request of  
 2789 the individual before May 12, 2020.

2790 (2) (a) An individual applying for voter registration, or an individual preregistering to  
 2791 vote, shall complete a voter registration form in substantially the following form:

2792 -----

2793 UTAH ELECTION REGISTRATION FORM

2794 Are you a citizen of the United States of America? Yes No

2795 If you checked "no" to the above question, do not complete this form.

2796 Will you be 18 years of age on or before election day? Yes No

2797 If you checked "no" to the above question, are you 16 or 17 years of age and  
 2798 preregistering to vote?

2799 Yes No

2800 If you checked "no" to both of the prior two questions, do not complete this form.

2801 Name of Voter

2802 \_\_\_\_\_

2803 First Middle Last

2804 Utah Driver License or Utah Identification Card

2805 Number \_\_\_\_\_

2806 Date of Birth \_\_\_\_\_

2807 Street Address of Principal Place of Residence

2808 \_\_\_\_\_

2809 City County State Zip Code

2810 Telephone Number (optional) \_\_\_\_\_

2811 Email Address (optional) \_\_\_\_\_

2812 Last four digits of Social Security Number \_\_\_\_\_

2813 Last former address at which I was registered to vote (if  
 2814 known) \_\_\_\_\_

2815 \_\_\_\_\_

2816 City County State Zip Code

2817 Political Party

2818 (a listing of each registered political party, as defined in Section 20A-8-101 and  
2819 maintained by the [lieutenant governor] director under Section [67-1a-2] 63A-19-202, with  
2820 each party's name preceded by a checkbox)

2821 Unaffiliated (no political party preference) Other (Please  
2822 specify)\_\_\_\_\_

2823 I do swear (or affirm), subject to penalty of law for false statements, that the  
2824 information contained in this form is true, and that I am a citizen of the United States and a  
2825 resident of the state of Utah, residing at the above address. Unless I have indicated above that I  
2826 am preregistering to vote in a later election, I will be at least 18 years of age and will have  
2827 resided in Utah for 30 days immediately before the next election. I am not a convicted felon  
2828 currently incarcerated for commission of a felony.

2829 Signed and sworn

2830 \_\_\_\_\_

2831 Voter's Signature

2832 \_\_\_\_\_(month/day/year).

2833 PRIVACY INFORMATION

2834 Voter registration records contain some information that is available to the public, such  
2835 as your name and address, some information that is available only to government entities, and  
2836 some information that is available only to certain third parties in accordance with the  
2837 requirements of law.

2838 Your driver license number, identification card number, social security number, email  
2839 address, full date of birth, and phone number are available only to government entities. Your  
2840 year of birth is available to political parties, candidates for public office, certain third parties,  
2841 and their contractors, employees, and volunteers, in accordance with the requirements of law.

2842 You may request that all information on your voter registration records be withheld  
2843 from all persons other than government entities, political parties, candidates for public office,  
2844 and their contractors, employees, and volunteers, by indicating here:

2845 \_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld  
2846 from all persons other than government entities, political parties, candidates for public office,



2847 and their contractors, employees, and volunteers.

2848 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

2849 In addition to the protections provided above, you may request that identifying  
2850 information on your voter registration records be withheld from all political parties, candidates  
2851 for public office, and their contractors, employees, and volunteers, by submitting a withholding  
2852 request form, and any required verification, as described in the following paragraphs.

2853 A person may request that identifying information on the person's voter registration  
2854 records be withheld from all political parties, candidates for public office, and their contractors,  
2855 employees, and volunteers, by submitting a withholding request form with this registration  
2856 record, or to the [~~lieutenant governor~~] director or a county clerk, if the person is or is likely to  
2857 be, or resides with a person who is or is likely to be, a victim of domestic violence or dating  
2858 violence.

2859 A person may request that identifying information on the person's voter registration  
2860 records be withheld from all political parties, candidates for public office, and their contractors,  
2861 employees, and volunteers, by submitting a withholding request form and any required  
2862 verification with this registration form, or to the lieutenant governor or a county clerk, if the  
2863 person is, or resides with a person who is, a law enforcement officer, a member of the armed  
2864 forces, a public figure, or protected by a protective order or a protection order.

2865 CITIZENSHIP AFFIDAVIT

2866 Name:

2867 Name at birth, if different:

2868 Place of birth:

2869 Date of birth:

2870 Date and place of naturalization (if applicable):

2871 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a  
2872 citizen and that to the best of my knowledge and belief the information above is true and  
2873 correct.

2874 \_\_\_\_\_

2875 Signature of Applicant

2876 In accordance with Section [20A-2-401](#), the penalty for willfully causing, procuring, or  
2877 allowing yourself to be registered or preregistered to vote if you know you are not entitled to

2878 register or preregister to vote is up to one year in jail and a fine of up to \$2,500.

2879 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT  
2880 VALID VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH  
2881 MUST BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME  
2882 AND PHOTOGRAPH; OR

2883 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME  
2884 AND CURRENT ADDRESS.

2885 FOR OFFICIAL USE ONLY

2886 Type of I.D. \_\_\_\_\_

2887 Voting Precinct \_\_\_\_\_

2888 Voting I.D. Number \_\_\_\_\_

2889 -----

2890 (b) The voter registration form described in Subsection (2)(a) shall include a section in  
2891 substantially the following form:

2892 -----

2893 BALLOT NOTIFICATIONS

2894 If you have provided a phone number or email address, you can receive notifications by  
2895 text message or email regarding the status of a ballot that is mailed to you or a ballot that you  
2896 deposit in the mail or in a ballot drop box, by indicating here:

2897 \_\_\_\_\_ Yes, I would like to receive electronic notifications regarding the status of my  
2898 ballot.

2899 -----

2900 (c) (i) Except as provided under Subsection (2)(c)(ii), the county clerk shall retain a  
2901 copy of each voter registration form in a permanent countywide alphabetical file, which may be  
2902 electronic or some other recognized system.

2903 (ii) The county clerk may transfer a superseded voter registration form to the Division  
2904 of Archives and Records Service created under Section 63A-12-101.

2905 (3) (a) Each county clerk shall retain lists of currently registered voters.

2906 (b) The [~~lieutenant governor~~] director shall maintain a list of registered voters in  
2907 electronic form.

2908 (c) If there are any discrepancies between the two lists, the county clerk's list is the

2909 official list.

2910 (d) The [~~lieutenant governor~~] director and the county clerks may charge the fees  
2911 established under the authority of Subsection 63G-2-203(10) to individuals who wish to obtain  
2912 a copy of the list of registered voters.

2913 (4) (a) As used in this Subsection (4), "qualified person" means:

2914 (i) a government official or government employee acting in the government official's or  
2915 government employee's capacity as a government official or a government employee;

2916 (ii) a health care provider, as defined in Section 26B-8-501, or an agent, employee, or  
2917 independent contractor of a health care provider;

2918 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or  
2919 independent contractor of an insurance company;

2920 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or  
2921 independent contractor of a financial institution;

2922 (v) a political party, or an agent, employee, or independent contractor of a political  
2923 party;

2924 (vi) a candidate for public office, or an employee, independent contractor, or volunteer  
2925 of a candidate for public office;

2926 (vii) a person described in Subsections (4)(a)(i) through (vi) who, after obtaining a year  
2927 of birth from the list of registered voters:

2928 (A) provides the year of birth only to a person described in Subsections (4)(a)(i)  
2929 through (vii);

2930 (B) verifies that the person described in Subsection (4)(a)(vii)(A) is a person described  
2931 in Subsections (4)(a)(i) through (vii);

2932 (C) ensures, using industry standard security measures, that the year of birth may not  
2933 be accessed by a person other than a person described in Subsections (4)(a)(i) through (vii);

2934 (D) verifies that each person described in Subsections (4)(a)(ii) through (iv) to whom  
2935 the person provides the year of birth will only use the year of birth to verify the accuracy of  
2936 personal information submitted by an individual or to confirm the identity of a person in order  
2937 to prevent fraud, waste, or abuse;

2938 (E) verifies that each person described in Subsection (4)(a)(i) to whom the person  
2939 provides the year of birth will only use the year of birth in the person's capacity as a

2940 government official or government employee; and

2941 (F) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the  
2942 person provides the year of birth will only use the year of birth for a political purpose of the  
2943 political party or candidate for public office; or

2944 (viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining  
2945 information under Subsection (4)(n) and (o):

2946 (A) provides the information only to another person described in Subsection (4)(a)(v)  
2947 or (vi);

2948 (B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a person  
2949 described in Subsection (4)(a)(v) or (vi);

2950 (C) ensures, using industry standard security measures, that the information may not be  
2951 accessed by a person other than a person described in Subsection (4)(a)(v) or (vi); and

2952 (D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the  
2953 person provides the information will only use the information for a political purpose of the  
2954 political party or candidate for public office.

2955 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in  
2956 Subsection 63G-2-302(1)(k) or (l), the [~~lieutenant governor~~] director or a county clerk shall,  
2957 when providing the list of registered voters to a qualified person under this section, include,  
2958 with the list, the years of birth of the registered voters, if:

2959 (i) the [~~lieutenant governor~~] director or a county clerk verifies the identity of the person  
2960 and that the person is a qualified person; and

2961 (ii) the qualified person signs a document that includes the following:

2962 (A) the name, address, and telephone number of the person requesting the list of  
2963 registered voters;

2964 (B) an indication of the type of qualified person that the person requesting the list  
2965 claims to be;

2966 (C) a statement regarding the purpose for which the person desires to obtain the years  
2967 of birth;

2968 (D) a list of the purposes for which the qualified person may use the year of birth of a  
2969 registered voter that is obtained from the list of registered voters;

2970 (E) a statement that the year of birth of a registered voter that is obtained from the list

2971 of registered voters may not be provided or used for a purpose other than a purpose described  
2972 under Subsection (4)(b)(ii)(D);

2973 (F) a statement that if the person obtains the year of birth of a registered voter from the  
2974 list of registered voters under false pretenses, or provides or uses the year of birth of a  
2975 registered voter that is obtained from the list of registered voters in a manner that is prohibited  
2976 by law, is guilty of a class A misdemeanor and is subject to a civil fine;

2977 (G) an assertion from the person that the person will not provide or use the year of  
2978 birth of a registered voter that is obtained from the list of registered voters in a manner that is  
2979 prohibited by law; and

2980 (H) notice that if the person makes a false statement in the document, the person is  
2981 punishable by law under Section [76-8-504](#).

2982 (c) The [~~lieutenant governor~~] director or a county clerk:

2983 (i) may not disclose the year of birth of a registered voter to a person that the  
2984 [~~lieutenant governor~~] director or county clerk reasonably believes:

2985 (A) is not a qualified person or a person described in Subsection (4)(l); or

2986 (B) will provide or use the year of birth in a manner prohibited by law; and

2987 (ii) may not disclose information under Subsections (4)(n) or (o) to a person that the  
2988 [~~lieutenant governor~~] director or county clerk reasonably believes:

2989 (A) is not a person described in Subsection (4)(a)(v) or (vi); or

2990 (B) will provide or use the information in a manner prohibited by law.

2991 (d) The [~~lieutenant governor~~] director or a county clerk may not disclose the voter  
2992 registration form of a person, or information included in the person's voter registration form,  
2993 whose voter registration form is classified as private under Subsection (4)(h) to a person other  
2994 than:

2995 (i) a government official or government employee acting in the government official's or  
2996 government employee's capacity as a government official or government employee; or

2997 (ii) subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi) for a  
2998 political purpose.

2999 (e) (i) Except as provided in Subsection (4)(e)(ii), when disclosing a record or  
3000 information under Subsection (4)(d)(ii), the [~~lieutenant governor~~] director or county clerk shall  
3001 exclude the information described in Subsection [63G-2-302\(1\)\(j\)](#), other than the year of birth.

3002 (ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the  
3003 voter registration record of a protected individual, the [~~lieutenant governor~~] director or county  
3004 clerk shall comply with Subsections (4)(n) through (p).

3005 (f) The [~~lieutenant governor~~] director or a county clerk may not disclose a withholding  
3006 request form, described in Subsections (7) and (8), submitted by an individual, or information  
3007 obtained from that form, to a person other than a government official or government employee  
3008 acting in the government official's or government employee's capacity as a government official  
3009 or government employee.

3010 (g) A person is guilty of a class A misdemeanor if the person:

3011 (i) obtains from the list of registered voters, under false pretenses, the year of birth of a  
3012 registered voter or information described in Subsection (4)(n) or (o);

3013 (ii) uses or provides the year of birth of a registered voter, or information described in  
3014 Subsection (4)(n) or (o), that is obtained from the list of registered voters in a manner that is  
3015 not permitted by law;

3016 (iii) obtains a voter registration record described in Subsection [63G-2-302\(1\)\(k\)](#) under  
3017 false pretenses;

3018 (iv) uses or provides information obtained from a voter registration record described in  
3019 Subsection [63G-2-302\(1\)\(k\)](#) in a manner that is not permitted by law;

3020 (v) unlawfully discloses or obtains a voter registration record withheld under  
3021 Subsection (7) or a withholding request form described in Subsections (7) and (8); or

3022 (vi) unlawfully discloses or obtains information from a voter registration record  
3023 withheld under Subsection (7) or a withholding request form described in Subsections (7) and  
3024 (8).

3025 (h) The [~~lieutenant governor~~] director or a county clerk shall classify the voter  
3026 registration record of a voter as a private record if the voter:

3027 (i) submits a written application, created by the [~~lieutenant governor~~] director,  
3028 requesting that the voter's voter registration record be classified as private;

3029 (ii) requests on the voter's voter registration form that the voter's voter registration  
3030 record be classified as a private record; or

3031 (iii) submits a withholding request form described in Subsection (7) and any required  
3032 verification.

3033 (i) Except as provided in Subsections (4)(d)(ii) and (e)(ii), the [~~lieutenant governor~~  
3034 director or a county clerk may not disclose to a person described in Subsection (4)(a)(v) or (vi)  
3035 a voter registration record, or information obtained from a voter registration record, if the  
3036 record is withheld under Subsection (7).

3037 (j) In addition to any criminal penalty that may be imposed under this section, the  
3038 [~~lieutenant governor~~] director may impose a civil fine against a person who violates a provision  
3039 of this section, in an amount equal to the greater of:

3040 (i) the product of 30 and the square root of the total number of:

3041 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole  
3042 dollar; or

3043 (B) records from which information is obtained, provided, or used unlawfully, rounded  
3044 to the nearest whole dollar; or

3045 (ii) \$200.

3046 (k) A qualified person may not obtain, provide, or use the year of birth of a registered  
3047 voter, if the year of birth is obtained from the list of registered voters or from a voter  
3048 registration record, unless the person:

3049 (i) is a government official or government employee who obtains, provides, or uses the  
3050 year of birth in the government official's or government employee's capacity as a government  
3051 official or government employee;

3052 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or  
3053 uses the year of birth only to verify the accuracy of personal information submitted by an  
3054 individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;

3055 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,  
3056 provides, or uses the year of birth for a political purpose of the political party or candidate for  
3057 public office; or

3058 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or  
3059 uses the year of birth to provide the year of birth to another qualified person to verify the  
3060 accuracy of personal information submitted by an individual or to confirm the identity of a  
3061 person in order to prevent fraud, waste, or abuse.

3062 (l) The [~~lieutenant governor~~] director or a county clerk may provide a year of birth to a  
3063 member of the media, in relation to an individual designated by the member of the media, in

3064 order for the member of the media to verify the identity of the individual.

3065 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose  
3066 information from a voter registration record for a purpose other than a political purpose.

3067 (n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the [~~lieutenant governor~~  
3068 director or a county clerk shall, when providing the list of registered voters to a qualified  
3069 person described in Subsection (4)(a)(v) or (vi), include, from the record of a voter whose  
3070 record is withheld under Subsection (7), the information described in Subsection (4)(o), if:

3071 (i) the [~~lieutenant governor~~] director or a county clerk verifies the identity of the person  
3072 and that the person is a qualified person described in Subsection (4)(a)(v) or (vi); and

3073 (ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document that  
3074 includes the following:

3075 (A) the name, address, and telephone number of the person requesting the list of  
3076 registered voters;

3077 (B) an indication of the type of qualified person that the person requesting the list  
3078 claims to be;

3079 (C) a statement regarding the purpose for which the person desires to obtain the  
3080 information;

3081 (D) a list of the purposes for which the qualified person may use the information;

3082 (E) a statement that the information may not be provided or used for a purpose other  
3083 than a purpose described under Subsection (4)(n)(ii)(D);

3084 (F) a statement that if the person obtains the information under false pretenses, or  
3085 provides or uses the information in a manner that is prohibited by law, the person is guilty of a  
3086 class A misdemeanor and is subject to a civil fine;

3087 (G) an assertion from the person that the person will not provide or use the information  
3088 in a manner that is prohibited by law; and

3089 (H) notice that if the person makes a false statement in the document, the person is  
3090 punishable by law under Section 76-8-504.

3091 (o) Except as provided in Subsection (4)(p), the information that the [~~lieutenant~~  
3092 governor] director or a county clerk is required to provide, under Subsection (4)(n), from the  
3093 record of a protected individual is:

3094 (i) a single hash code, generated from a string of data that includes both the voter's



- 3095 voter identification number and residential address;
- 3096 (ii) the voter's residential address;
- 3097 (iii) the voter's mailing address, if different from the voter's residential address;
- 3098 (iv) the party affiliation of the voter;
- 3099 (v) the precinct number for the voter's residential address;
- 3100 (vi) the voter's voting history; and
- 3101 (vii) a designation of which age group, of the following age groups, the voter falls
- 3102 within:
- 3103 (A) 25 or younger;
- 3104 (B) 26 through 35;
- 3105 (C) 36 through 45;
- 3106 (D) 46 through 55;
- 3107 (E) 56 through 65;
- 3108 (F) 66 through 75; or
- 3109 (G) 76 or older.
- 3110 (p) The [~~lieutenant governor~~] director or a county clerk may not disclose:
- 3111 (i) information described in Subsection (4)(o) that, due to a small number of voters
- 3112 affiliated with a particular political party, or due to another reason, would likely reveal the
- 3113 identity of a voter if disclosed; or
- 3114 (ii) the address described in Subsection (4)(o)(iii) if the [~~lieutenant governor~~] director
- 3115 or the county clerk determines that the nature of the address would directly reveal sensitive
- 3116 information about the voter.
- 3117 (q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain,
- 3118 provide, or use the information described in Subsection (4)(n) or (o), except to the extent that
- 3119 the qualified person uses the information for a political purpose of a political party or candidate
- 3120 for public office.
- 3121 (5) When political parties not listed on the voter registration form qualify as registered
- 3122 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the
- 3123 [~~lieutenant governor~~] director shall inform the county clerks of the name of the new political
- 3124 party and direct the county clerks to ensure that the voter registration form is modified to
- 3125 include that political party.

3126 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the  
3127 clerk's designee shall:

3128 (a) review each voter registration form for completeness and accuracy; and

3129 (b) if the county clerk believes, based upon a review of the form, that an individual  
3130 may be seeking to register or preregister to vote who is not legally entitled to register or  
3131 preregister to vote, refer the form to the county attorney for investigation and possible  
3132 prosecution.

3133 (7) The [~~lieutenant governor~~] director or a county clerk shall withhold from a person,  
3134 other than a person described in Subsection (4)(a)(i), the voter registration record, and  
3135 information obtained from the voter registration record, of a protected individual.

3136 (8) (a) The [~~lieutenant governor~~] director shall design and distribute the withholding  
3137 request form described in Subsection (7) to each election officer and to each agency that  
3138 provides a voter registration form.

3139 (b) An individual described in Subsection (1)(e)(i) is not required to provide  
3140 verification, other than the individual's attestation and signature on the withholding request  
3141 form, that the individual, or an individual who resides with the individual, is a victim of  
3142 domestic violence or dating violence or is likely to be a victim of domestic violence or dating  
3143 violence.

3144 (c) The [~~director of elections within the Office of the Lieutenant Governor~~] office shall  
3145 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
3146 establishing requirements for providing the verification described in Subsection (1)(e)(ii).

3147 (9) An election officer or an employee of an election officer may not encourage an  
3148 individual to submit, or discourage an individual from submitting, a withholding request form.

3149 (10) (a) The [~~lieutenant governor~~] director shall make and execute a plan to provide  
3150 notice to registered voters who are protected individuals, that includes the following  
3151 information:

3152 (i) that the voter's classification of the record as private remains in effect;

3153 (ii) that certain non-identifying information from the voter's voter registration record  
3154 may, under certain circumstances, be released to political parties and candidates for public  
3155 office;

3156 (iii) that the voter's name, driver license or identification card number, social security

3157 number, email address, phone number, and the voter's day, month, and year of birth will remain  
3158 private and will not be released to political parties or candidates for public office;

3159 (iv) that a county clerk will only release the information to political parties and  
3160 candidates in a manner that does not associate the information with a particular voter; and

3161 (v) that a county clerk may, under certain circumstances, withhold other information  
3162 that the county clerk determines would reveal identifying information about the voter.

3163 (b) The [~~lieutenant governor~~] director may include in the notice described in this  
3164 Subsection (10) a statement that a voter may obtain additional information on the [~~lieutenant~~  
3165 ~~governor's~~] office's website.

3166 (c) The plan described in Subsection (10)(a) may include providing the notice  
3167 described in Subsection (10)(a) by:

3168 (i) publication on the Utah Public Notice Website, created in Section [63A-16-601](#);

3169 (ii) publication on the [~~lieutenant governor's~~] office's website or a county's website;

3170 (iii) posting the notice in public locations;

3171 (iv) publication in a newspaper;

3172 (v) sending notification to the voters by electronic means;

3173 (vi) sending notice by other methods used by government entities to communicate with  
3174 citizens; or

3175 (vii) providing notice by any other method.

3176 (d) The [~~lieutenant governor~~] director shall provide the notice included in a plan  
3177 described in this Subsection (10) before June 16, 2023.

3178 Section 45. Section **20A-2-107** is amended to read:

3179 **20A-2-107. Designating or changing party affiliation -- Times permitted.**

3180 (1) As used in this section, "change of affiliation deadline" means:

3181 (a) for an election held in an even-numbered year in which a presidential election will  
3182 be held, the day after the declaration of candidacy deadline described in Subsection

3183 [20A-9-201.5\(2\)\(b\)](#); or

3184 (b) for an election held in an even-numbered year in which a presidential election will  
3185 not be held, April 1.

3186 (2) The county clerk shall:

3187 (a) except as provided in Subsection (6) or [20A-2-107.5\(3\)](#), record the party affiliation

- 3188 designated by the voter on the voter registration form as the voter's party affiliation; or  
3189 (b) if no political party affiliation is designated by the voter on the voter registration  
3190 form:
- 3191 (i) except as provided in Subsection (2)(b)(ii), record the voter's party affiliation as the  
3192 party that the voter designated the last time that the voter designated a party on a voter  
3193 registration form, unless the voter more recently registered as "unaffiliated"; or  
3194 (ii) record the voter's party affiliation as "unaffiliated" if the voter:
- 3195 (A) did not previously designate a party;  
3196 (B) most recently designated the voter's party affiliation as "unaffiliated"; or  
3197 (C) did not previously register.
- 3198 (3) (a) Any registered voter may designate or change the voter's political party  
3199 affiliation by complying with the procedures and requirements of this Subsection (3).  
3200 (b) A registered voter may designate or change the voter's political party affiliation by  
3201 filing with the county clerk, the municipal clerk, or the ~~lieutenant governor~~ director a voter  
3202 registration form or another signed form that identifies the registered political party with which  
3203 the voter chooses to affiliate.
- 3204 (c) Except as provided in Subsection (3)(d), a voter registration form or another signed  
3205 form designating or changing a voter's political party affiliation takes effect when the county  
3206 clerk receives the signed form.
- 3207 (d) The party affiliation of a voter who changes party affiliation, or who becomes  
3208 unaffiliated from a political party, at any time on or after the change of affiliation deadline and  
3209 on or before the date of the regular primary election, takes effect the day after the statewide  
3210 canvass for the regular primary election.
- 3211 (4) For purposes of Subsection (3)(d), a form described in Subsection (3)(c) is received  
3212 by the county clerk before the change of affiliation deadline if:
- 3213 (a) the individual submits the form in person at the county clerk's office no later than 5  
3214 p.m. on the day before the change of affiliation deadline;
- 3215 (b) the individual submits the form electronically through the system described in  
3216 Section [20A-2-206](#), at or before 11:59 p.m. before the day of the change of affiliation deadline;  
3217 or
- 3218 (c) the individual's form is clearly postmarked before the change of affiliation deadline.

3219 (5) Subsection (3)(d) does not apply to the party affiliation designated by a voter on a  
3220 voter registration form if:

3221 (a) the voter has not previously been registered to vote in the state; or

3222 (b) the voter's most recent party affiliation was changed to "unaffiliated" by a county  
3223 clerk under Subsection (6).

3224 (6) If the most recent party affiliation designated by a voter is for a political party that  
3225 is no longer a registered political party, the county clerk shall:

3226 (a) change the voter's party affiliation to "unaffiliated"; and

3227 (b) notify the voter electronically or by mail:

3228 (i) that the voter's affiliation has been changed to "unaffiliated" because the most recent  
3229 party affiliation designated by the voter is for a political party that is no longer a registered  
3230 political party; and

3231 (ii) of the methods and deadlines for changing the voter's party affiliation.

3232 Section 46. Section **20A-2-108** is amended to read:

3233 **20A-2-108. Driver license or state identification card registration form --**  
3234 **Transmittal of information.**

3235 (1) As used in this section, "qualifying form" means:

3236 (a) a driver license application form; or

3237 (b) a state identification card application form.

3238 (2) The [~~lieutenant governor~~] director and the Driver License Division shall design  
3239 each qualifying form to include:

3240 (a) the following question, which an applicant is required to answer: "Do you authorize  
3241 the use of information in this form for voter registration purposes? YES \_\_\_\_ NO \_\_\_\_";

3242 (b) the following statement:

3243 "PRIVACY INFORMATION

3244 Voter registration records contain some information that is available to the public, such  
3245 as your name and address, some information that is available only to government entities, and  
3246 some information that is available only to certain third parties in accordance with the  
3247 requirements of law.

3248 Your driver license number, identification card number, social security number, email  
3249 address, full date of birth, and phone number are available only to government entities. Your

3250 year of birth is available to political parties, candidates for public office, certain third parties,  
3251 and their contractors, employees, and volunteers, in accordance with the requirements of law.

3252 You may request that all information on your voter registration records be withheld  
3253 from all persons other than government entities, political parties, candidates for public office,  
3254 and their contractors, employees, and volunteers, by indicating here:

3255 \_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld  
3256 from all persons other than government entities, political parties, candidates for public office,  
3257 and their contractors, employees, and volunteers.

3258 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

3259 In addition to the protections provided above, you may request that identifying  
3260 information on your voter registration records be withheld from all political parties, candidates  
3261 for public office, and their contractors, employees, and volunteers, by submitting a withholding  
3262 request form, and any required verification, as described in the following paragraphs.

3263 A person may request that identifying information on the person's voter registration  
3264 records be withheld from all political parties, candidates for public office, and their contractors,  
3265 employees, and volunteers, by submitting a withholding request form with this registration  
3266 record, or to the [~~lieutenant governor~~] director or a county clerk, if the person is or is likely to  
3267 be, or resides with a person who is or is likely to be, a victim of domestic violence or dating  
3268 violence.

3269 A person may request that identifying information on the person's voter registration  
3270 records be withheld from all political parties, candidates for public office, and their contractors,  
3271 employees, and volunteers, by submitting a withholding request form and any required  
3272 verification with this registration form, or to the [~~lieutenant governor~~] director or a county  
3273 clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of  
3274 the armed forces, a public figure, or protected by a protective order or a protection order."; and

3275 (c) a section in substantially the following form:

3276 -----

3277 BALLOT NOTIFICATIONS

3278 If you have provided a phone number or email address, you can receive notifications by  
3279 text message or email regarding the status of a ballot that is mailed to you or a ballot that you

3280 deposit in the mail or in a ballot drop box, by indicating here:

3281 \_\_\_\_\_ Yes, I would like to receive electronic notifications regarding the status of my  
3282 ballot.

3283 -----

3284 (3) The [~~lieutenant governor~~] director and the Driver License Division shall ensure that  
3285 a qualifying form contains:

3286 (a) a place for an individual to affirm the individual's citizenship, voting eligibility, and  
3287 Utah residency, and that the information provided in the form is true;

3288 (b) a records disclosure that is similar to the records disclosure on a voter registration  
3289 form described in Section 20A-2-104;

3290 (c) a statement that if an applicant declines to register or preregister to vote, the fact  
3291 that the applicant has declined to register or preregister will remain confidential and will be  
3292 used only for voter registration purposes;

3293 (d) a statement that if an applicant does register or preregister to vote, the office at  
3294 which the applicant submits a voter registration application will remain confidential and will be  
3295 used only for voter registration purposes; and

3296 (e) if the applicant answers "yes" to the question described in Subsection (2)(a), a space  
3297 where an individual may, if desired:

3298 (i) indicate the individual's desired political affiliation from a listing of each registered  
3299 political party, as defined in Section 20A-8-101;

3300 (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the  
3301 individual desires to affiliate; or

3302 (iii) indicate that the individual does not wish to affiliate with a political party.

3303 Section 47. Section 20A-2-201 is amended to read:

3304 **20A-2-201. Registering to vote at office of county clerk.**

3305 (1) Except as provided in Subsection (3), the county clerk shall register to vote each  
3306 individual who registers in person at the county clerk's office during designated office hours if  
3307 the individual will, on the date of the election, be legally eligible to vote in a voting precinct in  
3308 the county in accordance with Section 20A-2-101.

3309 (2) If an individual who is registering to vote submits a registration form in person at  
3310 the office of the county clerk no later than 5 p.m. 11 calendar days before the date of the

3311 election, the county clerk shall:

3312 (a) accept and process the voter registration form;

3313 (b) unless the individual named in the form is preregistering to vote:

3314 (i) enter the individual's name on the list of registered voters for the voting precinct in  
3315 which the individual resides; and

3316 (ii) notify the individual that the individual is registered to vote in the upcoming  
3317 election; and

3318 (c) if the individual named in the form is preregistering to vote, comply with Section  
3319 [20A-2-101.1](#).

3320 (3) If an individual who is registering to vote and who will be legally qualified and  
3321 entitled to vote in a voting precinct in the county on the date of an election appears in person,  
3322 during designated office hours, and submits a registration form after the deadline described in  
3323 Subsection (2), the county clerk shall accept the registration form and, except as provided in  
3324 Subsection [~~20A-2-207(6)~~] [20A-2-207\(5\)](#), inform the individual that the individual will not be  
3325 registered to vote in the pending election, unless the individual registers to vote by provisional  
3326 ballot during the early voting period, if applicable, or on election day, in accordance with  
3327 Section [20A-2-207](#).

3328 Section 48. Section **20A-2-204** is amended to read:

3329 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

3330 (1) As used in this section, "voter registration form" means, when an individual named  
3331 on a qualifying form, as defined in Section [20A-2-108](#), answers "yes" to the question described  
3332 in Subsection [20A-2-108\(2\)\(a\)](#), the information on the qualifying form that can be used for  
3333 voter registration purposes.

3334 (2) (a) Except as provided in Subsection (2)(b), a citizen who is qualified to vote may  
3335 register to vote, and a citizen who is qualified to preregister to vote may preregister to vote, by  
3336 answering "yes" to the question described in Subsection [20A-2-108\(2\)\(a\)](#) and completing the  
3337 voter registration form.

3338 (b) A citizen who is a program participant in the Safe at Home Program created in  
3339 Section [77-38-602](#) is not eligible to register to vote as described in Subsection (2)(a), but is  
3340 eligible to register to vote by any other means described in this part.

3341 (3) The Driver License Division shall:



3342 (a) assist an individual in completing the voter registration form unless the individual  
3343 refuses assistance;

3344 (b) electronically transmit each address change to the [~~lieutenant governor~~] director  
3345 within five days after the day on which the division receives the address change; and

3346 (c) within five days after the day on which the division receives a voter registration  
3347 form, electronically transmit the form to the [~~Office of the Lieutenant Governor~~] office,  
3348 including the following for the individual named on the form:

3349 (i) the name, date of birth, driver license or state identification card number, last four  
3350 digits of the social security number, Utah residential address, place of birth, and signature;

3351 (ii) a mailing address, if different from the individual's Utah residential address;

3352 (iii) an email address and phone number, if available;

3353 (iv) the desired political affiliation, if indicated;

3354 (v) an indication of whether the individual requested that the individual's voter  
3355 registration record be classified as a private record under Subsection 20A-2-108(2)(b); and

3356 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and any  
3357 verification submitted with the form.

3358 (4) Upon receipt of an individual's voter registration form from the Driver License  
3359 Division under Subsection (3), the [~~lieutenant governor~~] director shall:

3360 (a) enter the information into the statewide voter registration database; and

3361 (b) if the individual requests on the individual's voter registration form that the  
3362 individual's voter registration record be classified as a private record or the individual submits a  
3363 withholding request form described in Subsections 20A-2-104(7) and (8) and any required  
3364 verification, classify the individual's voter registration record as a private record.

3365 (5) The county clerk of an individual whose information is entered into the statewide  
3366 voter registration database under Subsection (4) shall:

3367 (a) ensure that the individual meets the qualifications to be registered or preregistered  
3368 to vote; and

3369 (b) (i) if the individual meets the qualifications to be registered to vote:

3370 (A) ensure that the individual is assigned to the proper voting precinct; and

3371 (B) send the individual the notice described in Section 20A-2-304; or

3372 (ii) if the individual meets the qualifications to be preregistered to vote, process the

3373 form in accordance with the requirements of Section [20A-2-101.1](#).

3374 (6) (a) When the county clerk receives a correctly completed voter registration form  
3375 under this section, the clerk shall:

3376 (i) comply with the applicable provisions of this Subsection (6); or

3377 (ii) if the individual is preregistering to vote, comply with Section [20A-2-101.1](#).

3378 (b) If the county clerk receives a correctly completed voter registration form under this  
3379 section no later than 5 p.m. or, if submitting the form electronically, midnight, 11 calendar days  
3380 before the date of an election, the county clerk shall:

3381 (i) accept the voter registration form; and

3382 (ii) unless the individual is preregistering to vote:

3383 (A) enter the individual's name on the list of registered voters for the voting precinct in  
3384 which the individual resides; and

3385 (B) notify the individual that the individual is registered to vote in the upcoming  
3386 election; and

3387 (iii) if the individual named in the form is preregistering to vote, comply with Section  
3388 [20A-2-101.1](#).

3389 (c) If the county clerk receives a correctly completed voter registration form under this  
3390 section after the deadline described in Subsection (6)(b), the county clerk shall, unless the  
3391 individual named in the form is preregistering to vote:

3392 (i) accept the application for registration of the individual;

3393 (ii) process the voter registration form; and

3394 (iii) unless the individual is preregistering to vote, and except as provided in  
3395 Subsection [~~[20A-2-207\(6\)](#)~~ [20A-2-207\(5\)](#)], inform the individual that the individual will not be  
3396 registered to vote in the pending election, unless the individual registers to vote by provisional  
3397 ballot during the early voting period, if applicable, or on election day, in accordance with  
3398 Section [20A-2-207](#).

3399 (7) (a) If the county clerk determines that an individual's voter registration form  
3400 received from the Driver License Division is incorrect because of an error, because the form is  
3401 incomplete, or because the individual does not meet the qualifications to be registered to vote,  
3402 the county clerk shall mail notice to the individual stating that the individual has not been  
3403 registered or preregistered because of an error, because the registration form is incomplete, or

3404 because the individual does not meet the qualifications to be registered to vote.

3405 (b) If a county clerk believes, based upon a review of a voter registration form, that an  
3406 individual, who knows that the individual is not legally entitled to register or preregister to  
3407 vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer  
3408 the form to the county attorney for investigation and possible prosecution.

3409 Section 49. Section **20A-2-205** is amended to read:

3410 **20A-2-205. Registration at voter registration agencies.**

3411 (1) As used in this section:

3412 (a) "Discretionary voter registration agency" means the same as that term is defined in  
3413 Section [20A-2-300.5](#).

3414 (b) "Public assistance agency" means the same as that term is defined in Section  
3415 [20A-2-300.5](#).

3416 (2) An individual may obtain and complete a registration form at a public assistance  
3417 agency or discretionary voter registration agency.

3418 (3) Each public assistance agency and discretionary voter registration agency shall  
3419 provide, either as part of existing forms or on a separate form, the following information in  
3420 substantially the following form:

3421 "REGISTERING TO VOTE

3422 If you are not registered to vote where you live now, would you like to apply to register  
3423 or preregister to vote here today? (The decision of whether to register or preregister to vote will  
3424 not affect the amount of assistance that you will be provided by this agency.) Yes \_\_\_ No \_\_\_  
3425 IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE  
3426 DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you  
3427 would like help in filling out the voter registration form, we will help you. The decision about  
3428 whether to seek or accept help is yours. You may fill out the application form in private. If  
3429 you believe that someone has interfered with your right to register or preregister or to decline to  
3430 register or preregister to vote, your right to privacy in deciding whether to register or  
3431 preregister, or in applying to register or preregister to vote, or your right to choose your own  
3432 political party or other political preference, you may file a complaint with the [~~Office of the~~  
3433 ~~Lieutenant Governor~~] Elections Office, State Capitol Building, Salt Lake City, Utah 84114.  
3434 (The phone number of the [~~Office of the Lieutenant Governor~~] office)."

3435 (4) Unless an individual applying for service or assistance from a public assistance  
3436 agency or discretionary voter registration agency declines, in writing, to register or preregister  
3437 to vote, each public assistance agency and discretionary voter registration agency shall:

3438 (a) distribute a voter registration form with each application for service or assistance  
3439 provided by the agency or office;

3440 (b) assist applicants in completing the voter registration form unless the applicant  
3441 refuses assistance;

3442 (c) accept completed forms for transmittal to the appropriate election official; and

3443 (d) transmit a copy of each voter registration form to the appropriate election official  
3444 within five days after the division receives the voter registration form.

3445 (5) An individual in a public assistance agency or a discretionary voter registration  
3446 agency that helps an applicant complete the voter registration form may not:

3447 (a) seek to influence an applicant's political preference or party registration;

3448 (b) display any political preference or party allegiance;

3449 (c) make any statement to an applicant or take any action that has the purpose or effect  
3450 of discouraging the applicant from registering to vote; or

3451 (d) make any statement to an applicant or take any action that has the purpose or effect  
3452 of leading the applicant to believe that a decision of whether to register or preregister has any  
3453 bearing upon the availability of services or benefits.

3454 (6) If the county clerk receives a correctly completed voter registration form under this  
3455 section no later than 5 p.m. 11 calendar days before the date of an election, the county clerk  
3456 shall:

3457 (a) accept and process the voter registration form;

3458 (b) unless the individual named in the form is preregistering to vote:

3459 (i) enter the applicant's name on the list of registered voters for the voting precinct in  
3460 which the applicant resides; and

3461 (ii) notify the applicant that the applicant is registered to vote in the upcoming election;  
3462 and

3463 (c) if the individual named in the form is preregistering to vote, comply with Section  
3464 [20A-2-101.1](#);

3465 (7) If the county clerk receives a correctly completed voter registration form after the

3466 deadline described in Subsection (6), the county clerk shall:

3467 (a) accept the application for registration of the individual; and

3468 (b) except as provided in Subsection [~~20A-2-207(6)~~] 20A-2-207(5), if possible,

3469 promptly inform the individual that the individual will not be registered to vote in the pending  
3470 election, unless the individual registers to vote by provisional ballot during the early voting  
3471 period, if applicable, or on election day, in accordance with Section 20A-2-207.

3472 (8) If the county clerk determines that a voter registration form received from a public  
3473 assistance agency or discretionary voter registration agency is incorrect because of an error or  
3474 because the voter registration form is incomplete, the county clerk shall mail notice to the  
3475 individual attempting to register or preregister to vote, stating that the individual has not been  
3476 registered or preregistered to vote because of an error or because the voter registration form is  
3477 incomplete.

3478 Section 50. Section **20A-2-206** is amended to read:

3479 **20A-2-206. Electronic registration.**

3480 (1) The [~~lieutenant governor~~] director shall create and maintain an electronic system  
3481 that is publicly available on the Internet for an individual to apply for voter registration or  
3482 preregistration.

3483 (2) An electronic system for voter registration or preregistration shall require:

3484 (a) that an applicant have a valid driver license or identification card, issued under Title  
3485 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place  
3486 of residence;

3487 (b) that the applicant provide the information required by Section 20A-2-104, except  
3488 that the applicant's signature may be obtained in the manner described in Subsections (2)(d)  
3489 and (5);

3490 (c) that the applicant attest to the truth of the information provided; and

3491 (d) that the applicant authorize the [~~lieutenant governor's~~] director's and county clerk's  
3492 use of the applicant's:

3493 (i) driver license or identification card signature, obtained under Title 53, Chapter 3,  
3494 Uniform Driver License Act, for voter registration purposes; or

3495 (ii) signature on file in the [~~lieutenant governor's~~] office's statewide voter registration  
3496 database developed under Section 20A-2-502.

3497 (3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for  
3498 voter registration or preregistration created under this section is not required to complete a  
3499 printed registration form.

3500 (4) A system created and maintained under this section shall provide the notices  
3501 concerning a voter's presentation of identification contained in Subsection 20A-2-104(1).

3502 (5) The [~~lieutenant governor~~] director shall:

3503 (a) obtain a digital copy of the applicant's driver license or identification card signature  
3504 from the Driver License Division; or

3505 (b) ensure that the applicant's signature is already on file in the [~~lieutenant governor's~~]  
3506 office's statewide voter registration database developed under Section 20A-2-502.

3507 (6) The [~~lieutenant governor~~] director shall send the information to the county clerk for  
3508 the county in which the applicant's principal place of residence is found for further action as  
3509 required by Section 20A-2-304 after:

3510 (a) receiving all information from an applicant; and

3511 (b) (i) receiving all information from the Driver License Division; or

3512 (ii) ensuring that the applicant's signature is already on file in the [~~lieutenant~~  
3513 ~~governor's~~] office's statewide voter registration database developed under Section 20A-2-502.

3514 (7) The [~~lieutenant governor~~] director may use additional security measures to ensure  
3515 the accuracy and integrity of an electronically submitted voter registration.

3516 (8) If an individual applies to register under this section no later than 11 calendar days  
3517 before the date of an election, the county clerk shall:

3518 (a) accept and process the voter registration form;

3519 (b) unless the individual named in the form is preregistering to vote:

3520 (i) enter the applicant's name on the list of registered voters for the voting precinct in  
3521 which the applicant resides; and

3522 (ii) notify the individual that the individual is registered to vote in the upcoming  
3523 election; and

3524 (c) if the individual named in the form is preregistering to vote, comply with Section  
3525 20A-2-101.1.

3526 (9) If an individual applies to register under this section after the deadline described in  
3527 Subsection (8), the county clerk shall, unless the individual is preregistering to vote:

3528 (a) accept the application for registration; and  
3529 (b) except as provided in Subsection [~~20A-2-207(6)~~] 20A-2-207(5), if possible,  
3530 promptly inform the individual that the individual will not be registered to vote in the pending  
3531 election, unless the individual registers to vote by provisional ballot during the early voting  
3532 period, if applicable, or on election day, in accordance with Section 20A-2-207.

3533 (10) The [~~lieutenant governor~~] director shall provide a means by which a registered  
3534 voter shall sign the application form.

3535 Section 51. Section 20A-2-207 is amended to read:

3536 **20A-2-207. Registration by provisional ballot.**

3537 (1) Except as provided in Subsection [~~(6)~~] (5), an individual who is not registered to  
3538 vote may register to vote, and vote, on election day or during the early voting period described  
3539 in Section 20A-3a-601, by voting a provisional ballot, if:

3540 (a) the individual is otherwise legally entitled to vote the ballot;  
3541 (b) the ballot is identical to the ballot for the precinct in which the individual resides;  
3542 (c) the information on the provisional ballot form is complete; and  
3543 (d) the individual provides valid voter identification and proof of residence to the poll  
3544 worker.

3545 (2) If a provisional ballot and the individual who voted the ballot comply with the  
3546 requirements described in Subsection (1), the election officer shall:

3547 (a) consider the provisional ballot a voter registration form;  
3548 (b) place the ballot with the other ballots, to be counted with those ballots at the  
3549 canvass; and

3550 (c) as soon as reasonably possible, register the individual to vote.

3551 (3) Except as provided in Subsection (4), the election officer shall retain a provisional  
3552 ballot form, uncounted, for the period specified in Section 20A-4-202, if the election officer  
3553 determines that the individual who voted the ballot:

3554 (a) is not registered to vote and is not eligible for registration under this section; or  
3555 (b) is not legally entitled to vote the ballot that the individual voted.

3556 (4) Subsection (3) does not apply if a court orders the election officer to produce or  
3557 count the provisional ballot.

3558 [~~(5) The lieutenant governor shall report to the Government Operations Interim~~

3559 ~~Committee on or before October 31, 2020, regarding:]~~

3560 ~~[(a) implementation of registration by provisional ballot, as described in this section,~~  
3561 ~~on a statewide basis;]~~

3562 ~~[(b) any difficulties resulting from the implementation described in Subsection (5)(a);]~~

3563 ~~[(c) the effect of registration by provisional ballot on voter participation in Utah;]~~

3564 ~~[(d) the number of ballots cast by voters who registered by provisional ballot:]~~

3565 ~~[(i) during the early voting period described in Section [20A-3a-601](#); and]~~

3566 ~~[(ii) on election day; and]~~

3567 ~~[(e) suggested changes in the law relating to registration by provisional ballot.]~~

3568 ~~[(6)] (5) For an election administered by an election officer other than a county clerk:~~

3569 ~~(a) if the election officer does not operate a polling place to allow early voting, the~~  
3570 ~~individual may not register to vote, under this section, during an early voting period; and~~

3571 ~~(b) if the election officer does not operate a polling place on election day, the~~  
3572 ~~individual may not register to vote, under this section, on election day.~~

3573 Section 52. Section **20A-2-300.6** is amended to read:

3574 **20A-2-300.6. Voter registration activities -- Coordination among local, state, and**  
3575 **federal officials.**

3576 The ~~[lieutenant governor]~~ director shall:

3577 (1) oversee, manage, and coordinate all voter registration activities in the state; and

3578 (2) coordinate with local, state, and federal officials to ensure compliance with state  
3579 and federal election laws.

3580 Section 53. Section **20A-2-502** is amended to read:

3581 **20A-2-502. Statewide voter registration system -- Maintenance and update of**  
3582 **system -- Record security -- List of incarcerated felons -- Public document showing**  
3583 **compliance by county clerks.**

3584 (1) The ~~[lieutenant governor]~~ director shall:

3585 (a) develop, manage, and maintain a statewide voter registration system to be used by  
3586 county clerks to maintain an updated statewide voter registration database in accordance with  
3587 this section and rules made under Section [20A-2-507](#);

3588 (b) except as provided in Subsection (2)(c), regularly update the system with  
3589 information relevant to voter registration, as follows:



- 3590 (i) on at least a weekly basis, information received from the Driver License Division in  
3591 relation to:
- 3592 (A) voter registration;
- 3593 (B) a registered voter's change of address; or
- 3594 (C) a registered voter's change of name;
- 3595 (ii) on at least a weekly basis, the information described in Subsection 26B-8-114(11)  
3596 from the state registrar, regarding deceased individuals;
- 3597 (iii) on at least a monthly basis, the information described in Subsection (3), received  
3598 from the Department of Corrections regarding incarcerated individuals;
- 3599 (iv) on at least a monthly basis, information received from other states, including  
3600 information received under an agreement described in Subsection (2); and
- 3601 (v) within 31 days after receiving information relevant to voter registration, other than  
3602 the information described in Subsections (1)(b)(i) through (v);
- 3603 (c) regularly monitor the system to ensure that each county clerk complies with the  
3604 requirements of this part and rules made under Section 20A-2-507;
- 3605 (d) establish matching criteria and security measures for identifying a change described  
3606 in Subsection (1)(b) to ensure the accuracy of a voter registration record; and
- 3607 (e) on at least a monthly basis:
- 3608 (i) use the matching criteria and security measures described in Subsection (1)(d) to  
3609 compare information in the database to identify duplicate data, contradictory data, and changes  
3610 in data;
- 3611 (ii) notify the applicable county clerk of the data identified; and
- 3612 (iii) notify the county clerk of the county in which a voter's principal place of residence  
3613 is located of a change in a registered voter's principal place of residence or name.
- 3614 (2) (a) Subject to Subsection (2)(b), the [~~lieutenant governor~~] director may cooperate or  
3615 enter into an agreement with a governmental entity or another state to share information and  
3616 increase the accuracy of the database.
- 3617 (b) For a record shared under Subsection (2)(a), the [~~lieutenant governor~~] director shall  
3618 ensure:
- 3619 (i) that the record is only used to maintain the accuracy of the database;
- 3620 (ii) compliance with Section 63G-2-206; and

3621 (iii) that the record is secure from unauthorized use by employing data encryption or  
3622 another similar technology security system.

3623 (c) The [~~lieutenant governor~~] director is not required to comply with an updating  
3624 requirement described in Subsection (1)(b) to the extent that the person responsible to provide  
3625 the information to the [~~lieutenant governor~~] director fails to provide the information.

3626 (3) (a) The [~~lieutenant governor~~] director shall maintain a current list of all incarcerated  
3627 felons in Utah.

3628 (b) The Department of Corrections shall provide the [~~lieutenant governor's~~] office with:

3629 (i) the name and last-known address of each individual who:

3630 (A) was convicted of a felony in a Utah state court; and

3631 (B) is currently incarcerated for commission of a felony; and

3632 (ii) the name of each convicted felon who has been released from incarceration.

3633 (4) The [~~lieutenant governor~~] director shall maintain on the [~~lieutenant governor's~~]  
3634 office's website a document that:

3635 (a) describes the utilities and tools within the system that a county clerk is required to  
3636 run;

3637 (b) describes the actions, if any, that a county clerk is required to take in relation to the  
3638 results of running a utility or tool;

3639 (c) lists, by date, the recurring deadlines by which a county clerk must comply with  
3640 Subsection (4)(a) or (b); and

3641 (d) indicates, by county:

3642 (i) whether the county clerk timely complies with each deadline described in  
3643 Subsection (4)(c); and

3644 (ii) if the county clerk fails to timely comply with a deadline described in Subsection  
3645 (4)(c), whether the county clerk subsequently complies with the deadline and the date on which  
3646 the county clerk complies.

3647 Section 54. Section **20A-2-503** is amended to read:

3648 **20A-2-503. County clerk's responsibilities -- Updating voter registration.**

3649 (1) (a) Each county clerk shall use the system to record or modify all voter registration  
3650 records.

3651 (b) A county clerk shall:

3652 (i) at the time the county clerk enters a voter registration record into the system, run the  
3653 system's voter identification verification tool in relation to the record; and

3654 (ii) in accordance with rules made under Section 20A-2-507, regularly report to the  
3655 [~~lieutenant governor~~] director the information described in Subsection 20A-2-502(4).

3656 (2) A county clerk who receives notification from the [~~lieutenant governor~~] director, as  
3657 provided in Subsection 20A-2-502(1)(e), of a change in a registered voter's principal place of  
3658 residence or name may verify the change with the registered voter.

3659 (3) Unless the county clerk verifies that a change described in Subsection (2) is  
3660 incorrect, the county clerk shall:

3661 (a) change the voter registration record to show the registered voter's current name and  
3662 address; and

3663 (b) notify the registered voter of the change to the voter registration record.

3664 (4) A county clerk shall, in accordance with rules made under Section 20A-2-507:

3665 (a) on at least a monthly basis, run the duplicate voter utility and take the action  
3666 required to resolve potential duplicate data identified by the utility; and

3667 (b) every December, run the annual maintenance utility.

3668 (5) (a) If a voter does not vote in any election during the period beginning on the date  
3669 of any regular general election and ending on the day after the date of the next regular general  
3670 election, and the county clerk has not sent the voter a notice described in Section 20A-2-505  
3671 during the period, the county clerk shall, within 14 days after the day on which the county clerk  
3672 runs the annual maintenance utility, send to the voter a preaddressed return form in  
3673 substantially the following form:

3674 [“]VOTER REGISTRATION ADDRESS[“]

3675 To ensure the address on your voter registration is correct, please complete and return  
3676 this form if your address has changed. What is your current street address?

3677 \_\_\_\_\_  
3678 Street City County State ZIP  
3679 \_\_\_\_\_

3680 Signature of Voter

3681 (b) The county clerk shall mail the form described in Subsection (5)(a) with a postal  
3682 service that will notify the county clerk if the voter has changed the voter's address.

3683 Section 55. Section 20A-2-505 is amended to read:

3684 **20A-2-505. Removing names from the official register -- Determining and**  
3685 **confirming change of residence.**

3686 (1) A county clerk may not remove a voter's name from the official register on the  
3687 grounds that the voter has changed residence unless the voter:

3688 (a) confirms in writing that the voter has changed residence to a place outside the  
3689 county; or

3690 (b) (i) does not vote in an election during the period beginning on the date of the notice  
3691 described in Subsection (3), and ending on the day after the date of the second regular general  
3692 election occurring after the date of the notice; and

3693 (ii) does not respond to the notice described in Subsection (3).

3694 (2) (a) Within 31 days after the day on which a county clerk obtains information that a  
3695 voter's address has changed, if it appears that the voter still resides within the same county, the  
3696 county clerk shall:

3697 (i) change the official register to show the voter's new address; and

3698 (ii) send to the voter, by forwardable mail, the notice described in Subsection (3).

3699 (b) When a county clerk obtains information that a voter's address has changed and it  
3700 appears that the voter now resides in a different county, the county clerk shall verify the  
3701 changed residence by sending to the voter, by forwardable mail, the notice described in  
3702 Subsection (3), printed on a postage prepaid, preaddressed return form.

3703 (3) (a) Each county clerk shall use substantially the following form to notify voters  
3704 whose addresses have changed:

3705 "VOTER REGISTRATION NOTICE

3706 We have been notified that your residence has changed. Please read, complete, and  
3707 return this form so that we can update our voter registration records. What is your current  
3708 street address?

3709 \_\_\_\_\_  
3710 Street City County State Zip

3711 What is your current phone number (optional)? \_\_\_\_\_

3712 What is your current email address (optional)? \_\_\_\_\_

3713 If you have not changed your residence, or have moved but stayed within the same

3714 county, you must complete and return this form to the county clerk so that it is received by the  
3715 county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to  
3716 return this form within that time:

3717 - you may be required to show evidence of your address to the poll worker before being  
3718 allowed to vote in either of the next two regular general elections; or

3719 - if you fail to vote at least once, from the date this notice was mailed until the passing  
3720 of two regular general elections, you will no longer be registered to vote. If you have changed  
3721 your residence and have moved to a different county in Utah, you may register to vote by  
3722 contacting the county clerk in your county.

3723 \_\_\_\_\_

3724 Signature of Voter

3725 **PRIVACY INFORMATION**

3726 Voter registration records contain some information that is available to the public, such  
3727 as your name and address, some information that is available only to government entities, and  
3728 some information that is available only to certain third parties in accordance with the  
3729 requirements of law.

3730 Your driver license number, identification card number, social security number, email  
3731 address, full date of birth, and phone number are available only to government entities. Your  
3732 year of birth is available to political parties, candidates for public office, certain third parties,  
3733 and their contractors, employees, and volunteers, in accordance with the requirements of law.

3734 You may request that all information on your voter registration records be withheld  
3735 from all persons other than government entities, political parties, candidates for public office,  
3736 and their contractors, employees, and volunteers, by indicating here:

3737 \_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld  
3738 from all persons other than government entities, political parties, candidates for public office,  
3739 and their contractors, employees, and volunteers.

3740 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

3741 In addition to the protections provided above, you may request that identifying  
3742 information on your voter registration records be withheld from all political parties, candidates  
3743 for public office, and their contractors, employees, and volunteers, by submitting a withholding  
3744 request form, and any required verification, as described in the following paragraphs.

3745 A person may request that identifying information on the person's voter registration  
 3746 records be withheld from all political parties, candidates for public office, and their contractors,  
 3747 employees, and volunteers, by submitting a withholding request form with this registration  
 3748 record, or to the [~~lieutenant governor~~] director or a county clerk, if the person is or is likely to  
 3749 be, or resides with a person who is or is likely to be, a victim of domestic violence or dating  
 3750 violence.

3751 A person may request that identifying information on the person's voter registration  
 3752 records be withheld from all political parties, candidates for public office, and their contractors,  
 3753 employees, and volunteers, by submitting a withholding request form and any required  
 3754 verification with this registration form, or to the [~~lieutenant governor~~] director or a county  
 3755 clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of  
 3756 the armed forces, a public figure, or protected by a protective order or a protection order."

3757 (b) The form described in Subsection (3)(a) shall also include a section in substantially  
 3758 the following form:

3759 -----

3760 **BALLOT NOTIFICATIONS**

3761 If you have provided a phone number or email address, you can receive notifications by  
 3762 text message or email regarding the status of a ballot that is mailed to you or a ballot that you  
 3763 deposit in the mail or in a ballot drop box, by indicating here:

3764 \_\_\_\_\_ Yes, I would like to receive electronic notifications regarding the status of my  
 3765 ballot.

3766 -----

3767 (4) (a) Except as provided in Subsection (4)(b), the county clerk may not remove the  
 3768 names of any voters from the official register during the 90 days before a regular primary  
 3769 election or the 90 days before a regular general election.

3770 (b) The county clerk may remove the names of voters from the official register during  
 3771 the 90 days before a regular primary election or the 90 days before a regular general election if:

- 3772 (i) the voter requests, in writing, that the voter's name be removed; or
- 3773 (ii) the voter dies.

3774 (c) (i) After a county clerk mails a notice under this section, the county clerk shall,  
 3775 unless otherwise prohibited by law, list that voter as inactive.

3776 (ii) If a county clerk receives a returned voter identification card, determines that there  
3777 was no clerical error causing the card to be returned, and has no further information to contact  
3778 the voter, the county clerk shall, unless otherwise prohibited by law, list that voter as inactive.

3779 (iii) An inactive voter may vote, sign petitions, and have all other privileges of a  
3780 registered voter.

3781 (iv) A county is not required to:

3782 (A) send routine mailings to an inactive voter; or

3783 (B) count inactive voters when dividing precincts and preparing supplies.

3784 (5) The [~~lieutenant governor~~] director shall make available to a county clerk United  
3785 States Social Security Administration data received by the [~~lieutenant governor~~] director  
3786 regarding deceased individuals.

3787 (6) A county clerk shall, within ten business days after the day on which the county  
3788 clerk receives the information described in Subsection (5) or Subsections 26B-8-114(11) and  
3789 (12) relating to a decedent whose name appears on the official register, remove the decedent's  
3790 name from the official register.

3791 (7) Ninety days before each primary and general election the [~~lieutenant governor~~]  
3792 director shall compare the information the [~~lieutenant governor~~] director has received under  
3793 Subsection 26B-8-114(11) with the official register of voters to ensure that all deceased voters  
3794 have been removed from the official register.

3795 Section 56. Section 20A-2-506 is amended to read:

3796 **20A-2-506. Director and county clerks to preserve records.**

3797 (1) As used in this section:

3798 (a) "Voter registration record" means a record concerning the implementation of  
3799 programs and activities conducted for the purpose of ensuring that the official register is  
3800 accurate and current.

3801 (b) "Voter registration record" does not include a record that:

3802 (i) relates to a person's decision to decline to register to vote; or

3803 (ii) identifies the particular public assistance agency, discretionary voter registration  
3804 agency, or Driver License Division through which a particular voter registered to vote.

3805 (2) The [~~lieutenant governor~~] director and each county clerk shall:

3806 (a) preserve for at least two years all records relating to voter registration, including:

3807 (i) the official register; and  
3808 (ii) the name and address of each individual to whom the notice required by Section  
3809 20A-2-505 was sent and a notation regarding whether the individual responded to the notice;  
3810 (b) make a voter registration record available for public inspection, except for a voter  
3811 registration record, or part of a voter registration record that is classified as private under  
3812 Section 63G-2-302; and

3813 (c) allow a record or part of a record described in Subsection (2)(b) that is not  
3814 classified as a private record to be photocopied for a reasonable cost.

3815 (3) The [~~lieutenant governor~~] director shall take, and store for at least 22 months, a  
3816 static copy of the official register made at the following times:

3817 (a) the voter registration deadline described in Subsection 20A-2-102.5(2)(a);

3818 (b) the day of the election; and

3819 (c) the last day of the canvass.

3820 Section 57. Section 20A-2-507 is amended to read:

3821 **20A-2-507. Rulemaking authority relating to voter registration records.**

3822 The [~~director of elections within the Office of the Lieutenant Governor~~] office shall  
3823 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

3824 (1) to regulate the use, security, maintenance, data entry, and update of the system;

3825 (2) establishing duties and deadlines for a county clerk to:

3826 (a) ensure that the database is updated, accurate, and secure; and

3827 (b) regularly report to the [~~lieutenant governor~~] director the information described in  
3828 Subsection 20A-2-502(4); and

3829 (3) establishing requirements for a county clerk in relation to:

3830 (a) running the utilities and tools in the system;

3831 (b) actions that the county clerk is required to take in response to the matters identified,  
3832 or the results produced, from running the utilities and tools; and

3833 (c) documenting and reporting compliance with the requirements of this part and rules  
3834 made under this section.

3835 Section 58. Section 20A-3a-106 is amended to read:

3836 **20A-3a-106. Rulemaking authority relating to conducting an election.**

3837 The [~~director of elections, within the Office of the Lieutenant Governor,~~] office may



3838 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
3839 establishing requirements for:

3840 (1) a return envelope described in Subsection 20A-3a-202(4), to ensure uniformity and  
3841 security of the envelopes;

3842 (2) complying with the signature comparison audit requirements described in Section  
3843 20A-3a-402.5; or

3844 (3) conducting and documenting the identity verification process described in  
3845 Subsection 20A-3a-401(7)(b).

3846 Section 59. Section 20A-3a-202 is amended to read:

3847 **20A-3a-202. Conducting election by mail.**

3848 (1) (a) Except as otherwise provided for an election conducted entirely by mail under  
3849 Section 20A-7-609.5, an election officer shall administer an election primarily by mail, in  
3850 accordance with this section.

3851 (b) An individual who did not provide valid voter identification at the time the voter  
3852 registered to vote shall provide valid voter identification before voting.

3853 (2) An election officer who administers an election:

3854 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day  
3855 and no later than seven days before election day, mail to each active voter within a voting  
3856 precinct:

3857 (i) a manual ballot;

3858 (ii) a return envelope;

3859 (iii) instructions for returning the ballot that include an express notice about any  
3860 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

3861 (iv) for an election administered by a county clerk, information regarding the location  
3862 and hours of operation of any election day voting center at which the voter may vote or a  
3863 website address where the voter may view this information;

3864 (v) for an election administered by an election officer other than a county clerk, if the  
3865 election officer does not operate a polling place or an election day voting center, a warning, on  
3866 a separate page of colored paper in bold face print, indicating that if the voter fails to follow the  
3867 instructions included with the ballot, the voter will be unable to vote in that election because  
3868 there will be no polling place for the voting precinct on the day of the election; and

- 3869 (vi) instructions on how a voter may sign up to receive electronic ballot status  
3870 notifications via the ballot tracking system described in Section 20A-3a-401.5;
- 3871 (b) may not mail a ballot under this section to:
- 3872 (i) an inactive voter, unless the inactive voter requests a manual ballot; or  
3873 (ii) a voter whom the election officer is prohibited from sending a ballot under  
3874 Subsection (9)(c)(ii);
- 3875 (c) shall, on the outside of the envelope in which the election officer mails the ballot,  
3876 include instructions for returning the ballot if the individual to whom the election officer mails  
3877 the ballot does not live at the address to which the ballot is sent;
- 3878 (d) shall provide a method of accessible voting to a voter with a disability who is not  
3879 able to vote by mail; and
- 3880 (e) shall include, on the election officer's website and with each ballot mailed,  
3881 instructions regarding how a voter described in Subsection (2)(d) may vote.
- 3882 (3) (a) An election officer who mails a manual ballot under Subsection (2) shall mail  
3883 the manual ballot to the address:
- 3884 (i) provided at the time of registration; or  
3885 (ii) if, at or after the time of registration, the voter files an alternate address request  
3886 form described in Subsection (3)(b), the alternate address indicated on the form.
- 3887 (b) The [~~lieutenant governor~~] director shall make available to voters an alternate  
3888 address request form that permits a voter to request that the election officer mail the voter's  
3889 ballot to a location other than the voter's residence.
- 3890 (c) A voter shall provide the completed alternate address request form to the election  
3891 officer no later than 11 days before the day of the election.
- 3892 (4) The return envelope shall include:
- 3893 (a) the name, official title, and post office address of the election officer on the front of  
3894 the envelope;
- 3895 (b) a space where a voter may write an email address and phone number by which the  
3896 election officer may contact the voter if the voter's ballot is rejected;
- 3897 (c) a printed affidavit in substantially the following form:  
3898 "County of \_\_\_\_ State of \_\_\_\_  
3899 I, \_\_\_\_, solemnly swear that: I am a qualified resident voter of the \_\_\_\_ voting precinct

3900 in \_\_\_\_ County, Utah and that I am entitled to vote in this election. I am not a convicted felon  
3901 currently incarcerated for commission of a felony.

3902 \_\_\_\_\_

3903 Signature of Voter"; and

3904 (d) a warning that the affidavit must be signed by the individual to whom the ballot  
3905 was sent and that the ballot will not be counted if the signature on the affidavit does not match  
3906 the signature on file with the election officer of the individual to whom the ballot was sent.

3907 (5) If the election officer determines that the voter is required to show valid voter  
3908 identification, the election officer may:

3909 (a) mail a ballot to the voter;

3910 (b) instruct the voter to include a copy of the voter's valid voter identification with the  
3911 return ballot; and

3912 (c) provide instructions to the voter on how the voter may sign up to receive electronic  
3913 ballot status notifications via the ballot tracking system described in Section [20A-3a-401.5](#).

3914 (6) An election officer who administers an election shall:

3915 (a) (i) before the election, obtain the signatures of each voter qualified to vote in the  
3916 election; or

3917 (ii) obtain the signature of each voter within the voting precinct from the county clerk;

3918 and

3919 (b) maintain the signatures on file in the election officer's office.

3920 (7) Upon receipt of a returned ballot, the election officer shall review and process the  
3921 ballot under Section [20A-3a-401](#).

3922 (8) A county that administers an election:

3923 (a) shall provide at least one election day voting center in accordance with Part 7,  
3924 Election Day Voting Center, and at least one additional election day voting center for every  
3925 5,000 active voters in the county who have requested to not receive a ballot by mail;

3926 (b) shall ensure that each election day voting center operated by the county has at least  
3927 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,  
3928 Pub. L. No. 107-252, for individuals with disabilities;

3929 (c) may reduce the early voting period described in Section [20A-3a-601](#), if:

3930 (i) the county clerk conducts early voting on at least four days;

3931 (ii) the early voting days are within the period beginning on the date that is 14 days  
3932 before the date of the election and ending on the day before the election; and

3933 (iii) the county clerk provides notice of the reduced early voting period in accordance  
3934 with Section 20A-3a-604; and

3935 (d) is not required to pay return postage for a ballot.

3936 (9) (a) An individual may request that the election officer not send the individual a  
3937 ballot by mail in the next and subsequent elections by submitting a written request to the  
3938 election officer.

3939 (b) An individual shall submit the request described in Subsection (9)(a) to the election  
3940 officer before 5 p.m. no later than 60 days before an election if the individual does not wish to  
3941 receive a ballot by mail in that election.

3942 (c) An election officer who receives a request from an individual under Subsection  
3943 (9)(a):

3944 (i) shall remove the individual's name from the list of voters who will receive a ballot  
3945 by mail; and

3946 (ii) may not send the individual a ballot by mail for:

3947 (A) the next election, if the individual submits the request described in Subsection  
3948 (9)(a) before the deadline described in Subsection (9)(b); or

3949 (B) an election after the election described in Subsection (9)(c)(ii)(A).

3950 (d) An individual who submits a request under Subsection (9)(a) may resume the  
3951 individual's receipt of a ballot by mail by submitting a written request to the election officer.

3952 Section 60. Section 20A-3a-401 is amended to read:

3953 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**  
3954 **Disposition -- Notice.**

3955 (1) This section governs ballots returned by mail or via a ballot drop box.

3956 (2) (a) Poll workers shall open return envelopes containing manual ballots that are in  
3957 the custody of the poll workers in accordance with this section.

3958 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of  
3959 the return envelope to the signature of the voter in the voter registration records.

3960 (3) After complying with Subsection (2), the poll workers shall determine whether:

3961 (a) the signatures correspond;

- 3962 (b) the affidavit is sufficient;
- 3963 (c) the voter is registered to vote in the correct precinct;
- 3964 (d) the voter's right to vote the ballot has been challenged;
- 3965 (e) the voter has already voted in the election;
- 3966 (f) the voter is required to provide valid voter identification; and
- 3967 (g) if the voter is required to provide valid voter identification, whether the voter has
- 3968 provided valid voter identification.
- 3969 (4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll
- 3970 workers determine:
  - 3971 (i) in accordance with the rules made under Subsection (11):
  - 3972 (A) that the signature on the affidavit of the return envelope is reasonably consistent
  - 3973 with the individual's signature in the voter registration records; or
  - 3974 (B) for an individual who checks the box described in Subsection (5)(c)(v), that the
  - 3975 signature is verified by alternative means;
  - 3976 (ii) that the affidavit is sufficient;
  - 3977 (iii) that the voter is registered to vote in the correct precinct;
  - 3978 (iv) that the voter's right to vote the ballot has not been challenged;
  - 3979 (v) that the voter has not already voted in the election; and
  - 3980 (vi) for a voter required to provide valid voter identification, that the voter has
  - 3981 provided valid voter identification.
- 3982 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
- 3983 workers shall:
  - 3984 (i) remove the manual ballot from the return envelope in a manner that does not
  - 3985 destroy the affidavit on the return envelope;
  - 3986 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection
  - 3987 with the return envelope; and
  - 3988 (iii) place the ballot with the other ballots to be counted.
- 3989 (c) If the poll workers do not make all of the findings described in Subsection (4)(a),
- 3990 the poll workers shall:
  - 3991 (i) disallow the vote;
  - 3992 (ii) without opening the return envelope, record the ballot as "rejected" and state the

3993 reason for the rejection; and

3994 (iii) place the return envelope, unopened, with the other rejected return envelopes.

3995 (5) (a) If the poll workers reject an individual's ballot because the poll workers  
3996 determine, in accordance with rules made under Subsection (11), that the signature on the  
3997 return envelope is not reasonably consistent with the individual's signature in the voter  
3998 registration records, the election officer shall:

3999 (i) contact the individual in accordance with Subsection (6); and

4000 (ii) inform the individual:

4001 (A) that the individual's signature is in question;

4002 (B) how the individual may resolve the issue; and

4003 (C) that, in order for the ballot to be counted, the individual is required to deliver to the  
4004 election officer a correctly completed affidavit, provided by the county clerk, that meets the  
4005 requirements described in Subsection (5)(c).

4006 (b) The election officer shall ensure that the notice described in Subsection (5)(a)  
4007 includes:

4008 (i) when communicating the notice by mail, a printed copy of the affidavit described in  
4009 Subsection (5)(c) and a courtesy reply envelope;

4010 (ii) when communicating the notice electronically, a link to a copy of the affidavit  
4011 described in Subsection (5)(c) or information on how to obtain a copy of the affidavit; or

4012 (iii) when communicating the notice by phone, either during a direct conversation with  
4013 the voter or in a voicemail, arrangements for the voter to receive a copy of the affidavit  
4014 described in Subsection (5)(c), either in person from the clerk's office, by mail, or  
4015 electronically.

4016 (c) An affidavit described in Subsection (5)(a)(ii)(C) shall include:

4017 (i) an attestation that the individual voted the ballot;

4018 (ii) a space for the individual to enter the individual's name, date of birth, and driver  
4019 license number or the last four digits of the individual's social security number;

4020 (iii) a space for the individual to sign the affidavit;

4021 (iv) a statement that, by signing the affidavit, the individual authorizes the [~~lieutenant~~  
4022 ~~governor's~~ director's and county clerk's use of the individual's signature on the affidavit for  
4023 voter identification purposes; and

4024 (v) a check box accompanied by language in substantially the following form: "I am a  
4025 voter with a qualifying disability under the Americans with Disabilities Act that impacts my  
4026 ability to sign my name consistently. I can provide appropriate documentation upon request. To  
4027 discuss accommodations, I can be contacted at \_\_\_\_\_".

4028 (d) In order for an individual described in Subsection (5)(a) to have the individual's  
4029 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(c) to the  
4030 election officer.

4031 (e) An election officer who receives a signed affidavit under Subsection (5)(d) shall  
4032 immediately:

4033 (i) scan the signature on the affidavit electronically and keep the signature on file in the  
4034 statewide voter registration database developed under Section [20A-2-502](#);

4035 (ii) if the election officer receives the affidavit no later than 5 p.m. three days before  
4036 the day on which the canvass begins, count the individual's ballot; and

4037 (iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the  
4038 rules described in Subsection (11)(c).

4039 (6) (a) The election officer shall, within two business days after the day on which an  
4040 individual's ballot is rejected, notify the individual of the rejection and the reason for the  
4041 rejection, by phone, mail, email, or SMS text message, unless:

4042 (i) the ballot is cured within one business day after the day on which the ballot is  
4043 rejected; or

4044 (ii) the ballot is rejected because the ballot is received late or for another reason that  
4045 cannot be cured.

4046 (b) If an individual's ballot is rejected for a reason described in Subsection (6)(a)(ii),  
4047 the election officer shall notify the individual of the rejection and the reason for the rejection by  
4048 phone, mail, email, or SMS text message, within the later of:

4049 (i) 30 days after the day of the rejection; or

4050 (ii) 30 days after the day of the election.

4051 (c) The election officer may, when notifying an individual by phone under this  
4052 Subsection (6), use auto-dial technology.

4053 (7) An election officer may not count the ballot of an individual whom the election  
4054 officer contacts under Subsection (5) or (6) unless, no later than 5 p.m. three days before the

- 4055 day on which the canvass begins, the election officer:
- 4056 (a) receives a signed affidavit from the individual under Subsection (5); or
- 4057 (b) (i) contacts the individual;
- 4058 (ii) if the election officer has reason to believe that an individual, other than the voter
- 4059 to whom the ballot was sent, signed the ballot affidavit, informs the individual that it is
- 4060 unlawful to sign a ballot affidavit for another person, even if the person gives permission;
- 4061 (iii) verifies the identity of the individual by:
- 4062 (A) requiring the individual to provide at least two types of personal identifying
- 4063 information for the individual;
- 4064 (B) comparing the information provided under Subsection (7)(b)(iii)(A) to records
- 4065 relating to the individual that are in the possession or control of an election officer; and
- 4066 (iv) documenting the verification described in Subsection (7)(b)(iii), by recording:
- 4067 (A) the name and voter identification number of the individual contacted;
- 4068 (B) the name of the individual who conducts the verification;
- 4069 (C) the date and manner of the communication;
- 4070 (D) the type of personal identifying information provided by the individual;
- 4071 (E) a description of the records against which the personal identifying information
- 4072 provided by the individual is compared and verified; and
- 4073 (F) other information required by the [~~lieutenant governor~~] director.
- 4074 (8) The election officer shall:
- 4075 (a) retain and preserve the return envelopes in the manner provided by law for the
- 4076 retention and preservation of ballots voted at that election;
- 4077 (b) retain and preserve the documentation described in Subsection (7)(b)(iv); and
- 4078 (c) if the election officer complies with Subsection (8)(b) by including the
- 4079 documentation in the voter's voter registration record, make, retain, and preserve a record of the
- 4080 name and voter identification number of each voter contacted under Subsection (7)(b).
- 4081 (9) (a) The election officer shall record the following in the database used to verify
- 4082 signatures:
- 4083 (i) any initial rejection of a ballot under Subsection (4)(c), within one business day
- 4084 after the day on which the election officer rejects the ballot; and
- 4085 (ii) any resolution of a rejection of a ballot under Subsection (7), within one business



4086 day after the day on which the ballot rejection is resolved.

4087 (b) An election officer shall include, in the canvass report, a final report of the  
4088 disposition of all rejected and resolved ballots, including, for ballots rejected, the following:

4089 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and

4090 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in  
4091 records on file, do not correspond.

4092 (10) Willful failure to comply with this section constitutes willful neglect of duty under  
4093 Section [20A-5-701](#).

4094 (11) The [~~director of elections within the Office of the Lieutenant Governor~~] office  
4095 shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4096 Act, to establish:

4097 (a) criteria and processes for use by poll workers in determining if a signature  
4098 corresponds with the signature on file for the voter under Subsections (3)(a) and (4)(a)(i)(A);

4099 (b) training and certification requirements for election officers and employees of  
4100 election officers regarding the criteria and processes described in Subsection (11)(a); and

4101 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42  
4102 U.S.C. Secs. 12131 through 12165, an alternative means of verifying the identity of an  
4103 individual who checks the box described in Subsection (5)(c)(v).

4104 (12) If, in response to a request, and in accordance with the requirements of law, an  
4105 election officer discloses the name or address of voters whose ballots have been rejected and  
4106 not yet resolved, the election officer shall:

4107 (a) make the disclosure within two business days after the day on which the request is  
4108 made;

4109 (b) respond to each request in the order the requests were made; and

4110 (c) make each disclosure in a manner, and within a period of time, that does not reflect  
4111 favoritism to one requestor over another.

4112 Section 61. Section ~~20A-3a-401.1~~ is amended to read:

4113 **20A-3a-401.1. Ballot chain of custody.**

4114 (1) As used in this section:

4115 (a) "Batch" means a grouping of a specified number of ballots:

4116 (i) that is assembled by poll workers, and given a number to distinguish the grouping

- 4117 from other groupings, when the ballots are first received for processing;
- 4118       (ii) that is kept together in the same grouping, and kept separate from other groupings,
- 4119 throughout ballot processing; and
- 4120       (iii) for which a log is kept to document the chain of custody of the grouping.
- 4121       (b) "Processed" means an action taken in relation to a batch, a ballot in a batch, or a
- 4122 return envelope that a poll worker has not separated from a ballot, as follows:
- 4123       (i) starting with receiving the ballot;
- 4124       (ii) each step taken in relation to a ballot as part of conducting an election; and
- 4125       (iii) ending after the ballots are counted and stored.
- 4126       (2) An election officer shall preserve the chain of custody of all ballots in accordance
- 4127 with this section.
- 4128       (3) An election officer shall maintain an accurate, updated count of the number of
- 4129 ballots that the election officer:
- 4130       (a) mails or otherwise provides to a voter;
- 4131       (b) receives from a voter;
- 4132       (c) counts;
- 4133       (d) rejects;
- 4134       (e) resolves after rejecting; or
- 4135       (f) does not resolve after rejecting.
- 4136       (4) Upon receiving ballots cast by voters, the election officer shall ensure that poll
- 4137 workers immediately count the number of ballots received and divide the ballots into batches.
- 4138       (5) The election officer shall ensure that:
- 4139       (a) ballots in each batch are kept separate from the ballots in other batches;
- 4140       (b) a ballot is not separated from a batch, except as necessary to the election process;
- 4141       (c) if a ballot is separated from a batch, the batch log indicates:
- 4142       (i) the ballot number;
- 4143       (ii) the date and time of removal;
- 4144       (iii) the identity of the individual who removes the ballot; and
- 4145       (iv) the reason the ballot is removed;
- 4146       (d) poll workers shall keep for each batch a log that includes:
- 4147       (i) a unique identifying code or number for the batch;

- 4148 (ii) the number of ballots in the batch;
- 4149 (iii) the date that the ballots were received; and
- 4150 (iv) for each occasion that the batches, or any of the ballots in the batches, are handled:
- 4151 (A) the date and time that the ballots are handled;
- 4152 (B) a description of what is done with the ballots;
- 4153 (C) the identity of the poll workers who handle the ballots; and
- 4154 (D) any other information required by rule under Subsection (7);
- 4155 (e) an election official who performs a ballot processing function performs the function
- 4156 in the presence of at least one other election official;
- 4157 (f) to the extent reasonably possible, the poll workers who perform a ballot processing
- 4158 function for a batch complete performing that function for the entire batch; and
- 4159 (g) each part of the processing of all ballots is monitored by recorded video, without
- 4160 audio.
- 4161 (6) An election officer shall:
- 4162 (a) keep the recordings described in Subsection (5)(g) until the later of:
- 4163 (i) the end of the calendar year in which the election was held; or
- 4164 (ii) if the election is contested, when the contest is resolved; and
- 4165 (b) ensure that a camera, a video, or a recording of a video described in Subsection
- 4166 (5)(g) may only be accessed:
- 4167 (i) by the election officer;
- 4168 (ii) by a custodian of the camera, video, or recording;
- 4169 (iii) by the [~~lieutenant governor~~] director;
- 4170 (iv) by the legislative auditor general, when performing an audit; or
- 4171 (v) by, or pursuant to an order of, a court of competent jurisdiction.
- 4172 (7) An individual may not view a video, or a recording of a video, described in
- 4173 Subsection (5)(g):
- 4174 (a) unless the individual is an individual described in Subsection (6)(b); and
- 4175 (b) the individual views the video to the extent necessary to:
- 4176 (i) ensure compliance with Subsection (5)(g) or (6); or
- 4177 (ii) investigate a concern relating to the processing of ballots.
- 4178 (8) The [~~director of elections within the Office of the Lieutenant Governor~~] office may

4179 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
4180 establishing specific requirements and procedures for an election officer or poll worker to:

- 4181 (a) fulfill the chain of custody requirements described in this section;  
4182 (b) perform the signature verification audits described in Section [20A-3a-402.5](#); and  
4183 (c) comply with the reconciliation requirements described in Subsection  
4184 [20A-4-304\(2\)\(h\)](#).

4185 Section 62. Section **20A-3a-401.5** is amended to read:

4186 **20A-3a-401.5. Ballot tracking system.**

4187 (1) As used in this section:

4188 (a) "Ballot tracking system" means the system described in this section to track and  
4189 confirm the status of trackable ballots.

4190 (b) "Change in the status" includes:

4191 (i) when a trackable ballot is mailed to a voter;

4192 (ii) when an election official receives a voted trackable ballot; and

4193 (iii) when a voted trackable ballot is counted.

4194 (c) "Trackable ballot" means a manual ballot that is:

4195 (i) mailed to a voter in accordance with Section [20A-3a-202](#);

4196 (ii) deposited in the mail by a voter in accordance with Section [20A-3a-204](#); or

4197 (iii) deposited in a ballot drop box by a voter in accordance with Section [20A-3a-204](#).

4198 (d) "Voter registration database" means the database, as defined in Section [20A-2-501](#).

4199 (2) The [~~lieutenant governor~~] director shall operate and maintain a statewide or locally  
4200 based system to track and confirm when there is a change in the status of a trackable ballot.

4201 (3) If a voter elects to receive electronic notifications regarding the status of the voter's  
4202 trackable ballot, the ballot tracking system shall, when there is a change in the status of the  
4203 voter's trackable ballot:

4204 (a) send a text message notification to the voter if the voter's information in the voter  
4205 registration database includes a mobile telephone number;

4206 (b) send an email notification to the voter if the voter's information in the voter  
4207 registration database includes an email address; and

4208 (c) send a notification by another electronic means directed by the [~~lieutenant~~  
4209 governor] director.

4210 (4) The [~~lieutenant governor~~] director shall ensure that the ballot tracking system and  
4211 the state-provided website described in Section 20A-7-801 automatically share appropriate  
4212 information to ensure that a voter is able to confirm the status of the voter's trackable ballot via  
4213 the state-provided website free of charge.

4214 (5) The ballot tracking system shall include a toll-free telephone number or other  
4215 offline method by which a voter can confirm the status of the voter's trackable ballot.

4216 (6) The [~~lieutenant governor~~] director shall ensure that the ballot tracking system:

4217 (a) is secure from unauthorized use by employing data encryption or other security  
4218 measures; and

4219 (b) is only used for the purposes described in this section.

4220 Section 63. Section 20A-3a-402 is amended to read:

4221 **20A-3a-402. Custody of ballots voted at a polling place -- Disposition -- Counting**  
4222 **ballots -- Release of tally.**

4223 (1) (a) For ballots voted at a polling place:

4224 (b) the election officer shall deliver all return envelopes containing valid ballots and  
4225 valid provisional ballots that are in the election officer's custody to the counting center before  
4226 noon on the day of the official canvass following the election;

4227 (c) valid ballots, including valid provisional ballots, may be processed and counted:

4228 (i) by the election officer, or poll workers acting under the supervision of the election  
4229 officer, before the date of the canvass; and

4230 (ii) at the canvass, by the election officer or poll workers, acting under the supervision  
4231 of the official canvassers of the election;

4232 (d) when processing ballots, the election officer and poll workers shall comply with the  
4233 procedures and requirements of Section 20A-3a-401 in opening envelopes, verifying  
4234 signatures, confirming eligibility of the ballots, and depositing ballots in preparation for  
4235 counting; and

4236 (e) all valid ballots, including valid provisional ballots have been deposited, the ballots  
4237 shall be counted in the usual manner.

4238 (2) (a) After the polls close on the date of the election, the election officer shall  
4239 publicly release the results of all ballots, including provisional ballots, that have been counted  
4240 on or before the date of the election.

4241 (b) Except as provided in Subsection (2)(c), on each day, beginning on the day after the  
4242 date of the election and ending on the day before the date of the canvass, the election officer  
4243 shall publicly release the results of all ballots, including provisional ballots, counted on that  
4244 day.

4245 (c) (i) If complying with Subsection (2)(b) on a particular day will likely result in  
4246 disclosing a vote cast by an individual voter, the election officer shall request permission from  
4247 the [~~lieutenant governor~~] director to delay compliance for the minimum number of days  
4248 necessary to protect against disclosure of the voter's vote.

4249 (ii) The [~~lieutenant governor~~] director shall grant a request made under Subsection  
4250 (2)(c)(i) if the [~~lieutenant governor~~] director finds that the delay is necessary to protect against  
4251 disclosure of a voter's vote.

4252 (d) On the date of the canvass, the election officer shall provide a tally of all ballots,  
4253 including provisional ballots, counted, and the resulting tally shall be added to the official  
4254 canvass of the election.

4255 Section 64. Section **20A-3a-402.5** is amended to read:

4256 **20A-3a-402.5. Signature verification audits.**

4257 (1) An election officer shall, in accordance with this section and rules made under  
4258 Section **20A-3a-106**, conduct regular audits of signature comparisons made between signatures  
4259 on envelopes and voter signatures maintained by the election officer.

4260 (2) An individual who conducts an audit of signature comparisons may not audit the  
4261 individual's own work.

4262 (3) Before separating ballots from return envelopes, the election officer shall:

4263 (a) audit 1% of all signature comparisons of the envelopes to be separated to determine  
4264 the accuracy of the comparisons made; and

4265 (b) provide additional training or staff reassignments, as needed, based on the results of  
4266 the audit.

4267 (4) An election officer shall submit to the [~~lieutenant governor~~] director and the board  
4268 of canvassers a record of:

4269 (a) the audits performed under this section;

4270 (b) the results of the audits; and

4271 (c) any remedial action taken.

4272 Section 65. Section **20A-3a-404** is amended to read:

4273 **20A-3a-404. Rules regarding ballot security -- Affidavit of compliance.**

4274 (1) The [~~director of elections within the Office of the Lieutenant Governor~~] office shall  
4275 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
4276 establishing requirements for election officials regarding ballot security, including the custody,  
4277 documentation of custody, handling, processing, disposition, and tabulation of ballots.

4278 (2) Beginning in November 2022, an election officer shall include, with all election  
4279 returns provided to a board of canvassers, an affidavit, signed by the election officer, certifying:

4280 (a) compliance with the rules described in Subsection (1); and

4281 (b) that the county clerk maintains the voter registration database in accordance with  
4282 federal and state laws and rules.

4283 Section 66. Section **20A-3a-601** is amended to read:

4284 **20A-3a-601. Early voting.**

4285 (1) Except as provided in Section [20A-7-609.5](#):

4286 (a) an individual who is registered to vote may vote at a polling place before the  
4287 election date in accordance with this section; and

4288 (b) except as provided in Subsection [~~20A-2-207(6)~~] [20A-2-207\(5\)](#), an individual who  
4289 is not registered to vote may register to vote and vote at a polling place before the election date  
4290 in accordance with this section if the individual:

4291 (i) is otherwise legally entitled to vote the ballot; and

4292 (ii) casts a provisional ballot in accordance with Section [20A-2-207](#).

4293 (2) Except as provided in Section [20A-1-308](#) or Subsection (3), the early voting period:

4294 (a) begins on the date that is 14 days before the date of the election; and

4295 (b) continues through the Friday before the election if the election date is a Tuesday.

4296 (3) (a) An election officer may extend the end of the early voting period to the day  
4297 before the election date if the election officer provides notice of the extension in accordance  
4298 with Section [20A-3a-604](#).

4299 (b) For a municipal election, the municipal clerk may reduce the early voting period  
4300 described in this section if:

4301 (i) the municipal clerk conducts early voting on at least four days;

4302 (ii) the early voting days are within the period beginning on the date that is 14 days

4303 before the date of the election and ending on the day before the election; and  
4304 (iii) the municipal clerk provides notice of the reduced early voting period in  
4305 accordance with Section 20A-3a-604.  
4306 (c) For a county election, the county clerk may reduce the early voting period described  
4307 in this section if:  
4308 (i) the county clerk conducts early voting on at least four days;  
4309 (ii) the early voting days are within the period beginning on the date that is 14 days  
4310 before the date of the election and ending on the day before the election; and  
4311 (iii) the county clerk provides notice of the reduced early voting period in accordance  
4312 with Section 20A-3a-604.  
4313 (4) Except as provided in Section 20A-1-308, during the early voting period, the  
4314 election officer:  
4315 (a) for a local special election, a municipal primary election, and a municipal general  
4316 election:  
4317 (i) shall conduct early voting on a minimum of four days during each week of the early  
4318 voting period; and  
4319 (ii) shall conduct early voting on the last day of the early voting period; and  
4320 (b) for all other elections:  
4321 (i) shall conduct early voting on each weekday; and  
4322 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.  
4323 (5) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308,  
4324 early voting shall be administered in accordance with the requirements of this title.  
4325 Section 67. Section 20A-3a-603 is amended to read:  
4326 **20A-3a-603. Early voting polling places.**  
4327 (1) Except as provided in Section 20A-1-308 or 20A-7-609.5, the election officer shall  
4328 designate one or more polling places for early voting, as follows:  
4329 (a) at least one polling place shall be open on each day that polls are open during the  
4330 early voting period;  
4331 (b) each polling place shall comply with the requirements for polling places under  
4332 Chapter 5, Election Administration;  
4333 (c) for all elections other than local special elections, municipal primary elections, and



4334 municipal general elections, at least 10% of the voting devices at a polling place shall be  
4335 accessible for individuals with disabilities in accordance with Public Law 107-252, the Help  
4336 America Vote Act of 2002; and

4337 (d) each polling place shall be located in a government building or office, unless the  
4338 election officer determines that, in the area designated by the election officer, there is no  
4339 government building or office available that:

4340 (i) can be scheduled for use during early voting hours;

4341 (ii) has the physical facilities necessary to accommodate early voting requirements;

4342 (iii) has adequate space for voting equipment, poll workers, and voters; and

4343 (iv) has adequate security, public accessibility, and parking.

4344 (2) (a) Except as provided in Section 20A-1-308, the election officer may, after the  
4345 deadline described in Section 20A-3a-604:

4346 (i) if necessary, change the location of an early voting place; or

4347 (ii) if the election officer determines that the number of early voting polling places is  
4348 insufficient due to the number of registered voters who are voting, designate additional polling  
4349 places during the early voting period.

4350 (b) Except as provided in Section 20A-1-308, if an election officer changes the  
4351 location of an early voting polling place or designates an additional early voting polling place,  
4352 the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and  
4353 location of the changed early voting polling place or the additional early voting polling place:

4354 (i) to the [~~lieutenant governor~~] director, for posting on the Statewide Voter Information  
4355 Website;

4356 (ii) by posting the information on the website of the election officer, if available; and

4357 (iii) by posting notice:

4358 (A) for a change in the location of an early voting polling place, at the new location  
4359 and, if possible, the old location; and

4360 (B) for an additional early voting polling place, at the additional early voting polling  
4361 place.

4362 (3) Except as provided in Section 20A-1-308, for each regular general election and  
4363 regular primary election, counties of the first class shall ensure that the early voting polling  
4364 places are approximately proportionately distributed based on population within the county.

4365 Section 68. Section 20A-3a-703 is amended to read:

4366 **20A-3a-703. Election day voting centers as polling places -- Location --**

4367 **Notification.**

4368 (1) The election officer may designate one or more polling places as an election day  
4369 voting center if:

4370 (a) except as provided in Subsection (2), the election officer notifies the [~~lieutenant~~  
4371 ~~governor~~] director of the designation and location of the election day voting center at least 15  
4372 days before the election;

4373 (b) the polling place meets the requirements for a polling place under Chapter 5,  
4374 Election Administration; and

4375 (c) the polling place is located in a government building or office, unless the election  
4376 officer determines that there is no government building or office available, in the area  
4377 designated by the election officer, that:

4378 (i) can be scheduled for use during election day voting hours;

4379 (ii) has the physical facilities necessary to accommodate election day voting  
4380 requirements;

4381 (iii) has adequate space for voting equipment, poll workers, and voters; and

4382 (iv) has adequate security, public accessibility, and parking.

4383 (2) (a) The election officer may, after the deadline described in Subsection (1)(a):

4384 (i) if necessary, change the location of an election day voting center; or

4385 (ii) if the election officer determines that the number of election day voting centers is  
4386 insufficient due to the number of registered voters who are voting, designate additional election  
4387 day voting centers.

4388 (b) Except as provided in Section 20A-1-308, if an election officer changes the  
4389 location of an election day voting center or designates an additional election day voting center,  
4390 the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and  
4391 location of the changed election day voting center or the additional election day voting center:

4392 (i) to the [~~lieutenant governor~~] director, for posting on the Statewide Electronic Voter  
4393 Information Website;

4394 (ii) by posting the information on the website of the election officer, if available; and

4395 (iii) by posting notice:

4396 (A) of a change in the location of an election day voting center, at the new location  
4397 and, if possible, the old location; and

4398 (B) of an additional election day voting center, at the additional election day voting  
4399 center.

4400 Section 69. Section **20A-3a-801** is amended to read:

4401 **20A-3a-801. Watchers.**

4402 (1) As used in this section, "administering election officer" means:

4403 (a) the election officer; or

4404 (b) if the election officer is the [~~lieutenant governor~~] director, the county clerk of the  
4405 county in which an individual will act as a watcher.

4406 (2) (a) Any individual who is registered or preregistered to vote in Utah may become a  
4407 watcher in an election at any time by registering as a watcher with the administering election  
4408 officer.

4409 (b) An individual who registers under Subsection (2)(a) is not required to be certified  
4410 by a person under Subsection (3) in order to act as a watcher.

4411 (c) An individual who registers as a watcher shall notify the administering election  
4412 officer of the dates, times, and locations that the individual intends to act as a watcher.

4413 (d) An election official may not prohibit a watcher from performing a function  
4414 described in Subsection (4) because the watcher did not provide the notice described in  
4415 Subsection (2)(c).

4416 (e) An administering election officer shall provide a copy of this section, or  
4417 instructions on how to access an electronic copy of this section, to a watcher at the time the  
4418 watcher registers under this Subsection (2).

4419 (3) (a) A person that is a candidate whose name will appear on the ballot, a qualified  
4420 write-in candidate for the election, a registered political party, or a political issues committee  
4421 may certify an individual as an official watcher for the person:

4422 (i) by filing an affidavit with the administering election officer responsible to designate  
4423 an individual as an official watcher for the certifying person; and

4424 (ii) if the individual registers as a watcher under Subsection (2)(a).

4425 (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the  
4426 same function described in Subsection (4) at the same time and in the same location as another

4427 watcher who is certified by that person.

4428 (c) A watcher who is certified by a person under Subsection (3)(a) may designate  
4429 another individual to serve in the watcher's stead during the watcher's temporary absence by  
4430 filing with a poll worker an affidavit that designates the individual as a temporary replacement.

4431 (4) A watcher may:

4432 (a) observe the setup or takedown of a polling place;

4433 (b) observe a voter checking in at a polling place;

4434 (c) observe the collection, receipt, and processing of a ballot, including a provisional  
4435 ballot or a ballot cast by a covered voter as defined in Section [20A-16-102](#);

4436 (d) observe the transport or transmission of a ballot that is in an election official's  
4437 custody;

4438 (e) observe the opening and inspection of a manual ballot;

4439 (f) observe ballot replication;

4440 (g) observe the conduct of logic and accuracy testing described in Section [20A-5-802](#);

4441 (h) observe ballot tabulation;

4442 (i) observe the process of storing and securing a ballot;

4443 (j) observe a post-election audit;

4444 (k) observe a canvassing board meeting described in Title 20A, Chapter 4, Part 3,  
4445 Canvassing Returns;

4446 (l) observe the certification of the results of an election;

4447 (m) observe a recount; or

4448 (n) observe signature verification.

4449 (5) An administering election officer shall:

4450 (a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an  
4451 election process;

4452 (b) establish locations for a watcher to observe an event described in Subsection (4),  
4453 other than an event described in Subsection (4)(d) or (k), from no further than six feet away;  
4454 and

4455 (c) except for a county of the fourth, fifth, or sixth class, for any ballot adjudication, or  
4456 upload of votes from a voting machine or scanner, that is conducted on a computer screen,  
4457 project the activity onto a screen that is large enough to be viewed by each watcher.

4458 (6) (a) A watcher may not:

4459 (i) record an activity described in Subsection (4) if the recording would reveal a vote or  
4460 otherwise violate a voter's privacy or a voter's right to cast a secret ballot;

4461 (ii) interfere with an activity described in Subsection (4), except to challenge an  
4462 individual's eligibility to vote under Section 20A-3a-803; or

4463 (iii) divulge information related to the number of votes counted, tabulated, or cast for a  
4464 candidate or ballot proposition until after the election officer makes the information public.

4465 (b) A person who violates Subsection (6)(a)(iii) is guilty of a third degree felony.

4466 (7) (a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working  
4467 environment for an election official or to protect the safety or security of a ballot, an  
4468 administering election officer may take reasonable action to:

4469 (i) limit the number of watchers at a single location;

4470 (ii) remove a watcher for violating a provision of this section;

4471 (iii) remove a watcher for interfering with an activity described in Subsection (4);

4472 (iv) designate areas for a watcher to reasonably observe the activities described in  
4473 Subsection (4); or

4474 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.

4475 (b) If an administering election officer limits the number of watchers at a single  
4476 location under Subsection (6)(a)(i), the administering election officer shall give preferential  
4477 access to the location to a watcher designated under Subsection (3).

4478 (c) An administering election officer may provide a watcher a badge that identifies the  
4479 watcher and require the watcher to wear the badge while acting as a watcher.

4480 Section 70. Section 20A-4-101 is amended to read:

4481 **20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at**  
4482 **polling place on day of election before polls close.**

4483 (1) Each county legislative body, municipal legislative body, and each poll worker  
4484 shall comply with the requirements of this section when counting manual ballots on the day of  
4485 an election, if:

4486 (a) the ballots are cast at a polling place; and

4487 (b) the ballots are counted at the polling place before the polls close.

4488 (2) (a) Each county legislative body or municipal legislative body shall provide:

4489 (i) two sets of ballot boxes for all voting precincts where both receiving and counting  
4490 judges have been appointed; and

4491 (ii) a counting room for the use of the poll workers counting the ballots during the day.

4492 (b) At any election in any voting precinct in which both receiving and counting judges  
4493 have been appointed, when at least 20 votes have been cast, the receiving judges shall:

4494 (i) close the first ballot box and deliver it to the counting judges; and

4495 (ii) prepare and use another ballot box to receive voted ballots.

4496 (c) Except as provided in Subsection (2)(f), upon receipt of the ballot box, the counting  
4497 judges shall:

4498 (i) take the ballot box to the counting room;

4499 (ii) count the votes on the regular ballots in the ballot box;

4500 (iii) place the provisional ballot envelopes in the envelope or container provided for  
4501 them for return to the election officer; and

4502 (iv) when they have finished counting the votes in the ballot box, return the emptied  
4503 box to the receiving judges.

4504 (d) (i) During the course of election day, whenever there are at least 20 ballots  
4505 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting  
4506 judges for counting; and

4507 (ii) the counting judges shall immediately count the regular ballots and segregate the  
4508 provisional ballots contained in that box.

4509 (e) The counting judges shall continue to exchange the ballot boxes and count ballots  
4510 until the polls close.

4511 (f) (i) The [~~director of elections within the Office of the Lieutenant Governor~~] office  
4512 shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
4513 Act, describing the procedures that a counting judge is required to follow for counting ballots  
4514 in an instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot  
4515 Project.

4516 (ii) When counting ballots in an instant runoff voting race described in Part 6,  
4517 Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply with the  
4518 procedures established under Subsection (2)(f)(i) and Part 6, Municipal Alternate Voting  
4519 Methods Pilot Project.

4520 (3) To resolve questions that arise during the counting of ballots, a counting judge shall  
4521 apply the standards and requirements of:

4522 (a) to the extent applicable, Section 20A-4-105; and

4523 (b) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate  
4524 Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).

4525 Section 71. Section 20A-4-102 is amended to read:

4526 **20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at**  
4527 **polling place on day of election after polls close.**

4528 (1) (a) This section governs counting manual ballots on the day of an election, if:

4529 (i) the ballots are cast at a polling place; and

4530 (ii) the ballots are counted at the polling place after the polls close.

4531 (b) Except as provided in Subsection (2) or a rule made under Subsection

4532 20A-4-101(2)(f)(i), as soon as the polls have been closed and the last qualified voter has voted,  
4533 the election judges shall count the ballots by performing the tasks specified in this section in  
4534 the order that they are specified.

4535 (c) To resolve questions that arise during the counting of ballots, a counting judge shall  
4536 apply the standards and requirements of:

4537 (i) to the extent applicable, Section 20A-4-105; and

4538 (ii) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate  
4539 Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).

4540 (2) (a) First, the election judges shall count the number of ballots in the ballot box.

4541 (b) (i) If there are more ballots in the ballot box than there are names entered in the  
4542 pollbook, the judges shall examine the official endorsements on the ballots.

4543 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper  
4544 official endorsement, the judges shall put those ballots in an excess ballot file and not count  
4545 them.

4546 (c) (i) If, after examining the official endorsements, there are still more ballots in the  
4547 ballot box than there are names entered in the pollbook, the judges shall place the remaining  
4548 ballots back in the ballot box.

4549 (ii) One of the judges, without looking, shall draw a number of ballots equal to the  
4550 excess from the ballot box.

4551 (iii) The judges shall put those excess ballots into the excess ballot envelope and not  
4552 count them.

4553 (d) When the ballots in the ballot box equal the number of names entered in the  
4554 pollbook, the judges shall count the votes.

4555 (3) The judges shall:

4556 (a) place all unused ballots in the envelope or container provided for return to the  
4557 county clerk or city recorder; and

4558 (b) seal that envelope or container.

4559 (4) The judges shall:

4560 (a) place all of the provisional ballot envelopes in the envelope provided for them for  
4561 return to the election officer; and

4562 (b) seal that envelope or container.

4563 (5) (a) In counting the votes, the election judges shall read and count each ballot  
4564 separately.

4565 (b) In regular primary elections the judges shall:

4566 (i) count the number of ballots cast for each party;

4567 (ii) place the ballots cast for each party in separate piles; and

4568 (iii) count all the ballots for one party before beginning to count the ballots cast for  
4569 other parties.

4570 (6) (a) In all elections, the counting judges shall, except as provided in Part 6,  
4571 Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection  
4572 [20A-4-101\(2\)\(f\)\(i\)](#):

4573 (i) count one vote for each candidate designated by the marks in the squares next to the  
4574 candidate's name;

4575 (ii) count each vote for each write-in candidate who has qualified by filing a  
4576 declaration of candidacy under Section [20A-9-601](#);

4577 (iii) read every name marked on the ballot and mark every name upon the tally sheets  
4578 before another ballot is counted;

4579 (iv) evaluate each ballot and each vote based on the standards and requirements of  
4580 Section [20A-4-105](#);

4581 (v) write the word "spoiled" on the back of each ballot that lacks the official



4582 endorsement and deposit it in the spoiled ballot envelope; and

4583 (vi) read, count, and record upon the tally sheets the votes that each candidate and  
4584 ballot proposition received from all ballots, except excess or spoiled ballots.

4585 (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or  
4586 persons clearly not eligible to qualify for office.

4587 (c) The judges shall certify to the accuracy and completeness of the tally list in the  
4588 space provided on the tally list.

4589 (d) When the judges have counted all of the voted ballots, they shall record the results  
4590 on the total votes cast form.

4591 (7) (a) Except as provided in Subsection (7)(b), only an election judge and a watcher  
4592 may be present at the place where counting is conducted until the count is completed.

4593 (b) (i) An auditor conducting an audit described in Section 36-12-15.2 may be present  
4594 at the place where counting is conducted, regardless of whether the count is completed.

4595 (ii) The [~~lieutenant governor~~] director may be present at the place where counting is  
4596 conducted, regardless of whether the count is completed.

4597 Section 72. Section **20A-4-104** is amended to read:

4598 **20A-4-104. Counting ballots electronically -- Notice of testing tabulating**  
4599 **equipment.**

4600 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the  
4601 election officer shall test the automatic tabulating equipment to ensure that it will accurately  
4602 count the votes cast for all offices and all measures.

4603 (b) The election officer shall provide public notice of the time and place of the test by  
4604 publishing the notice, as a class A notice under Section 63G-30-102, for the county,  
4605 municipality, or jurisdiction where the equipment is used, for at least 10 days before the day of  
4606 the test.

4607 (c) The election officer shall conduct the test by processing a preaudited group of  
4608 ballots.

4609 (d) The election officer shall ensure that:

4610 (i) a predetermined number of valid votes for each candidate and measure are recorded  
4611 on the ballots;

4612 (ii) for each office, one or more ballots have votes in excess of the number allowed by

4613 law in order to test the ability of the automatic tabulating equipment to reject those votes; and  
4614 (iii) a different number of valid votes are assigned to each candidate for an office, and  
4615 for and against each measure.

4616 (e) If any error is detected, the election officer shall determine the cause of the error  
4617 and correct it.

4618 (f) The election officer shall ensure that:

4619 (i) the automatic tabulating equipment produces an errorless count before beginning  
4620 the actual counting; and

4621 (ii) before the election returns are approved as official , the automatic tabulating  
4622 equipment passes a post election audit conducted in accordance with the rules described in  
4623 Subsection 20A-1-108(1).

4624 (2) (a) The election officer or the election officer's designee shall supervise and direct  
4625 all proceedings at the counting center.

4626 (b) (i) Proceedings at the counting center are public and may be observed by interested  
4627 persons.

4628 (ii) Only those persons authorized to participate in the count may touch any ballot or  
4629 return.

4630 (c) The election officer shall deputize and administer an oath or affirmation to all  
4631 persons who are engaged in processing and counting the ballots that they will faithfully  
4632 perform their assigned duties.

4633 (3) (a) If any ballot is damaged or defective so that it cannot properly be counted by the  
4634 automatic tabulating equipment, the election officer shall ensure that two counting judges  
4635 jointly:

4636 (i) make a true replication of the ballot with an identifying serial number;

4637 (ii) substitute the replicated ballot for the damaged or defective ballot;

4638 (iii) label the replicated ballot "replicated"; and

4639 (iv) record the replicated ballot's serial number on the damaged or defective ballot.

4640 (b) The [~~lieutenant governor~~] director shall provide to each election officer a standard  
4641 form on which the election officer shall maintain a log of all replicated ballots, that includes,  
4642 for each ballot:

4643 (i) the serial number described in Subsection (3)(a);

- 4644 (ii) the identification of the individuals who replicated the ballot;
- 4645 (iii) the reason for the replication; and
- 4646 (iv) any other information required by the [~~lieutenant governor~~] director.
- 4647 (c) An election officer shall:
- 4648 (i) maintain the log described in Subsection (3)(b) in a complete and legible manner, as
- 4649 ballots are replicated;
- 4650 (ii) at the end of each day during which one or more ballots are replicated, make an
- 4651 electronic copy of the log; and
- 4652 (iii) keep each electronic copy made under Subsection (3)(c)(ii) for at least 22 months.
- 4653 (4) The election officer may:
- 4654 (a) conduct an unofficial count before conducting the official count in order to provide
- 4655 early unofficial returns to the public;
- 4656 (b) release unofficial returns from time to time after the polls close; and
- 4657 (c) report the progress of the count for each candidate during the actual counting of
- 4658 ballots.
- 4659 (5) Beginning on the day after the date of the election, if an election officer releases
- 4660 early unofficial returns or reports the progress of the count for each candidate under Subsection
- 4661 (4), the election officer shall, with each release or report, disclose an estimate of the total
- 4662 number of voted ballots in the election officer's custody that have not yet been counted.
- 4663 (6) The election officer shall review and evaluate the provisional ballot envelopes and
- 4664 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).
- 4665 (7) (a) The election officer or the election officer's designee shall:
- 4666 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
- 4667 (ii) complete the standard form provided by the clerk for recording valid write-in votes.
- 4668 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
- 4669 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
- 4670 count the valid write-in vote as being the obvious intent of the voter.
- 4671 (8) (a) The election officer shall certify the return printed by the automatic tabulating
- 4672 equipment, to which have been added write-in and absentee votes, as the official return of each
- 4673 voting precinct.
- 4674 (b) Upon completion of the count, the election officer shall make official returns open

4675 to the public.

4676 (9) If for any reason it becomes impracticable to count all or a part of the ballots with  
4677 tabulating equipment, the election officer may direct that they be counted manually according  
4678 to the procedures and requirements of this part.

4679 (10) After the count is completed, the election officer shall seal and retain the  
4680 programs, test materials, and ballots as provided in Section 20A-4-202.

4681 Section 73. Section 20A-4-106 is amended to read:

4682 **20A-4-106. Manual ballots -- Sealing.**

4683 (1) After the official canvas of an election, the election officer shall store all election  
4684 returns in containers that identify the containers' contents.

4685 (2) After the ballots are stored under Subsection (1), the ballots may not be examined  
4686 by anyone, except as follows:

4687 (a) when examined during a recount conducted under the authority of Section  
4688 20A-4-401 or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;

4689 (b) an auditor conducting an audit described in Section 36-12-15.2 may examine the  
4690 ballots:

4691 (i) if the audit uncovers evidence that raises a substantial doubt regarding the accuracy  
4692 of the results of an election, the auditor may examine the ballots until the later of:

4693 (A) the end of the calendar year in which the election was held; or

4694 (B) if the election is contested, when the contest is resolved; or

4695 (ii) at any time via a subpoena or other legal process; or

4696 (c) the [~~lieutenant governor~~] director may examine the ballots:

4697 (i) until the later of:

4698 (A) the end of the calendar year in which the election was held; or

4699 (B) if the election is contested, when the contest is resolved; or

4700 (ii) at any time via a subpoena or other legal process.

4701 Section 74. Section 20A-4-109 is amended to read:

4702 **20A-4-109. Ballot reconciliation -- Rulemaking authority.**

4703 (1) In accordance with this section and rules made under Subsection (2), an election  
4704 officer whose office processes ballots shall:

4705 (a) conduct ballot reconciliations every time ballots are tabulated;

4706 (b) conduct a final ballot reconciliation when an election officer concludes processing  
4707 all ballots;

4708 (c) document each ballot reconciliation;

4709 (d) publicly release the results of each ballot reconciliation; and

4710 (e) in conducting ballot reconciliations:

4711 (i) ensure that the number of ballots received for processing, the number of ballots  
4712 processed, and the number of voters given credit for voting, are equal; or

4713 (ii) if the numbers described in Subsection (1)(e)(i) are not equal, account for and  
4714 explain the differences in the numbers.

4715 (2) The [~~director of elections within the Office of the Lieutenant Governor~~] office may  
4716 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
4717 establishing procedures and requirements for conducting, documenting, and publishing a ballot  
4718 reconciliation.

4719 Section 75. Section **20A-4-202** is amended to read:

4720 **20A-4-202. Election officers -- Disposition of ballots -- Release of number of**  
4721 **provisional ballots cast.**

4722 (1) Upon receipt of the election returns from the poll workers, the election officer shall:

4723 (a) ensure that the poll workers have provided all of the ballots and election returns;

4724 (b) inspect the ballots and election returns to ensure that they are sealed;

4725 (c) for manual ballots, deposit and lock the ballots and election returns in a safe and  
4726 secure place;

4727 (d) for mechanical ballots:

4728 (i) count the ballots; and

4729 (ii) deposit and lock the ballots and election returns in a safe and secure place; and

4730 (e) for bond elections, provide a copy of the election results to the board of canvassers  
4731 of the local political subdivision that called the bond election.

4732 (2) Each election officer shall:

4733 (a) before 5 p.m. on the day after the date of the election, determine the number of  
4734 provisional ballots cast within the election officer's jurisdiction and make that number available  
4735 to the public;

4736 (b) preserve ballots for 22 months after the election or until the time has expired during

4737 which the ballots could be used in an election contest;

4738 (c) preserve all other official election returns for at least 22 months after an election;

4739 and

4740 (d) after that time, destroy them without opening or examining them.

4741 (3) (a) The election officer shall package and retain all tabulating cards and other  
4742 materials used in the programming of the automatic tabulating equipment.

4743 (b) The election officer:

4744 (i) may access these tabulating cards and other materials;

4745 (ii) may make copies of these materials and make changes to the copies;

4746 (iii) may not alter or make changes to the materials themselves; and

4747 (iv) within 22 months after the election in which they were used, may dispose of those  
4748 materials or retain them.

4749 (4) (a) If an election contest is begun within 12 months, the election officer shall,  
4750 except as provided in Subsection (4)(c):

4751 (i) keep the ballots and election returns unopened and unaltered until the contest is  
4752 complete; or

4753 (ii) surrender the ballots and election returns to the custody of the court having  
4754 jurisdiction of the contest when ordered or subpoenaed to do so by that court.

4755 (b) Except as provided in Subsection (4)(c), when all election contests arising from an  
4756 election are complete, the election officer shall either:

4757 (i) retain the ballots and election returns until the time for preserving them under this  
4758 section has run; or

4759 (ii) destroy the ballots and election returns remaining in the election officer's custody  
4760 without opening or examining them if the time for preserving them under this section has run.

4761 (c) (i) An auditor conducting an audit described in Section 36-12-15.2 may examine  
4762 the ballots and election returns described in this Subsection (4).

4763 (ii) The [~~lieutenant governor~~] director may examine the ballots and election returns  
4764 described in this Subsection (4).

4765 (5) (a) Notwithstanding the provisions of this section, the legislative auditor general:

4766 (i) may make and keep copies of ballots or election returns as part of a legislative audit;

4767 and

- 4768 (ii) may not examine, make copies, or keep copies, of a ballot in a manner that  
4769 identifies a ballot with the voter who casts the ballot.
- 4770 (b) A copy described in Subsection (5)(a) is not a record, and not subject to disclosure,  
4771 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 4772 Section 76. Section **20A-4-304** is amended to read:
- 4773 **20A-4-304. Declaration of results -- Canvassers' report.**
- 4774 (1) Each board of canvassers shall:
- 4775 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,  
4776 declare "elected" or "nominated" those persons who:
- 4777 (i) had the highest number of votes; and
- 4778 (ii) sought election or nomination to an office completely within the board's  
4779 jurisdiction;
- 4780 (b) declare:
- 4781 (i) "approved" those ballot propositions that:
- 4782 (A) had more "yes" votes than "no" votes; and
- 4783 (B) were submitted only to the voters within the board's jurisdiction; or
- 4784 (ii) "rejected" those ballot propositions that:
- 4785 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"  
4786 votes; and
- 4787 (B) were submitted only to the voters within the board's jurisdiction;
- 4788 (c) certify the vote totals for persons and for and against ballot propositions that were  
4789 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to  
4790 the [~~lieutenant governor~~] director; and
- 4791 (d) if applicable, certify the results of each special district election to the special district  
4792 clerk.
- 4793 (2) The election officer shall submit a report to the board of canvassers that includes  
4794 the following information:
- 4795 (a) the total number of votes cast in the board's jurisdiction;
- 4796 (b) the names of each candidate whose name appeared on the ballot;
- 4797 (c) the title of each ballot proposition that appeared on the ballot;
- 4798 (d) each office that appeared on the ballot;

- 4799 (e) from each voting precinct:
- 4800 (i) the number of votes for each candidate;
- 4801 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
- 4802 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
- 4803 potential ballot-counting phase and the name of the candidate excluded in each ballot-counting
- 4804 phase; and
- 4805 (iii) the number of votes for and against each ballot proposition;
- 4806 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
- 4807 and against each ballot proposition;
- 4808 (g) standardized statistics, on a form provided by the [~~lieutenant governor~~] director,
- 4809 disclosing:
- 4810 (i) the number of ballots counted;
- 4811 (ii) provisional ballots; and
- 4812 (iii) the number of ballots rejected;
- 4813 (h) a final ballot reconciliation report;
- 4814 (i) other information required by law to be provided to the board of canvassers; and
- 4815 (j) a statement certifying that the information contained in the report is accurate.
- 4816 (3) The election officer and the board of canvassers shall:
- 4817 (a) review the report to ensure that the report is correct; and
- 4818 (b) sign the report.
- 4819 (4) The election officer shall:
- 4820 (a) record or file the certified report in a book kept for that purpose;
- 4821 (b) prepare and transmit a certificate of nomination or election under the officer's seal
- 4822 to each nominated or elected candidate;
- 4823 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 4824 (d) file a copy of the certified report with the [~~lieutenant governor~~] director.
- 4825 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
- 4826 days after the day on which the board of canvassers declares the election results, publicize the
- 4827 certified report described in Subsection (2) for the jurisdiction, as a class A notice under
- 4828 Section [63G-30-102](#), for at least seven days.
- 4829 (6) Instead of including a copy of the entire certified report, a notice required under



4830 Subsection (5) may contain a statement that:

4831 (a) includes the following: "The Board of Canvassers for [indicate name of  
4832 jurisdiction] has prepared a report of the election results for the [indicate type and date of  
4833 election]."; and

4834 (b) specifies the following sources where an individual may view or obtain a copy of  
4835 the entire certified report:

4836 (i) if the jurisdiction has a website, the jurisdiction's website;

4837 (ii) the physical address for the jurisdiction; and

4838 (iii) a mailing address and telephone number.

4839 (7) When there has been a regular general or a statewide special election for statewide  
4840 officers, for officers that appear on the ballot in more than one county, or for a statewide or two  
4841 or more county ballot proposition, each board of canvassers shall:

4842 (a) prepare a separate report detailing the number of votes for each candidate and the  
4843 number of votes for and against each ballot proposition; and

4844 (b) transmit the separate report by registered mail to the [~~lieutenant governor~~] director.

4845 (8) In each county election, municipal election, school election, special district  
4846 election, and local special election, the election officer shall transmit the reports to the  
4847 [~~lieutenant governor~~] director within 14 days after the date of the election.

4848 (9) In a regular primary election and in a presidential primary election, the board shall  
4849 transmit to the [~~lieutenant governor~~] director:

4850 (a) the county totals for multi-county races, to be telephoned or faxed to the [~~lieutenant~~  
4851 ~~governor~~] director not later than the second Tuesday after the election; and

4852 (b) a complete tabulation showing voting totals for all primary races, precinct by  
4853 precinct, to be mailed to the [~~lieutenant governor~~] director on or before the third Friday  
4854 following the primary election.

4855 Section 77. Section **20A-4-306** is amended to read:

4856 **20A-4-306. Statewide canvass.**

4857 (1) (a) The state board of canvassers shall convene:

4858 (i) on the fourth Monday of November, at noon; or

4859 (ii) at noon on the day following the receipt by the [~~lieutenant governor~~] director of the  
4860 last of the returns of a statewide special election.

4861 (b) The state auditor, the state treasurer, and the attorney general are the state board of  
4862 canvassers.

4863 (c) Attendance of all members of the state board of canvassers is required to constitute  
4864 a quorum for conducting the canvass.

4865 (2) (a) The state board of canvassers shall:

4866 (i) meet in the [~~lieutenant governor's~~] office; and

4867 (ii) compute and determine the vote for officers and for and against any ballot  
4868 propositions voted upon by the voters of the entire state or of two or more counties.

4869 (b) The [~~lieutenant governor~~] director, as secretary of the board shall file a report in the  
4870 [~~lieutenant governor's~~] office that details:

4871 (i) for each statewide officer and ballot proposition:

4872 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

4873 (B) the candidates for each statewide office whose names appeared on the ballot, plus  
4874 any recorded write-in candidates;

4875 (C) the number of votes from each county cast for each candidate and for and against  
4876 each ballot proposition;

4877 (D) the total number of votes cast statewide for each candidate and for and against each  
4878 ballot proposition; and

4879 (E) the total number of votes cast statewide; and

4880 (ii) for each officer or ballot proposition voted on in two or more counties:

4881 (A) the name of each of those offices and ballot propositions that appeared on the  
4882 ballot;

4883 (B) the candidates for those offices, plus any recorded write-in candidates;

4884 (C) the number of votes from each county cast for each candidate and for and against  
4885 each ballot proposition; and

4886 (D) the total number of votes cast for each candidate and for and against each ballot  
4887 proposition.

4888 (c) The [~~lieutenant governor~~] director shall:

4889 (i) prepare certificates of election for:

4890 (A) each successful candidate; and

4891 (B) each of the presidential electors of the candidate for president who received a

4892 majority of the votes;

4893 (ii) authenticate each certificate with the [~~lieutenant governor's seal~~] director's  
4894 signature; and

4895 (iii) deliver a certificate of election to:

4896 (A) each candidate who had the highest number of votes for each office; and

4897 (B) each of the presidential electors of the candidate for president who received a  
4898 majority of the votes.

4899 (3) If the [~~lieutenant governor~~] director has not received election returns from all  
4900 counties on the fifth day before the day designated for the meeting of the state board of  
4901 canvassers, the [~~lieutenant governor~~] director shall:

4902 (a) send a messenger to the clerk of the board of county canvassers of the delinquent  
4903 county;

4904 (b) instruct the messenger to demand a certified copy of the board of canvasser's report  
4905 required by Section 20A-4-304 from the clerk; and

4906 (c) pay the messenger the per diem provided by law as compensation.

4907 (4) The state board of canvassers may not withhold the declaration of the result or any  
4908 certificate of election because of any defect or informality in the returns of any election if the  
4909 board can determine from the returns, with reasonable certainty, what office is intended and  
4910 who is elected to it.

4911 (5) (a) At noon on the fourth Monday after the regular primary election, the [~~lieutenant~~  
4912 ~~governor~~] director shall:

4913 (i) canvass the returns for all multicounty candidates required to file with the office [~~of~~  
4914 ~~the lieutenant governor~~]; and

4915 (ii) publish and file the results of the canvass in the [~~lieutenant governor's~~] office.

4916 (b) Not later than the August 1 after the primary election, the [~~lieutenant governor~~]  
4917 director shall certify the results of the primary canvass to the county clerks.

4918 (6) (a) At noon on the fourth Tuesday in March of a year in which a presidential  
4919 election will be held, the [~~lieutenant governor~~] director shall:

4920 (i) canvass the returns of the presidential primary election; and

4921 (ii) publish and file the results of the canvass in the [~~lieutenant governor's~~] office.

4922 (b) The [~~lieutenant governor~~] director shall certify the results of the presidential

4923 primary election canvass to each registered political party that participated in the primary not  
4924 later than the April 15 after the primary election.

4925 Section 78. Section **20A-4-401** is amended to read:

4926 **20A-4-401. Recounts -- Procedure.**

4927 (1) (a) This section does not apply to a race conducted by instant runoff voting under  
4928 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

4929 (b) Except as provided in Subsection (1)(c), for a race between candidates, if the  
4930 difference between the number of votes cast for a winning candidate in the race and a losing  
4931 candidate in the race is equal to or less than .25% of the total number of votes cast for all  
4932 candidates in the race, that losing candidate may file a request for a recount in accordance with  
4933 Subsection (1)(d).

4934 (c) For a race between candidates where the total of all votes cast in the race is 400 or  
4935 less, if the difference between the number of votes cast for a winning candidate in the race and  
4936 a losing candidate in the race is one vote, that losing candidate may file a request for a recount  
4937 in accordance with Subsection (1)(d).

4938 (d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall  
4939 file the request:

4940 (i) for a municipal primary election, with the municipal clerk, before 5 p.m. within  
4941 three days after the canvass; or

4942 (ii) for all other elections, before 5 p.m. within seven days after the canvass with:

4943 (A) the municipal clerk, if the election is a municipal general election;

4944 (B) the special district clerk, if the election is a special district election;

4945 (C) the county clerk, for races voted on entirely within a single county; or

4946 (D) the [~~lieutenant governor~~] director, for statewide races and multicounty races.

4947 (e) The election officer shall:

4948 (i) supervise the recount;

4949 (ii) recount all ballots cast for that race;

4950 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,

4951 Disposition of Ballots;

4952 (iv) for a race where only one candidate may win, declare elected the candidate who  
4953 receives the highest number of votes on the recount; and

4954 (v) for a race where multiple candidates may win, declare elected the applicable  
4955 number of candidates who receive the highest number of votes on the recount.

4956 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond  
4957 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of  
4958 the total votes cast for or against the proposition, any 10 voters who voted in the election where  
4959 the proposition was on the ballot may file a request for a recount before 5 p.m. within seven  
4960 days after the day of the canvass with the person described in Subsection (2)(c).

4961 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or  
4962 against the proposition is 400 or less, if the difference between the number of votes cast for the  
4963 proposition and the number of votes cast against the proposition is one vote, any 10 voters who  
4964 voted in the election where the proposition was on the ballot may file a request for a recount  
4965 before 5 p.m. within seven days after the day of the canvass with the person described in  
4966 Subsection (2)(c).

4967 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall  
4968 file the request with:

- 4969 (i) the municipal clerk, if the election is a municipal election;  
4970 (ii) the special district clerk, if the election is a special district election;  
4971 (iii) the county clerk, for propositions voted on entirely within a single county; or  
4972 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

4973 (d) The election officer shall:

- 4974 (i) supervise the recount;  
4975 (ii) recount all ballots cast for that ballot proposition or bond proposition;  
4976 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,  
4977 Disposition of Ballots; and

4978 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"  
4979 based upon the results of the recount.

4980 (e) Proponents and opponents of the ballot proposition or bond proposition may  
4981 designate representatives to witness the recount.

4982 (f) The voters requesting the recount shall pay the costs of the recount.

4983 (3) Costs incurred by recount under Subsection (1) may not be assessed against the  
4984 person requesting the recount.

4985 (4) (a) Upon completion of the recount, the election officer shall immediately convene  
4986 the board of canvassers.

4987 (b) The board of canvassers shall:

4988 (i) canvass the election returns for the race or proposition that was the subject of the  
4989 recount; and

4990 (ii) with the assistance of the election officer, prepare and sign the report required by  
4991 Section 20A-4-304 or 20A-4-306.

4992 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,  
4993 the board of county canvassers shall prepare and transmit a separate report to the [~~lieutenant~~  
4994 ~~governor~~] director as required by Subsection 20A-4-304(7).

4995 (d) The canvassers' report prepared as provided in this Subsection (4) is the official  
4996 result of the race or proposition that is the subject of the recount.

4997 Section 79. Section 20A-4-602 is amended to read:

4998 **20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation --**  
4999 **Participation.**

5000 (1) There is created the Municipal Alternate Voting Methods Pilot Project.

5001 (2) The pilot project begins on January 1, 2019, and ends on January 1, 2026.

5002 (3) (a) A municipality may participate in the pilot project, in accordance with the  
5003 requirements of this section and all other applicable provisions of law, during any  
5004 odd-numbered year that the pilot project is in effect, if, before May 1 of the odd-numbered  
5005 year, the legislative body of the municipality:

5006 (i) votes to participate; and

5007 (ii) provides written notice to the [~~lieutenant governor~~] director and the county clerk  
5008 stating that the municipality intends to participate in the pilot project for the year specified in  
5009 the notice.

5010 (b) The legislative body of a municipality that provides the notice of intent described in  
5011 Subsection (3)(a) may withdraw the notice of intent, and not participate in the pilot project, if  
5012 the legislative body of the municipality provides written notice of withdrawal to the [~~lieutenant~~  
5013 ~~governor~~] director and the county clerk before May 1.

5014 (4) The [~~lieutenant governor~~] director shall maintain, in a prominent place on the  
5015 [~~lieutenant governor's~~] office's website, a current list of the municipalities that are participating

5016 in the pilot project.

5017 (5) (a) An election officer of a participating municipality shall, in accordance with the  
5018 provisions of this part, conduct a multi-candidate race during the municipal general election  
5019 using instant runoff voting.

5020 (b) Except as provided in Subsection 20A-4-603(9), an election officer of a  
5021 participating municipality that will conduct a multi-candidate race under Subsection (5)(a) may  
5022 not conduct a municipal primary election relating to that race.

5023 (c) A municipality that has in effect an ordinance described in Subsection  
5024 20A-9-404(3) or (4) may not participate in the pilot project.

5025 (6) Except for an election described in Subsection 20A-4-603(9), an individual who  
5026 files a declaration of candidacy or a nomination petition, for a candidate who will run in an  
5027 election described in this part, shall file the declaration of candidacy or nomination petition  
5028 during the office hours described in Section 10-3-301 and not later than the close of those  
5029 office hours, no sooner than the second Tuesday in August and no later than the third Tuesday  
5030 in August of an odd-numbered year.

5031 Section 80. Section 20A-5-101 is amended to read:

5032 **20A-5-101. Notice of election.**

5033 (1) On or before November 15 in the year before each regular general election year, the  
5034 [~~lieutenant governor~~] director shall prepare and transmit a written notice to each county clerk  
5035 that:

5036 (a) designates the offices to be filled at the next year's regular general election;

5037 (b) identifies the dates for filing a declaration of candidacy, and for submitting and  
5038 certifying nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407,  
5039 and 20A-9-408 for those offices; and

5040 (c) contains a description of any ballot propositions to be decided by the voters that  
5041 have qualified for the ballot as of that date.

5042 (2) (a) No later than seven business days after the day on which the [~~lieutenant~~  
5043 ~~governor~~] director transmits the written notice described in Subsection (1), each county clerk  
5044 shall provide notice for the county, as a class A notice under Section 63G-30-102, for seven  
5045 days before the day of the election and in accordance with Subsection (3).

5046 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a),

5047 showing a copy of the notice and the places where the notice was posted.

5048 (3) The notice described in Subsection (2) shall:

5049 (a) designate the offices to be voted on in that election; and

5050 (b) identify the dates for filing a declaration of candidacy for those offices.

5051 (4) Except as provided in Subsection (6), before each election, the election officer shall  
5052 give printed notice of the following information:

5053 (a) the date of election;

5054 (b) the hours during which the polls will be open;

5055 (c) the polling places for each voting precinct, early voting polling place, and election  
5056 day voting center;

5057 (d) the address of the Statewide Electronic Voter Information Website and, if available,  
5058 the address of the election officer's website, with a statement indicating that the election officer  
5059 will post on the website any changes to the location of a polling place and the location of any  
5060 additional polling place;

5061 (e) a phone number that a voter may call to obtain information regarding the location of  
5062 a polling place;

5063 (f) the qualifications for persons to vote in the election: and

5064 (g) instructions regarding how an individual with a disability, who is not able to vote a  
5065 manual ballot by mail, may obtain information on voting in an accessible manner.

5066 (5) The election officer shall provide the notice described in Subsection (4) for the  
5067 jurisdiction, as a class A notice under Section [63G-30-102](#), for at least seven days before the  
5068 day of the election.

5069 (6) Instead of including the information described in Subsection (4) in the notice, the  
5070 election officer may give printed notice that:

5071 (a) is entitled "Notice of Election";

5072 (b) includes the following: "A [indicate election type] will be held in [indicate the  
5073 jurisdiction] on [indicate date of election]. Information relating to the election, including  
5074 polling places, polling place hours, and qualifications of voters may be obtained from the  
5075 following sources:"; and

5076 (c) specifies the following sources where an individual may view or obtain the  
5077 information described in Subsection (4):



- 5078 (i) if the jurisdiction has a website, the jurisdiction's website;  
5079 (ii) the physical address of the jurisdiction offices; and  
5080 (iii) a mailing address and telephone number.

5081 Section 81. Section **20A-5-302** is amended to read:

5082 **20A-5-302. Automated voting system.**

5083 (1) (a) Any county or municipal legislative body or special district board may:

5084 (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any  
5085 automated voting system that meets the requirements of this section; and

5086 (ii) use that system in any election, in all or a part of the voting precincts within its  
5087 boundaries, or in combination with manual ballots.

5088 (b) Nothing in this title shall be construed to require the use of electronic voting  
5089 devices in local special elections, municipal primary elections, or municipal general elections.

5090 (2) Each automated voting system shall:

5091 (a) provide for voting in secrecy, except in the case of voters who have received  
5092 assistance as authorized by Section [20A-3a-208](#);

5093 (b) permit each voter at any election to:

5094 (i) vote for all persons and offices for whom and for which that voter is lawfully  
5095 entitled to vote;

5096 (ii) vote for as many persons for an office as that voter is entitled to vote; and

5097 (iii) vote for or against any ballot proposition upon which that voter is entitled to vote;

5098 (c) permit each voter, at presidential elections, by one mark, to vote for the candidates  
5099 of that party for president, vice president, and for their presidential electors;

5100 (d) at elections other than primary elections, permit each voter to vote for the nominees  
5101 of one or more parties and for independent candidates;

5102 (e) at primary elections:

5103 (i) permit each voter to vote for candidates of the political party of the voter's choice;

5104 and

5105 (ii) reject any votes cast for candidates of another party;

5106 (f) prevent the voter from voting for the same person more than once for the same  
5107 office;

5108 (g) provide the opportunity for each voter to change the ballot and to correct any error

5109 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.  
5110 L. No. 107-252;

5111 (h) include automatic tabulating equipment that rejects choices recorded on a voter's  
5112 ballot if the number of the voter's recorded choices is greater than the number which the voter  
5113 is entitled to vote for the office or on the measure;

5114 (i) be of durable construction, suitably designed so that it may be used safely,  
5115 efficiently, and accurately in the conduct of elections and counting ballots;

5116 (j) when properly operated, record correctly and count accurately each vote cast;

5117 (k) for voting equipment certified after January 1, 2005, produce a permanent paper  
5118 record that:

5119 (i) shall be available as an official record for any recount or election contest conducted  
5120 with respect to an election where the voting equipment is used;

5121 (ii) (A) shall be available for the voter's inspection prior to the voter leaving the polling  
5122 place; and

5123 (B) shall permit the voter to inspect the record of the voter's selections independently  
5124 only if reasonably practicable commercial methods permitting independent inspection are  
5125 available at the time of certification of the voting equipment by the [~~lieutenant governor~~  
5126 director];

5127 (iii) shall include, at a minimum, human readable printing that shows a record of the  
5128 voter's selections;

5129 (iv) may also include machine readable printing which may be the same as the human  
5130 readable printing; and

5131 (v) allows a watcher to observe the election process to ensure the integrity of the  
5132 election process; and

5133 (1) meet the requirements of Section [20A-5-802](#).

5134 (3) For the purposes of a recount or an election contest, if the permanent paper record  
5135 contains a conflict or inconsistency between the human readable printing and the machine  
5136 readable printing, the human readable printing shall supercede the machine readable printing  
5137 when determining the intent of the voter.

5138 (4) Notwithstanding any other provisions of this section, the election officers shall  
5139 ensure that the ballots to be counted by means of electronic or electromechanical devices are of

5140 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable  
5141 for use in the counting devices in which they are intended to be placed.

5142 Section 82. Section **20A-5-400.1** is amended to read:

5143 **20A-5-400.1. Contracting with an election officer to conduct elections -- Fees --**  
5144 **Contracts and interlocal agreements -- Private providers.**

5145 (1) (a) In accordance with this section, a local political subdivision may enter into a  
5146 contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal Cooperation  
5147 Act, with a provider election officer to conduct an election.

5148 (b) If the boundaries of a local political subdivision holding the election extend beyond  
5149 a single local political subdivision, the local political subdivision may have more than one  
5150 provider election officer conduct an election.

5151 (c) Upon approval by the [~~lieutenant governor~~] director, a municipality may enter into a  
5152 contract or agreement under Subsection (1)(a) with any local political subdivision in the state,  
5153 regardless of whether the municipality is located in, next to, or near, the local political  
5154 subdivision, to conduct an election during which the municipality is participating in the  
5155 Municipal Alternate Voting Methods Pilot Project.

5156 (d) If a municipality enters into a contract or agreement, under Subsection (1)(c), with a  
5157 local political subdivision other than a county within which the municipality exists, the  
5158 municipality, the local political subdivision, and the county within which the municipality  
5159 exists shall enter into a cooperative agreement to ensure the proper functioning of the election.

5160 (2) A provider election officer shall conduct an election:

5161 (a) under the direction of the contracting election officer; and

5162 (b) in accordance with a contract or interlocal agreement.

5163 (3) A provider election officer shall establish fees for conducting an election for a  
5164 contracting election officer that:

5165 (a) are consistent with the contract or interlocal agreement; and

5166 (b) do not exceed the actual costs incurred by the provider election officer.

5167 (4) The contract or interlocal agreement under this section may specify that a  
5168 contracting election officer request, within a specified number of days before the election, that  
5169 the provider election officer conduct the election to allow adequate preparations by the  
5170 provider election officer.

5171 (5) An election officer conducting an election may appoint or employ an agent or  
5172 professional service to assist in conducting the election.

5173 Section 83. Section **20A-5-403** is amended to read:

5174 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**  
5175 **Arrangements.**

5176 (1) Except as provided in Section [20A-7-609.5](#), each election officer shall:

5177 (a) designate polling places for each voting precinct in the jurisdiction; and

5178 (b) obtain the approval of the county or municipal legislative body or special district  
5179 governing board for those polling places.

5180 (2) (a) For each polling place, the election officer shall provide:

5181 (i) an American flag;

5182 (ii) a sufficient number of voting booths or compartments;

5183 (iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and  
5184 supplies necessary to enable a voter to vote;

5185 (iv) the constitutional amendment cards required by Part 1, Election Notices and  
5186 Instructions;

5187 (v) the instructions required by Section [20A-5-102](#); and

5188 (vi) a sign, to be prominently displayed in the polling place, indicating that valid voter  
5189 identification is required for every voter before the voter may vote and listing the forms of  
5190 identification that constitute valid voter identification.

5191 (b) Each election officer shall ensure that:

5192 (i) each voting booth is at a convenient height for writing, and is arranged so that the  
5193 voter can prepare the voter's ballot screened from observation;

5194 (ii) there are a sufficient number of voting booths or voting devices to accommodate  
5195 the voters at that polling place; and

5196 (iii) there is at least one voting booth or voting device that is configured to  
5197 accommodate persons with disabilities.

5198 (c) Each county clerk shall provide a ballot box for each polling place that is large  
5199 enough to properly receive and hold the ballots to be cast.

5200 (3) (a) All polling places shall be physically inspected by each county clerk to ensure  
5201 access by a person with a disability.

5202 (b) Any issues concerning inaccessibility to polling places by a person with a disability  
5203 discovered during the inspections referred to in Subsection (3)(a) or reported to the county  
5204 clerk shall be:

5205 (i) forwarded to the [~~Office of the Lieutenant Governor~~] office; and

5206 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be  
5207 either:

5208 (A) remedied at the particular location by the county clerk;

5209 (B) the county clerk shall designate an alternative accessible location for the particular  
5210 precinct; or

5211 (C) if no practical solution can be identified, file with the [~~Office of the Lieutenant~~  
5212 ~~Governor~~] office a written explanation identifying the reasons compliance cannot reasonably be  
5213 met.

5214 (4) (a) The municipality in which the election is held shall pay the cost of conducting  
5215 each municipal election, including the cost of printing and supplies.

5216 (b) (i) Costs assessed by a county clerk to a municipality under this section may not  
5217 exceed the actual costs incurred by the county clerk.

5218 (ii) The actual costs shall include:

5219 (A) costs of or rental fees associated with the use of election equipment and supplies;  
5220 and

5221 (B) reasonable and necessary administrative costs.

5222 (5) The county clerk shall make detailed entries of all proceedings had under this  
5223 chapter.

5224 (6) (a) Each county clerk shall, to the extent possible, ensure that the amount of time  
5225 that an individual waits in line before the individual can vote at a polling place in the county  
5226 does not exceed 30 minutes.

5227 (b) The [~~lieutenant governor~~] director may require a county clerk to submit a line  
5228 management plan before the next election if an individual waits in line at a polling place in the  
5229 county longer than 30 minutes before the individual can vote.

5230 (c) The [~~lieutenant governor~~] director may consider extenuating circumstances in  
5231 deciding whether to require the county clerk to submit a plan described in Subsection (6)(b).

5232 (d) The [~~lieutenant governor~~] director shall review each plan submitted under

5233 Subsection (6)(b) and consult with the county clerk submitting the plan to ensure, to the extent  
5234 possible, that the amount of time an individual waits in line before the individual can vote at a  
5235 polling place in the county does not exceed 30 minutes.

5236 Section 84. Section **20A-5-403.5** is amended to read:

5237 **20A-5-403.5. Ballot drop boxes -- Notice.**

5238 (1) (a) An election officer:

5239 (i) shall designate at least one ballot drop box in each municipality and reservation  
5240 located in the jurisdiction to which the election relates;

5241 (ii) may designate additional ballot drop boxes for the election officer's jurisdiction;

5242 (iii) shall clearly mark each ballot drop box as an official ballot drop box for the  
5243 election officer's jurisdiction;

5244 (iv) shall provide 24-hour recorded video surveillance, without audio, of each  
5245 unattended ballot drop box;

5246 (v) shall post a sign on or near each unattended ballot drop box indicating that the  
5247 ballot drop box is under 24-hour video surveillance; and

5248 (vi) shall ensure that a camera, a video, or a recording of a video described in

5249 Subsection (1)(a)(iv) may only be accessed:

5250 (A) by the election officer;

5251 (B) by a custodian of the camera, video, or recording;

5252 (C) by the [~~lieutenant governor~~] director;

5253 (D) by the legislative auditor general, when performing an audit; or

5254 (E) by, or pursuant to an order of, a court of competent jurisdiction.

5255 (b) An individual may not view a video, or a recording of a video, described in

5256 Subsection (1)(a)(iv), unless the individual:

5257 (i) is an individual described in Subsection (1)(a)(vi); and

5258 (ii) views the video to the extent necessary to:

5259 (A) ensure compliance with Subsection (1)(a)(iv), (1)(a)(vi), or (1)(c); or

5260 (B) investigate a concern relating to ballots or the ballot box.

5261 (c) The election officer, or the custodian of the recording, shall keep a recording  
5262 described in Subsection (1)(a)(iv) until the later of:

5263 (i) the end of the calendar year in which the election was held; or

5264 (ii) if the election is contested, when the contest is resolved.

5265 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer  
5266 shall, at least 28 days before the date of the election, provide notice of the location of each  
5267 ballot drop box designated under Subsection (1), by publishing notice for the jurisdiction  
5268 holding the election, as a class A notice under Section 63G-30-102, for at least 28 days before  
5269 the day of the election.

5270 (3) Instead of including the location of ballot drop boxes, a notice required under  
5271 Subsection (2) may specify the following sources where a voter may view or obtain a copy of  
5272 all ballot drop box locations:

5273 (a) the jurisdiction's website;

5274 (b) the physical address of the jurisdiction's offices; and

5275 (c) a mailing address and telephone number.

5276 (4) The election officer shall include in the notice described in Subsection (2):

5277 (a) the address of the Statewide Electronic Voter Information Website and, if available,  
5278 the address of the election officer's website, with a statement indicating that the election officer  
5279 will post on the website the location of each ballot drop box, including any changes to the  
5280 location of a ballot drop box and the location of additional ballot drop boxes; and

5281 (b) a phone number that a voter may call to obtain information regarding the location  
5282 of a ballot drop box.

5283 (5) (a) Except as provided in Section 20A-1-308, the election officer may, after the  
5284 deadline described in Subsection (2):

5285 (i) if necessary, change the location of a ballot drop box; or

5286 (ii) if the election officer determines that the number of ballot drop boxes is  
5287 insufficient due to the number of registered voters who are voting, designate additional ballot  
5288 drop boxes.

5289 (b) Except as provided in Section 20A-1-308, if an election officer changes the  
5290 location of a ballot box or designates an additional ballot drop box location, the election officer  
5291 shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or  
5292 the additional ballot drop box location:

5293 (i) to the [~~lieutenant governor~~] director, for posting on the Statewide Voter Information  
5294 Website;

5295 (ii) by posting the information on the website of the election officer, if available; and

5296 (iii) by posting notice:

5297 (A) for a change in the location of a ballot drop box, at the new location and, if  
5298 possible, the old location; and

5299 (B) for an additional ballot drop box location, at the additional ballot drop box  
5300 location.

5301 (6) An election officer may, at any time, authorize two or more poll workers to remove  
5302 a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

5303 (7) (a) At least two poll workers must be present when a poll worker collects ballots  
5304 from a ballot drop box and delivers the ballots to the location where the ballots will be opened  
5305 and counted.

5306 (b) An election officer shall ensure that the chain of custody of ballots placed in a  
5307 ballot box are recorded and tracked from the time the ballots are removed from the ballot box  
5308 until the ballots are delivered to the location where the ballots will be opened and counted.

5309 Section 85. Section **20A-5-405** is amended to read:

5310 **20A-5-405. Election officer to provide ballots -- Notice of sample ballot.**

5311 (1) An election officer shall:

5312 (a) provide ballots for every election of public officers in which the voters, or any of  
5313 the voters, within the election officer's jurisdiction participate;

5314 (b) cause the name of every candidate whose nomination has been certified to or filed  
5315 with the election officer in the manner provided by law to be included on each ballot;

5316 (c) cause any ballot proposition that has qualified for the ballot as provided by law to  
5317 be included on each ballot;

5318 (d) ensure that the ballots are prepared and in the possession of the election officer at  
5319 least seven days before the commencement of early voting as described in Section [20A-3a-601](#);

5320 (e) allow candidates and their agents and the sponsors of ballot propositions that have  
5321 qualified for the official ballot to inspect the ballots;

5322 (f) no later than 45 days before the day of the election, make sample ballots available  
5323 for inspection, in the same form as official ballots and that contain the same information as  
5324 official ballots, by:

5325 (i) posting a copy of the sample ballot in the election officer's office;



- 5326 (ii) sending a copy of the sample ballot to:
- 5327 (A) each candidate listed on the ballot; and
- 5328 (B) the [~~lieutenant governor~~] director; and
- 5329 (iii) providing a copy of the sample ballot for the jurisdiction holding the election, as a
- 5330 class A notice under Section [63G-30-102](#), for at least seven days;
- 5331 (g) deliver a copy of the sample ballot to poll workers for each polling place and direct
- 5332 the poll workers to post the sample ballot as required by Section [20A-5-102](#); and
- 5333 (h) print and deliver, at the expense of the jurisdiction conducting the election, enough
- 5334 ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in
- 5335 each voting precinct.
- 5336 (2) Instead of posting the entire sample ballot under Subsection (1)(f)(iii), the election
- 5337 officer may post a statement that:
- 5338 (a) is entitled, "sample ballot";
- 5339 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
- 5340 upcoming [indicate type and date of election] may be obtained from the following sources:";
- 5341 and
- 5342 (c) specifies the following sources where an individual may view or obtain a copy of
- 5343 the sample ballot:
- 5344 (i) if the jurisdiction has a website, the jurisdiction's website;
- 5345 (ii) the physical address of the jurisdiction's offices; and
- 5346 (iii) a mailing address and telephone number.
- 5347 (3) (a) Each election officer shall, without delay, correct any error discovered in any
- 5348 ballot, if the correction can be made without interfering with the timely distribution of the
- 5349 ballots.
- 5350 (b) (i) If the election officer discovers an error or omission in a manual ballot, and it is
- 5351 not possible to correct the error or omission, the election officer shall direct the poll workers to
- 5352 make the necessary corrections on the manual ballots before the ballots are distributed.
- 5353 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
- 5354 not possible to correct the error or omission by revising the electronic ballot, the election
- 5355 officer shall direct the poll workers to post notice of each error or omission with instructions on
- 5356 how to correct each error or omission in a prominent position at each polling booth.

5357 (4) (a) If the election officer refuses or fails to correct an error or omission in a ballot, a  
5358 candidate or a candidate's agent may file a verified petition with the district court asserting that:

5359 (i) an error or omission has occurred in:

5360 (A) the publication of the name or description of a candidate;

5361 (B) the preparation or display of an electronic ballot; or

5362 (C) the posting of sample ballots or the printing of official manual ballots; and

5363 (ii) the election officer has failed to correct or provide for the correction of the error or  
5364 omission.

5365 (b) The district court shall issue an order requiring correction of any error in a ballot or  
5366 an order to show cause why the error should not be corrected if it appears to the court that the  
5367 error or omission has occurred and the election officer has failed to correct or provide for the  
5368 correction of the error or omission.

5369 (c) A party aggrieved by the district court's decision may appeal the matter to the Utah  
5370 Supreme Court within five days after the day on which the district court enters the decision.

5371 Section 86. Section **20A-5-409** is amended to read:

5372 **20A-5-409. Certification of candidates to county clerks.**

5373 No later than August 31 of each regular general election year, the [~~lieutenant governor~~]  
5374 director shall certify to each county clerk the name of each candidate qualified to be printed on  
5375 the regular general election ballot for that county clerk's county.

5376 Section 87. Section **20A-5-802** is amended to read:

5377 **20A-5-802. Certification of voting equipment.**

5378 (1) For the voting equipment used in the jurisdiction over which an election officer has  
5379 authority, the election officer shall:

5380 (a) before each election, use logic and accuracy tests to ensure that the voting  
5381 equipment performs the voting equipment's functions accurately;

5382 (b) develop and implement a procedure to protect the physical security of the voting  
5383 equipment; and

5384 (c) ensure that the voting equipment is certified by the [~~lieutenant governor~~] director  
5385 under Subsection (2) as having met the requirements of this section.

5386 (2) (a) Except as provided in Subsection (2)(b)(ii):

5387 (i) the [~~lieutenant governor~~] director shall ensure that all voting equipment used in the

5388 state is independently tested using security testing protocols and standards that:

5389 (A) are generally accepted in the industry at the time the [~~lieutenant governor~~] director  
5390 reviews the voting equipment for certification; and

5391 (B) meet the requirements of Subsection (2)(a)(ii);

5392 (ii) the testing protocols and standards described in Subsection (2)(a)(i) shall require  
5393 that a voting system:

5394 (A) is accurate and reliable;

5395 (B) possesses established and maintained access controls;

5396 (C) has not been fraudulently manipulated or tampered with;

5397 (D) is able to identify fraudulent or erroneous changes to the voting equipment; and

5398 (E) protects the secrecy of a voter's ballot; and

5399 (iii) The [~~lieutenant governor~~] director may comply with the requirements of

5400 Subsection (2)(a) by certifying voting equipment that has been certified by:

5401 (A) the United States Election Assistance Commission; or

5402 (B) a laboratory that has been accredited by the United States Election Assistance  
5403 Commission to test voting equipment.

5404 (b) (i) Voting equipment used in the state may include technology that allows for  
5405 ranked-choice voting.

5406 (ii) The [~~lieutenant governor~~] director may, for voting equipment used for  
5407 ranked-choice voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods  
5408 Pilot Project, certify voting equipment that has been successfully used within the United States  
5409 or a territory of the United States for ranked-choice voting for a race for federal office.

5410 Section 88. Section **20A-5-901** is amended to read:

5411 **20A-5-901. Voter registration audit.**

5412 (1) The [~~lieutenant governor~~] director shall, on at least an annual basis, conduct an  
5413 audit of the voter registration database.

5414 (2) The audit shall include:

5415 (a) a random selection of at least .02% of the active registered voters statewide; and

5416 (b) at least one active registered voter from each county.

5417 (3) For each voter selected for the audit, the auditor shall:

5418 (a) verify that the voter is eligible for registration;

- 5419 (b) verify that the voter's registration information is accurate and supported by the  
5420 documentation on file;
- 5421 (c) verify that there is a signature on file for the voter;
- 5422 (d) check for duplicate voter registrations; and
- 5423 (e) search available resources to determine whether the voter is deceased.
- 5424 (4) The audit report shall identify areas of concern or training needed in response to the  
5425 audit findings.

- 5426 (5) The ~~[lieutenant governor]~~ director shall:
- 5427 (a) share the audit results with the county clerks and verify that the county clerks  
5428 address the concerns and fulfill the training identified under Subsection (4); and
- 5429 (b) beginning in 2023, report biennially to the Government Operations Interim  
5430 Committee on the results of the audits conducted under this section.

5431 Section 89. Section **20A-5-905** is amended to read:

5432 **20A-5-905. Software validation -- Database security.**

- 5433 (1) ~~[Before November 2022, the director of elections within the Office of the~~  
5434 ~~Lieutenant Governor]~~ The office shall make rules, in accordance with Title 63G, Chapter 3,  
5435 Utah Administrative Rulemaking Act, establishing software validation procedures that an  
5436 election officer is required to comply with to verify that voting system files have not been  
5437 tampered with.

- 5438 (2) The ~~[lieutenant governor]~~ director and each county clerk shall ensure that a record  
5439 is made, and stored for at least 22 months, of each time a voter database is accessed by a  
5440 person, including:

- 5441 (a) the name of the person accessing the voter database;
- 5442 (b) the date and time of the access; and
- 5443 (c) any changes made to the voter database.

5444 Section 90. Section **20A-6-105** is amended to read:

5445 **20A-6-105. Provisional ballot envelopes.**

- 5446 (1) Each election officer shall ensure that provisional ballot envelopes are printed in  
5447 substantially the following form:

5448 "AFFIRMATION

5449 Are you a citizen of the United States of America? Yes No

5450 Will you be 18 years old on or before election day? Yes No

5451 If you checked "no" in response to either of the two above questions, do not complete  
5452 this form.

5453 Name of Voter \_\_\_\_\_

5454 First Middle Last

5455 Driver License or Identification Card Number \_\_\_\_\_

5456 State of Issuance of Driver License or Identification Card Number \_\_\_\_\_

5457 Date of Birth \_\_\_\_\_

5458 Street Address of Principal Place of Residence

5459 \_\_\_\_\_

5460 City County State Zip Code

5461 Telephone Number (optional) \_\_\_\_\_

5462 Email Address (optional) \_\_\_\_\_

5463 Last four digits of Social Security Number \_\_\_\_\_

5464 Last former address at which I was registered to vote (if known)

5465 \_\_\_\_\_

5466 City County State Zip Code

5467 Voting Precinct (if known)

5468 \_\_\_\_\_

5469 I, (please print your full name) \_\_\_\_\_ do solemnly swear or  
5470 affirm:

5471 That I am eligible to vote in this election; that I have not voted in this election in any  
5472 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to  
5473 vote in this precinct; and

5474 Subject to penalty of law for false statements, that the information contained in this  
5475 form is true, and that I am a citizen of the United States and a resident of Utah, residing at the  
5476 above address; and that I am at least 18 years old and have resided in Utah for the 30 days  
5477 immediately before this election.

5478 Signed

5479 \_\_\_\_\_

5480 Dated

5481

5482 In accordance with Section 20A-3a-506, wilfully providing false information above is a  
5483 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

5484

#### PRIVACY INFORMATION

5485 Voter registration records contain some information that is available to the public, such  
5486 as your name and address, some information that is available only to government entities, and  
5487 some information that is available only to certain third parties in accordance with the  
5488 requirements of law.

5489 Your driver license number, identification card number, social security number, email  
5490 address, full date of birth, and phone number are available only to government entities. Your  
5491 year of birth is available to political parties, candidates for public office, certain third parties,  
5492 and their contractors, employees, and volunteers, in accordance with the requirements of law.

5493 You may request that all information on your voter registration records be withheld  
5494 from all persons other than government entities, political parties, candidates for public office,  
5495 and their contractors, employees, and volunteers, by indicating here:

5496 \_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld  
5497 from all persons other than government entities, political parties, candidates for public office,  
5498 and their contractors, employees, and volunteers.

#### 5499 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

5500 In addition to the protections provided above, you may request that identifying  
5501 information on your voter registration records be withheld from all political parties, candidates  
5502 for public office, and their contractors, employees, and volunteers, by submitting a withholding  
5503 request form, and any required verification, as described in the following paragraphs.

5504 A person may request that identifying information on the person's voter registration  
5505 records be withheld from all political parties, candidates for public office, and their contractors,  
5506 employees, and volunteers, by submitting a withholding request form with this registration  
5507 record, or to the [~~lieutenant governor~~] director or a county clerk, if the person is or is likely to  
5508 be, or resides with a person who is or is likely to be, a victim of domestic violence or dating  
5509 violence.

5510 A person may request that identifying information on the person's voter registration  
5511 records be withheld from all political parties, candidates for public office, and their contractors,

5512 employees, and volunteers, by submitting a withholding request form and any required  
5513 verification with this registration form, or to the [~~lieutenant governor~~] director or a county  
5514 clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of  
5515 the armed forces, a public figure, or protected by a protective order or a protection order.

5516 CITIZENSHIP AFFIDAVIT

5517 Name:

5518 Name at birth, if different:

5519 Place of birth:

5520 Date of birth:

5521 Date and place of naturalization (if applicable):

5522 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a  
5523 citizen and that to the best of my knowledge and belief the information above is true and  
5524 correct.

5525 \_\_\_\_\_  
5526 Signature of Applicant

5527 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or  
5528 allowing yourself to be registered to vote if you know you are not entitled to register to vote is  
5529 up to one year in jail and a fine of up to \$2,500."

5530 (2) The provisional ballot envelope shall include:

5531 (a) a unique number;

5532 (b) a detachable part that includes the unique number;

5533 (c) a telephone number, internet address, or other indicator of a means, in accordance  
5534 with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted;  
5535 and

5536 (d) an insert containing written instructions on how a voter may sign up to receive  
5537 ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.

5538 Section 91. Section 20A-6-107 is amended to read:

5539 **20A-6-107. Numbering of ballot propositions and bond propositions -- Duties of**  
5540 **election officer and director.**

5541 (1) (a) Except as provided in Subsections (1)(b) and (1)(c), each ballot proposition  
5542 shall be listed on the ballot under the heading "Proposition # \_\_\_", with the number of the ballot

5543 proposition placed in the blank.

5544 (b) Each proposed amendment to the Utah Constitution shall be listed on the ballot  
5545 under the heading "Constitutional Amendment \_\_\_\_", with a letter placed in the blank.

5546 (c) Each bond proposition that has qualified for the ballot shall be listed on the ballot  
5547 under the title assigned to each bond proposition under Section 11-14-206.

5548 (2) (a) When an election officer or other person given authority to prepare or number  
5549 ballot propositions receives a ballot proposition that is eligible for inclusion on the ballot, they  
5550 shall ask the [~~lieutenant governor~~] director to assign a number to the ballot proposition.

5551 (b) (i) Upon request from an election officer or other person given authority to prepare  
5552 or number ballot propositions, the [~~lieutenant governor~~] director shall assign each ballot  
5553 proposition a unique number, except as provided under Subsection (2)(b)(iii).

5554 (ii) Ballot proposition numbers shall be assigned sequentially, in the order requests for  
5555 ballot proposition numbers are received.

5556 (iii) The same ballot proposition number may be assigned to multiple ballot  
5557 propositions if:

5558 (A) the sponsors of each ballot proposition agree, in writing, to share the number; and

5559 (B) the ballot propositions sharing the same number are identical in their terms,  
5560 purpose, and effect, with jurisdiction being the only significant difference between the ballot  
5561 propositions.

5562 Section 92. Section **20A-6-108** is amended to read:

5563 **20A-6-108. Requirements for printing and mailing ballots.**

5564 (1) Before January 2023, the [~~director of elections within the Office of the Lieutenant~~  
5565 ~~Governor~~] office shall, in consultation with county clerks, make rules, in accordance with Title  
5566 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing minimum requirements  
5567 that a vendor must meet to be eligible to print ballots to be used in an election.

5568 (2) Beginning on the effective date of the rules described in Subsection (1), an election  
5569 officer shall ensure that, when the bulk of ballots are initially mailed to voters, the ballots are  
5570 mailed from a location in Utah.

5571 Section 93. Section **20A-6-203** is amended to read:

5572 **20A-6-203. Ballots for regular primary elections.**

5573 (1) The [~~lieutenant governor~~] director, together with county clerks, suppliers of



5574 election materials, and representatives of registered political parties, shall:

5575 (a) develop ballots to be used in Utah's regular primary election;

5576 (b) ensure that the ballots comply generally, where applicable, with the requirements of  
5577 Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, and this section; and

5578 (c) provide voting booths, election records and supplies, ballot boxes, and as  
5579 applicable, voting devices, for each voting precinct as required by Section 20A-5-403.

5580 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A,  
5581 Chapter 6, Part 1, General Requirements for All Ballots, and Sections 20A-5-403, 20A-6-401,  
5582 and 20A-6-401.1, the [~~lieutenant governor~~] director, together with county clerks, suppliers of  
5583 election materials, and representatives of registered political parties shall ensure that the  
5584 ballots, voting booths, election records and supplies, and ballot boxes:

5585 (i) facilitate the distribution, voting, and tallying of ballots in a primary where not all  
5586 voters are authorized to vote for a party's candidate;

5587 (ii) simplify the task of poll workers, particularly in determining a voter's party  
5588 affiliation;

5589 (iii) minimize the possibility of spoiled ballots due to voter confusion; and

5590 (iv) protect against fraud.

5591 (b) To accomplish the requirements of this Subsection (2), the [~~lieutenant governor~~]  
5592 director, county clerks, suppliers of election materials, and representatives of registered  
5593 political parties shall:

5594 (i) mark ballots as being for a particular registered political party; and

5595 (ii) instruct individuals counting the ballots to count only those votes for candidates  
5596 from the registered political party whose ballot the voter received.

5597 Section 94. Section 20A-6-305 is amended to read:

5598 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**  
5599 **Publication -- Surname -- Exemptions -- Ballot order.**

5600 (1) As used in this section, "master ballot position list" means an official list of the 26  
5601 characters in the alphabet listed in random order and numbered from one to 26 as provided  
5602 under Subsection (2).

5603 (2) The [~~lieutenant governor~~] director shall:

5604 (a) within 30 days after the candidate filing deadline in each even-numbered year,

5605 conduct a random selection to create a master ballot position list for all elections in accordance  
5606 with procedures established under Subsection (2)(c);

5607 (b) publish the master ballot position list on the [~~lieutenant governor's~~] office's election  
5608 website no later than 15 days after creating the list; and

5609 (c) establish written procedures for:

5610 (i) the election official to use the master ballot position list; and

5611 (ii) the [~~lieutenant governor~~] director in:

5612 (A) conducting the random selection in a fair manner; and

5613 (B) providing a record of the random selection process used.

5614 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an  
5615 election officer shall use the master ballot position list for the current year to determine the  
5616 order in which to list candidates on the ballot for an election held during the year.

5617 (4) To determine the order in which to list candidates on the ballot required under  
5618 Subsection (3), the election officer shall apply the randomized alphabet using:

5619 (a) the candidate's surname;

5620 (b) for candidates with a surname that has the same spelling, the candidate's given  
5621 name; and

5622 (c) the surname of the president and the surname of the governor for an election for the  
5623 offices of president and vice president and governor and lieutenant governor.

5624 (5) Subsections (1) through (4) do not apply to:

5625 (a) an election for an office for which only one candidate is listed on the ballot; or

5626 (b) a judicial retention election under Section [20A-12-201](#).

5627 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall  
5628 appear separately, in the following order:

5629 (a) for federal office:

5630 (i) president and vice president of the United States;

5631 (ii) United States Senate office; and

5632 (iii) United States House of Representatives office;

5633 (b) for state office:

5634 (i) governor and lieutenant governor;

5635 (ii) attorney general;

- 5636 (iii) state auditor;
- 5637 (iv) state treasurer;
- 5638 (v) state Senate office;
- 5639 (vi) state House of Representatives office; and
- 5640 (vii) State Board of Education member;
- 5641 (c) for county office:
  - 5642 (i) county executive office;
  - 5643 (ii) county legislative body member;
  - 5644 (iii) county assessor;
  - 5645 (iv) county or district attorney;
  - 5646 (v) county auditor;
  - 5647 (vi) county clerk;
  - 5648 (vii) county recorder;
  - 5649 (viii) county sheriff;
  - 5650 (ix) county surveyor;
  - 5651 (x) county treasurer; and
  - 5652 (xi) local school board member;
- 5653 (d) for municipal office:
  - 5654 (i) mayor; and
  - 5655 (ii) city or town council member;
  - 5656 (e) elected planning and service district council member;
  - 5657 (f) judicial retention questions; and
  - 5658 (g) ballot propositions not described in Subsection (6)(f).
- 5659 (7) (a) A ticket for a race for a combined office shall appear on the ballot in the place
- 5660 of the earliest ballot ticket position that is reserved for an office that is subsumed in the
- 5661 combined office.
  - 5662 (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:
    - 5663 (i) each candidate in accordance with Subsections (1) through (4); and
    - 5664 (ii) except as otherwise provided in this title, the party name, initials, or title following
    - 5665 each candidate's name.
- 5666 Section 95. Section **20A-7-103** is amended to read:

5667           **20A-7-103. Constitutional amendments and other questions submitted by the**  
5668 **Legislature -- Publication -- Ballot title -- Procedures for submission to popular vote.**

5669           (1) The procedures contained in this section govern when the Legislature submits a  
5670 proposed constitutional amendment or other question to the voters.

5671           (2) The [~~lieutenant governor~~] director shall, not more than 60 days or less than 14 days  
5672 before the date of the election, publish the full text of the amendment, question, or statute for  
5673 the state, as a class A notice under Section [63G-30-102](#), through the date of the election.

5674           (3) The legislative general counsel shall:

5675           (a) entitle each proposed constitutional amendment "Constitutional Amendment \_\_\_"  
5676 and assign it a letter according to the requirements of Section [20A-6-107](#);

5677           (b) entitle each proposed question "Proposition Number \_\_\_" with the number assigned  
5678 to the proposition under Section [20A-6-107](#) placed in the blank;

5679           (c) draft and designate a ballot title for each proposed amendment or question  
5680 submitted by the Legislature that:

5681           (i) summarizes the subject matter of the amendment or question; and

5682           (ii) for a proposed constitutional amendment, summarizes any legislation that is  
5683 enacted and will become effective upon the voters' adoption of the proposed constitutional  
5684 amendment; and

5685           (d) deliver each letter or number and ballot title to the [~~lieutenant governor~~] director.

5686           (4) The [~~lieutenant governor~~] director shall certify the letter or number and ballot title  
5687 of each amendment or question to the county clerk of each county no later than 65 days before  
5688 the date of the election.

5689           (5) The county clerk of each county shall:

5690           (a) ensure that the letter or number and the ballot title of each amendment and question  
5691 prepared in accordance with this section are included in the sample ballots and official ballots;  
5692 and

5693           (b) publish the sample ballots and official ballots as provided by law.

5694           Section 96. Section **20A-7-104** is amended to read:

5695           **20A-7-104. Signature gatherers -- Payments -- Badges -- Information --**  
5696 **Requirement to provide initiative or referendum for review.**

5697           (1) A person may not pay a person to gather signatures under this chapter based on a

5698 rate per signature, on a rate per verified signature, or on the initiative or referendum qualifying  
5699 for the ballot.

5700 (2) A person that pays a person to gather signatures under this section shall base the  
5701 payment solely on an hourly rate.

5702 (3) A person may not accept payment made in violation of this section.

5703 (4) An individual who is paid to gather signatures for a petition described in this  
5704 chapter shall, while gathering signatures, wear a badge on the front of the individual's torso that  
5705 complies with the following, ensuring that the information on the badge is clearly visible to the  
5706 individual from whom a signature is sought:

5707 (a) the badge shall be printed in black ink on white cardstock and laminated; and

5708 (b) the information on the badge shall be in at least 24-point type and include the  
5709 following information:

5710 (i) an identification number that is unique to the individual gathering signatures,  
5711 assigned by:

5712 (A) for a statewide initiative or referendum, the [~~lieutenant governor~~] director; or

5713 (B) for a local initiative or referendum, the local clerk;

5714 (ii) the title of the initiative or referendum;

5715 (iii) the words "Paid Signature Gatherer"; and

5716 (iv) the name of the entity paying the signature gatherer.

5717 (5) Except as provided in Subsection (6)(b), an individual who gathers signatures under  
5718 this chapter shall provide a paper document to each individual who signs the petition that:

5719 (a) is printed in black ink on white paper, white cardstock, or a white sticker, in at least  
5720 12-point type; and

5721 (b) (i) for an initiative, includes the name of the initiative and the following statement:

5722 "You may view the initiative, its fiscal impact, and information on removing your  
5723 signature from the petition at [list a uniform resource locator that links directly to the  
5724 information described in Section [20A-7-202.7](#) or [20A-7-502.6](#), as applicable]."; or

5725 (ii) for a referendum, includes the name of the referendum and the following statement:

5726 "You may view the referendum and information on removing your signature from the  
5727 petition at [list a uniform resource locator that links directly to the information described in  
5728 Section [20A-7-304.5](#) or [20A-7-604.5](#), as applicable]."

5729 (6) An individual who gathers signatures under this chapter:  
5730 (a) shall, before collecting a signature from an individual, present to the individual a  
5731 printed or digital copy of the initiative or referendum and wait for the individual to read the  
5732 initiative or referendum; and

5733 (b) is not required to provide the document described in Subsection (5) if, after the  
5734 individual offers to provide the document, the individual who signs the petition declines to  
5735 accept the document.

5736 (7) A person who violates this section is guilty of a class B misdemeanor.

5737 Section 97. Section **20A-7-105** is amended to read:

5738 **20A-7-105. Manual petition processes -- Obtaining signatures -- Verification --**  
5739 **Submitting the petition -- Certification of signatures -- Transfer to director -- Removal of**  
5740 **signature.**

5741 (1) This section applies only to the manual initiative process and the manual  
5742 referendum process.

5743 (2) As used in this section:

5744 (a) "Local petition" means:

5745 (i) a manual local initiative petition described in Part 5, Local Initiatives - Procedures;  
5746 or

5747 (ii) a manual local referendum petition described in Part 6, Local Referenda -  
5748 Procedures.

5749 (b) "Packet" means an initiative packet or referendum packet.

5750 (c) "Petition" means a local petition or statewide petition.

5751 (d) "Statewide petition" means:

5752 (i) a manual statewide initiative petition described in Part 2, Statewide Initiatives; or

5753 (ii) a manual statewide referendum petition described in Part 3, Statewide Referenda.

5754 (3) (a) A Utah voter may sign a statewide petition if the voter is a legal voter.

5755 (b) A Utah voter may sign a local petition if the voter:

5756 (i) is a legal voter; and

5757 (ii) resides in the local jurisdiction.

5758 (4) (a) The sponsors shall ensure that the individual in whose presence each signature  
5759 sheet was signed:

5760 (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;  
5761 (ii) verifies each signature sheet by completing the verification printed on the last page

5762 of each packet; and

5763 (iii) is informed that each signer is required to read and understand:

5764 (A) for an initiative petition, the law proposed by the initiative; or

5765 (B) for a referendum petition, the law that the referendum seeks to overturn.

5766 (b) An individual may not sign the verification printed on the last page of a packet if  
5767 the individual signed a signature sheet in the packet.

5768 (5) (a) The sponsors, or an agent of the sponsors, shall submit a signed and verified  
5769 packet to the county clerk of the county in which the packet was circulated before 5 p.m. no  
5770 later than the earlier of:

5771 (i) for a statewide initiative:

5772 (A) 30 days after the day on which the first individual signs the initiative packet;

5773 (B) 316 days after the day on which the application for the initiative petition is filed; or

5774 (C) the February 15 immediately before the next regular general election immediately  
5775 after the application is filed under Section 20A-7-202;

5776 (ii) for a statewide referendum:

5777 (A) 30 days after the day on which the first individual signs the referendum packet; or

5778 (B) 40 days after the day on which the legislative session at which the law passed ends;

5779 (iii) for a local initiative:

5780 (A) 30 days after the day on which the first individual signs the initiative packet;

5781 (B) 316 days after the day on which the application is filed;

5782 (C) the April 15 immediately before the next regular general election immediately after  
5783 the application is filed under Section 20A-7-502, if the local initiative is a county initiative; or

5784 (D) the April 15 immediately before the next municipal general election immediately  
5785 after the application is filed under Section 20A-7-502, if the local initiative is a municipal  
5786 initiative; or

5787 (iv) for a local referendum:

5788 (A) 30 days after the day on which the first individual signs the referendum packet; or

5789 (B) 45 days after the day on which the sponsors receive the items described in

5790 Subsection 20A-7-604(3) from the local clerk.

5791 (b) A person may not submit a packet after the applicable deadline described in  
5792 Subsection (5)(a).

5793 (c) Before delivering an initiative packet to the county clerk under this Subsection (5),  
5794 the sponsors shall send an email to each individual who provides a legible, valid email address  
5795 on the signature sheet that includes the following:

5796 (i) the subject of the email shall include the following statement, "Notice Regarding  
5797 Your Petition Signature"; and

5798 (ii) the body of the email shall include the following statement in 12-point type:

5799 "You signed a petition for the following initiative:

5800 [insert title of initiative]

5801 To access a copy of the initiative petition, the initiative, the fiscal impact statement, and  
5802 information on the deadline for removing your signature from the petition, please visit the  
5803 following link: [insert a uniform resource locator that takes the individual directly to the page  
5804 on the ~~lieutenant governor's~~ office's or county clerk's website that includes the information  
5805 referred to in the email]."

5806 (d) When the sponsors submit the last initiative packet to the county clerk, the sponsors  
5807 shall submit to the county clerk:

5808 (i) a list containing:

5809 (A) the name and email address of each individual the sponsors sent, or caused to be  
5810 sent, the email described in Subsection (5)(c); and

5811 (B) the date the email was sent;

5812 (ii) a copy of the email described in Subsection (5)(c); and

5813 (iii) the following written verification, completed and signed by each of the sponsors:

5814 "Verification of initiative sponsor State of Utah, County of \_\_\_\_\_ I, \_\_\_\_\_,  
5815 of \_\_\_\_\_, hereby state, under penalty of perjury, that:

5816 I am a sponsor of the initiative petition entitled \_\_\_\_\_; and

5817 I sent, or caused to be sent, to each individual who provided a legible, valid email  
5818 address on a signature sheet submitted to the county clerk in relation to the initiative petition,  
5819 the email described in Utah Code Subsection 20A-7-105(5)(c).

5820 \_\_\_\_\_  
5821 (Name) (Residence Address) (Date)".



5822 (e) Signatures gathered for an initiative petition are not valid if the sponsors do not  
5823 comply with Subsection (5)(c) or (d).

5824 (6) (a) Within 21 days after the day on which the county clerk receives the packet, the  
5825 county clerk shall:

5826 (i) use the procedures described in Section [20A-1-1002](#) to determine whether each  
5827 signer is a legal voter and, as applicable, the jurisdiction where the signer is registered to vote;

5828 (ii) for a statewide initiative or a statewide referendum:

5829 (A) certify on the petition whether each name is that of a legal voter;

5830 (B) post the name, voter identification number, and date of signature of each legal  
5831 voter certified under Subsection (6)(a)(ii)(A) on the [~~lieutenant governor's~~] office's website, in  
5832 a conspicuous location designated by the [~~lieutenant governor~~] director; and

5833 (C) deliver the verified packet to the [~~lieutenant governor~~] director;

5834 (iii) for a local initiative or a local referendum:

5835 (A) certify on the petition whether each name is that of a legal voter who is registered  
5836 in the jurisdiction to which the initiative or referendum relates;

5837 (B) post the name, voter identification number, and date of signature of each legal  
5838 voter certified under Subsection (6)(a)(iii)(A) on the [~~lieutenant governor's~~] office's website, in  
5839 a conspicuous location designated by the [~~lieutenant governor~~] director; and

5840 (C) deliver the verified packet to the local clerk.

5841 (b) For a local initiative or local referendum, the local clerk shall post a link in a  
5842 conspicuous location on the local government's website to the posting described in Subsection  
5843 (6)(a)(iii)(B):

5844 (i) for a local initiative, during the period of time described in Subsection  
5845 [20A-7-507\(3\)\(a\)](#); or

5846 (ii) for a local referendum, during the period of time described in Subsection  
5847 [20A-7-607\(2\)\(a\)\(i\)](#).

5848 (7) The county clerk may not certify a signature under Subsection (6):

5849 (a) on a packet that is not verified in accordance with Subsection (4); or

5850 (b) that does not have a date of signature next to the signature.

5851 (8) (a) A voter who signs a statewide initiative petition may have the voter's signature  
5852 removed from the petition by submitting to the county clerk a statement requesting that the

5853 voter's signature be removed no later than the earlier of:

5854 (i) for an initiative packet received by the county clerk before December 1:

5855 (A) 30 days after the day on which the voter signs the signature removal statement; or

5856 (B) 90 days after the day on which the [~~lieutenant governor~~] director posts the voter's

5857 name under Subsection 20A-7-207(2); or

5858 (ii) for an initiative packet received by the county clerk on or after December 1:

5859 (A) 30 days after the day on which the voter signs the signature removal statement; or

5860 (B) 45 days after the day on which the [~~lieutenant governor~~] director posts the voter's

5861 name under Subsection 20A-7-207(2).

5862 (b) A voter who signs a statewide referendum petition may have the voter's signature

5863 removed from the petition by submitting to the county clerk a statement requesting that the

5864 voter's signature be removed no later than the earlier of:

5865 (i) 30 days after the day on which the voter signs the statement requesting removal; or

5866 (ii) 45 days after the day on which the [~~lieutenant governor~~] director posts the voter's

5867 name under Subsection 20A-7-307(2).

5868 (c) A voter who signs a local initiative petition may have the voter's signature removed

5869 from the petition by submitting to the county clerk a statement requesting that the voter's

5870 signature be removed no later than the earlier of:

5871 (i) 30 days after the day on which the voter signs the signature removal statement;

5872 (ii) 90 days after the day on which the local clerk posts the voter's name under

5873 Subsection 20A-7-507(2);

5874 (iii) 316 days after the day on which the application is filed; or

5875 (iv) (A) for a county initiative, April 15 immediately before the next regular general

5876 election immediately after the application is filed under Section 20A-7-502; or

5877 (B) for a municipal initiative, April 15 immediately before the next municipal general

5878 election immediately after the application is filed under Section 20A-7-502.

5879 (d) A voter who signs a local referendum petition may have the voter's signature

5880 removed from the petition by submitting to the county clerk a statement requesting that the

5881 voter's signature be removed no later than the earlier of:

5882 (i) 30 days after the day on which the voter signs the statement requesting removal; or

5883 (ii) 45 days after the day on which the local clerk posts the voter's name under

5884 Subsection 20A-7-607(2)(a).

5885 (e) A statement described in this Subsection (8) shall comply with the requirements  
5886 described in Subsection 20A-1-1003(2).

5887 (f) In order for the signature to be removed, the county clerk must receive the statement  
5888 described in this Subsection (8) before 5 p.m. no later than the applicable deadline described in  
5889 this Subsection (8).

5890 (g) A county clerk shall analyze a signature, for purposes of removing a signature from  
5891 a petition, in accordance with Subsection 20A-1-1003(3).

5892 (9) (a) If the county clerk timely receives a statement requesting signature removal  
5893 under Subsection (8) and determines that the signature should be removed from the petition  
5894 under Subsection 20A-1-1003(3), the county clerk shall:

5895 (i) ensure that the voter's name, voter identification number, and date of signature are  
5896 not included in the posting described in Subsection (6)(a)(ii)(B) or (iii)(B); and

5897 (ii) remove the voter's signature from the signature packets and signature packet totals.

5898 (b) The county clerk shall comply with Subsection (9)(a) before the later of:

5899 (i) the deadline described in Subsection (6)(a); or

5900 (ii) two business days after the day on which the county clerk receives a statement  
5901 requesting signature removal under Subsection (8).

5902 (10) A person may not retrieve a packet from a county clerk, or make any alterations or  
5903 corrections to a packet, after the packet is submitted to the county clerk.

5904 Section 98. Section 20A-7-201 is amended to read:

5905 **20A-7-201. Statewide initiatives -- Signature requirements -- Submission to the**  
5906 **Legislature or to a vote of the people.**

5907 (1) (a) A person seeking to have an initiative submitted to the Legislature for approval  
5908 or rejection shall, after filing an initiative application, obtain:

5909 (i) legal signatures equal to 4% of the number of active voters in the state on January 1  
5910 immediately following the last regular general election; and

5911 (ii) from at least 26 Utah State Senate districts, legal signatures equal to 4% of the  
5912 number of active voters in that district on January 1 immediately following the last regular  
5913 general election.

5914 (b) If, at any time not less than 10 days before the beginning of the next annual general

5915 session of the Legislature, the [~~lieutenant governor~~] director declares that an initiative petition  
5916 designated under Subsection 20A-7-202(2)(c)(i) for submission to the Legislature is signed by  
5917 a sufficient number of voters to meet the requirements of Subsection (1)(a), the [~~lieutenant~~  
5918 ~~governor~~] director shall deliver a copy of the initiative petition, the text of the proposed law,  
5919 and the cover sheet described in Subsection (1)(c) to the president of the Senate, the speaker of  
5920 the House, and the director of the Office of Legislative Research and General Counsel.

5921 (c) The [~~lieutenant governor~~] director shall prepare a cover sheet for a petition declared  
5922 sufficient under Subsection (1)(b) that contains:

5923 (i) the number of active voters in the state on January 1 immediately following the last  
5924 regular general election;

5925 (ii) the number of active voters in each Utah State Senate district on January 1  
5926 immediately following the last regular general election;

5927 (iii) the total number of certified signatures obtained for the initiative petition; and

5928 (iv) the total number of certified signatures obtained from each Utah State Senate  
5929 district for the initiative petition.

5930 (2) (a) A person seeking to have an initiative submitted to a vote of the people for  
5931 approval or rejection shall, after filing an initiative application, obtain:

5932 (i) legal signatures equal to 8% of the number of active voters in the state on January 1  
5933 immediately following the last regular general election; and

5934 (ii) from at least 26 Utah State Senate districts, legal signatures equal to 8% of the  
5935 number of active voters in that district on January 1 immediately following the last regular  
5936 general election.

5937 (b) If an initiative petition meets the requirements of this part and the [~~lieutenant~~  
5938 ~~governor~~] director declares that the initiative petition is signed by a sufficient number of voters  
5939 to meet the requirements of Subsection (2)(a), the [~~lieutenant governor~~] director shall submit  
5940 the proposed law to a vote of the people at the next regular general election:

5941 (i) immediately after the application is filed under Section 20A-7-202; and

5942 (ii) specified on the petition under Section 20A-7-203.

5943 (3) The [~~lieutenant governor~~] director shall provide the following information to any  
5944 interested person:

5945 (a) the number of active voters in the state on January 1 immediately following the last

5946 regular general election; and

5947 (b) for each Utah State Senate district, the number of active voters in that district on  
5948 January 1 immediately following the last regular general election.

5949 Section 99. Section **20A-7-202** is amended to read:

5950 **20A-7-202. Statewide initiative process -- Initiative application procedures --**  
5951 **Time to gather signatures -- Grounds for rejection.**

5952 (1) Individuals wishing to circulate an initiative petition shall file an initiative  
5953 application with the [~~lieutenant governor~~] director.

5954 (2) The initiative application shall include:

5955 (a) the name and residence address of at least five sponsors of the initiative petition;

5956 (b) a statement indicating that each of the sponsors is registered to vote in Utah;

5957 (c) a statement indicating whether the initiative will be presented to:

5958 (i) the Legislature under Subsection **20A-7-201(1)**; or

5959 (ii) a vote of the people under Subsection **20A-7-201(2)**;

5960 (d) the signature of each of the sponsors, attested to by a notary public;

5961 (e) a copy of the proposed law that includes, in the following order:

5962 (i) the title of the proposed law, that clearly expresses the subject of the law;

5963 (ii) a description of all proposed sources of funding for the costs associated with the  
5964 proposed law, including the proposed percentage of total funding from each source; and

5965 (iii) the text of the proposed law;

5966 (f) if the initiative proposes a tax increase, the following statement, "This initiative  
5967 seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference)  
5968 percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax  
5969 rate."; and

5970 (g) a statement indicating whether persons gathering signatures for the initiative  
5971 petition may be paid for gathering signatures.

5972 (3) (a) An individual's status as a resident, under Subsection (2), is determined in  
5973 accordance with Section **20A-2-105**.

5974 (b) The initiative application and the initiative application's contents are public when  
5975 filed with the [~~lieutenant governor~~] director.

5976 (4) If the initiative petition fails to qualify for the ballot of the election described in

5977 Subsection 20A-7-201(2)(b), the sponsors shall:

5978 (a) submit a new initiative application;

5979 (b) obtain new signature sheets; and

5980 (c) collect signatures again.

5981 (5) The [~~lieutenant governor~~] director shall reject an initiative application or an

5982 initiative application addendum filed under Subsection 20A-7-204.1(5) and not issue signature

5983 sheets if:

5984 (a) the proposed law:

5985 (i) is patently unconstitutional;

5986 (ii) is nonsensical;

5987 (iii) could not become law if passed;

5988 (iv) contains more than one subject as evaluated in accordance with Subsection (6); or

5989 (v) is identical or substantially similar to a law proposed by an initiative for which

5990 signatures were submitted to the county clerks and [~~lieutenant governor~~] director for

5991 certification within two years preceding the date on which the initiative application for the new

5992 initiative is filed; or

5993 (b) the subject of the proposed law is not clearly expressed in the law's title.

5994 (6) To evaluate whether the proposed law contains more than one subject under

5995 Subsection (5)(a)(iv), the [~~lieutenant governor~~] director shall apply the same standard provided

5996 in

5997 Utah Constitution, Article VI, Section 22, which prohibits a bill from passing that contains

5998 more than one subject.

5999 Section 100. Section 20A-7-202.5 is amended to read:

6000 **20A-7-202.5. Initial fiscal impact statement -- Preparation of statement --**

6001 **Challenge to statement.**

6002 (1) Within three working days after the day on which the [~~lieutenant governor~~] director

6003 receives an initiative application, the [~~lieutenant governor~~] director shall submit a copy of the

6004 initiative application to the Office of the Legislative Fiscal Analyst.

6005 (2) (a) The Office of the Legislative Fiscal Analyst shall prepare an unbiased, good

6006 faith initial fiscal impact statement for the proposed law, not exceeding 100 words plus 100

6007 words per revenue source created or impacted by the proposed law, that contains:

6008 (i) a description of the total estimated fiscal impact of the proposed law over the time  
6009 period or time periods determined by the Office of the Legislative Fiscal Analyst to be most  
6010 useful in understanding the estimated fiscal impact of the proposed law;

6011 (ii) if the proposed law would increase taxes, decrease taxes, or impose a new tax, a  
6012 dollar amount representing the total estimated increase or decrease for each type of tax affected  
6013 under the proposed law, a dollar amount showing the estimated amount of a new tax, and a  
6014 dollar amount representing the total estimated increase or decrease in taxes under the proposed  
6015 law;

6016 (iii) if the proposed law would increase a particular tax or tax rate, the tax percentage  
6017 difference and the tax percentage increase for each tax or tax rate increased;

6018 (iv) if the proposed law would result in the issuance or a change in the status of bonds,  
6019 notes, or other debt instruments, a dollar amount representing the total estimated increase or  
6020 decrease in public debt under the proposed law;

6021 (v) a dollar amount representing the estimated cost or savings, if any, to state or local  
6022 government entities under the proposed law;

6023 (vi) if the proposed law would increase costs to state government, a listing of all  
6024 sources of funding for the estimated costs; and

6025 (vii) a concise description and analysis titled "Funding Source," not to exceed 100  
6026 words for each funding source, of the funding source information described in Subsection  
6027 [20A-7-202\(2\)\(e\)\(ii\)](#).

6028 (b) If the proposed law is estimated to have no fiscal impact, the Office of the  
6029 Legislative Fiscal Analyst shall include a summary statement in the initial fiscal impact  
6030 statement in substantially the following form:

6031 "The Office of the Legislative Fiscal Analyst estimates that the law proposed by this  
6032 initiative would have no significant fiscal impact and would not result in either an increase or  
6033 decrease in taxes or debt."

6034 (3) Within 25 calendar days after the day on which the [~~lieutenant governor~~] director  
6035 delivers a copy of the initiative application, the Office of the Legislative Fiscal Analyst shall:

6036 (a) deliver a copy of the initial fiscal impact statement to the [~~lieutenant governor's~~]  
6037 office; and

6038 (b) mail a copy of the initial fiscal impact statement to the first five sponsors named in



6039 the initiative application.

6040 (4) (a) (i) Three or more of the sponsors of the initiative petition may, within 20  
6041 calendar days after the day on which the Office of the Legislative Fiscal Analyst delivers the  
6042 initial fiscal impact statement to the [~~lieutenant governor's~~] office, file a petition with the  
6043 appropriate court, alleging that the initial fiscal impact statement, taken as a whole, is an  
6044 inaccurate estimate of the fiscal impact of the initiative.

6045 (ii) After receipt of the appeal, the court shall direct the [~~lieutenant governor~~] director  
6046 to send notice of the petition filed with the court to:

6047 (A) any person or group that has filed an argument with the lieutenant governor's office  
6048 for or against the initiative that is the subject of the challenge; and

6049 (B) any political issues committee established under Section 20A-11-801 that has filed  
6050 written or electronic notice with the [~~lieutenant governor~~] director that identifies the name,  
6051 mailing or email address, and telephone number of the person designated to receive notice  
6052 about any issues relating to the initiative.

6053 (b) (i) There is a presumption that the initial fiscal impact statement prepared by the  
6054 Office of the Legislative Fiscal Analyst is based upon reasonable assumptions, uses reasonable  
6055 data, and applies accepted analytical methods to present the estimated fiscal impact of the  
6056 initiative.

6057 (ii) The court may not revise the contents of, or direct the revision of, the initial fiscal  
6058 impact statement unless the plaintiffs rebut the presumption by clear and convincing evidence  
6059 that establishes that the initial fiscal impact statement, taken as a whole, is an inaccurate  
6060 statement of the estimated fiscal impact of the initiative.

6061 (iii) The court may refer an issue related to the initial fiscal impact statement to a  
6062 master to examine the issue and make a report in accordance with Utah Rules of Civil  
6063 Procedure, Rule 53.

6064 (c) The court shall certify to the [~~lieutenant governor~~] director a fiscal impact statement  
6065 for the initiative that meets the requirements of this section.

6066 Section 101. Section 20A-7-202.7 is amended to read:

6067 **20A-7-202.7. Posting initiative information.**

6068 (1) Within one business day after the day on which the [~~lieutenant governor~~] director  
6069 receives the initial fiscal impact statement under Subsection 20A-7-202.5(3)(a), the [~~lieutenant~~



6070 ~~governor~~ director shall post the following information together in a conspicuous place on the  
6071 ~~[lieutenant governor's]~~ office's website:

- 6072 (a) the initiative application;  
6073 (b) the initiative petition;  
6074 (c) the text of the proposed law;  
6075 (d) the initial fiscal impact statement; and  
6076 (e) information describing how an individual may remove the individual's signature  
6077 from the initiative petition.

6078 (2) The ~~[lieutenant governor]~~ director shall:

- 6079 (a) promptly update the information described in Subsection (1) if the information  
6080 changes; and  
6081 (b) maintain the information described in Subsection (1) on the ~~[lieutenant governor's]~~  
6082 office's website until the initiative fails to qualify for the ballot or is passed or defeated at an  
6083 election.

6084 Section 102. Section **20A-7-203** is amended to read:

6085 **20A-7-203. Manual initiative process -- Form of initiative petition and signature**  
6086 **sheets.**

6087 (1) This section applies only to the manual initiative process.

6088 (2) (a) Each proposed initiative petition shall be printed in substantially the following  
6089 form:

6090 "INITIATIVE PETITION To the [~~Honorable \_\_\_\_\_, Lieutenant Governor~~] director of  
6091 the Elections Office:

6092 We, the undersigned citizens of Utah, respectfully demand that the following proposed  
6093 law be submitted to the legal voters/Legislature of Utah for their/its approval or rejection at the  
6094 regular general election/session to be held/ beginning on \_\_\_\_\_(month\day\year);

6095 Each signer says:

6096 I have personally signed this initiative petition;

6097 The date next to my signature correctly reflects the date that I actually signed the  
6098 initiative petition;

6099 I have personally reviewed the entire statement included with this packet;

6100 I am registered to vote in Utah; and

6101 My residence and post office address are written correctly after my name.

6102 NOTICE TO SIGNERS:

6103 Public hearings to discuss this initiative were held at: (list dates and locations of public  
6104 hearings.)".

6105 (b) If the initiative proposes a tax increase, the following statement shall appear, in at  
6106 least 14-point, bold type, immediately following the information described in Subsection  
6107 (2)(a):

6108 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
6109 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
6110 increase in the current tax rate."

6111 (c) The sponsors of an initiative or an agent of the sponsors shall attach a copy of the  
6112 proposed law to each initiative petition.

6113 (3) Each initiative signature sheet shall:

6114 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;

6115 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above  
6116 that line blank for the purpose of binding;

6117 (c) include the title of the initiative printed below the horizontal line, in at least  
6118 14-point, bold type;

6119 (d) include a table immediately below the title of the initiative, and beginning .5 inch  
6120 from the left side of the paper, as follows:

6121 (i) the first column shall be .5 inch wide and include three rows;

6122 (ii) the first row of the first column shall be .85 inch tall and contain the words "For  
6123 Office Use Only" in 10-point type;

6124 (iii) the second row of the first column shall be .35 inch tall;

6125 (iv) the third row of the first column shall be .5 inch tall;

6126 (v) the second column shall be 2.75 inches wide;

6127 (vi) the first row of the second column shall be .35 inch tall and contain the words  
6128 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;

6129 (vii) the second row of the second column shall be .5 inch tall;

6130 (viii) the third row of the second column shall be .35 inch tall and contain the words  
6131 "Street Address, City, Zip Code" in 10-point type;

- 6132 (ix) the fourth row of the second column shall be .5 inch tall;
- 6133 (x) the third column shall be 2.75 inches wide;
- 6134 (xi) the first row of the third column shall be .35 inch tall and contain the words
- 6135 "Signature of Registered Voter" in 10-point type;
- 6136 (xii) the second row of the third column shall be .5 inch tall;
- 6137 (xiii) the third row of the third column shall be .35 inch tall and contain the words
- 6138 "Email Address (optional, to receive additional information)" in 10-point type;
- 6139 (xiv) the fourth row of the third column shall be .5 inch tall;
- 6140 (xv) the fourth column shall be one inch wide;
- 6141 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words
- 6142 "Date Signed" in 10-point type;
- 6143 (xvii) the second row of the fourth column shall be .5 inch tall;
- 6144 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words
- 6145 "Birth Date or Age (optional)" in 10-point type;
- 6146 (xix) the fourth row of the third column shall be .5 inch tall; and
- 6147 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,
- 6148 and contain the following statement, "By signing this initiative petition, you are stating that you
- 6149 have read and understand the law proposed by this initiative petition." in 12-point type;
- 6150 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at
- 6151 the bottom of the sheet for the information described in Subsection (3)(f); and
- 6152 (f) at the bottom of the sheet, include in the following order:
- 6153 (i) the words "Fiscal Impact of" followed by the title of the initiative, in at least
- 6154 12-point, bold type;
- 6155 (ii) except as provided in Subsection (5), the initial fiscal impact statement issued by
- 6156 the Office of the Legislative Fiscal Analyst in accordance with Subsection [20A-7-202.5\(2\)\(a\)](#),
- 6157 including any update in accordance with Subsection [20A-7-204.1\(5\)](#), in not less than 12-point
- 6158 type;
- 6159 (iii) if the initiative proposes a tax increase, the following statement in 12-point, bold
- 6160 type:
- 6161 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
- 6162 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent

6163 increase in the current tax rate."; and

6164 (iv) the word "Warning," in 12-point, bold type, followed by the following statement in  
6165 not less than eight-point type:

6166 "It is a class A misdemeanor for an individual to sign an initiative petition with a name  
6167 other than the individual's own name, or to knowingly sign the individual's name more than  
6168 once for the same initiative petition, or to sign an initiative petition when the individual knows  
6169 that the individual is not a registered voter.

6170 Birth date or age information is not required, but it may be used to verify your identity  
6171 with voter registration records. If you choose not to provide it, your signature may not be  
6172 verified as a valid signature if you change your address before petition signatures are verified  
6173 or if the information you provide does not match your voter registration records."

6174 (4) The final page of each initiative packet shall contain the following printed or typed  
6175 statement:

6176 Verification of signature collector

6177 State of Utah, County of \_\_\_\_\_

6178 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

6179 I am a resident of Utah and am at least 18 years old;

6180 All the names that appear in this initiative packet were signed by individuals who  
6181 professed to be the individuals whose names appear in it, and each of the individuals signed the  
6182 individual's name on it in my presence;

6183 I did not knowingly make a misrepresentation of fact concerning the law proposed by  
6184 the initiative;

6185 I believe that each individual has printed and signed the individual's name and written  
6186 the individual's post office address and residence correctly, that each signer has read and  
6187 understands the law proposed by the initiative, and that each signer is registered to vote in  
6188 Utah.

6189 Each individual who signed the initiative packet wrote the correct date of signature next  
6190 to the individual's name.

6191 I have not paid or given anything of value to any individual who signed this initiative  
6192 packet to encourage that individual to sign it.

6193 \_\_\_\_\_

6194 (Name) (Residence Address) (Date)

6195 (5) If the initial fiscal impact statement described in Subsection (3)(f)(ii), as updated in  
6196 accordance with Subsection 20A-7-204.1(5), exceeds 200 words, the Office of the Legislative  
6197 Fiscal Analyst shall prepare a shorter summary statement, for the purpose of inclusion on an  
6198 initiative signature sheet, that does not exceed 200 words.

6199 (6) If the forms described in this section are substantially followed, the initiative  
6200 petitions are sufficient, notwithstanding clerical and merely technical errors.

6201 (7) An individual's status as a resident, under Subsection (4), is determined in  
6202 accordance with Section 20A-2-105.

6203 Section 103. Section 20A-7-204 is amended to read:

6204 **20A-7-204. Manual initiative process -- Circulation requirements -- Director to**  
6205 **provide sponsors with materials.**

6206 (1) This section applies only to the manual initiative process.

6207 (2) In order to obtain the necessary number of signatures required by this part, the  
6208 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described  
6209 in Subsection (3), circulate initiative packets that meet the form requirements of this part.

6210 (3) The [~~lieutenant governor~~] director shall provide the sponsors with a copy of the  
6211 initiative petition and a signature sheet within three days after the day on which the following  
6212 conditions are fulfilled:

6213 (a) the sponsors hold the final hearing required under Section 20A-7-204.1;

6214 (b) the sponsors provide to the [~~Office of the Lieutenant Governor~~] office the video  
6215 tape, audio tape, or comprehensive minutes described in Subsection 20A-7-204.1(4) for each  
6216 public hearing described in Section 20A-7-204.1;

6217 (c) (i) the sponsors give written notice to the [~~Office of the Lieutenant Governor~~] office  
6218 that the sponsors waive the opportunity to change the text of the proposed law under  
6219 Subsection 20A-7-204.1(5);

6220 (ii) the deadline, described in Subsection 20A-7-204.1(5)(a), for changing the text of  
6221 the proposed law passes without the sponsors filing an application addendum in accordance  
6222 with Subsection 20A-7-204.1(5); or

6223 (iii) if the sponsors file an application addendum in accordance with Subsection  
6224 20A-7-204.1(5), the Office of the Legislative Fiscal Analyst provides to the [~~Office of the~~

6225 ~~Lieutenant Governor~~] office:

6226 (A) an updated initial fiscal impact statement, in accordance with Subsection

6227 [20A-7-204.1\(5\)\(b\)](#); or

6228 (B) a written notice indicating that no changes to the initial fiscal impact statement are  
6229 necessary; and

6230 (d) the sponsors sign an agreement, under Subsection (6)(a), with the Office of the  
6231 Lieutenant Governor specifying the range of numbers that the sponsors will use to number the  
6232 initiative packets.

6233 (4) The sponsors of the initiative shall:

6234 (a) arrange and pay for the printing of all documents that are part of the initiative  
6235 packets; and

6236 (b) ensure that the initiative packets and the documents described in Subsection (4)(a)  
6237 meet the requirements of this part.

6238 (5) (a) The sponsors or an agent of the sponsors may prepare the initiative packets for  
6239 circulation by creating multiple initiative packets.

6240 (b) The sponsors or an agent of the sponsors shall create the initiative packets by  
6241 binding a copy of the initiative petition with the text of the proposed law, including any  
6242 modification made under Subsection [20A-7-204.1\(5\)](#) and no more than 50 signature sheets  
6243 together at the top in a manner that the initiative packets may be conveniently opened for  
6244 signing.

6245 (c) An initiative packet is not required to have a uniform number of signature sheets.

6246 (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

6247 (i) contact the [~~lieutenant governor's~~] office to receive a range of numbers that the  
6248 sponsors may use to number initiative packets;

6249 (ii) sign an agreement with the [~~Office of the Lieutenant Governor~~] office, specifying  
6250 the range of numbers that the sponsors will use to number the initiative packets; and

6251 (iii) number each initiative packet, sequentially, within the range of numbers provided  
6252 by the [~~lieutenant governor's~~] office, starting with the lowest number in the range.

6253 (b) The sponsors or an agent of the sponsors may not:

6254 (i) number an initiative packet in a manner not directed by the [~~lieutenant governor's~~]  
6255 office; or

6256 (ii) circulate or submit an initiative packet that is not numbered in the manner directed  
6257 by the [~~lieutenant governor's~~] office.

6258 Section 104. Section **20A-7-204.1** is amended to read:

6259 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**  
6260 **Changes to a proposed law or an initial fiscal impact statement.**

6261 (1) (a) After issuance of the initial fiscal impact statement by the Office of the  
6262 Legislative Fiscal Analyst and before circulating initiative packets for signature statewide,  
6263 sponsors of the initiative shall hold at least seven public hearings throughout Utah as follows:

6264 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

6265 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington  
6266 County;

6267 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

6268 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne  
6269 County;

6270 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

6271 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

6272 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber  
6273 County.

6274 (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of  
6275 the public hearings in a first or second class county, but not in the same county.

6276 (c) The sponsors may not hold a public hearing described in this section until the later  
6277 of:

6278 (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact  
6279 statement under Subsection [20A-7-202.5\(3\)\(b\)](#); or

6280 (ii) if three or more sponsors file a petition for an action challenging the accuracy of  
6281 the initial fiscal impact statement under Section [20A-7-202.5](#), the day after the day on which  
6282 the action is final.

6283 (2) (a) The sponsors shall, before 5 p.m. at least 10 calendar days before the date of the  
6284 public hearing, provide written notice of the public hearing, including the date, time, and  
6285 location of the public hearing:

6286 (i) to the [~~lieutenant governor~~] director;

6287 (ii) to the county clerk of each county in the region where the public hearing will be  
6288 held;

6289 (iii) each state senator, state representative, and county commission or county council  
6290 member who is elected in whole or in part from the region where the public hearing will be  
6291 held; and

6292 (iv) in accordance with Section 45-1-101, for at least three calendar days before the day  
6293 of the public hearing.

6294 (b) The [~~lieutenant governor~~] director shall post the notice described in Subsection  
6295 (2)(a) on the [~~lieutenant governor's~~] office's website for at least three days before the day of the  
6296 public hearing.

6297 (c) The county clerk of each county in the region where the public hearing will be held:

6298 (i) shall post the notice described in Subsection (2)(a) for the county, as a class A  
6299 notice under Section 63G-30-102, for at least three days before the day of the public hearing;  
6300 and

6301 (ii) may bill the sponsors of the initiative for the cost of preparing, printing, and  
6302 posting the notice described in Subsection (2)(c)(i).

6303 (3) If the initiative proposes a tax increase, the written notice described in Subsection  
6304 (2) shall include the following statement, in bold, in the same font and point size as the largest  
6305 font and point size appearing in the notice:

6306 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
6307 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
6308 increase in the current tax rate."

6309 (4) (a) During the public hearing, the sponsors shall either:

6310 (i) video tape or audio tape the public hearing; or

6311 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of  
6312 each speaker and summarizing each speaker's comments.

6313 (b) The [~~lieutenant governor~~] director shall make copies of the tapes or minutes  
6314 available to the public.

6315 (c) For each public hearing, the sponsors shall:

6316 (i) during the entire time that the public hearing is held, post a copy of the initial fiscal  
6317 impact statement in a conspicuous location at the entrance to the room where the sponsors hold



6318 the public hearing; and

6319 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to  
6320 public hearing attendees, in a conspicuous location at the entrance to the room where the  
6321 sponsors hold the public hearing.

6322 (d) Regardless of whether an individual is present to observe or speak at a public  
6323 hearing:

6324 (i) the sponsors may not end the public hearing until at least one hour after the public  
6325 hearing begins; and

6326 (ii) the sponsors shall provide at least one hour at the public hearing that is open for  
6327 public comment.

6328 (5) (a) Before 5 p.m. within 14 days after the day on which the sponsors conduct the  
6329 seventh public hearing described in Subsection (1)(a), and before circulating an initiative  
6330 signature packet for signatures, the sponsors of the initiative may change the text of the  
6331 proposed law if:

6332 (i) a change to the text is:

6333 (A) germane to the text of the proposed law filed with the [~~lieutenant governor~~]  
6334 director under Section 20A-7-202; and

6335 (B) consistent with the requirements of Subsection 20A-7-202(5); and

6336 (ii) each sponsor signs, attested to by a notary public, an application addendum to  
6337 change the text of the proposed law.

6338 (b) (i) Within three working days after the day on which the [~~lieutenant governor~~]  
6339 director receives an application addendum to change the text of the proposed law for an  
6340 initiative, the [~~lieutenant governor~~] director shall submit a copy of the application addendum to  
6341 the Office of the Legislative Fiscal Analyst.

6342 (ii) The Office of the Legislative Fiscal Analyst shall:

6343 (A) update the initial fiscal impact statement, by following the procedures and  
6344 requirements of Section 20A-7-202.5 to reflect a change to the text of the proposed law ; or

6345 (B) provide written notice to the [~~Office of the Lieutenant Governor~~] office indicating  
6346 that no changes to the initial fiscal impact statement are necessary.

6347 Section 105. Section 20A-7-206.1 is amended to read:

6348 **20A-7-206.1. Provisions relating only to process for submitting an initiative to the**

6349 **Legislature for approval or rejection.**

6350 (1) This section relates only to the process, described in Subsection 20A-7-201(1), for  
6351 submitting an initiative to the Legislature for approval or rejection.

6352 (2) Notwithstanding Section 20A-7-105, in order to qualify an initiative petition for  
6353 submission to the Legislature, the sponsors, or an agent of the sponsors, shall deliver each  
6354 signed and verified initiative packet to the county clerk of the county in which the initiative  
6355 packet was circulated before 5 p.m. no later than November 15 before the next annual general  
6356 session of the Legislature immediately after the initiative application is filed under Section  
6357 20A-7-202.

6358 (3) Notwithstanding Section 20A-7-105, no later than December 15 before the annual  
6359 general session of the Legislature, the county clerk shall, for an initiative for submission to the  
6360 Legislature:

6361 (a) determine whether each signer is a registered voter according to the requirements of  
6362 Section 20A-7-105;

6363 (b) certify on the initiative packet whether each name is that of a registered voter; and

6364 (c) deliver the verified packets to the [~~lieutenant governor~~] director.

6365 (4) The county clerk may not certify a signature under Subsection (3) on an initiative  
6366 packet that is not verified in accordance with Section 20A-7-105.

6367 (5) A person may not retrieve an initiative packet from a county clerk, or make any  
6368 alterations or corrections to an initiative packet, after the initiative packet is submitted to the  
6369 county clerk.

6370 Section 106. Section 20A-7-207 is amended to read:

6371 **20A-7-207. Evaluation by the director.**

6372 (1) In relation to the manual initiative process, when the [~~lieutenant governor~~] director  
6373 receives an initiative packet from a county clerk, the [~~lieutenant governor~~] director shall record  
6374 the number of the initiative packet received.

6375 (2) The county clerk shall:

6376 (a) in relation to the manual initiative process:

6377 (i) post the names, voter identification numbers, and dates of signatures described in  
6378 Subsection 20A-7-105(6)(a)(iii) on the [~~lieutenant governor's~~] office's website, in a  
6379 conspicuous location designated by the [~~lieutenant governor~~] director:

6380 (A) for an initiative packet received by the county clerk before December 1, for at least  
6381 90 days; or

6382 (B) for an initiative packet received by the county clerk on or after December 1, for at  
6383 least 45 days; and

6384 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures  
6385 certified as of the date of the update; or

6386 (b) in relation to the electronic initiative process:

6387 (i) post the names, voter identification numbers, and dates of signatures described in  
6388 Subsection 20A-7-217(4) on the [~~lieutenant governor's~~] office's website, in a conspicuous  
6389 location designated by the [~~lieutenant governor~~] director:

6390 (A) for a signature received by the county clerk before December 1, for at least 90  
6391 days; or

6392 (B) for a signature received by the county clerk on or after December 1, for at least 45  
6393 days; and

6394 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures  
6395 certified as of the date of the update.

6396 (3) The [~~lieutenant governor~~] director:

6397 (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be  
6398 sufficient or insufficient on April 30 before the regular general election described in Subsection  
6399 20A-7-201(2)(b); or

6400 (b) may declare the initiative petition to be insufficient before the day described in  
6401 Subsection (3)(a) if:

6402 (i) in relation to the manual initiative process, the total of all valid signatures on timely  
6403 and lawfully submitted initiative packets that have been certified by the county clerks, plus the  
6404 number of signatures on timely and lawfully submitted initiative packets that have not yet been  
6405 evaluated for certification, is less than the number of names required under Section 20A-7-201;

6406 (ii) in relation to the electronic initiative process, the total of all timely and lawfully  
6407 submitted valid signatures that have been certified by the county clerks, plus the number of  
6408 timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b)  
6409 that have not yet been evaluated for certification, is less than the number of names required  
6410 under Section 20A-7-201; or

6411 (iii) a requirement of this part has not been met.

6412 (4) (a) If the total number of names certified under Subsection (3) equals or exceeds  
6413 the number of names required under Section 20A-7-201, and the requirements of this part are  
6414 met, the ~~[lieutenant governor]~~ director shall mark upon the front of the initiative petition the  
6415 word "sufficient."

6416 (b) If the total number of names certified under Subsection (3) does not equal or  
6417 exceed the number of names required under Section 20A-7-201 or a requirement of this part is  
6418 not met, the ~~[lieutenant governor]~~ director shall mark upon the front of the initiative petition  
6419 the word "insufficient."

6420 (c) The ~~[lieutenant governor]~~ director shall immediately notify any one of the sponsors  
6421 of the ~~[lieutenant governor's]~~ director's finding.

6422 (5) After an initiative petition is declared insufficient, a person may not submit  
6423 additional signatures to qualify the initiative for the ballot.

6424 (6) (a) If the ~~[lieutenant governor]~~ director refuses to declare an initiative petition  
6425 sufficient that a voter believes is legally sufficient, the voter may, no later than May 15, apply  
6426 to the appropriate court for an order finding the initiative petition legally sufficient.

6427 (b) If the court determines that the initiative petition is legally sufficient, the ~~[lieutenant~~  
6428 ~~governor]~~ director shall mark the petition "sufficient" and consider the declaration of  
6429 sufficiency effective as of the date on which the initiative petition should have been declared  
6430 sufficient by the ~~[lieutenant governor's office]~~ director.

6431 (c) If the court determines that the initiative petition is not legally sufficient, the court  
6432 may enjoin the ~~[lieutenant governor]~~ director and all other officers from certifying or printing  
6433 the ballot title and numbers of that measure on the official ballot.

6434 (7) An initiative petition determined to be sufficient in accordance with this section is  
6435 qualified for the ballot.

6436 Section 107. Section 20A-7-208 is amended to read:

6437 **20A-7-208. Disposition of initiative petitions by the Legislature.**

6438 (1) (a) Except as provided in Subsection (1)(b), when the ~~[lieutenant governor]~~ director  
6439 delivers an initiative petition to the Legislature, the law proposed by that initiative petition  
6440 shall be either enacted or rejected without change or amendment by the Legislature.

6441 (b) The speaker of the House and the president of the Senate may direct legislative staff

6442 to make technical corrections authorized by Section 36-12-12.

6443 (c) If any law proposed by an initiative petition is enacted by the Legislature, the law is  
6444 subject to referendum the same as other laws.

6445 (2) If any law proposed by an initiative petition is not enacted by the Legislature, that  
6446 proposed law shall be submitted to a vote of the people at the next regular general election if:

6447 (a) sufficient additional signatures to the petition are first obtained to bring the total  
6448 number of signatures up to the number required by Subsection 20A-7-201(2); and

6449 (b) those additional signatures are verified, certified by the county clerks, and declared  
6450 sufficient by the [~~lieutenant governor~~] director as provided in Section 20A-7-105 and this part.

6451 Section 108. Section 20A-7-209 is amended to read:

6452 **20A-7-209. Short title and summary of initiative -- Duties of director and Office**  
6453 **of Legislative Research and General Counsel.**

6454 (1) On or before June 5 before the regular general election, the [~~lieutenant governor~~]  
6455 director shall deliver a copy of all of the proposed laws that have qualified for the ballot to the  
6456 Office of Legislative Research and General Counsel.

6457 (2) (a) The Office of Legislative Research and General Counsel shall:

6458 (i) entitle each statewide initiative that has qualified for the ballot "Proposition Number  
6459 \_\_\_" and give it a number as assigned under Section 20A-6-107;

6460 (ii) prepare for each initiative:

6461 (A) an impartial short title, not exceeding 25 words, that generally describes the subject  
6462 of the initiative; and

6463 (B) an impartial summary of the contents of the initiative, not exceeding 125 words;  
6464 and

6465 (iii) provide each short title, and summary to the [~~lieutenant governor~~] director on or  
6466 before June 26.

6467 (b) The short title and summary may be distinct from the title of the proposed law.

6468 (c) If the initiative proposes a tax increase, the Office of Legislative Research and  
6469 General Counsel shall include the following statement, in bold, in the summary:

6470 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
6471 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
6472 increase in the current tax rate."

6473 (d) Subject to Subsection (4), for each statewide initiative, the official ballot shall  
6474 show, in the following order:

6475 (i) the number of the initiative, determined in accordance with Section 20A-6-107;

6476 (ii) the short title;

6477 (iii) except as provided in Subsection (2)(e):

6478 (A) the summary;

6479 (B) the text of the proposed law; and

6480 (C) a link to a location on the [~~lieutenant governor's~~] office's website where a voter  
6481 may review additional information relating to each initiative, including the information  
6482 described in Subsection 20A-7-202(2), the initial fiscal impact statement described in Section  
6483 20A-7-202.5, as updated under Section 20A-7-204.1, and the arguments relating to the  
6484 initiative that are included in the voter information pamphlet; and

6485 (iv) the initial fiscal impact statement prepared under Section 20A-7-202.5, as updated  
6486 under Section 20A-7-204.1.

6487 (e) Unless the information described in Subsection (2)(d)(iii) is shown on the official  
6488 ballot, the election officer shall include with the ballot a separate ballot proposition insert that  
6489 includes the short title and summary for each initiative on the ballot and a link to a location on  
6490 the [~~lieutenant governor's~~] office's website where a voter may review the additional information  
6491 described in Subsection (2)(d)(iii)(C).

6492 (f) Unless the information described in Subsection (2)(d)(iii) for all initiatives on the  
6493 ballot, and the information described in Subsection 20A-7-308(2)(c)(iii) for all referenda on the  
6494 ballot, is printed on the ballot, the ballot shall include the following statement at the beginning  
6495 of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included  
6496 with this ballot contains an impartial summary of each initiative and referendum on this ballot,  
6497 unless the summary is printed directly on the ballot."

6498 (3) On or before June 27, the [~~lieutenant governor~~] director shall mail a copy of the  
6499 short title and summary to any sponsor of the petition.

6500 (4) (a) (i) At least three of the sponsors of the petition may, on or before July 6,  
6501 challenge the wording of the short title and summary prepared by the Office of Legislative  
6502 Research and General Counsel to the appropriate court.

6503 (ii) After receipt of the challenge, the court shall direct the [~~lieutenant governor~~]

6504 director to send notice of the challenge to:

6505 (A) any person or group that has filed an argument for or against the initiative that is  
6506 the subject of the challenge; or

6507 (B) any political issues committee established under Section 20A-11-801 that has filed  
6508 written or electronic notice with the [~~lieutenant governor~~] director that identifies the name,  
6509 mailing or email address, and telephone number of the individual designated to receive notice  
6510 about any issues relating to the initiative.

6511 (b) (i) There is a presumption that the short title prepared by the Office of Legislative  
6512 Research and General Counsel is an impartial description of the contents of the initiative.

6513 (ii) The court may not revise the wording of the short title unless the plaintiffs rebut the  
6514 presumption by clearly and convincingly establishing that the short title is false or biased.

6515 (iii) There is a presumption that the summary prepared by the Office of Legislative  
6516 Research and General Counsel is an impartial summary of the contents of the initiative.

6517 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut  
6518 the presumption by clearly and convincingly establishing that the summary is false or biased.

6519 (c) The court shall:

6520 (i) examine the short title and summary;

6521 (ii) hear arguments; and

6522 (iii) enter an order consistent with the requirements of this section.

6523 (d) The [~~lieutenant governor~~] director shall, in accordance with the court's order, certify  
6524 the short title and summary to the county clerks for inclusion in the ballot or ballot proposition  
6525 insert, as required by this section.

6526 Section 109. Section 20A-7-211 is amended to read:

6527 **20A-7-211. Return and canvass -- Conflicting measures -- Law effective on**  
6528 **proclamation.**

6529 (1) The votes on the law proposed by the initiative petition shall be counted,  
6530 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

6531 (2) After the state board of canvassers completes the canvass, the [~~lieutenant governor~~]  
6532 director shall certify to the governor the vote for and against the law proposed by the initiative  
6533 petition.

6534 (3) (a) The governor shall immediately issue a proclamation that:

6535 (i) gives the total number of votes cast in the state for and against each law proposed by  
6536 an initiative petition; and

6537 (ii) declares those laws proposed by an initiative petition that are approved by majority  
6538 vote to be in full force and effect on the date described in Subsection 20A-7-212(2).

6539 (b) When the governor believes that two proposed laws, or that parts of two proposed  
6540 laws approved by the people at the same election are entirely in conflict, the governor shall  
6541 proclaim as law the initiative that receives the greatest number of affirmative votes, regardless  
6542 of the difference in the majorities which those initiatives receive.

6543 (c) Within 10 days after the day of the governor's proclamation, any qualified voter  
6544 who signed the initiative petition proposing the law that is declared by the governor to be  
6545 superseded by another initiative approved at the same election may bring an action in the  
6546 appropriate court to review the governor's decision.

6547 (4) Within 10 days after the day on which the court issues an order in an action  
6548 described in Subsection (3)(c), the governor shall:

6549 (a) proclaim as law all initiatives approved by the people that the court determines are  
6550 not entirely in conflict; and

6551 (b) of the initiatives approved by the people that the court determines to be entirely in  
6552 conflict, proclaim as law, regardless of the difference in majorities, the law that receives the  
6553 greatest number of affirmative votes, to be in full force and effect on the date described in  
6554 Subsection 20A-7-212(2).

6555 Section 110. Section 20A-7-215 is amended to read:

6556 **20A-7-215. Electronic initiative process -- Form of initiative petition --**

6557 **Circulation requirements -- Signature collection.**

6558 (1) This section applies only to the electronic initiative process.

6559 (2) (a) The first screen presented on the approved device shall include the following  
6560 statement:

6561 "This INITIATIVE PETITION is addressed to the [Honorable \_\_\_\_\_, Lieutenant  
6562 Governor] director of the Elections Office:

6563 The citizens of Utah who sign this petition respectfully demand that the following  
6564 proposed law be submitted to the legal voters/Legislature of Utah for their/its approval or  
6565 rejection at the regular general election/session to be held/beginning on



6566 \_\_\_\_\_(month\day\year)."

6567 (b) An individual may not advance to the second screen until the individual clicks a  
6568 link at the bottom of the first screen stating, "By clicking here, I attest that I have read and  
6569 understand the information presented on this screen."

6570 (3) (a) The second screen presented on the approved device shall include the following  
6571 statement:

6572 "Public hearings to discuss this initiative were held at: (list dates and locations of public  
6573 hearings.)".

6574 (b) An individual may not advance to the third screen until the individual clicks a link  
6575 at the bottom of the second screen stating, "By clicking here, I attest that I have read and  
6576 understand the information presented on this screen."

6577 (4) (a) The third screen presented on the approved device shall include the title of  
6578 proposed law, described in Subsection 20A-7-202(2)(e)(i), followed by the entire text of the  
6579 proposed law.

6580 (b) An individual may not advance to the fourth screen until the individual clicks a link  
6581 at the bottom of the third screen stating, "By clicking here, I attest that I have read and  
6582 understand the entire text of the proposed law."

6583 (5) Subsequent screens shall be presented on the device in the following order, with the  
6584 individual viewing the device being required, before advancing to the next screen, to click a  
6585 link at the bottom of the screen with the following statement: "By clicking here, I attest that I  
6586 have read and understand the information presented on this screen.":

6587 (a) a description of all proposed sources of funding for the costs associated with the  
6588 proposed law, including the proposed percentage of total funding from each source;

6589 (b) (i) if the initiative proposes a tax increase, the following statement, "This initiative  
6590 seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference)  
6591 percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax  
6592 rate."; or

6593 (ii) if the initiative does not propose a tax increase, the following statement, "This  
6594 initiative does not propose a tax increase.";

6595 (c) the initial fiscal impact statement issued by the Office of the Legislative Fiscal  
6596 Analyst in accordance with Subsection 20A-7-202.5(2)(a), including any update in accordance

6597 with Subsection [~~20A-7-204.1(6)~~] 20A-7-204.1(5);

6598 (d) a statement indicating whether persons gathering signatures for the initiative  
6599 petition may be paid for gathering signatures; and

6600 (e) the following statement, followed by links where the individual may click "yes" or  
6601 "no":

6602 "I have personally reviewed the entirety of each statement presented on this device;

6603 I am personally signing this initiative petition;

6604 I am registered to vote in Utah; and

6605 All information I enter on this device, including my residence and post office address, is  
6606 accurate.

6607 It is a class A misdemeanor for an individual to sign an initiative petition with a name  
6608 other than the individual's own name, or to knowingly sign the individual's name more than  
6609 once for the same initiative petition, or to sign an initiative petition when the individual knows  
6610 that the individual is not a registered voter.

6611 WARNING

6612 Even if your voter registration record is classified as private, your name, voter  
6613 identification number, and date of signature in relation to signing this initiative petition will be  
6614 made public.

6615 Do you wish to continue and sign this initiative petition?"

6616 (6) (a) If the individual clicks "no" in response to the question described in Subsection  
6617 (5)(e), the next screen shall include the following statement, "Thank you for your time. Please  
6618 return this device to the signature-gatherer."

6619 (b) If the individual clicks "yes" in response to the question described in Subsection  
6620 (5)(e), the website, or the application that accesses the website, shall take the signature-gatherer  
6621 and the individual signing the initiative petition through the signature process described in  
6622 Section 20A-21-201.

6623 Section 111. Section **20A-7-216** is amended to read:

6624 **20A-7-216. Electronic initiative process -- Obtaining signatures -- Request to**  
6625 **remove signature.**

6626 (1) This section applies to the electronic initiative process.

6627 (2) A Utah voter may sign an initiative petition if the voter is a legal voter.

6628 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from  
6629 an individual:

6630 (a) verifies that the individual is at least 18 years old and meets the residency  
6631 requirements of Section 20A-2-105; and

6632 (b) is informed that each signer is required to read and understand the law proposed by  
6633 the initiative.

6634 (4) A voter who signs an initiative petition may have the voter's signature removed  
6635 from the initiative petition by submitting to the county clerk a statement requesting that the  
6636 voter's signature be removed before 5 p.m. no later than the earlier of:

6637 (a) for an electronic signature gathered before December 1:

6638 (i) 30 days after the day on which the voter signs the signature removal statement; or

6639 (ii) 90 days after the day on which the county clerk posts the voter's name under

6640 Subsection 20A-7-217(4); or

6641 (b) for an electronic signature gathered on or after December 1:

6642 (i) 30 days after the day on which the voter signs the signature removal statement; or

6643 (ii) 45 days after the day on which the county clerk posts the voter's name under

6644 Subsection 20A-7-217(4).

6645 (5) (a) The statement described in Subsection (4) shall include:

6646 (i) the name of the voter;

6647 (ii) the resident address at which the voter is registered to vote;

6648 (iii) the signature of the voter; and

6649 (iv) the date of the signature described in Subsection (5)(a)(iii).

6650 (b) To increase the likelihood of the voter's signature being identified and removed, the  
6651 statement described in Subsection (4) may include the voter's birth date or age.

6652 (c) A voter may not submit a signature removal statement described in Subsection (4)  
6653 by email or other electronic means, unless the [~~lieutenant governor~~] director establishes a  
6654 signature removal process that is consistent with the requirements of this section and Section  
6655 20A-21-201.

6656 (d) A person may only remove an electronic signature from an initiative petition in  
6657 accordance with this section.

6658 (e) A county clerk shall analyze a holographic signature, for purposes of removing an

6659 electronic signature from an initiative petition, in accordance with Subsection 20A-1-1003(3).

6660 Section 112. Section 20A-7-217 is amended to read:

6661 **20A-7-217. Electronic initiative process -- Collecting signatures -- Email**  
6662 **notification -- Removal of signatures.**

6663 (1) This section applies only to the electronic initiative process.

6664 (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:

6665 (a) 316 days after the day on which the initiative application is filed; or

6666 (b) the February 15 immediately before the next regular general election immediately

6667 after the initiative application is filed under Section 20A-7-202.

6668 (3) The [~~lieutenant governor~~] director shall send to each individual who provides a  
6669 valid email address during the signature-gathering process an email that includes the following:

6670 (a) the subject of the email shall include the following statement, "Notice Regarding

6671 Your Petition Signature"; and

6672 (b) the body of the email shall include the following statement in 12-point type:

6673 "You signed a petition for the following initiative:

6674 [insert title of initiative]

6675 To access a copy of the initiative petition, the text of the law proposed by the initiative,

6676 the fiscal impact statement, and information on the deadline for removing your signature from

6677 the initiative petition, please visit the following link: [insert a uniform resource locator that

6678 takes the individual directly to the page on the [~~lieutenant governor's~~] office's website that

6679 includes the information referred to in the email]."

6680 (4) Except as provided in Subsection (5), the county clerk shall, within two business

6681 days after the day on which the signature of an individual who signs an initiative petition is

6682 certified under Section 20A-21-201, post the name, voter identification number, and date of

6683 signature of the individual on the [~~lieutenant governor's~~] office's website, in a conspicuous

6684 location designated by the [~~lieutenant governor~~] director.

6685 (5) (a) If the county clerk timely receives a statement requesting signature removal  
6686 under Subsection 20A-7-216(4), the county clerk shall:

6687 (i) ensure that the voter's name, voter identification number, and date of signature are  
6688 not included in the posting described in Subsection (4); and

6689 (ii) remove the voter's signature from the initiative petition and the initiative petition

6690 signature totals.

6691 (b) The county clerk shall comply with Subsection (5)(a) before the later of:

6692 (i) the deadline described in Subsection (4); or

6693 (ii) two business days after the day on which the county clerk receives a statement

6694 requesting signature removal under Subsection 20A-7-216(4).

6695 Section 113. Section 20A-7-301 is amended to read:

6696 **20A-7-301. Referendum -- Signature requirements -- Submission to voters.**

6697 (1) (a) A person seeking to have a law passed by the Legislature submitted to a vote of

6698 the people shall, after filing a referendum application, obtain:

6699 (i) legal signatures equal to 8% of the number of active voters in the state on January 1

6700 immediately following the last regular general election; and

6701 (ii) from at least 15 Senate districts, legal signatures equal to 8% of the number of

6702 active voters in that Senate district on January 1 immediately following the last regular general

6703 election.

6704 (b) When the [~~lieutenant governor~~] director declares that a referendum petition is

6705 signed by a sufficient number of voters to meet the requirements of Subsection (1)(a), the

6706 governor shall issue an executive order that:

6707 (i) directs that the referendum be submitted to the voters at the next regular general

6708 election; or

6709 (ii) calls a special election according to the requirements of Section 20A-1-203 and

6710 directs that the referendum be submitted to the voters at that special election.

6711 (2) When the [~~lieutenant governor~~] director declares that a referendum petition is

6712 signed by a sufficient number of voters, the law that is the subject of the petition does not take

6713 effect unless and until it is approved by a vote of the people at a regular general election or a

6714 statewide special election.

6715 (3) The [~~lieutenant governor~~] director shall provide the following information to any

6716 interested person:

6717 (a) the number of active voters in the state on January 1 immediately following the last

6718 regular general election; and

6719 (b) for each county, the number of active voters in that Senate district on January 1

6720 immediately following the last regular general election.

6721 Section 114. Section **20A-7-302** is amended to read:

6722 **20A-7-302. Referendum process -- Application procedures.**

6723 (1) Individuals wishing to circulate a referendum petition shall file a referendum  
6724 application with the [~~lieutenant governor~~] director before 5 p.m. within five calendar days after  
6725 the day on which the legislative session at which the law passed ends.

6726 (2) The referendum application shall include:

6727 (a) the name and residence address of at least five sponsors of the referendum petition;

6728 (b) a statement indicating that each of the sponsors is registered to vote in Utah;

6729 (c) a statement indicating whether persons gathering signatures for the referendum  
6730 petition may be paid for gathering signatures;

6731 (d) the signature of each of the sponsors, attested to by a notary public; and

6732 (e) a copy of the law that is the subject of the proposed referendum.

6733 Section 115. Section **20A-7-303** is amended to read:

6734 **20A-7-303. Manual referendum process -- Form of referendum petition and**  
6735 **signature sheets.**

6736 (1) This section applies only to the manual referendum process.

6737 (2) (a) Each proposed referendum petition shall be printed in substantially the  
6738 following form:

6739 "REFERENDUM PETITION To the [~~Honorable \_\_\_\_\_, Lieutenant Governor~~] director  
6740 of the Elections Office:

6741 We, the undersigned citizens of Utah, respectfully order that Senate (or House) Bill No.  
6742 \_\_\_\_\_, entitled (title of act, and, if the petition is against less than the whole act, set forth here  
6743 the part or parts on which the referendum is sought), passed by the Legislature of the state of  
6744 Utah during the \_\_\_\_\_ Session, be referred to the people of Utah for their approval or rejection  
6745 at a regular general election or a statewide special election;

6746 Each signer says:

6747 I have personally signed this referendum petition;

6748 The date next to my signature correctly reflects the date that I actually signed the  
6749 referendum petition;

6750 I have personally reviewed the entire statement included with this referendum packet;

6751 I am registered to vote in Utah; and

- 6752 My residence and post office address are written correctly after my name."
- 6753 (b) The sponsors of a referendum or an agent of the sponsors shall attach a copy of the  
6754 law that is the subject of the referendum to each referendum petition.
- 6755 (3) Each referendum signature sheet shall:
- 6756 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 6757 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above  
6758 that line blank for the purpose of binding;
- 6759 (c) include the title of the referendum printed below the horizontal line, in at least  
6760 14-point, bold type;
- 6761 (d) include a table immediately below the title of the referendum, and beginning .5 inch  
6762 from the left side of the paper, as follows:
- 6763 (i) the first column shall be .5 inch wide and include three rows;
- 6764 (ii) the first row of the first column shall be .85 inch tall and contain the words "For  
6765 Office Use Only" in 10-point type;
- 6766 (iii) the second row of the first column shall be .35 inch tall;
- 6767 (iv) the third row of the first column shall be .5 inch tall;
- 6768 (v) the second column shall be 2.75 inches wide;
- 6769 (vi) the first row of the second column shall be .35 inch tall and contain the words  
6770 "Registered Voter's Printed Name (must be legible to be counted)" in 10-point type;
- 6771 (vii) the second row of the second column shall be .5 inch tall;
- 6772 (viii) the third row of the second column shall be .35 inch tall and contain the words  
6773 "Street Address, City, Zip Code" in 10-point type;
- 6774 (ix) the fourth row of the second column shall be .5 inch tall;
- 6775 (x) the third column shall be 2.75 inches wide;
- 6776 (xi) the first row of the third column shall be .35 inch tall and contain the words  
6777 "Signature of Registered Voter" in 10-point type;
- 6778 (xii) the second row of the third column shall be .5 inch tall;
- 6779 (xiii) the third row of the third column shall be .35 inch tall and contain the words  
6780 "Email Address (optional, to receive additional information)" in 10-point type;
- 6781 (xiv) the fourth row of the third column shall be .5 inch tall;
- 6782 (xv) the fourth column shall be one inch wide;

6783 (xvi) the first row of the fourth column shall be .35 inch tall and contain the words  
6784 "Date Signed" in 10-point type;

6785 (xvii) the second row of the fourth column shall be .5 inch tall;

6786 (xviii) the third row of the fourth column shall be .35 inch tall and contain the words  
6787 "Birth Date or Age (optional)" in 10-point type;

6788 (xix) the fourth row of the third column shall be .5 inch tall; and

6789 (xx) the fifth row of the entire table shall be the width of the entire table, .4 inch tall,  
6790 and contain the following words "By signing this referendum petition, you are stating that you  
6791 have read and understand the law that this referendum petition seeks to overturn." in 12-point  
6792 type;

6793 (e) the table described in Subsection (3)(d) shall be repeated, leaving sufficient room at  
6794 the bottom of the sheet for the information described in Subsection (3)(f); and

6795 (f) at the bottom of the sheet, include the word "Warning," in 12-point, bold type,  
6796 followed by the following statement in not less than eight-point type:

6797 "It is a class A misdemeanor for an individual to sign a referendum petition with a name  
6798 other than the individual's own name, or to knowingly sign the individual's name more than  
6799 once for the same referendum petition, or to sign a referendum petition when the individual  
6800 knows that the individual is not a registered voter.

6801 Birth date or age information is not required, but it may be used to verify your identity  
6802 with voter registration records. If you choose not to provide it, your signature may not be  
6803 verified as a valid signature if you change your address before petition signatures are verified  
6804 or if the information you provide does not match your voter registration records."

6805 (4) The final page of each referendum packet shall contain the following printed or  
6806 typed statement:

6807 Verification of signature collector

6808 State of Utah, County of \_\_\_\_\_

6809 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

6810 I am a Utah resident and am at least 18 years old;

6811 All the names that appear in this referendum packet were signed by individuals who  
6812 professed to be the individuals whose names appear in it, and each of the individuals signed the  
6813 individual's name on it in my presence;



6814 I did not knowingly make a misrepresentation of fact concerning the law this petition  
6815 seeks to overturn;

6816 I believe that each individual has printed and signed the individual's name and written  
6817 the individual's post office address and residence correctly, that each signer has read and  
6818 understands the law that the referendum seeks to overturn, and that each signer is registered to  
6819 vote in Utah.

6820 Each individual who signed the referendum packet wrote the correct date of signature  
6821 next to the individual's name.

6822 I have not paid or given anything of value to any individual who signed this referendum  
6823 packet to encourage that individual to sign it.

6824 \_\_\_\_\_  
6825 (Name) (Residence Address) (Date).

6826 (5) If the forms described in this section are substantially followed, the referendum  
6827 petitions are sufficient, notwithstanding clerical and merely technical errors.

6828 (6) An individual's status as a resident, under Subsection (4), is determined in  
6829 accordance with Section 20A-2-105.

6830 Section 116. Section 20A-7-304 is amended to read:

6831 **20A-7-304. Manual referendum process -- Circulation requirements -- Director**  
6832 **to provide sponsors with materials.**

6833 (1) This section applies only to the manual referendum process.

6834 (2) In order to obtain the necessary number of signatures required by this part, the  
6835 sponsors or an agent of the sponsors shall, after the sponsors receive the documents described  
6836 in Subsection (3), circulate referendum packets that meet the form requirements of this part.

6837 (3) The [~~lieutenant governor~~] director shall provide the sponsors with  
6838 a copy of the referendum petition and  
6839 a signature sheet within three days after the day on which the sponsors sign an  
6840 agreement, under Subsection (6)(a), with the [~~Office of the Lieutenant Governor~~] office  
6841 specifying the range of numbers that the sponsors will use to number the referendum packets.

6842 (4) The sponsors of the referendum petition shall:

6843 (a) arrange and pay for the printing of all documents that are part of the referendum  
6844 packets; and

6845 (b) ensure that the referendum packets and the documents described in Subsection  
6846 (4)(a) meet the form requirements of this section.

6847 (5) (a) The sponsors or an agent of the sponsors may prepare the referendum packets  
6848 for circulation by creating multiple referendum packets.

6849 (b) The sponsors or an agent of the sponsors shall create referendum packets by  
6850 binding a copy of the referendum petition with the text of the law that is the subject of the  
6851 referendum and no more than 50 signature sheets together at the top in a manner that the  
6852 referendum packets may be conveniently opened for signing.

6853 (c) A referendum packet is not required to have a uniform number of signature sheets.

6854 (6) (a) The sponsors or an agent of the sponsors shall, before gathering signatures:

6855 (i) contact the [~~lieutenant governor's~~] office to receive a range of numbers that the  
6856 sponsors may use to number referendum packets;

6857 (ii) sign an agreement with the [~~Office of the Lieutenant Governor~~] office, specifying  
6858 the range of numbers that the sponsor will use to number the referendum packets; and

6859 (iii) number each referendum packet, sequentially, within the range of numbers  
6860 provided by the [~~lieutenant governor's~~] office, starting with the lowest number in the range.

6861 (b) The sponsors or an agent of the sponsors may not:

6862 (i) number a referendum packet in a manner not directed by the [~~lieutenant governor's~~]  
6863 office; or

6864 (ii) circulate or submit a referendum packet that is not numbered in the manner  
6865 directed by the [~~lieutenant governor's~~] office.

6866 Section 117. Section **20A-7-304.5** is amended to read:

6867 **20A-7-304.5. Posting referendum information.**

6868 (1) On the day on which the [~~lieutenant governor~~] director complies with Subsection  
6869 **20A-7-304(3)**, or provides the sponsors with access to the website defined in Section  
6870 **20A-21-101**, the [~~lieutenant governor~~] director shall post the following information together in  
6871 a conspicuous place on the [~~lieutenant governor's~~] office's website:

6872 (a) the referendum petition;

6873 (b) a copy of the law that is the subject of the referendum petition; and

6874 (c) information describing how an individual may remove the individual's signature  
6875 from the referendum petition.

6876 (2) The [~~lieutenant governor~~] director shall:

6877 (a) promptly update the information described in Subsection (1) if the information  
6878 changes; and

6879 (b) maintain the information described in Subsection (1) on the [~~lieutenant governor's~~]  
6880 office's website until the referendum fails to qualify for the ballot or is passed or defeated at an  
6881 election.

6882 Section 118. Section **20A-7-307** is amended to read:

6883 **20A-7-307. Evaluation by the director.**

6884 (1) In relation to the manual referendum process, when the [~~lieutenant governor~~]  
6885 director receives a referendum packet from a county clerk, the [~~lieutenant governor~~] director  
6886 shall record the number of the referendum packet received.

6887 (2) The county clerk shall:

6888 (a) in relation to the manual referendum process:

6889 (i) post the names, voter identification numbers, and dates of signatures described in  
6890 Subsection **20A-7-105(6)(a)(iii)** on the [~~lieutenant governor's~~] office's website, in a  
6891 conspicuous location designated by the [~~lieutenant governor~~] director, for at least 45 days; and

6892 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures  
6893 certified as of the date of the update; or

6894 (b) in relation to the electronic referendum process:

6895 (i) post the names, voter identification numbers, and dates of signatures described in  
6896 Subsection **20A-7-315(4)** on the [~~lieutenant governor's~~] office's website, in a conspicuous  
6897 location designated by the [~~lieutenant governor~~] director, for at least 45 days; and

6898 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures  
6899 certified as of the date of the update.

6900 (3) The [~~lieutenant governor~~] director:

6901 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be  
6902 sufficient or insufficient 106 days after the end of the legislative session at which the law  
6903 passed; or

6904 (b) may declare the referendum petition to be insufficient before the day described in  
6905 Subsection (3)(a) if:

6906 (i) in relation to the manual referendum process, the total of all valid signatures on

6907 timely and lawfully submitted referendum packets that have been certified by the county clerks,  
6908 plus the number of signatures on timely and lawfully submitted referendum packets that have  
6909 not yet been evaluated for certification, is less than the number of names required under  
6910 Section 20A-7-301;

6911 (ii) in relation to the electronic referendum process, the total of all timely and lawfully  
6912 submitted valid signatures that have been certified by the county clerks, plus the number of  
6913 timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b)  
6914 that have not yet been evaluated for certification, is less than the number of names required  
6915 under Section 20A-7-301; or

6916 (iii) a requirement of this part has not been met.

6917 (4) (a) If the total number of names certified under Subsection (3) equals or exceeds  
6918 the number of names required under Section 20A-7-301, and the requirements of this part are  
6919 met, the [~~lieutenant governor~~] director shall mark upon the front of the referendum petition the  
6920 word "sufficient."

6921 (b) If the total number of names certified under Subsection (3) does not equal or  
6922 exceed the number of names required under Section 20A-7-301 or a requirement of this part is  
6923 not met, the [~~lieutenant governor~~] director shall mark upon the front of the referendum petition  
6924 the word "insufficient."

6925 (c) The [~~lieutenant governor~~] director shall immediately notify any one of the sponsors  
6926 of the [~~lieutenant governor's~~] director's finding.

6927 (d) After a referendum petition is declared insufficient, a person may not submit  
6928 additional signatures to qualify the referendum for the ballot.

6929 (5) (a) If the [~~lieutenant governor~~] director refuses to declare a referendum petition  
6930 sufficient that a voter believes is legally sufficient, the voter may, no later than 10 days after the  
6931 day on which the [~~lieutenant governor~~] director declares the petition insufficient, apply to the  
6932 appropriate court for an order finding the referendum petition legally sufficient.

6933 (b) If the court determines that the referendum petition is legally sufficient, the  
6934 [~~lieutenant governor~~] director shall mark the referendum petition "sufficient" and consider the  
6935 declaration of sufficiency effective as of the date on which the referendum petition should have  
6936 been declared sufficient by the [~~lieutenant governor's office~~] director.

6937 (c) If the court determines that a referendum petition filed is not legally sufficient, the

6938 court may enjoin the [~~lieutenant governor~~] director and all other officers from certifying or  
6939 printing the ballot title and numbers of that measure on the official ballot.

6940 (6) A referendum petition determined to be sufficient in accordance with this section is  
6941 qualified for the ballot.

6942 Section 119. Section **20A-7-308** is amended to read:

6943 **20A-7-308. Short title and summary of referendum -- Duties of director and**  
6944 **Office of Legislative Research and General Counsel.**

6945 (1) Whenever a referendum petition is declared sufficient for submission to a vote of  
6946 the people, the [~~lieutenant governor~~] director shall deliver a copy of the referendum petition  
6947 and the law to which the referendum relates to the Office of Legislative Research and General  
6948 Counsel.

6949 (2) (a) The Office of Legislative Research and General Counsel shall:

6950 (i) entitle each statewide referendum that qualifies for the ballot "Proposition Number  
6951 \_\_\_" and assign a number to the referendum in accordance with Section [20A-6-107](#);

6952 (ii) prepare for each referendum:

6953 (A) an impartial short title, not exceeding 25 words, that generally describes the law to  
6954 which the referendum relates; and

6955 (B) an impartial summary of the contents of the law to which the referendum relates,  
6956 not exceeding 125 words; and

6957 (iii) submit the short title and summary to the [~~lieutenant governor~~] director within 15  
6958 days after the day on which the Office of Legislative Research and General Counsel receives  
6959 the petition under Subsection (1).

6960 (b) The short title and summary may be distinct from the title of the law that is the  
6961 subject of the referendum.

6962 (c) Subject to Subsection (4), for each statewide referendum, the official ballot shall  
6963 show, in the following order:

6964 (i) the number of the referendum, determined in accordance with Section [20A-6-107](#);

6965 (ii) the short title; and

6966 (iii) except as provided in Subsection (2)(d):

6967 (A) the summary;

6968 (B) a copy of the law; and

6969 (C) a link to a location on the [~~lieutenant governor's~~] office's website where a voter  
6970 may review additional information relating to each referendum, including the information  
6971 described in Subsection [20A-7-302\(2\)](#) and the arguments relating to the referendum that are  
6972 included in the voter information pamphlet.

6973 (d) Unless the information described in Subsection (2)(c)(iii) is shown on the official  
6974 ballot, the election officer shall include with the ballot a separate ballot proposition insert that  
6975 includes the short title and summary for each referendum on the ballot and a link to a location  
6976 on the [~~lieutenant governor's~~] office's website where a voter may review the additional  
6977 information described in Subsection (2)(c)(iii)(C).

6978 (e) Unless the information described in Subsection [20A-7-209\(2\)\(d\)\(iii\)](#) for all  
6979 initiatives on the ballot, and the information described in Subsection (2)(c)(iii) for all referenda  
6980 on the ballot, is printed on the ballot, the ballot shall include the following statement at the  
6981 beginning of the portion of the ballot that includes ballot measures, "The ballot proposition  
6982 sheet included with this ballot contains an impartial summary of each initiative and referendum  
6983 on this ballot, unless the summary is printed directly on the ballot."

6984 (3) Immediately after the Office of Legislative Research and General Counsel submits  
6985 the short title and summary to the [~~lieutenant governor~~] director, the [~~lieutenant governor~~]  
6986 director shall mail or email a copy of the short title and summary to any of the sponsors of the  
6987 referendum petition.

6988 (4) (a) (i) At least three of the sponsors of the referendum petition may, within 15 days  
6989 after the day on which the [~~lieutenant governor~~] director mails the short title and summary,  
6990 challenge the wording of the short title and summary prepared by the Office of Legislative  
6991 Research and General Counsel to the appropriate court.

6992 (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send  
6993 notice of the appeal to:

6994 (A) any person or group that has filed an argument for or against the law to which the  
6995 referendum relates; and

6996 (B) any political issues committee established under Section [20A-11-801](#) that has filed  
6997 written or electronic notice with the [~~lieutenant governor~~] director that identifies the name,  
6998 mailing or email address, and telephone number of the person designated to receive notice  
6999 about any issues relating to the referendum.

7000 (b) (i) There is a presumption that the short title prepared by the Office of Legislative  
7001 Research and General Counsel is an impartial description of the contents of the referendum.

7002 (ii) The court may not revise the wording of the short title unless the plaintiffs rebut the  
7003 presumption by clearly and convincingly establishing that the short title is false or biased.

7004 (iii) There is a presumption that the summary prepared by the Office of Legislative  
7005 Research and General Counsel is an impartial summary of the contents of the law to which the  
7006 referendum relates.

7007 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut  
7008 the presumption by clearly and convincingly establishing that the summary is false or biased.

7009 (c) The court shall:

7010 (i) examine the short title and summary;

7011 (ii) hear arguments; and

7012 (iii) enter an order consistent with the requirements of this section.

7013 (d) The [~~lieutenant governor~~] director shall, in accordance with the court's order, certify  
7014 the short title and summary to the county clerks for inclusion in the ballot or ballot proposition  
7015 insert, as required by this section.

7016 Section 120. Section **20A-7-309** is amended to read:

7017 **20A-7-309. Form of ballot -- Manner of voting.**

7018 (1) A county clerk shall ensure that the number and ballot title certified by the  
7019 [~~lieutenant governor~~] director are presented upon the official ballot with, immediately adjacent  
7020 to the number and ballot title, the words "For" and "Against," each word presented with an  
7021 adjacent square in which a voter may indicate the voter's vote.

7022 (2) (a) (i) A voter desiring to vote in favor of the law that is the subject of the  
7023 referendum shall mark the square adjacent to the word "For."

7024 (ii) The law that is the subject of the referendum takes effect if a majority of voters  
7025 mark "For."

7026 (b) (i) A voter desiring to vote against the law that is the subject of the referendum  
7027 shall mark the square adjacent to the word "Against."

7028 (ii) The law that is the subject of the referendum does not take effect if a majority of  
7029 voters mark "Against."

7030 Section 121. Section **20A-7-310** is amended to read:

7031           **20A-7-310. Return and canvass -- Conflicting measures.**

7032           (1) The votes on the law that is the subject of the referendum petition shall be counted,  
7033 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

7034           (2) After the state board of canvassers completes its canvass, the [~~lieutenant governor~~  
7035 director] shall certify to the governor the vote for and against the law that is the subject of the  
7036 referendum petition.

7037           (3) (a) The governor shall immediately issue a proclamation that:

7038           (i) gives the total number of votes cast in the state for and against each law that is the  
7039 subject of a referendum petition; and

7040           (ii) declares those laws that are the subject of a referendum petition that are approved  
7041 by majority vote to be in full force and effect as the law of Utah on the effective date described  
7042 in Section [20A-7-311](#).

7043           (b) When the governor determines that two laws, or that parts of two laws approved by  
7044 the people at the same election are entirely in conflict, the governor shall proclaim to be law the  
7045 law that received the greatest number of affirmative votes, regardless of the difference in the  
7046 majorities which those approved laws received.

7047           (4) (a) Within 10 days after the day on which the governor issues the proclamation  
7048 described in Subsection (3), any qualified voter who signed the referendum petition for the law  
7049 that is declared by the governor to be superseded by another law approved at the same election  
7050 may apply to the appropriate court to review the governor's decision.

7051           (b) The court shall:

7052           (i) consider the matter and decide whether the approved laws are in conflict; and

7053           (ii) enter an order consistent with the court's decision.

7054           (5) Within 10 days after the day on which the court enters an order described in  
7055 Subsection (4)(b)(ii), the governor shall:

7056           (a) proclaim as law all those laws approved by the people that the court determines are  
7057 not in conflict; and

7058           (b) of all those laws approved by the people as law that the court determines to be in  
7059 conflict, proclaim as law the one that receives the greatest number of affirmative votes,  
7060 regardless of difference in majorities.

7061           Section 122. Section **20A-7-311** is amended to read:



7062           **20A-7-311. Temporary stay -- Effective date -- Effect of repeal by Legislature.**

7063           (1) If, at the time during the counting period described in Section [20A-7-307](#), the  
7064 [~~lieutenant governor~~] director determines that, at that point in time, an adequate number of  
7065 signatures are certified to comply with the signature requirements, the [~~lieutenant governor~~]  
7066 director shall:

7067           (a) issue an order temporarily staying the law from going into effect; and

7068           (b) continue the process of certifying signatures and removing signatures as required by  
7069 this part.

7070           (2) The temporary stay described in Subsection (1) remains in effect, regardless of  
7071 whether a future count falls below the signature threshold, until the day on which:

7072           (a) if the [~~lieutenant governor~~] director declares the referendum petition insufficient,  
7073 five days after the day on which the [~~lieutenant governor~~] director declares the referendum  
7074 petition insufficient; or

7075           (b) if the [~~lieutenant governor~~] director declares the referendum petition sufficient, the  
7076 day on which governor issues the proclamation described in Section [20A-7-310](#).

7077           (3) A law submitted to the people by referendum that is approved by the voters at an  
7078 election takes effect the later of:

7079           (a) five days after the date of the official proclamation of the vote by the governor; or

7080           (b) the effective date specified in the approved law.

7081           (4) If, after the [~~lieutenant governor~~] director issues a temporary stay order under  
7082 Subsection (1)(a), the [~~lieutenant governor~~] director declares the referendum petition  
7083 insufficient, the law that is the subject of the referendum petition takes effect the later of:

7084           (a) five days after the day on which the [~~lieutenant governor~~] director declares the  
7085 referendum petition insufficient; or

7086           (b) the effective date specified in the law that is the subject of the referendum petition.

7087           (5) (a) The governor may not veto a law approved by the people.

7088           (b) The Legislature may amend any laws approved by the people at any legislative  
7089 session after the people approve the law.

7090           (6) If the Legislature repeals a law challenged by referendum petition under this part,  
7091 the referendum petition is void and no further action on the referendum petition is required.

7092           Section 123. Section **20A-7-313** is amended to read:

7093           **20A-7-313. Electronic referendum process -- Form of referendum petition --**  
7094 **Circulation requirements -- Signature collection.**

7095           (1) This section applies only to the electronic referendum process.

7096           (2) (a) The first screen presented on the approved device shall include the following  
7097 statement:

7098           "This REFERENDUM PETITION is addressed to the [Honorable \_\_\_\_\_, Lieutenant  
7099 Governor] director of the Elections Office:

7100           The citizens of Utah who sign this petition respectfully order that Senate (or House)  
7101 Bill No. \_\_\_\_\_, entitled (title of act, and, if the petition is against less than the whole act, set  
7102 forth here the part or parts on which the referendum is sought), passed by the Legislature of the  
7103 state of Utah during the \_\_\_\_\_ Session, be referred to the people of Utah for their approval or  
7104 rejection at a regular general election or a statewide special election."

7105           (b) An individual may not advance to the second screen until the individual clicks a  
7106 link at the bottom of the first screen stating, "By clicking here, I attest that I have read and  
7107 understand the information presented on this screen."

7108           (3) (a) The second screen presented on the approved device shall include the entire text  
7109 of the law that is the subject of the referendum petition.

7110           (b) An individual may not advance to the third screen until the individual clicks a link  
7111 at the bottom of the second screen stating, "By clicking here, I attest that I have read and  
7112 understand the entire text of the law that is the subject of the referendum petition."

7113           (4) (a) The third screen presented on the approved device shall include a statement  
7114 indicating whether persons gathering signatures for the referendum petition may be paid for  
7115 gathering signatures.

7116           (b) An individual may not advance to the fourth screen until the individual clicks a link  
7117 at the bottom of the first screen stating, "By clicking here, I attest that I have read and  
7118 understand the information presented on this screen."

7119           (5) The fourth screen presented on the approved device shall include the following  
7120 statement, followed by links where the individual may click "yes" or "no":

7121           "I have personally reviewed the entirety of each statement presented on this device;  
7122 I am personally signing this referendum petition;

7123           I am registered to vote in Utah; and

7124 All information I enter on this device, including my residence and post office address, is  
7125 accurate.

7126 It is a class A misdemeanor for an individual to sign a referendum petition with a name  
7127 other than the individual's own name, or to knowingly sign the individual's name more than  
7128 once for the same referendum petition, or to sign a referendum petition when the individual  
7129 knows that the individual is not a registered voter.

7130 WARNING

7131 Even if your voter registration record is classified as private, your name, voter  
7132 identification number, and date of signature in relation to signing this referendum petition will  
7133 be made public.

7134 Do you wish to continue and sign this referendum petition?"

7135 (6) (a) If the individual clicks "no" in response to the question described in Subsection  
7136 (5), the next screen shall include the following statement, "Thank you for your time. Please  
7137 return this device to the signature-gatherer."

7138 (b) If the individual clicks "yes" in response to the question described in Subsection  
7139 (5), the website, or the application that accesses the website, shall take the signature-gatherer  
7140 and the individual signing the referendum petition through the signature process described in  
7141 Section [20A-21-201](#).

7142 Section 124. Section **20A-7-314** is amended to read:

7143 **20A-7-314. Electronic referendum process -- Obtaining signatures -- Request to**  
7144 **remove signature.**

7145 (1) This section applies to the electronic referendum process.

7146 (2) A Utah voter may sign a referendum petition if the voter is a legal voter.

7147 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from  
7148 an individual:

7149 (a) verifies that the individual is at least 18 years old and meets the residency  
7150 requirements of Section [20A-2-105](#); and

7151 (b) is informed that each signer is required to read and understand the law that is the  
7152 subject of the referendum petition.

7153 (4) A voter who signs a referendum petition may have the voter's signature removed  
7154 from the referendum petition by submitting to the county clerk a statement requesting that the

7155 voter's signature be removed before 5 p.m. no later than the earlier of:

7156 (a) 30 days after the day on which the voter signs the statement requesting removal; or

7157 (b) 45 days after the day on which the [~~lieutenant governor~~] director posts the voter's  
7158 name under Subsection [20A-7-315\(4\)](#).

7159 (5) (a) The statement described in Subsection (4) shall include:

7160 (i) the name of the voter;

7161 (ii) the resident address at which the voter is registered to vote;

7162 (iii) the signature of the voter; and

7163 (iv) the date of the signature described in Subsection (5)(a)(iii).

7164 (b) To increase the likelihood of the voter's signature being identified and removed, the  
7165 statement described in Subsection (4) may include the voter's birth date or age.

7166 (c) A voter may not submit a signature removal statement described in Subsection (4)  
7167 by email or other electronic means, unless the [~~lieutenant governor~~] director establishes a  
7168 signature removal process that is consistent with the requirements of this section and Section  
7169 [20A-21-201](#).

7170 (d) A person may only remove an electronic signature from a referendum petition in  
7171 accordance with this section.

7172 (e) A county clerk shall analyze a holographic signature, for purposes of removing an  
7173 electronic signature from a referendum petition, in accordance with Subsection [20A-1-1003\(3\)](#).

7174 Section 125. Section [20A-7-315](#) is amended to read:

7175 **20A-7-315. Electronic referendum process -- Collecting signatures -- Removal of**  
7176 **signatures.**

7177 (1) This section applies only to the electronic referendum process.

7178 (2) A signature-gatherer may not collect a signature after 5 p.m., 40 days after the day  
7179 on which the legislative session at which the law passed ends.

7180 (3) The [~~lieutenant governor~~] director shall send to each individual who provides a  
7181 valid email address during the signature-gathering process an email that includes the following:

7182 (a) the subject of the email shall include the following statement, "Notice Regarding  
7183 Your Petition Signature"; and

7184 (b) the body of the email shall include the following statement in 12-point type:

7185 "You signed a petition for the following referendum:

7186 [insert title of referendum]

7187 To access a copy of the referendum petition, the law that is the subject of the  
7188 referendum petition, and information on the deadline for removing your signature from the  
7189 referendum petition, please visit the following link: [insert a uniform resource locator that takes  
7190 the individual directly to the page on the ~~[lieutenant governor's]~~ office's website that includes  
7191 the information referred to in the email]."

7192 (4) Except as provided in Subsection (5), the county clerk shall, within two business  
7193 days after the day on which the signature of an individual who signs a referendum petition is  
7194 certified under Section [20A-21-201](#), post the name, voter identification number, and date of  
7195 signature of the individual on the ~~[lieutenant governor's]~~ office's website, in a conspicuous  
7196 location designated by the ~~[lieutenant governor]~~ director.

7197 (5) (a) If the county clerk timely receives a statement requesting signature removal  
7198 under Subsection [20A-7-314](#)(4), the county clerk shall:

7199 (i) ensure that the voter's name, voter identification number, and date of signature are  
7200 not included in the posting described in Subsection (4); and

7201 (ii) remove the voter's signature from the referendum petition and the signature totals.

7202 (b) The county clerk shall comply with Subsection (5)(a) before the later of:

7203 (i) the deadline described in Subsection (4); or

7204 (ii) two business days after the day on which the county clerk receives a statement  
7205 requesting signature removal under Subsection [20A-7-314](#)(4).

7206 Section 126. Section [20A-7-406](#) is amended to read:

7207 **[20A-7-406. Informational materials.](#)**

7208 The ~~[lieutenant governor]~~ director shall create and publish to the ~~[lieutenant governor's]~~  
7209 office's website instructions on how a person may:

7210 (1) qualify a local initiative for the ballot under Part 5, Local Initiatives - Procedures;

7211 or

7212 (2) qualify a local referendum for the ballot under Part 6, Local Referenda -  
7213 Procedures.

7214 Section 127. Section [20A-7-507](#) is amended to read:

7215 **[20A-7-507. Evaluation by the local clerk.](#)**

7216 (1) In relation to the manual initiative process, when a local clerk receives an initiative

7217 packet from a county clerk, the local clerk shall record the number of the initiative packet  
7218 received.

7219 (2) The county clerk shall:

7220 (a) in relation to the manual initiative process:

7221 (i) post the names, voter identification numbers, and dates of signatures described in  
7222 Subsection 20A-7-105(6)(a)(iii) on the [~~lieutenant governor's~~] office's website, in a  
7223 conspicuous location designated by the [~~lieutenant governor~~] director, for at least 90 days; and

7224 (ii) update on the local government's website the number of signatures certified as of  
7225 the date of the update; or

7226 (b) in relation to the electronic initiative process:

7227 (i) post the names, voter identification numbers, and dates of signatures described in  
7228 Subsection 20A-7-516(4) on the [~~lieutenant governor's~~] office's website, in a conspicuous  
7229 location designated by the [~~lieutenant governor~~] director, for at least 90 days; and

7230 (ii) update on the local government's website the number of signatures certified as of  
7231 the date of the update.

7232 (3) The local clerk:

7233 (a) shall, except as provided in Subsection (3)(b), declare the initiative petition to be  
7234 sufficient or insufficient:

7235 (i) in relation to the manual initiative process, no later than 21 days after the day of the  
7236 applicable deadline described in Subsection 20A-7-105(5)(a)(iii); or

7237 (ii) in relation to the electronic initiative process, no later than 21 days after the day of  
7238 the applicable deadline described in Subsection 20A-7-516(2); or

7239 (b) may declare the initiative petition to be insufficient before the day described in  
7240 Subsection (3)(a) if:

7241 (i) in relation to the manual initiative process, the total of all valid signatures on timely  
7242 and lawfully submitted initiative packets that have been certified by the county clerks, plus the  
7243 number of signatures on timely and lawfully submitted initiative packets that have not yet been  
7244 evaluated for certification, is less than the number of names required under Section 20A-7-501;

7245 (ii) in relation to the electronic initiative process, the total of all timely and lawfully  
7246 submitted valid signatures that have been certified by the county clerks, plus the number of  
7247 timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b)

7248 that have not yet been evaluated for certification, is less than the number of names required  
7249 under Section 20A-7-501; or

7250 (iii) a requirement of this part has not been met.

7251 (4) (a) If the total number of names certified under Subsection (3) equals or exceeds  
7252 the number of names required by Section 20A-7-501 and the requirements of this part are met,  
7253 the local clerk shall mark upon the front of the initiative petition the word "sufficient."

7254 (b) If the total number of names certified under Subsection (3) does not equal or  
7255 exceed the number of names required by Section 20A-7-501 or a requirement of this part is not  
7256 met, the local clerk shall mark upon the front of the initiative petition the word "insufficient."

7257 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's  
7258 finding.

7259 (d) After an initiative petition is declared insufficient, a person may not submit  
7260 additional signatures to qualify the initiative for the ballot.

7261 (5) If the local clerk finds the total number of certified signatures for the initiative  
7262 petition to be insufficient, any sponsor may file a written demand with the local clerk for a  
7263 recount of the signatures collected for the initiative petition in the presence of any sponsor.

7264 (6) An initiative petition determined to be sufficient in accordance with this section is  
7265 qualified for the ballot.

7266 Section 128. Section 20A-7-515 is amended to read:

7267 **20A-7-515. Electronic initiative process -- Obtaining signatures -- Request to**  
7268 **remove signature.**

7269 (1) This section applies to the electronic initiative process.

7270 (2) A Utah voter may sign a local initiative petition if the voter is a legal voter and  
7271 resides in the local jurisdiction.

7272 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from  
7273 an individual:

7274 (a) verifies that the individual is at least 18 years old and meets the residency  
7275 requirements of Section 20A-2-105; and

7276 (b) is informed that each signer is required to read and understand the law proposed by  
7277 the initiative.

7278 (4) (a) A voter who signs an initiative petition may have the voter's signature removed

7279 from the initiative petition by submitting to the county clerk a statement requesting that the  
7280 voter's signature be removed before 5 p.m. no later than the earlier of:

7281 (i) 30 days after the day on which the voter signs the signature removal statement;

7282 (ii) 90 days after the day on which the local clerk posts the voter's name under

7283 Subsection [20A-7-516\(4\)](#);

7284 (iii) 316 days after the day on which the initiative application is filed; or

7285 (iv) (A) for a county initiative, April 15 immediately before the next regular general  
7286 election immediately after the initiative application is filed under Section [20A-7-502](#); or

7287 (B) for a municipal initiative, April 15 immediately before the next municipal general  
7288 election immediately after the initiative application is filed under Section [20A-7-502](#).

7289 (b) The statement described in Subsection (4)(a) shall include:

7290 (i) the name of the voter;

7291 (ii) the resident address at which the voter is registered to vote;

7292 (iii) the signature of the voter; and

7293 (iv) the date of the signature described in Subsection (4)(b)(iii).

7294 (c) To increase the likelihood of the voter's signature being identified and removed, the  
7295 statement described in Subsection (4)(a) may include the voter's birth date or age.

7296 (d) A voter may not submit a signature removal statement described in Subsection  
7297 (4)(a) by email or other electronic means, unless the [~~lieutenant governor~~] director establishes a  
7298 signature removal process that is consistent with the requirements of this section and Section  
7299 [20A-21-201](#).

7300 (e) A person may only remove an electronic signature from an initiative petition in  
7301 accordance with this section.

7302 (f) A county clerk shall analyze a holographic signature, for purposes of removing an  
7303 electronic signature from an initiative petition, in accordance with Subsection [20A-1-1003\(3\)](#).

7304 Section 129. Section **20A-7-516** is amended to read:

7305 **20A-7-516. Electronic initiative process -- Collecting signatures -- Email**  
7306 **notification -- Removal of signatures.**

7307 (1) This section applies only to the electronic initiative process.

7308 (2) A signature-gatherer may not collect a signature after 5 p.m., the earlier of:

7309 (a) 316 days after the day on which the initiative application is filed; or



7310 (b) (i) for a county initiative, April 15 immediately before the next regular general  
7311 election immediately after the initiative application is filed under Section 20A-7-502; or

7312 (ii) for a municipal initiative, April 15 immediately before the next municipal general  
7313 election immediately after the initiative application is filed under Section 20A-7-502.

7314 (3) The local clerk shall send to each individual who provides a valid email address  
7315 during the signature-gathering process an email that includes the following:

7316 (a) the subject of the email shall include the following statement, "Notice Regarding  
7317 Your Petition Signature"; and

7318 (b) the body of the email shall include the following statement in 12-point type:

7319 "You signed a petition for the following initiative:

7320 [insert title of initiative]

7321 To access a copy of the initiative petition, the text of the law proposed by the initiative,  
7322 the initial fiscal impact and legal statement, and information on the deadline for removing your  
7323 signature from the initiative petition, please visit the following link: [insert a uniform resource  
7324 locator that takes the individual directly to the page on the ~~lieutenant governor's~~ office's  
7325 website that includes the information referred to in the email]."

7326 (4) Except as provided in Subsection (5), the county clerk shall, within two business  
7327 days after the day on which the signature of an individual who signs an initiative petition is  
7328 certified under Section 20A-21-201, post the name, voter identification number, and date of  
7329 signature of the individual on the ~~lieutenant governor's~~ office's website, in a conspicuous  
7330 location designated by the ~~lieutenant governor~~ director.

7331 (5) (a) If the local clerk timely receives a statement requesting signature removal under  
7332 Subsection 20A-7-515(4), the local clerk shall:

7333 (i) ensure that the voter's name, voter identification number, and date of signature are  
7334 not included in the posting described in Subsection (4); and

7335 (ii) remove the voter's signature from the initiative petition and the initiative petition  
7336 signature totals.

7337 (b) The local clerk shall comply with Subsection (5)(a) before the later of:

7338 (i) the deadline described in Subsection (4); or

7339 (ii) two business days after the day on which the county clerk receives a statement  
7340 requesting signature removal under Subsection 20A-7-515(4).

7341 Section 130. Section **20A-7-607** is amended to read:

7342 **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**  
7343 **referendum.**

7344 (1) In relation to the manual referendum process, when the local clerk receives a  
7345 referendum packet from a county clerk, the local clerk shall record the number of the  
7346 referendum packet received.

7347 (2) The county clerk shall:

7348 (a) in relation to the manual referendum process:

7349 (i) post the names, voter identification numbers, and dates of signatures described in  
7350 Subsection **20A-7-105(6)(a)(iii)** on the [~~lieutenant governor's~~] office's website, in a  
7351 conspicuous location designated by the [~~lieutenant governor~~] director, for at least 45 days; and

7352 (ii) update on the local clerk's website the number of signatures certified as of the date  
7353 of the update; or

7354 (b) in relation to the electronic referendum process:

7355 (i) post the names, voter identification numbers, and dates of signatures described in  
7356 Subsection [~~20A-7-616(3)~~] **20A-7-616(4)** on the [~~lieutenant governor's~~] office's website, in a  
7357 conspicuous location designated by the [~~lieutenant governor~~] director, for at least 45 days; and

7358 (ii) update on the [~~lieutenant governor's~~] office's website the number of signatures  
7359 certified as of the date of the update.

7360 (3) The local clerk:

7361 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be  
7362 sufficient or insufficient:

7363 (i) in relation to the manual referendum process, no later than 111 days after the day of  
7364 the deadline, described in Subsection **20A-7-105(5)(a)(iv)**, to submit a referendum packet to  
7365 the county clerk; or

7366 (ii) in relation to the electronic referendum process, no later than 111 days after the day  
7367 of the deadline, described in Subsection **20A-7-616(2)**, to collect a signature; or

7368 (b) may declare the referendum petition to be insufficient before the day described in  
7369 Subsection (3)(a) if:

7370 (i) in relation to the manual referendum process, the total of all valid signatures on  
7371 timely and lawfully submitted referendum packets that have been certified by the county clerk,

7372 plus the number of signatures on timely and lawfully submitted referendum packets that have  
7373 not yet been evaluated for certification, is less than the number of names required under  
7374 Section 20A-7-601;

7375 (ii) in relation to the electronic referendum process, the total of all timely and lawfully  
7376 submitted valid signatures that have been certified by the county clerks, plus the number of  
7377 timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b)  
7378 that have not yet been evaluated for certification, is less than the number of names required  
7379 under Section 20A-7-601; or

7380 (iii) a requirement of this part has not been met.

7381 (4) (a) If the total number of names certified under Subsection (3) equals or exceeds  
7382 the number of names required under Section 20A-7-601, and the requirements of this part are  
7383 met, the local clerk shall mark upon the front of the referendum petition the word "sufficient."

7384 (b) If the total number of names certified under Subsection (3) does not equal or  
7385 exceed the number of names required under Section 20A-7-601 or a requirement of this part is  
7386 not met, the local clerk shall mark upon the front of the referendum petition the word  
7387 "insufficient."

7388 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's  
7389 finding.

7390 (d) After a referendum petition is declared insufficient, a person may not submit  
7391 additional signatures to qualify the referendum for the ballot.

7392 (5) (a) If the local clerk refuses to declare a referendum petition sufficient, any voter  
7393 may, no later than 10 days after the day on which the local clerk declares the referendum  
7394 petition insufficient, apply to the appropriate court for an order finding the referendum petition  
7395 legally sufficient.

7396 (b) If the court determines that the referendum petition is legally sufficient, the local  
7397 clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency  
7398 effective as of the date on which the referendum petition should have been declared sufficient  
7399 by the local clerk's office.

7400 (c) If the court determines that a referendum petition filed is not legally sufficient, the  
7401 court may enjoin the local clerk and all other officers from:

7402 (i) certifying or printing the ballot title and numbers of that referendum on the official

7403 ballot for the next election; or

7404 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing,  
7405 or mailing the ballot title and numbers of that referendum under Section 20A-7-609.5.

7406 (6) A referendum petition determined to be sufficient in accordance with this section is  
7407 qualified for the ballot.

7408 (7) (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to  
7409 legislative action taken after April 15, the election officer may not place the referendum on an  
7410 election ballot until a primary election, a general election, or a special election the following  
7411 year.

7412 (b) The election officer may place a referendum described in Subsection (7)(a) on the  
7413 ballot for a special, primary, or general election held during the year that the legislative action  
7414 was taken if the following agree, in writing, on a timeline to place the referendum on that  
7415 ballot:

7416 (i) the local clerk;

7417 (ii) the county clerk; and

7418 (iii) the attorney for the county or municipality that took the legislative action.

7419 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court  
7420 determines that the total number of certified names equals or exceeds the number of signatures  
7421 required in Section 20A-7-601, the election officer shall place the referendum on the election  
7422 ballot for:

7423 (i) the next general election; or

7424 (ii) another election, if the following agree, in writing, on a timeline to place the  
7425 referendum on that ballot:

7426 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;

7427 (B) the local clerk;

7428 (C) the county clerk; and

7429 (D) the attorney for the county or municipality that took the legislative action.

7430 Section 131. Section 20A-7-615 is amended to read:

7431 **20A-7-615. Electronic referendum process -- Obtaining signatures -- Request to**  
7432 **remove signature.**

7433 (1) This section applies to the electronic referendum process described in Section

7434 20A-21-201.

7435 (2) A Utah voter may sign a local referendum petition if the voter is a legal voter and  
7436 resides in the local jurisdiction.

7437 (3) The sponsors shall ensure that the signature-gatherer who collects a signature from  
7438 an individual:

7439 (a) verifies that the individual is at least 18 years old and meets the residency  
7440 requirements of Section 20A-2-105; and

7441 (b) is informed that each signer is required to read and understand the law that is the  
7442 subject of the referendum petition.

7443 (4) (a) A voter who signs a referendum petition may have the voter's signature removed  
7444 from the referendum petition by submitting to the county clerk a statement requesting that the  
7445 voter's signature be removed before 5 p.m. no later than the earlier of:

7446 (i) 30 days after the day on which the voter signs the statement requesting removal; or

7447 (ii) 45 days after the day on which the local clerk posts the voter's name under

7448 Subsection [~~20A-7-616(3)~~] 20A-7-616(4).

7449 (b) The statement described in Subsection (4)(a) shall include:

7450 (i) the name of the voter;

7451 (ii) the resident address at which the voter is registered to vote;

7452 (iii) the signature of the voter; and

7453 (iv) the date of the signature described in Subsection (4)(b)(iii).

7454 (c) To increase the likelihood of the voter's signature being identified and removed, the  
7455 statement described in Subsection (4)(a) may include the voter's birth date or age.

7456 (d) A voter may not submit a signature removal statement described in Subsection  
7457 (4)(a) by email or other electronic means, unless the [~~lieutenant governor~~] director establishes a  
7458 signature removal process that is consistent with the requirements of this section and Section  
7459 20A-21-201.

7460 (e) A person may only remove an electronic signature from a referendum petition in  
7461 accordance with this section.

7462 (f) A county clerk shall analyze a holographic signature, for purposes of removing an  
7463 electronic signature from a referendum petition, in accordance with Subsection 20A-1-1003(3).

7464 Section 132. Section 20A-7-616 is amended to read:

7465           **20A-7-616. Electronic referendum process -- Collecting signatures -- Removal of**  
7466 **signatures.**

7467           (1) This section applies only to the electronic referendum process.

7468           (2) A signature-gatherer may not collect a signature after 5 p.m. 45 days after the day  
7469 on which the first three sponsors receive notice, under Section [20A-7-602.7](#) or [20A-7-602.8](#),  
7470 that the referendum is legally referable to voters.

7471           (3) The local clerk shall send to each individual who provides a valid email address  
7472 during the signature-gathering process an email that includes the following:

7473           (a) the subject of the email shall include the following statement, "Notice Regarding  
7474 Your Petition Signature"; and

7475           (b) the body of the email shall include the following statement in 12-point type:

7476           "You signed a petition for the following referendum:

7477           [insert title of referendum]

7478           To access a copy of the referendum petition, the law that is the subject of the  
7479 referendum petition, and information on the deadline for removing your signature from the  
7480 referendum petition, please visit the following link: [insert a uniform resource locator that takes  
7481 the individual directly to the page on the ~~[lieutenant governor's]~~ office's website that includes  
7482 the information referred to in the email]."

7483           (4) Except as provided in Subsection (5), the county clerk shall, within two business  
7484 days after the day on which the signature of an individual who signs a referendum petition is  
7485 certified under Section [20A-21-201](#), post the name, voter identification number, and date of  
7486 signature of the individual on the ~~[lieutenant governor's]~~ office's website, in a conspicuous  
7487 location designated by the ~~[lieutenant governor]~~ director, for at least 45 days.

7488           (5) (a) If the local clerk timely receives a statement requesting signature removal under  
7489 Subsection [20A-7-615](#)(4), the local clerk shall:

7490           (i) ensure that the voter's name, voter identification number, and date of signature are  
7491 not included in the posting described in Subsection (4); and

7492           (ii) remove the voter's signature from the referendum petition and the signature totals.

7493           (b) The local clerk shall comply with Subsection (5)(a) before the later of:

7494           (i) the deadline described in Subsection (4); or

7495           (ii) two business days after the day on which the county clerk receives a statement

7496 requesting signature removal under Subsection 20A-7-615(4).

7497 Section 133. Section 20A-7-701 is amended to read:

7498 **20A-7-701. Voter information pamphlet to be prepared.**

7499 (1) The [~~lieutenant governor~~] director shall cause to be prepared a voter information  
7500 pamphlet designed to inform the voters of the state of the content, effect, operation, fiscal  
7501 impact, and the supporting and opposing arguments of any measure submitted to the voters by  
7502 the Legislature or by a statewide initiative or referendum petition.

7503 (2) The pamphlet shall also include a separate section prepared, analyzed, and  
7504 submitted by the Judicial Council describing the judicial selection and retention process.

7505 (3) Voter information pamphlets prepared in association with a local initiative or a  
7506 local referendum shall be prepared in accordance with the procedures and requirements of  
7507 Section 20A-7-402.

7508 Section 134. Section 20A-7-702 is amended to read:

7509 **20A-7-702. Voter information pamphlet -- Form -- Contents.**

7510 The voter information pamphlet shall contain the following items in this order:

7511 (1) a cover title page;

7512 (2) an introduction to the pamphlet by the [~~lieutenant governor~~] director;

7513 (3) a table of contents;

7514 (4) a list of all candidates for constitutional offices;

7515 (5) a list of candidates for each legislative district;

7516 (6) a 100-word statement of qualifications for each candidate for the office of  
7517 governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by  
7518 the candidate to the [~~lieutenant governor's~~] office before 5 p.m. on the first business day in  
7519 August before the date of the election;

7520 (7) information pertaining to all measures to be submitted to the voters, beginning a  
7521 new page for each measure and containing, in the following order for each measure:

7522 (a) a copy of the number and ballot title of the measure;

7523 (b) the final vote cast by the Legislature on the measure if it is a measure submitted by  
7524 the Legislature or by referendum;

7525 (c) the impartial analysis of the measure prepared by the Office of Legislative Research  
7526 and General Counsel;

- 7527 (d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the  
7528 measure, the arguments against the measure, and the rebuttal to the arguments against the  
7529 measure, with the name and title of the authors at the end of each argument or rebuttal;
- 7530 (e) for each constitutional amendment, a complete copy of the text of the constitutional  
7531 amendment, with all new language underlined, and all deleted language placed within brackets;
- 7532 (f) for each initiative qualified for the ballot:
- 7533 (i) a copy of the initiative as certified by the [~~lieutenant governor~~] director and a copy  
7534 of the initial fiscal impact statement prepared according to Section [20A-7-202.5](#); and
- 7535 (ii) if the initiative proposes a tax increase, the following statement in bold type:  
7536 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
7537 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
7538 increase in the current tax rate."; and
- 7539 (g) for each referendum qualified for the ballot, a complete copy of the text of the law  
7540 being submitted to the voters for their approval or rejection, with all new language underlined  
7541 and all deleted language placed within brackets, as applicable;
- 7542 (8) a description provided by the Judicial Performance Evaluation Commission of the  
7543 selection and retention process for judges, including, in the following order:
- 7544 (a) a description of the judicial selection process;
- 7545 (b) a description of the judicial performance evaluation process;
- 7546 (c) a description of the judicial retention election process;
- 7547 (d) a list of the criteria of the judicial performance evaluation and the certification  
7548 standards;
- 7549 (e) the names of the judges standing for retention election; and
- 7550 (f) for each judge:
- 7551 (i) a list of the counties in which the judge is subject to retention election;
- 7552 (ii) a short biography of professional qualifications and a recent photograph;
- 7553 (iii) a narrative concerning the judge's performance;
- 7554 (iv) for each certification standard under Section [78A-12-205](#), a statement identifying  
7555 whether, under Section [78A-12-205](#), the judge met the standard and, if not, the manner in  
7556 which the judge failed to meet the standard;
- 7557 (v) a statement that the Judicial Performance Evaluation Commission:



- 7558 (A) has determined that the judge meets or exceeds minimum performance standards;
- 7559 (B) has determined that the judge does not meet or exceed minimum performance  
7560 standards; or
- 7561 (C) has not made a determination regarding whether the judge meets or exceeds  
7562 minimum performance standards;
- 7563 (vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge  
7564 whom the Judicial Performance Evaluation Commission determines does not meet or exceed  
7565 minimum performance standards;
- 7566 (vii) in a bar graph, the average of responses to each survey category, displayed with an  
7567 identification of the minimum acceptable score as set by Section 78A-12-205 and the average  
7568 score of all judges of the same court level; and
- 7569 (viii) a website address that contains the Judicial Performance Evaluation  
7570 Commission's report on the judge's performance evaluation;
- 7571 (9) for each judge, a statement provided by the Utah Supreme Court identifying the  
7572 cumulative number of informal reprimands, when consented to by the judge in accordance with  
7573 Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of  
7574 censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article  
7575 VIII, Section 13, during the judge's current term and the immediately preceding term, and a  
7576 detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct  
7577 that the judge has received;
- 7578 (10) an explanation of ballot marking procedures prepared by the [~~lieutenant governor~~  
7579 director], indicating the ballot marking procedure used by each county and explaining how to  
7580 mark the ballot for each procedure;
- 7581 (11) voter registration information, including information on how to obtain a ballot;
- 7582 (12) a list of all county clerks' offices and phone numbers;
- 7583 (13) the address of the Statewide Electronic Voter Information Website, with a  
7584 statement indicating that the election officer will post on the website any changes to the  
7585 location of a polling place and the location of any additional polling place;
- 7586 (14) a phone number that a voter may call to obtain information regarding the location  
7587 of a polling place; and
- 7588 (15) on the back cover page, a printed copy of the following statement signed by the

7589 [lieutenant governor] director:

7590 "I, \_\_\_\_\_ (print name), [~~Lieutenant Governor of Utah~~] director of the  
7591 Elections Office, certify that the measures contained in this pamphlet will be submitted to the  
7592 voters of Utah at the election to be held throughout the state on \_\_\_\_ (date of election), and that  
7593 this pamphlet is complete and correct according to law.

7594 SEAL

7595 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this \_\_\_\_ day  
7596 of \_\_\_\_ (month), \_\_\_\_ (year)

7597 (signed) \_\_\_\_\_  
7598 [~~Lieutenant Governor~~] Elections Office Director".

7599 Section 135. Section **20A-7-702.5** is amended to read:

7600 **20A-7-702.5. Publication of voter information pamphlet.**

7601 (1) No earlier than 75 days, and no later than 15 days, before the day on which voting  
7602 commences, the [lieutenant governor] director shall make all information provided in the voter  
7603 information pamphlet available on the Statewide Electronic Voter Information Website  
7604 Program described in Section **20A-7-801**.

7605 (2) The [lieutenant governor] director may distribute a voter information pamphlet at a  
7606 location frequented by a person who cannot easily access the Statewide Electronic Voter  
7607 Information Website authorized by Section **20A-7-801**.

7608 Section 136. Section **20A-7-703** is amended to read:

7609 **20A-7-703. Impartial analysis of measure -- Determination of fiscal effects.**

7610 (1) The director of the Office of Legislative Research and General Counsel, after the  
7611 approval of the legislative general counsel as to legal sufficiency, shall:

7612 (a) prepare an impartial analysis of each measure submitted to the voters by the  
7613 Legislature or by initiative or referendum petition; and

7614 (b) submit the impartial analysis to the [lieutenant governor] director no later than the  
7615 day that falls 90 days before the date of the election in which the measure will appear on the  
7616 ballot.

7617 (2) The director shall ensure that the impartial analysis:

7618 (a) is not more than 1,000 words long;

7619 (b) is prepared in clear and concise language that will easily be understood by the

7620 average voter;

7621 (c) avoids the use of technical terms as much as possible;

7622 (d) shows the effect of the measure on existing law;

7623 (e) identifies any potential conflicts with the United States or Utah Constitutions raised

7624 by the measure;

7625 (f) fairly describes the operation of the measure;

7626 (g) identifies the measure's fiscal effects over the time period or time periods

7627 determined by the director to be most useful in understanding the estimated fiscal impact of the

7628 proposed law; and

7629 (h) identifies the amount of any increase or decrease in revenue or cost to state or local

7630 government.

7631 (3) The director shall analyze the measure as it is proposed to be adopted without

7632 considering any implementing legislation, unless the implementing legislation has been enacted

7633 and will become effective upon the adoption of the measure by the voters.

7634 (4) (a) In determining the fiscal effects of a measure, the director shall confer with the

7635 legislative fiscal analyst.

7636 (b) The director shall consider any measure that requires implementing legislation in

7637 order to take effect to have no financial effect, unless implementing legislation has been

7638 enacted that will become effective upon adoption of the measure by the voters.

7639 (5) If the director requests the assistance of any state department, agency, or official in

7640 preparing the director's analysis, that department, agency, or official shall assist the director.

7641 Section 137. Section **20A-7-704** is amended to read:

7642 **20A-7-704. Initiative measures -- Arguments for and against -- Voters' requests**

7643 **for argument -- Ballot arguments.**

7644 (1) (a) Before 5 p.m. no later than July 1 of the regular general election year, a sponsor

7645 of any initiative petition that has been declared sufficient by the [~~lieutenant governor~~] director

7646 may deliver to the [~~lieutenant governor~~] director a written notice that the sponsor intends to

7647 submit a written argument for adoption of the measure.

7648 (b) If two or more sponsors timely submit a notice described in Subsection (1)(a), the

7649 [~~lieutenant governor~~] director shall designate one of the sponsors to submit the argument for

7650 the sponsor's side of the measure.

7651 (2) (a) Before 5 p.m. no later than July 1 of the regular general election year, a member  
7652 of the Legislature may deliver to the speaker of the House and the president of the Senate a  
7653 written notice that the legislator intends to submit a written argument against adoption of an  
7654 initiative petition that has been declared sufficient by the [~~lieutenant governor~~] director.

7655 (b) If two or more legislators timely submit a notice described in Subsection (2)(a), the  
7656 speaker of the House and the president of the Senate shall, no later than July 5, jointly  
7657 designate one of the legislators to submit the argument to the [~~lieutenant governor~~] director.

7658 (3) The sponsors and the legislators submitting arguments shall ensure that each  
7659 argument:

7660 (a) does not exceed 500 words in length, not counting the information described in  
7661 Subsection (5); and

7662 (b) is delivered to the [~~lieutenant governor~~] director before 5 p.m. no later than July 10.

7663 (4) (a) If an argument for or against a measure to be submitted to the voters by  
7664 initiative petition has not been filed within the time required under Subsection (3)(b):

7665 (i) the [~~Office of the Lieutenant Governor~~] office shall immediately:

7666 (A) send an electronic notice that complies with the requirements of Subsection (4)(b)  
7667 to each individual in the state for whom the [~~Office of the Lieutenant Governor~~] office has an  
7668 email address; or

7669 (B) post a notice that complies with the requirements of Subsection (4)(b) on the home  
7670 page of the [~~lieutenant governor's~~] office's website;

7671 (ii) any voter may, before 5 p.m. no later than July 15, deliver written notice to the  
7672 [~~lieutenant governor~~] director that the voter intends to submit a written argument for the side  
7673 on which no argument has been filed; and

7674 (iii) if two or more voters timely submit the notice described in Subsection (4)(a)(ii) in  
7675 relation to the same side of a measure, the [~~lieutenant governor~~] director shall designate one of  
7676 the voters to write the argument.

7677 (b) A notice described in Subsection (4)(a)(i) shall contain:

7678 (i) the ballot title for the measure;

7679 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and

7680 (iii) the deadlines described in Subsections (4)(a)(ii) and (4)(c).

7681 (c) Any argument prepared under this Subsection (4) shall be submitted to the

7682 [~~lieutenant governor~~] director before 5 p.m. no later than July 20.

7683 (5) The [~~lieutenant governor~~] director may not accept a ballot argument submitted  
7684 under this section unless the argument lists:

7685 (a) the name and address of the individual submitting the argument, if the argument is  
7686 submitted by an individual voter; or

7687 (b) the name and address of the organization and the names and addresses of at least  
7688 two of the organization's principal officers, if the argument is submitted on behalf of an  
7689 organization.

7690 (6) (a) Except as provided in Subsection (6)(c) or (d), the authors may not amend or  
7691 change the arguments after they are submitted to the [~~lieutenant governor~~] director.

7692 (b) Except as provided in Subsection (6)(c) or (d), the [~~lieutenant governor~~] director  
7693 may not alter the arguments in any way.

7694 (c) The [~~lieutenant governor~~] director and the authors of an argument described in this  
7695 section may jointly modify the argument after the argument is submitted if:

7696 (i) the [~~lieutenant governor~~] director and the authors jointly agree that changes to:

7697 (A) the argument must be made to correct spelling or grammatical errors; or

7698 (B) properly characterize the position of a state entity, if the argument mischaracterizes  
7699 the position of a state entity; and

7700 (ii) the argument has not yet been submitted for typesetting.

7701 (d) If, after the [~~lieutenant governor~~] director determines that an argument described in  
7702 this section mischaracterizes the position of a state entity, the [~~lieutenant governor~~] director and  
7703 the authors of the argument cannot jointly agree on a change to the argument, the [~~lieutenant~~  
7704 ~~governor~~] director:

7705 (i) shall publish the argument with the mischaracterization; and

7706 (ii) may, immediately following the argument, publish a brief description of the  
7707 position of the state entity.

7708 Section 138. Section **20A-7-705** is amended to read:

7709 **20A-7-705. Measures to be submitted to voters and referendum measures --**

7710 **Preparation of argument of adoption.**

7711 (1) (a) Whenever the Legislature submits any measure to the voters or whenever an act  
7712 of the Legislature is referred to the voters by referendum petition, the presiding officer of the

7713 house of origin of the measure shall appoint the sponsor of the measure or act and one member  
7714 of either house who voted with the majority to pass the act or submit the measure to draft an  
7715 argument for the adoption of the measure.

7716 (b) (i) The argument may not exceed 500 words in length, not counting the information  
7717 described in Subsection (4)(e).

7718 (ii) If the sponsor of the measure or act desires separate arguments to be written in  
7719 favor by each person appointed, separate arguments may be written but the combined length of  
7720 the two arguments may not exceed 500 words, not counting the information described in  
7721 Subsection (4)(e).

7722 (2) (a) If a measure or act submitted to the voters by the Legislature or by referendum  
7723 petition was not adopted unanimously by the Legislature, the presiding officer of each house  
7724 shall, at the same time as appointments to an argument in its favor are made, appoint one  
7725 member who voted against the measure or act from their house to write an argument against  
7726 the measure or act.

7727 (b) (i) The argument may not exceed 500 words, not counting the information  
7728 described in Subsection (4)(e).

7729 (ii) If those members appointed to write an argument against the measure or act desire  
7730 separate arguments to be written in opposition to the measure or act by each person appointed,  
7731 separate arguments may be written, but the combined length of the two arguments may not  
7732 exceed 500 words, not counting the information described in Subsection (4)(e).

7733 (3) (a) The legislators appointed by the presiding officer of the Senate or House of  
7734 Representatives to submit arguments shall submit the arguments to the [~~lieutenant governor~~]  
7735 director not later than the day that falls 150 days before the date of the election.

7736 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the  
7737 arguments after they are submitted to the [~~lieutenant governor~~] director.

7738 (c) Except as provided in Subsection (3)(d), the [~~lieutenant governor~~] director may not  
7739 alter the arguments in any way.

7740 (d) The [~~lieutenant governor~~] director and the authors of an argument may jointly  
7741 modify an argument after it is submitted if:

7742 (i) they jointly agree that changes to the argument must be made to correct spelling or  
7743 grammatical errors; and

- 7744 (ii) the argument has not yet been submitted for typesetting.
- 7745 (4) (a) If an argument for or an argument against a measure submitted to the voters by  
7746 the Legislature or by referendum petition has not been filed by a member of the Legislature  
7747 within the time required by this section:
- 7748 (i) the [~~lieutenant governor~~] director shall immediately:
- 7749 (A) send an electronic notice that complies with the requirements of Subsection (4)(b)  
7750 to each individual in the state for whom the [~~Office of the Lieutenant Governor~~] office has an  
7751 email address; or
- 7752 (B) post a notice that complies with the requirements of Subsection (4)(b) on the home  
7753 page of the [~~lieutenant governor's~~] office's website; and
- 7754 (ii) any voter may, before 5 p.m. no later than seven days after the day on which the  
7755 [~~lieutenant governor~~] director provides the notice described in Subsection (4)(a)(i), submit a  
7756 written request to the presiding officer of the house in which the measure originated for  
7757 permission to prepare and file an argument for the side on which no argument has been filed by  
7758 a member of the Legislature.
- 7759 (b) A notice described in Subsection (4)(a)(i) shall contain:
- 7760 (i) the ballot title for the measure;
- 7761 (ii) instructions on how to submit a request under Subsection (4)(a)(ii); and
- 7762 (iii) the deadlines described in Subsections (4)(a)(ii) and (4)(d).
- 7763 (c) (i) The presiding officer of the house of origin shall grant permission unless two or  
7764 more voters timely request permission to submit arguments on the same side of a measure.
- 7765 (ii) If two or more voters timely request permission to submit arguments on the same  
7766 side of a measure, the presiding officer shall, no later than four calendar days after the day of  
7767 the deadline described in Subsection (4)(a)(ii), designate one of the voters to write the  
7768 argument.
- 7769 (d) Any argument prepared under this Subsection (4) shall be submitted to the  
7770 [~~lieutenant governor~~] director before 5 p.m. no later than seven days after the day on which the  
7771 presiding officer grants permission to submit the argument.
- 7772 (e) The [~~lieutenant governor~~] director may not accept a ballot argument submitted  
7773 under this section unless the ballot argument lists:
- 7774 (i) the name and address of the individual submitting the argument, if the argument is

7775 submitted by an individual voter; or

7776 (ii) the name and address of the organization and the names and addresses of at least  
7777 two of the organization's principal officers, if the argument is submitted on behalf of an  
7778 organization.

7779 (f) Except as provided in Subsection (4)(h), the authors may not amend or change the  
7780 arguments after they are submitted to the [~~lieutenant governor~~] director.

7781 (g) Except as provided in Subsection (4)(h), the [~~lieutenant governor~~] director may not  
7782 alter the arguments in any way.

7783 (h) The [~~lieutenant governor~~] director and the authors of an argument may jointly  
7784 modify an argument after it is submitted if:

7785 (i) they jointly agree that changes to the argument must be made to:

7786 (A) correct spelling or grammatical errors; or

7787 (B) properly characterize the position of a state entity, if the argument mischaracterizes  
7788 the position of a state entity; and

7789 (ii) the argument has not yet been submitted for typesetting.

7790 (i) If, after the [~~lieutenant governor~~] director determines that an argument described in  
7791 this section mischaracterizes the position of a state entity, the [~~lieutenant governor~~] director and  
7792 the authors of the argument cannot jointly agree on a change to the argument, the [~~lieutenant~~  
7793 ~~governor~~] director:

7794 (i) shall publish the argument with the mischaracterization; and

7795 (ii) may, immediately following the argument, publish a brief description of the  
7796 position of the state entity.

7797 Section 139. Section **20A-7-706** is amended to read:

7798 **20A-7-706. Copies of arguments to be sent to opposing authors -- Rebuttal**  
7799 **arguments.**

7800 (1) When the [~~lieutenant governor~~] director has received the arguments for and against  
7801 a measure to be submitted to the voters, the [~~lieutenant governor~~] director shall immediately  
7802 send copies of the arguments in favor of the measure to the authors of the arguments against  
7803 and copies of the arguments against to the authors of the arguments in favor.

7804 (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words,  
7805 not counting the information described in Subsection **20A-7-705(4)(e)**.



- 7806 (3) (a) The rebuttal arguments shall be filed with the [~~lieutenant governor~~] director:  
7807 (i) for constitutional amendments and referendum petitions, before 5 p.m. no later than  
7808 120 days before the date of the election; and  
7809 (ii) for initiatives, before 5 p.m. no later than July 30.
- 7810 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the  
7811 rebuttal arguments after they are submitted to the [~~lieutenant governor~~] director.
- 7812 (c) Except as provided in Subsection (3)(d), the [~~lieutenant governor~~] director may not  
7813 alter the arguments in any way.
- 7814 (d) The [~~lieutenant governor~~] director and the authors of a rebuttal argument may  
7815 jointly modify a rebuttal argument after it is submitted if:
- 7816 (i) they jointly agree that changes to the rebuttal argument must be made to correct  
7817 spelling or grammatical errors; and  
7818 (ii) the rebuttal argument has not yet been submitted for typesetting.
- 7819 (4) The [~~lieutenant governor~~] director shall ensure that:
- 7820 (a) rebuttal arguments are printed in the same manner as the direct arguments; and  
7821 (b) each rebuttal argument follows immediately after the direct argument which it  
7822 seeks to rebut.
- 7823 Section 140. Section **20A-7-801** is amended to read:
- 7824 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of**  
7825 **the director -- Content -- Duties of local election officials -- Deadlines -- Frequently asked**  
7826 **voter questions -- Other elections.**
- 7827 (1) There is established the Statewide Electronic Voter Information Website Program  
7828 administered by the [~~lieutenant governor~~] director in cooperation with the county clerks for  
7829 general elections and municipal authorities for municipal elections.
- 7830 (2) In accordance with this section, and as resources become available, the [~~lieutenant~~  
7831 ~~governor~~] director, in cooperation with county clerks, shall develop, establish, and maintain a  
7832 state-provided Internet website designed to help inform the voters of the state of:
- 7833 (a) the offices and candidates up for election;  
7834 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments  
7835 of ballot propositions submitted to the voters; and  
7836 (c) the status of a voter's trackable ballot, in accordance with Section [20A-3a-401.5](#),

7837 accessible only by the voter.

7838 (3) Except as provided under Subsection (6), the website shall include:

7839 (a) all information currently provided in the Utah voter information pamphlet under  
7840 Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and  
7841 submitted by the Judicial Performance Evaluation Commission describing the judicial selection  
7842 and retention process;

7843 (b) on the homepage of the website, a link to the Judicial Performance Evaluation  
7844 Commission's website, judges.utah.gov;

7845 (c) a link to the retention recommendation made by the Judicial Performance  
7846 Evaluation Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial  
7847 Performance Evaluation, for each judicial appointee to a court that is subject to a retention  
7848 election, in accordance with Section 20A-12-201, for the upcoming general election;

7849 (d) all information submitted by election officers under Subsection (4) on local office  
7850 races, local office candidates, and local ballot propositions;

7851 (e) a list that contains the name of a political subdivision that operates an election day  
7852 voting center under Section 20A-3a-703 and the location of the election day voting center;

7853 (f) other information determined appropriate by the [~~lieutenant governor~~] director that  
7854 is currently being provided by law, rule, or ordinance in relation to candidates and ballot  
7855 questions;

7856 (g) any differences in voting method, time, or location designated by the [~~lieutenant~~  
7857 ~~governor~~] director under Subsection 20A-1-308(2); and

7858 (h) an online ballot tracking system by which a voter can view the status of the voter's  
7859 trackable ballot, in accordance with Section 20A-3a-401.5, including:

7860 (i) when a ballot has been mailed to the voter;

7861 (ii) when an election official has received the voter's ballot; and

7862 (iii) when the voter's ballot has been counted.

7863 (4) (a) An election official shall submit the following information for each ballot under  
7864 the election official's direct responsibility under this title:

7865 (i) a list of all candidates for each office;

7866 (ii) if submitted by the candidate to the election official's office before 5 p.m. no later  
7867 than 45 days before the primary election or before 5 p.m. no later than 60 days before the

7868 general election:

7869 (A) a statement of qualifications, not exceeding 200 words in length, for each  
7870 candidate;

7871 (B) the following current biographical information if desired by the candidate, current:

7872 (I) age;

7873 (II) occupation;

7874 (III) city of residence;

7875 (IV) years of residence in current city; and

7876 (V) email address; and

7877 (C) a single web address where voters may access more information about the  
7878 candidate and the candidate's views; and

7879 (iii) factual information pertaining to all ballot propositions submitted to the voters,  
7880 including:

7881 (A) a copy of the number and ballot title of each ballot proposition;

7882 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the  
7883 vote was required to place the ballot proposition on the ballot;

7884 (C) a complete copy of the text of each ballot proposition, with all new language  
7885 underlined and all deleted language placed within brackets; and

7886 (D) other factual information determined helpful by the election official.

7887 (b) The information under Subsection (4)(a) shall be submitted to the [~~lieutenant~~  
7888 ~~governor~~] director no later than one business day after the deadline under Subsection (4)(a) for  
7889 each general election year and each municipal election year.

7890 (c) The [~~lieutenant governor~~] director shall:

7891 (i) review the information submitted under this section, to determine compliance under  
7892 this section, prior to placing it on the website;

7893 (ii) refuse to post information submitted under this section on the website if it is not in  
7894 compliance with the provisions of this section; and

7895 (iii) organize, format, and arrange the information submitted under this section for the  
7896 website.

7897 (d) The [~~lieutenant governor~~] director may refuse to include information the [~~lieutenant~~  
7898 ~~governor~~] director determines is not in keeping with:

- 7899 (i) Utah voter needs;  
7900 (ii) public decency; or  
7901 (iii) the purposes, organization, or uniformity of the website.
- 7902 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with  
7903 Subsection (5).
- 7904 (5) (a) A person whose information is refused under Subsection (4), and who is  
7905 aggrieved by the determination, may appeal by submitting a written notice of appeal to the  
7906 [~~lieutenant governor~~] director before 5 p.m. within 10 business days after the date of the  
7907 determination. A notice of appeal submitted under this Subsection (5)(a) shall contain:
- 7908 (i) a listing of each objection to the [~~lieutenant governor's~~] director's determination; and  
7909 (ii) the basis for each objection.
- 7910 (b) The [~~lieutenant governor~~] director shall review the notice of appeal and shall issue  
7911 a written response within 10 business days after the day on which the notice of appeal is  
7912 submitted.
- 7913 (c) An appeal of the response of the [~~lieutenant governor~~] director shall be made to the  
7914 district court, which shall review the matter de novo.
- 7915 (6) (a) The [~~lieutenant governor~~] director shall ensure that each voter will be able to  
7916 conveniently enter the voter's address information on the website to retrieve information on  
7917 which offices, candidates, and ballot propositions will be on the voter's ballot at the next  
7918 general election or municipal election.
- 7919 (b) The information on the website will anticipate and answer frequent voter questions  
7920 including the following:
- 7921 (i) what offices are up in the current year for which the voter may cast a vote;  
7922 (ii) who is running for what office and who is the incumbent, if any;  
7923 (iii) what address each candidate may be reached at and how the candidate may be  
7924 contacted;  
7925 (iv) for partisan races only, what, if any, is each candidate's party affiliation;  
7926 (v) what qualifications have been submitted by each candidate;  
7927 (vi) where additional information on each candidate may be obtained;  
7928 (vii) what ballot propositions will be on the ballot; and  
7929 (viii) what judges are up for retention election.

7930 (7) The [~~lieutenant governor~~] director shall ensure that each voter may conveniently  
7931 enter the voter's name, date of birth, and address information on the website to retrieve  
7932 information on the status of the voter's ballot if the voter's ballot is trackable under Section  
7933 [20A-3a-401.5](#).

7934 (8) As resources are made available and in cooperation with the county clerks, the  
7935 [~~lieutenant governor~~] director may expand the electronic voter information website program to  
7936 include the same information as provided under this section for special elections and primary  
7937 elections.

7938 Section 141. Section **20A-8-103** is amended to read:

7939 **20A-8-103. Petition procedures -- Criminal penalty -- Removal of signature.**

7940 (1) As used in this section, the proposed name or emblem of a registered political party  
7941 is "distinguishable" if a reasonable person of average intelligence will be able to perceive a  
7942 difference between the proposed name or emblem and any name or emblem currently being  
7943 used by another registered political party.

7944 (2) To become a registered political party, an organization of registered voters that is  
7945 not a continuing political party shall:

7946 (a) circulate a petition seeking registered political party status beginning no earlier than  
7947 the date of the statewide canvass held after the last regular general election and ending before 5  
7948 p.m. no later than November 30 of the year before the year in which the next regular general  
7949 election will be held;

7950 (b) file a petition with the [~~lieutenant governor~~] director that is signed, with a  
7951 holographic signature, by at least 2,000 registered voters before 5 p.m. no later than November  
7952 30 of the year in which a regular general election will be held; and

7953 (c) file, with the petition described in Subsection (2)(b), a document certifying:

7954 (i) the identity of one or more registered political parties whose members may vote for  
7955 the organization's candidates;

7956 (ii) whether unaffiliated voters may vote for the organization's candidates; and

7957 (iii) whether, for the next election, the organization intends to nominate the  
7958 organization's candidates in accordance with the provisions of Section [20A-9-406](#).

7959 (3) The petition shall:

7960 (a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

7961 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line  
7962 blank for the purpose of binding;

7963 (c) contain the name of the political party and the words "Political Party Registration  
7964 Petition" printed directly below the horizontal line;

7965 (d) contain the word "Warning" printed directly under the words described in  
7966 Subsection (3)(c);

7967 (e) contain, to the right of the word "Warning," the following statement printed in not  
7968 less than eight-point, single leaded type:

7969 "It is a class A misdemeanor for anyone to knowingly sign a political party registration  
7970 petition signature sheet with any name other than the individual's own name or more than once  
7971 for the same party or if the individual is not registered to vote in this state and does not intend  
7972 to become registered to vote in this state before the petition is submitted to the [~~lieutenant~~  
7973 ~~governor~~] director of the Elections Office.";

7974 (f) contain the following statement directly under the statement described in Subsection  
7975 (3)(e):

7976 "POLITICAL PARTY REGISTRATION PETITION To the [~~Honorable \_\_\_\_\_~~;  
7977 ~~Lieutenant Governor~~] director of the Elections Office:

7978 We, the undersigned citizens of Utah, seek registered political party status for \_\_\_\_  
7979 (name);

7980 Each signer says:

7981 I have personally signed this petition with a holographic signature;

7982 I am registered to vote in Utah or will register to vote in Utah before the petition is  
7983 submitted to the [~~lieutenant governor~~] director of the Elections Office;

7984 I am or desire to become a member of the political party; and

7985 My street address is written correctly after my name.";

7986 (g) be vertically divided into columns as follows:

7987 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be  
7988 headed with "For Office Use Only," and be subdivided with a light vertical line down the  
7989 middle;

7990 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed  
7991 Name (must be legible to be counted)";

7992 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of  
7993 Registered Voter";

7994 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";

7995 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip  
7996 Code"; and

7997 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age  
7998 information is not required, but it may be used to verify your identity with voter registration  
7999 records. If you choose not to provide it, your signature may not be certified as a valid signature  
8000 if you change your address before petition signatures are certified or if the information you  
8001 provide does not match your voter registration records.";

8002 (h) have a final page bound to one or more signature sheets that are bound together that  
8003 contains the following printed statement:

8004 "Verification

8005 State of Utah, County of \_\_\_\_\_

8006 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

8007 I am a Utah resident and am at least 18 years old;

8008 All the names that appear on the signature sheets bound to this page were signed by  
8009 individuals who professed to be the individuals whose names appear on the signature sheets,  
8010 and each individual signed the individual's name on the signature sheets in my presence;

8011 I believe that each individual has printed and signed the individual's name and written  
8012 the individual's street address correctly, and that each individual is registered to vote in Utah or  
8013 will register to vote in Utah before the petition is submitted to the [~~lieutenant governor~~]  
8014 director of the Elections Office.

8015 \_\_\_\_\_

8016 (Signature) (Residence Address) (Date)"; and

8017 (i) be bound to a cover sheet that:

8018 (i) identifies the political party's name, which may not exceed four words, and the  
8019 emblem of the party;

8020 (ii) states the process that the organization will follow to organize and adopt a  
8021 constitution and bylaws; and

8022 (iii) is signed by a filing officer, who agrees to receive communications on behalf of

8023 the organization.

8024 (4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual  
8025 in whose presence each signature sheet is signed:

8026 (a) is at least 18 years old;

8027 (b) meets the residency requirements of Section 20A-2-105; and

8028 (c) verifies each signature sheet by completing the verification bound to one or more  
8029 signature sheets that are bound together.

8030 (5) An individual may not sign the verification if the individual signed a signature  
8031 sheet bound to the verification.

8032 (6) The [~~lieutenant governor~~] director shall:

8033 (a) use the procedures described in Section 20A-1-1002 to determine whether a signer  
8034 is a registered voter;

8035 (b) review the proposed name and emblem to determine if they are "distinguishable"  
8036 from the names and emblems of other registered political parties; and

8037 (c) certify the [~~lieutenant governor's~~] director's findings to the filing officer described  
8038 in Subsection (3)(i)(iii) within 30 days of the filing of the petition.

8039 (7) (a) If the [~~lieutenant governor~~] director determines that the petition meets the  
8040 requirements of this section, and that the proposed name and emblem are distinguishable, the  
8041 [~~lieutenant governor~~] director shall authorize the filing officer described in Subsection  
8042 (3)(i)(iii) to organize the prospective political party.

8043 (b) If the [~~lieutenant governor~~] director finds that the name, emblem, or both are not  
8044 distinguishable from the names and emblems of other registered political parties, the  
8045 [~~lieutenant governor~~] director shall notify the filing officer that the filing officer has seven days  
8046 to submit a new name or emblem to the [~~lieutenant governor~~] director.

8047 (8) A registered political party may not change its name or emblem during the regular  
8048 general election cycle.

8049 (9) (a) It is unlawful for an individual to:

8050 (i) knowingly sign a political party registration petition:

8051 (A) with any name other than the individual's own name;

8052 (B) more than once for the same political party; or

8053 (C) if the individual is not registered to vote in this state and does not intend to become



8054 registered to vote in this state before the petition is submitted to the [~~lieutenant governor~~  
8055 director]; or

8056 (ii) sign the verification of a political party registration petition signature sheet if the  
8057 individual:

8058 (A) does not meet the residency requirements of Section 20A-2-105;

8059 (B) has not witnessed the signing by those individuals whose names appear on the  
8060 political party registration petition signature sheet; or

8061 (C) knows that an individual whose signature appears on the political party registration  
8062 petition signature sheet is not registered to vote in this state and does not intend to become  
8063 registered to vote in this state.

8064 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.

8065 (10) (a) A voter who signs a petition under this section may have the voter's signature  
8066 removed from the petition by, no later than three business days after the day on which the  
8067 petition is filed with the [~~lieutenant governor~~] director, submitting to the [~~lieutenant governor~~]  
8068 director a statement requesting that the voter's signature be removed.

8069 (b) A statement described in Subsection (10)(a) shall comply with the requirements  
8070 described in Subsection 20A-1-1003(2).

8071 (c) The [~~lieutenant governor~~] director shall use the procedures described in Subsection  
8072 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after  
8073 receiving a timely, valid statement requesting removal of the signature.

8074 Section 142. Section 20A-8-106 is amended to read:

8075 **20A-8-106. Organization as a political party -- Certification procedures.**

8076 (1) Before 5 p.m. no later than March 1 of the regular general election year, the  
8077 prospective political party's officers or governing board shall file the names of the party  
8078 officers or governing board with the [~~lieutenant governor~~] director.

8079 (2) After reviewing the information and determining that all proper procedures have  
8080 been completed, the [~~lieutenant governor~~] director shall:

8081 (a) issue a certificate naming the organization as a registered political party in Utah and  
8082 designating its official name; and

8083 (b) inform each county clerk that the organization is a registered political party in Utah.

8084 (3) All election officers and state officials shall consider the organization to be and

8085 shall treat the organization as a registered political party.

8086 (4) The newly registered political party shall comply with all the provisions of Utah  
8087 law governing political parties.

8088 (5) (a) If the newly registered political party does not hold a national party convention,  
8089 the governing board of the political party may designate the names of the party's candidates for  
8090 the offices of President and Vice President of the United States and the names of the party's  
8091 presidential electors to the [~~lieutenant governor~~] director before 5 p.m. no later than August 15.

8092 (b) If the party chooses to designate names, the governing board shall certify those  
8093 names.

8094 Section 143. Section **20A-8-401** is amended to read:

8095 **20A-8-401. Registered political parties -- Bylaws -- Report name of midterm**  
8096 **vacancy candidate.**

8097 (1) (a) Each new or unregistered state political party that seeks to become a registered  
8098 political party under the authority of this chapter shall file a copy of the party's proposed  
8099 constitution and bylaws at the time the party files the party's registration information.

8100 (b) Each registered state political party shall file revised copies of the party's  
8101 constitution or bylaws with the [~~lieutenant governor~~] director before 5 p.m. within 15 days after  
8102 the day on which the constitution or bylaws are adopted or amended.

8103 (2) Each state political party, each new political party seeking registration, and each  
8104 unregistered political party seeking registration shall ensure that the party's constitution or  
8105 bylaws contain:

8106 (a) provisions establishing party organization, structure, membership, and governance  
8107 that include:

8108 (i) a description of the position, selection process, qualifications, duties, and terms of  
8109 each party officer and committees defined by constitution and bylaws;

8110 (ii) a provision requiring a designated party officer to serve as liaison with:

8111 (A) the [~~lieutenant governor~~] director on all matters relating to the political party's  
8112 relationship with the state; and

8113 (B) each county legislative body on matters relating to the political party's relationship  
8114 with a county;

8115 (iii) a description of the requirements for participation in party processes;

- 8116 (iv) the dates, times, and quorum of any regularly scheduled party meetings,  
8117 conventions, or other conclaves; and
- 8118 (v) a mechanism for making the names of delegates, candidates, and elected party  
8119 officers available to the public shortly after they are selected;
- 8120 (b) a procedure for selecting party officers that allows active participation by party  
8121 members;
- 8122 (c) a procedure for selecting party candidates at the federal, state, and county levels that  
8123 allows active participation by party members;
- 8124 (d) (i) a procedure for selecting electors who are pledged to cast their votes in the  
8125 electoral college for the party's candidates for president and vice president of the United States;  
8126 and
- 8127 (ii) a procedure for filling vacancies in the office of presidential elector because of  
8128 death, refusal to act, failure to attend, ineligibility, or any other cause;
- 8129 (e) a procedure for filling vacancies in the office of representative or senator or a  
8130 county office, as described in Section [20A-1-508](#), because of death, resignation, or ineligibility;
- 8131 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;
- 8132 (g) a procedure for replacing party candidates who die, acquire a disability that  
8133 prevents the candidate from continuing the candidacy, or are disqualified before a primary or  
8134 regular general election;
- 8135 (h) provisions governing the deposit and expenditure of party funds, and governing the  
8136 accounting for, reporting, and audit of party financial transactions;
- 8137 (i) provisions governing access to party records;
- 8138 (j) a procedure for amending the constitution or bylaws that allows active participation  
8139 by party members or their representatives;
- 8140 (k) a process for resolving grievances against the political party; and
- 8141 (l) if desired by the political party, a process for consulting with, and obtaining the  
8142 opinion of, the political party's Utah Senate and Utah House members about:
- 8143 (i) the performance of the two United States Senators from Utah, including  
8144 specifically:
- 8145 (A) their views and actions regarding the defense of state's rights and federalism; and  
8146 (B) their performance in representing Utah's interests;

8147 (ii) the members' opinion about, or rating of, and support or opposition to the policy  
8148 positions of any candidates for United States Senate from Utah, including incumbents,  
8149 including specifically:

8150 (A) their views and actions regarding the defense of state's rights and federalism; and

8151 (B) their performance in representing Utah's interests; and

8152 (iii) the members' collective or individual endorsement or rating of a particular  
8153 candidate for United States Senate from Utah.

8154 (3) If, in accordance with a political party's constitution or bylaws, a person files a  
8155 declaration or otherwise notifies the party of the person's candidacy as a legislative office  
8156 candidate or state office candidate, as defined in Section 20A-11-101, to be appointed and fill a  
8157 midterm vacancy in the office of representative or senator in the Legislature, as described in  
8158 Section 20A-1-503, or in a state office as described in Section 20A-1-504, the party shall  
8159 forward a copy of that declaration or notification to the [~~lieutenant governor~~] director before 5  
8160 p.m. no later than the day following the day on which the party receives the declaration or  
8161 notification.

8162 Section 144. Section 20A-8-402 is amended to read:

8163 **20A-8-402. Political party officers -- Submission of names of officers to the**  
8164 **director.**

8165 (1) Each state political party shall:

8166 (a) designate a party officer to act as liaison with:

8167 (i) the [~~lieutenant governor's~~] office; and

8168 (ii) each county legislative body; and

8169 (b) before 5 p.m. no later than seven days after the day on which the party makes a  
8170 change in the party liaison, submit the name of the new liaison to the [~~lieutenant governor~~]  
8171 director.

8172 (2) Each state political party and each county political party shall:

8173 (a) submit the name, address, and phone number of each officer to the [~~lieutenant~~  
8174 ~~governor~~] director within seven days after the officers are selected; and

8175 (b) before 5 p.m. no later than seven days after the day on which the party makes a  
8176 change in party officers, submit the name, address, and phone number of each new officer to  
8177 the [~~lieutenant governor~~] director.

8178 Section 145. Section **20A-8-402.5** is amended to read:

8179 **20A-8-402.5. Notification of political convention dates.**

8180 (1) Before 5 p.m. no later than the first Monday of October of each odd-numbered year,  
8181 a registered political party shall notify the [~~lieutenant governor~~] director of the dates of each  
8182 political convention that will be held by the registered political party the following year.

8183 (2) If, after providing the notice described in Subsection (1), a registered political party  
8184 changes the date of a political convention, the registered political party shall notify the  
8185 [~~lieutenant governor~~] director of the change before 5 p.m. no later than one business day after  
8186 the day on which the registered political party makes the change.

8187 Section 146. Section **20A-8-403** is amended to read:

8188 **20A-8-403. Political parties -- Certification.**

8189 When this title requires that a registered political party certify information to the  
8190 [~~lieutenant governor~~] director, the registered political party has met that requirement if the  
8191 information is signed by the registered political party's designated liaison or the registered  
8192 political party's chair.

8193 Section 147. Section **20A-9-101** is amended to read:

8194 **20A-9-101. Definitions.**

8195 As used in this chapter:

8196 (1) (a) "Candidates for elective office" means persons who file a declaration of  
8197 candidacy under Section [20A-9-202](#) to run in a regular general election for a federal office,  
8198 constitutional office, multicounty office, or county office.

8199 (b) "Candidates for elective office" does not mean candidates for:

8200 (i) justice or judge of court of record or not of record;

8201 (ii) presidential elector;

8202 (iii) any political party offices; and

8203 (iv) municipal or special district offices.

8204 (2) "Constitutional office" means the state offices of governor, lieutenant governor,  
8205 attorney general, state auditor, and state treasurer.

8206 (3) "Continuing political party" means the same as that term is defined in Section  
8207 [20A-8-101](#).

8208 (4) (a) "County office" means an elective office where the officeholder is selected by

- 8209 voters entirely within one county.
- 8210 (b) "County office" does not mean:
- 8211 (i) the office of justice or judge of any court of record or not of record;
- 8212 (ii) the office of presidential elector;
- 8213 (iii) any political party offices;
- 8214 (iv) any municipal or special district offices; and
- 8215 (v) the office of United States Senator and United States Representative.
- 8216 (5) "Electronic candidate qualification process" means:
- 8217 (a) as it relates to a registered political party that is not a qualified political party, the
- 8218 process for gathering signatures electronically to seek the nomination of a registered political
- 8219 party, described in:
- 8220 (i) Section [20A-9-403](#);
- 8221 (ii) Section [20A-9-405](#), except Subsections [20A-9-405\(3\)](#) and (5); and
- 8222 (iii) Section [20A-21-201](#); and
- 8223 (b) as it relates to a qualified political party, the process, for gathering signatures
- 8224 electronically to seek the nomination of a registered political party, described in:
- 8225 (i) Section [20A-9-405](#), except Subsections [20A-9-405\(3\)](#) and (5);
- 8226 (ii) Section [20A-9-408](#); and
- 8227 (iii) Section [20A-21-201](#).
- 8228 (6) "Federal office" means an elective office for United States Senator and United
- 8229 States Representative.
- 8230 (7) "Filing officer" means:
- 8231 (a) the [~~lieutenant governor~~] director, for:
- 8232 (i) the office of United States Senator and United States Representative; and
- 8233 (ii) all constitutional offices;
- 8234 (b) for the office of a state senator, state representative, or the state school board, the
- 8235 [~~lieutenant governor~~] director or the applicable clerk described in Subsection (7)(c) or (d);
- 8236 (c) the county clerk, for county offices and local school district offices;
- 8237 (d) the county clerk in the filer's county of residence, for multicounty offices;
- 8238 (e) the city or town clerk, for municipal offices; or
- 8239 (f) the special district clerk, for special district offices.

8240 (8) "Local government office" includes county offices, municipal offices, and special  
8241 district offices and other elective offices selected by the voters from a political division entirely  
8242 within one county.

8243 (9) "Manual candidate qualification process" means the process for gathering  
8244 signatures to seek the nomination of a registered political party, using paper signature packets  
8245 that a signer physically signs.

8246 (10) (a) "Multicounty office" means an elective office where the officeholder is  
8247 selected by the voters from more than one county.

8248 (b) "Multicounty office" does not mean:

8249 (i) a county office;

8250 (ii) a federal office;

8251 (iii) the office of justice or judge of any court of record or not of record;

8252 (iv) the office of presidential elector;

8253 (v) any political party offices; or

8254 (vi) any municipal or special district offices.

8255 (11) "Municipal office" means an elective office in a municipality.

8256 (12) (a) "Political division" means a geographic unit from which an officeholder is  
8257 elected and that an officeholder represents.

8258 (b) "Political division" includes a county, a city, a town, a special district, a school  
8259 district, a legislative district, and a county prosecution district.

8260 (13) "Qualified political party" means a registered political party that:

8261 (a) (i) permits a delegate for the registered political party to vote on a candidate  
8262 nomination in the registered political party's convention remotely; or

8263 (ii) provides a procedure for designating an alternate delegate if a delegate is not  
8264 present at the registered political party's convention;

8265 (b) does not hold the registered political party's convention before the fourth Saturday  
8266 in March of an even-numbered year;

8267 (c) permits a member of the registered political party to seek the registered political  
8268 party's nomination for any elective office by the member choosing to seek the nomination by  
8269 either or both of the following methods:

8270 (i) seeking the nomination through the registered political party's convention process,

8271 in accordance with the provisions of Section 20A-9-407; or

8272 (ii) seeking the nomination by collecting signatures, in accordance with the provisions  
8273 of Section 20A-9-408; and

8274 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.  
8275 on the first Monday of October of an odd-numbered year, certifies to the [~~lieutenant-governor~~  
8276 director] that, for the election in the following year, the registered political party intends to  
8277 nominate the registered political party's candidates in accordance with the provisions of Section  
8278 20A-9-406; or

8279 (ii) if the registered political party is not a continuing political party, certifies at the  
8280 time that the registered political party files the petition described in Section 20A-8-103 that, for  
8281 the next election, the registered political party intends to nominate the registered political  
8282 party's candidates in accordance with the provisions of Section 20A-9-406.

8283 (14) "Signature," as it relates to a petition for a candidate to seek the nomination of a  
8284 registered political party, means:

8285 (a) when using the manual candidate qualification process, a holographic signature  
8286 collected physically on a nomination petition described in Subsection 20A-9-405(3); or

8287 (b) when using the electronic candidate qualification process:

8288 (i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or

8289 (ii) a holographic signature collected electronically under Subsection  
8290 20A-21-201(6)(c)(ii)(B).

8291 (15) "Special district office" means an elected office in a special district.

8292 Section 148. Section 20A-9-201 is amended to read:

8293 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**  
8294 **more than one political party prohibited with exceptions -- General filing and form**  
8295 **requirements -- Affidavit of impecuniosity.**

8296 (1) Before filing a declaration of candidacy for election to any office, an individual  
8297 shall:

8298 (a) be a United States citizen;

8299 (b) meet the legal requirements of that office; and

8300 (c) if seeking a registered political party's nomination as a candidate for elective office,  
8301 state:



8302 (i) the registered political party of which the individual is a member; or  
8303 (ii) that the individual is not a member of a registered political party.

8304 (2) (a) Except as provided in Subsection (2)(b), an individual may not:  
8305 (i) file a declaration of candidacy for, or be a candidate for, more than one office in  
8306 Utah during any election year;  
8307 (ii) appear on the ballot as the candidate of more than one political party; or  
8308 (iii) file a declaration of candidacy for a registered political party of which the  
8309 individual is not a member, except to the extent that the registered political party permits  
8310 otherwise in the registered political party's bylaws.

8311 (b) (i) An individual may file a declaration of candidacy for, or be a candidate for,  
8312 president or vice president of the United States and another office, if the individual resigns the  
8313 individual's candidacy for the other office after the individual is officially nominated for  
8314 president or vice president of the United States.

8315 (ii) An individual may file a declaration of candidacy for, or be a candidate for, more  
8316 than one justice court judge office.

8317 (iii) An individual may file a declaration of candidacy for lieutenant governor even if  
8318 the individual filed a declaration of candidacy for another office in the same election year if the  
8319 individual withdraws as a candidate for the other office in accordance with Subsection  
8320 [20A-9-202\(6\)](#) before filing the declaration of candidacy for lieutenant governor.

8321 (3) (a) Except for a candidate for president or vice president of the United States,  
8322 before the filing officer may accept any declaration of candidacy, the filing officer shall:  
8323 (i) read to the individual the constitutional and statutory qualification requirements for  
8324 the office that the individual is seeking;  
8325 (ii) require the individual to state whether the individual meets the requirements  
8326 described in Subsection (3)(a)(i);  
8327 (iii) if the declaration of candidacy is for a county office, inform the individual that an  
8328 individual who holds a county elected office may not, at the same time, hold a municipal  
8329 elected office; and  
8330 (iv) if the declaration of candidacy is for a legislative office, inform the individual that  
8331 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit  
8332 or trust, under authority of the United States or Utah, from being a member of the Legislature.

8333 (b) Before accepting a declaration of candidacy for the office of county attorney, the  
8334 county clerk shall ensure that the individual filing that declaration of candidacy is:

8335 (i) a United States citizen;

8336 (ii) an attorney licensed to practice law in the state who is an active member in good  
8337 standing of the Utah State Bar;

8338 (iii) a registered voter in the county in which the individual is seeking office; and

8339 (iv) a current resident of the county in which the individual is seeking office and either  
8340 has been a resident of that county for at least one year before the date of the election or was  
8341 appointed and is currently serving as county attorney and became a resident of the county  
8342 within 30 days after appointment to the office.

8343 (c) Before accepting a declaration of candidacy for the office of district attorney, the  
8344 county clerk shall ensure that, as of the date of the election, the individual filing that  
8345 declaration of candidacy is:

8346 (i) a United States citizen;

8347 (ii) an attorney licensed to practice law in the state who is an active member in good  
8348 standing of the Utah State Bar;

8349 (iii) a registered voter in the prosecution district in which the individual is seeking  
8350 office; and

8351 (iv) a current resident of the prosecution district in which the individual is seeking  
8352 office and either will have been a resident of that prosecution district for at least one year  
8353 before the date of the election or was appointed and is currently serving as district attorney and  
8354 became a resident of the prosecution district within 30 days after receiving appointment to the  
8355 office.

8356 (d) Before accepting a declaration of candidacy for the office of county sheriff, the  
8357 county clerk shall ensure that the individual filing the declaration:

8358 (i) is a United States citizen;

8359 (ii) is a registered voter in the county in which the individual seeks office;

8360 (iii) (A) has successfully met the standards and training requirements established for  
8361 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and  
8362 Certification Act; or

8363 (B) has met the waiver requirements in Section [53-6-206](#);

8364 (iv) is qualified to be certified as a law enforcement officer, as defined in Section  
8365 [53-13-103](#); and

8366 (v) before the date of the election, will have been a resident of the county in which the  
8367 individual seeks office for at least one year.

8368 (e) Before accepting a declaration of candidacy for the office of governor, lieutenant  
8369 governor, state auditor, state treasurer, attorney general, state legislator, or State Board of  
8370 Education member, the filing officer shall ensure that the individual filing the declaration of  
8371 candidacy also makes the conflict of interest disclosure described in Section [20A-11-1603](#).

8372 (4) If an individual who files a declaration of candidacy does not meet the qualification  
8373 requirements for the office the individual is seeking, the filing officer may not accept the  
8374 individual's declaration of candidacy.

8375 (5) If an individual who files a declaration of candidacy meets the requirements  
8376 described in Subsection (3), the filing officer shall:

8377 (a) inform the individual that:

8378 (i) the individual's name will appear on the ballot as the individual's name is written on  
8379 the individual's declaration of candidacy;

8380 (ii) the individual may be required to comply with state or local campaign finance  
8381 disclosure laws; and

8382 (iii) the individual is required to file a financial statement before the individual's  
8383 political convention under:

8384 (A) Section [20A-11-204](#) for a candidate for constitutional office;

8385 (B) Section [20A-11-303](#) for a candidate for the Legislature; or

8386 (C) local campaign finance disclosure laws, if applicable;

8387 (b) except for a presidential candidate, provide the individual with a copy of the current  
8388 campaign financial disclosure laws for the office the individual is seeking and inform the  
8389 individual that failure to comply will result in disqualification as a candidate and removal of  
8390 the individual's name from the ballot;

8391 (c) provide the individual with a copy of Section [20A-7-801](#) regarding the Statewide  
8392 Electronic Voter Information Website Program and inform the individual of the submission  
8393 deadline under Subsection [20A-7-801\(4\)\(a\)](#);

8394 (d) provide the candidate with a copy of the pledge of fair campaign practices

8395 described under Section 20A-9-206 and inform the candidate that:

8396 (i) signing the pledge is voluntary; and

8397 (ii) signed pledges shall be filed with the filing officer;

8398 (e) accept the individual's declaration of candidacy; and

8399 (f) if the individual has filed for a partisan office, provide a certified copy of the  
8400 declaration of candidacy to the chair of the county or state political party of which the  
8401 individual is a member.

8402 (6) If the candidate elects to sign the pledge of fair campaign practices, the filing  
8403 officer shall:

8404 (a) accept the candidate's pledge; and

8405 (b) if the candidate has filed for a partisan office, provide a certified copy of the  
8406 candidate's pledge to the chair of the county or state political party of which the candidate is a  
8407 member.

8408 (7) (a) Except for a candidate for president or vice president of the United States, the  
8409 form of the declaration of candidacy shall:

8410 (i) be substantially as follows:

8411 "State of Utah, County of \_\_\_\_\_

8412 I, \_\_\_\_\_, declare my candidacy for the office of \_\_\_\_\_, seeking the  
8413 nomination of the \_\_\_\_\_ party. I do solemnly swear, under penalty of perjury, that: I will  
8414 meet the qualifications to hold the office, both legally and constitutionally, if selected; I  
8415 reside at \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_ Phone No.  
8416 \_\_\_\_\_; I will not knowingly violate any law governing campaigns and elections; if filing  
8417 via a designated agent, I will be out of the state of Utah during the entire candidate  
8418 filing period; I will file all campaign financial disclosure reports as required by law; and  
8419 I understand that failure to do so will result in my disqualification as a candidate for this  
8420 office and removal of my name from the ballot. The mailing address that I designate  
8421 for receiving official election notices is \_\_\_\_\_.

8422 \_\_\_\_\_

8423 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

8424 \_\_\_\_\_ Notary Public (or other officer qualified to administer oath)."; and

8425 (ii) require the candidate to state, in the sworn statement described in Subsection

8426 (7)(a)(i):

8427 (A) the registered political party of which the candidate is a member; or

8428 (B) that the candidate is not a member of a registered political party.

8429 (b) An agent designated under Subsection 20A-9-202(1)(c) to file a declaration of

8430 candidacy may not sign the form described in Subsection (7)(a) or Section 20A-9-408.5.

8431 (8) (a) Except for a candidate for president or vice president of the United States, the

8432 fee for filing a declaration of candidacy is:

8433 (i) \$50 for candidates for the local school district board; and

8434 (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the  
8435 person holding the office for all other federal, state, and county offices.

8436 (b) Except for presidential candidates, the filing officer shall refund the filing fee to  
8437 any candidate:

8438 (i) who is disqualified; or

8439 (ii) who the filing officer determines has filed improperly.

8440 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received  
8441 from candidates.

8442 (ii) The [~~lieutenant governor~~] director shall:

8443 (A) apportion to and pay to the county treasurers of the various counties all fees  
8444 received for filing of nomination certificates or acceptances; and

8445 (B) ensure that each county receives that proportion of the total amount paid to the  
8446 [~~lieutenant governor~~] director from the congressional district that the total vote of that county  
8447 for all candidates for representative in Congress bears to the total vote of all counties within the  
8448 congressional district for all candidates for representative in Congress.

8449 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy  
8450 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by  
8451 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,  
8452 a financial statement filed at the time the affidavit is submitted.

8453 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

8454 (iii) (A) False statements made on an affidavit of impecuniosity or a financial  
8455 statement filed under this section shall be subject to the criminal penalties provided under  
8456 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

8457 (B) Conviction of a criminal offense under Subsection (8)(d)(iii)(A) shall be  
8458 considered an offense under this title for the purposes of assessing the penalties provided in  
8459 Subsection 20A-1-609(2).

8460 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in  
8461 substantially the following form:

8462 "Affidavit of Impecuniosity

8463 Individual Name

8464 \_\_\_\_\_ Address \_\_\_\_\_

8465 Phone Number \_\_\_\_\_

8466 I, \_\_\_\_\_ (name), do solemnly [swear] [affirm], under penalty of law  
8467 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by  
8468 law.

8469 Date \_\_\_\_\_ Signature \_\_\_\_\_

8470 Affiant

8471 Subscribed and sworn to before me on \_\_\_\_\_ (month\day\year)

8472 \_\_\_\_\_  
8473 (signature)

8474 Name and Title of Officer Authorized to Administer Oath \_\_\_\_\_".

8475 (v) The filing officer shall provide to a person who requests an affidavit of  
8476 impecuniosity a statement printed in substantially the following form, which may be included  
8477 on the affidavit of impecuniosity:

8478 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a  
8479 candidate who is found guilty of filing a false statement, in addition to being subject to criminal  
8480 penalties, will be removed from the ballot."

8481 (vi) The filing officer may request that a person who makes a claim of impecuniosity  
8482 under this Subsection (8)(d) file a financial statement on a form prepared by the election  
8483 official.

8484 (9) An individual who fails to file a declaration of candidacy or certificate of  
8485 nomination within the time provided in this chapter is ineligible for nomination to office.

8486 (10) A declaration of candidacy filed under this section may not be amended or  
8487 modified after the final date established for filing a declaration of candidacy.

8488 Section 149. Section **20A-9-202** is amended to read:

8489 **20A-9-202. Declarations of candidacy for regular general elections.**

8490 (1) (a) An individual seeking to become a candidate for an elective office that is to be  
8491 filled at the next regular general election shall:

8492 (i) except as provided in Subsection (1)(c), file a declaration of candidacy in person  
8493 with the filing officer on or after January 1 of the regular general election year, and, if  
8494 applicable, before the individual circulates nomination petitions under Section **20A-9-405**; and

8495 (ii) pay the filing fee.

8496 (b) Unless expressly provided otherwise in this title, for a registered political party that  
8497 is not a qualified political party, the deadline for filing a declaration of candidacy for an  
8498 elective office that is to be filled at the next regular general election is 5 p.m. on the first  
8499 Monday after the fourth Saturday in April.

8500 (c) Subject to Subsection **20A-9-201**(7)(b), an individual may designate an agent to file  
8501 a declaration of candidacy with the filing officer if:

8502 (i) the individual is located outside of the state during the entire filing period;

8503 (ii) the designated agent appears in person before the filing officer;

8504 (iii) the individual communicates with the filing officer using an electronic device that  
8505 allows the individual and filing officer to see and hear each other; and

8506 (iv) the individual provides the filing officer with an email address to which the filing  
8507 officer may send the individual the copies described in Subsection **20A-9-201**(5).

8508 (d) Each county clerk who receives a declaration of candidacy from a candidate for  
8509 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of  
8510 candidacy to the [~~lieutenant governor~~] director within one business day after the candidate files  
8511 the declaration of candidacy.

8512 (e) Each day during the filing period, each county clerk shall notify the [~~lieutenant~~  
8513 ~~governor~~] director electronically or by telephone of candidates who have filed a declaration of  
8514 candidacy with the county clerk.

8515 (f) Each individual seeking the office of lieutenant governor, the office of district  
8516 attorney, or the office of president or vice president of the United States shall comply with the  
8517 specific declaration of candidacy requirements established by this section.

8518 (2) (a) Each individual intending to become a candidate for the office of district

8519 attorney within a multicounty prosecution district that is to be filled at the next regular general  
8520 election shall:

8521 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement  
8522 creating the prosecution district on or after January 1 of the regular general election year, and  
8523 before the individual circulates nomination petitions under Section 20A-9-405; and

8524 (ii) pay the filing fee.

8525 (b) The designated clerk shall provide to the county clerk of each county in the  
8526 prosecution district a certified copy of each declaration of candidacy filed for the office of  
8527 district attorney.

8528 (3) (a) Before the deadline described in Subsection (1)(b), each lieutenant governor  
8529 candidate shall:

8530 (i) file a declaration of candidacy with the [~~lieutenant governor~~] director;

8531 (ii) pay the filing fee; and

8532 (iii) submit a letter from a candidate for governor who has received certification for the  
8533 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate  
8534 as a joint-ticket running mate.

8535 (b) (i) A candidate for lieutenant governor who fails to timely file is disqualified.

8536 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to  
8537 replace the disqualified candidate.

8538 (4) Before 5 p.m. no later than August 31, each registered political party shall:

8539 (a) certify the names of the political party's candidates for president and vice president  
8540 of the United States to the [~~lieutenant governor~~] director; or

8541 (b) provide written authorization for the [~~lieutenant governor~~] director to accept the  
8542 certification of candidates for president and vice president of the United States from the  
8543 national office of the registered political party.

8544 (5) (a) A declaration of candidacy filed under this section is valid unless a written  
8545 objection is filed with the clerk or [~~lieutenant governor~~] the director before 5 p.m. on the last  
8546 business day that is at least 10 days before the deadline described in Subsection  
8547 20A-9-409(4)(c).

8548 (b) If an objection is made, the clerk or [~~lieutenant governor~~] the director shall:

8549 (i) mail or personally deliver notice of the objection to the affected candidate



8550 immediately; and

8551 (ii) decide any objection within 48 hours after it is filed.

8552 (c) If the clerk or [~~lieutenant governor~~] the director sustains the objection, the candidate  
8553 may cure the problem by amending the declaration or petition before 5 p.m. within three days  
8554 after the day on which the objection is sustained or by filing a new declaration before 5 p.m.  
8555 within three days after the day on which the objection is sustained.

8556 (d) (i) The clerk's or [~~lieutenant governor's~~] the director's decision upon objections to  
8557 form is final.

8558 (ii) The clerk's or [~~lieutenant governor's~~] the director's decision upon substantive  
8559 matters is reviewable by a district court if prompt application is made to the court.

8560 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
8561 of its discretion, agrees to review the lower court decision.

8562 (6) Any person who filed a declaration of candidacy may withdraw as a candidate by  
8563 filing a written affidavit with the clerk.

8564 (7) (a) Except for a candidate who is certified by a registered political party under  
8565 Subsection (4), and except as provided in Section [20A-9-504](#), before 5 p.m. no later than  
8566 August 31 of a general election year, each individual running as a candidate for vice president  
8567 of the United States shall:

8568 (i) file a declaration of candidacy, in person or via a designated agent, on a form  
8569 developed by the [~~lieutenant governor~~] director, that:

8570 (A) contains the individual's name, address, and telephone number;

8571 (B) states that the individual meets the qualifications for the office of vice president of  
8572 the United States;

8573 (C) names the presidential candidate, who has qualified for the general election ballot,  
8574 with which the individual is running as a joint-ticket running mate;

8575 (D) states that the individual agrees to be the running mate of the presidential candidate  
8576 described in Subsection (7)(a)(i)(C); and

8577 (E) contains any other necessary information identified by the [~~lieutenant governor~~]  
8578 director;

8579 (ii) pay the filing fee; and

8580 (iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C)

8581 that names the individual as a joint-ticket running mate as a vice presidential candidate.

8582 (b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of  
8583 candidacy.

8584 (c) A vice presidential candidate who fails to meet the requirements described in this  
8585 Subsection (7) may not appear on the general election ballot.

8586 (8) An individual filing a declaration of candidacy for president or vice president of the  
8587 United States shall pay a filing fee of \$500.

8588 Section 150. Section **20A-9-202.5** is amended to read:

8589 **20A-9-202.5. Declaration of candidacy -- Presidential primary election.**

8590 (1) As used in this section:

8591 (a) "Presidential candidate" means a person seeking nomination for President of the  
8592 United States from a Utah registered political party.

8593 (b) "Utah registered political party" means a political party that has complied with the  
8594 requirements of Chapter 8, Political Party Formation and Procedures, to become a political  
8595 party officially recognized by the state.

8596 (2) Each presidential candidate, or the candidate's designated agent, shall file a  
8597 declaration of candidacy with the [~~lieutenant governor~~] director as provided in Section  
8598 [20A-9-803](#), for participation in the presidential primary election.

8599 Section 151. Section **20A-9-203** is amended to read:

8600 **20A-9-203. Declarations of candidacy -- Municipal general elections --**  
8601 **Nomination petition -- Removal of signature.**

8602 (1) An individual may become a candidate for any municipal office if:

8603 (a) the individual is a registered voter; and

8604 (b) (i) the individual has resided within the municipality in which the individual seeks  
8605 to hold elective office for the 12 consecutive months immediately before the date of the  
8606 election; or

8607 (ii) the territory in which the individual resides was annexed into the municipality, the  
8608 individual has resided within the annexed territory or the municipality the 12 consecutive  
8609 months immediately before the date of the election.

8610 (2) (a) For purposes of determining whether an individual meets the residency  
8611 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months

8612 before the election, the municipality is considered to have been incorporated 12 months before  
8613 the date of the election.

8614 (b) In addition to the requirements of Subsection (1), each candidate for a municipal  
8615 council position shall, if elected from a district, be a resident of the council district from which  
8616 the candidate is elected.

8617 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent  
8618 individual, an individual convicted of a felony, or an individual convicted of treason or a crime  
8619 against the elective franchise may not hold office in this state until the right to hold elective  
8620 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

8621 (3) (a) An individual seeking to become a candidate for a municipal office shall,  
8622 regardless of the nomination method by which the individual is seeking to become a candidate:

8623 (i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate  
8624 Voting Methods Pilot Project, and subject to Subsection [20A-9-404\(3\)\(e\)](#), file a declaration of  
8625 candidacy, in person with the city recorder or town clerk, during the office hours described in  
8626 Section [10-3-301](#) and not later than the close of those office hours, between June 1 and June 7  
8627 of any odd-numbered year; and

8628 (ii) pay the filing fee, if one is required by municipal ordinance.

8629 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a  
8630 declaration of candidacy with the city recorder or town clerk if:

8631 (i) the individual is located outside of the state during the entire filing period;

8632 (ii) the designated agent appears in person before the city recorder or town clerk;

8633 (iii) the individual communicates with the city recorder or town clerk using an  
8634 electronic device that allows the individual and city recorder or town clerk to see and hear each  
8635 other; and

8636 (iv) the individual provides the city recorder or town clerk with an email address to  
8637 which the city recorder or town clerk may send the individual the copies described in  
8638 Subsection (4).

8639 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

8640 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot  
8641 Project, filing a nomination petition with the city recorder or town clerk during the office hours  
8642 described in Section [10-3-301](#) and not later than the close of those office hours, between June 1

8643 and June 7 of any odd-numbered year that includes signatures in support of the nomination  
8644 petition of the lesser of at least:

8645 (A) 25 registered voters who reside in the municipality; or

8646 (B) 20% of the registered voters who reside in the municipality; and

8647 (ii) paying the filing fee, if one is required by municipal ordinance.

8648 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination  
8649 petition, the filing officer shall:

8650 (i) read to the prospective candidate or individual filing the petition the constitutional  
8651 and statutory qualification requirements for the office that the candidate is seeking;

8652 (ii) require the candidate or individual filing the petition to state whether the candidate  
8653 meets the requirements described in Subsection (4)(a)(i); and

8654 (iii) inform the candidate or the individual filing the petition that an individual who  
8655 holds a municipal elected office may not, at the same time, hold a county elected office.

8656 (b) If the prospective candidate does not meet the qualification requirements for the  
8657 office, the filing officer may not accept the declaration of candidacy or nomination petition.

8658 (c) If it appears that the prospective candidate meets the requirements of candidacy, the  
8659 filing officer shall:

8660 (i) inform the candidate that the candidate's name will appear on the ballot as it is  
8661 written on the declaration of candidacy;

8662 (ii) provide the candidate with a copy of the current campaign financial disclosure laws  
8663 for the office the candidate is seeking and inform the candidate that failure to comply will  
8664 result in disqualification as a candidate and removal of the candidate's name from the ballot;

8665 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
8666 Electronic Voter Information Website Program and inform the candidate of the submission  
8667 deadline under Subsection 20A-7-801(4)(a);

8668 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
8669 described under Section 20A-9-206 and inform the candidate that:

8670 (A) signing the pledge is voluntary; and

8671 (B) signed pledges shall be filed with the filing officer; and

8672 (v) accept the declaration of candidacy or nomination petition.

8673 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing

8674 officer shall:

8675 (i) accept the candidate's pledge; and

8676 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
8677 candidate's pledge to the chair of the county or state political party of which the candidate is a  
8678 member.

8679 (5) (a) The declaration of candidacy shall be in substantially the following form:

8680 "I, (print name) \_\_\_\_, being first sworn and under penalty of perjury, say that I reside at  
8681 \_\_\_\_ Street, City of \_\_\_\_, County of \_\_\_\_, state of Utah, Zip Code \_\_\_\_, Telephone Number  
8682 (if any) \_\_\_\_; that I am a registered voter; and that I am a candidate for the office of \_\_\_\_  
8683 (stating the term). I will meet the legal qualifications required of candidates for this office. If  
8684 filing via a designated agent, I attest that I will be out of the state of Utah during the entire  
8685 candidate filing period. I will file all campaign financial disclosure reports as required by law  
8686 and I understand that failure to do so will result in my disqualification as a candidate for this  
8687 office and removal of my name from the ballot. I request that my name be printed upon the  
8688 applicable official ballots. (Signed) \_\_\_\_\_

8689 Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this  
8690 \_\_\_\_\_(month\day\year).

8691 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)."

8692 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may  
8693 not sign the form described in Subsection (5)(a).

8694 (c) (i) A nomination petition shall be in substantially the following form:

8695 "NOMINATION PETITION

8696 The undersigned residents of (name of municipality), being registered voters, nominate  
8697 (name of nominee) for the office of (name of office) for the (length of term of office)."

8698 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
8699 individuals signing the petition and each individual's address and phone number.

8700 (6) If the declaration of candidacy or nomination petition fails to state whether the  
8701 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be  
8702 for the four-year term.

8703 (7) (a) (i) The clerk shall verify with the county clerk that all candidates are registered  
8704 voters.

8705 (b) With the assistance of the county clerk, and using the procedures described in  
8706 Section [20A-1-1002](#), the municipal clerk shall determine whether the required number of  
8707 signatures of registered voters appears on a nomination petition.

8708 (8) Immediately after expiration of the period for filing a declaration of candidacy, the  
8709 clerk shall:

8710 (a) publicize a list of the names of the candidates as they will appear on the ballot by  
8711 publishing the list for the municipality, as a class A notice under Section [63G-30-102](#), for  
8712 seven days; and

8713 (b) notify the [~~lieutenant governor~~] director of the names of the candidates as they will  
8714 appear on the ballot.

8715 (9) Except as provided in Subsection (10)(c), an individual may not amend a  
8716 declaration of candidacy or nomination petition filed under this section after the candidate  
8717 filing period ends.

8718 (10) (a) A declaration of candidacy or nomination petition that an individual files under  
8719 this section is valid unless a person files a written objection with the clerk before 5 p.m. within  
8720 10 days after the last day for filing.

8721 (b) If a person files an objection, the clerk shall:

8722 (i) mail or personally deliver notice of the objection to the affected candidate  
8723 immediately; and

8724 (ii) decide any objection within 48 hours after the objection is filed.

8725 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three  
8726 days after the day on which the clerk sustains the objection, correct the problem for which the  
8727 objection is sustained by amending the candidate's declaration of candidacy or nomination  
8728 petition, or by filing a new declaration of candidacy.

8729 (d) (i) The clerk's decision upon objections to form is final.

8730 (ii) The clerk's decision upon substantive matters is reviewable by a district court if  
8731 prompt application is made to the district court.

8732 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
8733 of its discretion, agrees to review the lower court decision.

8734 (11) A candidate who qualifies for the ballot under this section may withdraw as a  
8735 candidate by filing a written affidavit with the municipal clerk.

8736 (12) (a) A voter who signs a nomination petition under this section may have the  
8737 voter's signature removed from the petition by, no later than three business days after the day  
8738 on which the petition is filed with the city recorder or municipal clerk, submitting to the  
8739 municipal clerk a statement requesting that the voter's signature be removed.

8740 (b) A statement described in Subsection (12)(a) shall comply with the requirements  
8741 described in Subsection 20A-1-1003(2).

8742 (c) With the assistance of the county clerk and using the procedures described in  
8743 Subsection 20A-1-1003(3), the municipal clerk shall determine whether to remove an  
8744 individual's signature from a petition after receiving a timely, valid statement requesting  
8745 removal of the signature.

8746 Section 152. Section 20A-9-402 is amended to read:

8747 **20A-9-402. General requirements for all primary elections.**

8748 (1) Except as provided in Subsection (2), the [~~lieutenant governor~~] director, county  
8749 clerks, and election judges shall follow the procedures and requirements of this title in  
8750 administering primary elections.

8751 (2) If there is any conflict between any provision of this part and any other sections in  
8752 Title 20A, Election Code, this part takes precedence.

8753 Section 153. Section 20A-9-403 is amended to read:

8754 **20A-9-403. Regular primary elections.**

8755 (1) (a) Candidates for elective office that are to be filled at the next regular general  
8756 election shall be nominated in a regular primary election by direct vote of the people in the  
8757 manner prescribed in this section. The regular primary election is held on the date specified in  
8758 Section 20A-1-201.5. Nothing in this section shall affect a candidate's ability to qualify for a  
8759 regular general election's ballot as an unaffiliated candidate under Section 20A-9-501 or to  
8760 participate in a regular general election as a write-in candidate under Section 20A-9-601.

8761 (b) Each registered political party that chooses to have the names of the registered  
8762 political party's candidates for elective office featured with party affiliation on the ballot at a  
8763 regular general election shall comply with the requirements of this section and shall nominate  
8764 the registered political party's candidates for elective office in the manner described in this  
8765 section.

8766 (c) A filing officer may not permit an official ballot at a regular general election to be

8767 produced or used if the ballot denotes affiliation between a registered political party or any  
8768 other political group and a candidate for elective office who is not nominated in the manner  
8769 prescribed in this section or in Subsection 20A-9-202(4).

8770 (d) Unless noted otherwise, the dates in this section refer to those that occur in each  
8771 even-numbered year in which a regular general election will be held.

8772 (2) (a) Each registered political party, in a statement filed with the [~~lieutenant~~  
8773 ~~governor~~] director, shall:

8774 (i) either declare the registered political party's intent to participate in the next regular  
8775 primary election or declare that the registered political party chooses not to have the names of  
8776 the registered political party's candidates for elective office featured on the ballot at the next  
8777 regular general election; and

8778 (ii) if the registered political party participates in the upcoming regular primary  
8779 election, identify one or more registered political parties whose members may vote for the  
8780 registered political party's candidates and whether individuals identified as unaffiliated with a  
8781 political party may vote for the registered political party's candidates.

8782 (b) (i) A registered political party that is a continuing political party shall file the  
8783 statement described in Subsection (2)(a) with the [~~lieutenant governor~~] director no later than 5  
8784 p.m. on November 30 of each odd-numbered year.

8785 (ii) An organization that is seeking to become a registered political party under Section  
8786 20A-8-103 shall file the statement described in Subsection (2)(a) at the time that the registered  
8787 political party files the petition described in Section 20A-8-103.

8788 (3) (a) Except as provided in Subsection (3)(e), an individual who submits a  
8789 declaration of candidacy under Section 20A-9-202 shall appear as a candidate for elective  
8790 office on the regular primary ballot of the registered political party listed on the declaration of  
8791 candidacy only if the individual is certified by the appropriate filing officer as having submitted  
8792 a nomination petition that was:

8793 (i) circulated and completed in accordance with Section 20A-9-405; and

8794 (ii) signed by at least 2% of the registered political party's members who reside in the  
8795 political division of the office that the individual seeks.

8796 (b) (i) A candidate for elective office shall submit signatures for a nomination petition  
8797 to the appropriate filing officer for verification and certification no later than 5 p.m. on the final



8798 day in March.

8799 (ii) A candidate may supplement the candidate's submissions at any time on or before  
8800 the filing deadline.

8801 (c) (i) The [~~lieutenant governor~~] director shall determine for each elective office the  
8802 total number of signatures that must be submitted under Subsection (3)(a)(ii) or 20A-9-408(8)  
8803 by counting the aggregate number of individuals residing in each elective office's political  
8804 division who have designated a particular registered political party on the individuals' voter  
8805 registration forms on or before November 15 of each odd-numbered year.

8806 (ii) The [~~lieutenant governor~~] director shall publish the determination for each elective  
8807 office no later than November 30 of each odd-numbered year.

8808 (d) The filing officer shall:

8809 (i) except as otherwise provided in Section 20A-21-201, verify signatures on  
8810 nomination petitions in a transparent and orderly manner, no later than 14 days after the day on  
8811 which a candidate submits the signatures to the filing officer;

8812 (ii) for all qualifying candidates for elective office who submit nomination petitions to  
8813 the filing officer, issue certifications referenced in Subsection (3)(a) no later than the deadline  
8814 described in Subsection 20A-9-202(1)(b);

8815 (iii) consider active and inactive voters eligible to sign nomination petitions;

8816 (iv) consider an individual who signs a nomination petition a member of a registered  
8817 political party for purposes of Subsection (3)(a)(ii) if the individual has designated that  
8818 registered political party as the individual's party membership on the individual's voter  
8819 registration form; and

8820 (v) except as otherwise provided in Section 20A-21-201 and with the assistance of the  
8821 county clerk as applicable, use the procedures described in Section 20A-1-1002 to verify  
8822 submitted nomination petition signatures, or use statistical sampling procedures to verify  
8823 submitted nomination petition signatures in accordance with rules made under Subsection  
8824 (3)(f).

8825 (e) Notwithstanding any other provision in this Subsection (3), a candidate for  
8826 lieutenant governor may appear on the regular primary ballot of a registered political party  
8827 without submitting nomination petitions if the candidate files a declaration of candidacy and  
8828 complies with Subsection 20A-9-202(3).

8829 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
8830 [~~director of elections, within the Office of the Lieutenant Governor,~~] office may make rules  
8831 that:

8832 (i) provide for the use of statistical sampling procedures that:

8833 (A) filing officers are required to use to verify signatures under Subsection (3)(d); and

8834 (B) reflect a bona fide effort to determine the validity of a candidate's entire  
8835 submission, using widely recognized statistical sampling techniques; and

8836 (ii) provide for the transparent, orderly, and timely submission, verification, and  
8837 certification of nomination petition signatures.

8838 (g) The county clerk shall:

8839 (i) review the declarations of candidacy filed by candidates for local boards of  
8840 education to determine if more than two candidates have filed for the same seat;

8841 (ii) place the names of all candidates who have filed a declaration of candidacy for a  
8842 local board of education seat on the nonpartisan section of the ballot if more than two  
8843 candidates have filed for the same seat; and

8844 (iii) determine the order of the local board of education candidates' names on the ballot  
8845 in accordance with Section [20A-6-305](#).

8846 (4) (a) Before the deadline described in Subsection [20A-9-409\(4\)\(c\)](#), the [~~lieutenant~~  
8847 ~~governor~~] director shall provide to the county clerks:

8848 (i) a list of the names of all candidates for federal, constitutional, multi-county, single  
8849 county, and county offices who have received certifications under Subsection (3), along with  
8850 instructions on how those names shall appear on the primary election ballot in accordance with  
8851 Section [20A-6-305](#); and

8852 (ii) a list of unopposed candidates for elective office who have been nominated by a  
8853 registered political party under Subsection (5)(c) and instruct the county clerks to exclude the  
8854 unopposed candidates from the primary election ballot.

8855 (b) A candidate for lieutenant governor and a candidate for governor campaigning as  
8856 joint-ticket running mates shall appear jointly on the primary election ballot.

8857 (c) After the county clerk receives the certified list from the [~~lieutenant governor~~]  
8858 director under Subsection (4)(a), the county clerk shall post or publish a primary election notice  
8859 in substantially the following form:

8860 "Notice is given that a primary election will be held Tuesday, June \_\_\_\_\_,  
8861 \_\_\_\_\_ (year), to nominate party candidates for the parties and candidates for nonpartisan  
8862 local school board positions listed on the primary ballot. The polling place for voting precinct  
8863 \_\_\_\_\_ is \_\_\_\_\_. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day.  
8864 Attest: county clerk."

8865 (5) (a) A candidate who, at the regular primary election, receives the highest number of  
8866 votes cast for the office sought by the candidate is:

8867 (i) nominated for that office by the candidate's registered political party; or

8868 (ii) for a nonpartisan local school board position, nominated for that office.

8869 (b) If two or more candidates are to be elected to the office at the regular general  
8870 election, those party candidates equal in number to positions to be filled who receive the  
8871 highest number of votes at the regular primary election are the nominees of the candidates'  
8872 party for those positions.

8873 (c) (i) As used in this Subsection (5)(c), a candidate is "unopposed" if:

8874 (A) no individual other than the candidate receives a certification under Subsection (3)  
8875 for the regular primary election ballot of the candidate's registered political party for a  
8876 particular elective office; or

8877 (B) for an office where more than one individual is to be elected or nominated, the  
8878 number of candidates who receive certification under Subsection (3) for the regular primary  
8879 election of the candidate's registered political party does not exceed the total number of  
8880 candidates to be elected or nominated for that office.

8881 (ii) A candidate who is unopposed for an elective office in the regular primary election  
8882 of a registered political party is nominated by the party for that office without appearing on the  
8883 primary election ballot.

8884 (6) (a) When a tie vote occurs in any primary election for any national, state, or other  
8885 office that represents more than one county, the governor, [~~lieutenant governor, and~~] the  
8886 attorney general, and the director shall, at a public meeting called by the governor and in the  
8887 presence of the candidates involved, select the nominee by lot cast in whatever manner the  
8888 governor determines.

8889 (b) When a tie vote occurs in any primary election for any county office, the district  
8890 court judges of the district in which the county is located shall, at a public meeting called by

8891 the judges and in the presence of the candidates involved, select the nominee by lot cast in  
8892 whatever manner the judges determine.

8893 (7) The expense of providing all ballots, blanks, or other supplies to be used at any  
8894 primary election provided for by this section, and all expenses necessarily incurred in the  
8895 preparation for or the conduct of that primary election shall be paid out of the treasury of the  
8896 county or state, in the same manner as for the regular general elections.

8897 (8) An individual may not file a declaration of candidacy for a registered political party  
8898 of which the individual is not a member, except to the extent that the registered political party  
8899 permits otherwise under the registered political party's bylaws.

8900 Section 154. Section **20A-9-405** is amended to read:

8901 **20A-9-405. Nomination petitions for regular primary elections.**

8902 (1) This section applies to the form and circulation of nomination petitions for regular  
8903 primary elections described in Subsection **20A-9-403(3)(a)**.

8904 (2) A candidate for elective office, and the agents of the candidate, may not circulate  
8905 nomination petitions until the candidate has submitted a declaration of candidacy in accordance  
8906 with Subsection **20A-9-202(1)**.

8907 (3) For the manual candidate qualification process, the nomination petitions shall be in  
8908 substantially the following form:

8909 (a) the petition shall be printed on paper 8-1/2 inches long and 11 inches wide;

8910 (b) the petition shall be ruled with a horizontal line 3/4 inch from the top, with the  
8911 space above that line blank for purposes of binding;

8912 (c) the petition shall be headed by a caption stating the purpose of the petition and the  
8913 name of the proposed candidate;

8914 (d) the petition shall feature the word "Warning" followed by the following statement  
8915 in no less than eight-point, single leaded type: "It is a class A misdemeanor for anyone to  
8916 knowingly sign a nomination petition with any name other than the person's own name, or  
8917 more than once for the same candidate, or if the person is not registered to vote in this state.";

8918 (e) the petition shall feature 10 lines spaced one-half inch apart and consecutively  
8919 numbered one through 10;

8920 (f) the signature portion of the petition shall be divided into columns headed by the  
8921 following titles:

- 8922 (i) Registered Voter's Printed Name;
- 8923 (ii) Signature of Registered Voter;
- 8924 (iii) Party Affiliation of Registered Voter;
- 8925 (iv) Birth Date or Age (Optional);
- 8926 (v) Street Address, City, Zip Code; and
- 8927 (vi) Date of Signature; and
- 8928 (g) a photograph of the candidate may appear on the nomination petition.
- 8929 (4) For the electronic candidate qualification process, the [~~lieutenant governor~~] director
- 8930 shall design an electronic form, using progressive screens, that includes:
- 8931 (a) the following warning:
- 8932 "Warning: It is a class A misdemeanor for anyone to knowingly sign a nomination
- 8933 petition with any name other than the person's own name, or more than once for the same
- 8934 candidate, or if the person is not registered to vote in this state."; and
- 8935 (b) the following information for each individual who signs the petition:
- 8936 (i) name;
- 8937 (ii) party affiliation;
- 8938 (iii) date of birth or age, (optional);
- 8939 (iv) street address, city, zip code;
- 8940 (v) date of signature;
- 8941 (vi) other information required under Section 20A-21-201; and
- 8942 (vii) other information required by the [~~lieutenant governor~~] director.
- 8943 (5) For the manual candidate qualification process, if one or more nomination petitions
- 8944 are bound together, a page shall be bound to the nomination petition(s) that features the
- 8945 following printed verification statement to be signed and dated by the petition circulator:
- 8946 "Verification
- 8947 State of Utah, County of \_\_\_\_
- 8948 I, \_\_\_\_, of \_\_\_\_, hereby state that:
- 8949 I am a Utah resident and am at least 18 years old;
- 8950 All the names that appear on the signature sheets bound to this page were, to the best of
- 8951 my knowledge, signed by the persons who professed to be the persons whose names appear on
- 8952 the signature sheets, and each of them signed the person's name on the signature sheets in my

8953 presence;

8954 I believe that each has printed and signed the person's name and written the person's  
8955 street address correctly, and that each signer is registered to vote in Utah."

8956 (6) The [~~lieutenant governor~~] director shall prepare and make public model nomination  
8957 petition forms and associated instructions.

8958 (7) A nomination petition circulator must be at least 18 years old and a resident of the  
8959 state, but may affiliate with any political party.

8960 (8) It is unlawful for any person to:

8961 (a) knowingly sign the nomination petition described in this section or Section  
8962 [20A-9-408](#):

8963 (i) with any name other than the person's own name;

8964 (ii) more than once for the same candidate; or

8965 (iii) if the person is not registered to vote in this state;

8966 (b) sign the verification of a signature for a nomination petition if the person:

8967 (i) does not meet the residency requirements of Section [20A-2-105](#);

8968 (ii) has not witnessed the signing by those persons whose names appear on the  
8969 nomination petition; or

8970 (iii) knows that a person whose signature appears on the nomination petition is not  
8971 registered to vote in this state;

8972 (c) pay compensation to any person to sign a nomination petition; or

8973 (d) pay compensation to any person to circulate a nomination petition, if the  
8974 compensation is based directly on the number of signatures submitted to a filing officer rather  
8975 than on the number of signatures verified or on some other basis.

8976 (9) Any person violating Subsection (8) is guilty of a class A misdemeanor.

8977 (10) Withdrawal of petition signatures is prohibited.

8978 Section 155. Section [20A-9-406](#) is amended to read:

8979 **[20A-9-406. Qualified political party -- Requirements and exemptions.](#)**

8980 The following provisions apply to a qualified political party:

8981 (1) the qualified political party shall, no later than 5 p.m. on the first Monday of  
8982 October of each odd-numbered year, certify to the [~~lieutenant governor~~] director the identity of  
8983 one or more registered political parties whose members may vote for the qualified political

8984 party's candidates and whether unaffiliated voters may vote for the qualified political party's  
8985 candidates;

8986 (2) the following provisions do not apply to a nomination for the qualified political  
8987 party:

8988 (a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a);

8989 (b) Subsection 20A-9-403(5)(c); and

8990 (c) Section 20A-9-405;

8991 (3) an individual may only seek the nomination of the qualified political party by using  
8992 a method described in Section 20A-9-407, Section 20A-9-408, or both;

8993 (4) the qualified political party shall comply with the provisions of Sections  
8994 20A-9-407, 20A-9-408, and 20A-9-409;

8995 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), each election officer  
8996 shall ensure that a ballot described in Section 20A-6-301 includes each individual nominated  
8997 by a qualified political party:

8998 (a) under the qualified political party's name , if any; or

8999 (b) under the title of the qualified registered political party as designated by the  
9000 qualified political party in the certification described in Subsection (1), or, if none is  
9001 designated, then under some suitable title;

9002 (6) notwithstanding Subsection 20A-6-302(1)(a), each election officer shall ensure, for  
9003 ballots in regular general elections, that each candidate who is nominated by the qualified  
9004 political party is listed by party;

9005 (7) notwithstanding Subsection 20A-6-304(1)(e), each election officer shall ensure that  
9006 the party designation of each candidate who is nominated by the qualified political party is  
9007 displayed adjacent to the candidate's name on a mechanical ballot;

9008 (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also  
9009 includes an individual who files a declaration of candidacy under Section 20A-9-407 or  
9010 20A-9-408 to run in a regular general election for a federal office, constitutional office,  
9011 multicounty office, or county office;

9012 (9) an individual who is nominated by, or seeking the nomination of, the qualified  
9013 political party is not required to comply with Subsection 20A-9-201(1)(c);

9014 (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled

9015 to have each of the qualified political party's candidates for elective office appear on the  
9016 primary ballot of the qualified political party with an indication that each candidate is a  
9017 candidate for the qualified political party;

9018 (11) notwithstanding Subsection 20A-9-403(4)(a), the [~~lieutenant governor~~] director  
9019 shall include on the list provided by the [~~lieutenant governor~~] director to the county clerks:

9020 (a) the names of all candidates of the qualified political party for federal, constitutional,  
9021 multicounty, and county offices; and

9022 (b) the names of unopposed candidates for elective office who have been nominated by  
9023 the qualified political party and instruct the county clerks to exclude such candidates from the  
9024 primary-election ballot;

9025 (12) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an  
9026 elective office in the regular primary election of the qualified political party is nominated by  
9027 the party for that office without appearing on the primary ballot; and

9028 (13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section  
9029 20A-9-405, the qualified political party is entitled to have the names of its candidates for  
9030 elective office featured with party affiliation on the ballot at a regular general election.

9031 Section 156. Section 20A-9-407 is amended to read:

9032 **20A-9-407. Convention process to seek the nomination of a qualified political**  
9033 **party.**

9034 (1) This section describes the requirements for a member of a qualified political party  
9035 who is seeking the nomination of a qualified political party for an elective office through the  
9036 qualified political party's convention process.

9037 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of  
9038 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
9039 the nomination of, the qualified political party under this section shall be substantially as  
9040 described in Section 20A-9-408.5.

9041 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
9042 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
9043 nomination of the qualified political party for an elective office that is to be filled at the next  
9044 general election, shall:

9045 (a) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy in



9046 person with the filing officer during the declaration of candidacy filing period described in  
9047 Section 20A-9-201.5; and

9048 (b) pay the filing fee.

9049 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
9050 party who, under this section, is seeking the nomination of the qualified political party for the  
9051 office of district attorney within a multicounty prosecution district that is to be filled at the next  
9052 general election shall:

9053 (a) file a declaration of candidacy with the county clerk designated in the interlocal  
9054 agreement creating the prosecution district during the declaration of candidacy filing period  
9055 described in Section 20A-9-201.5; and

9056 (b) pay the filing fee.

9057 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
9058 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
9059 political party, under this section, for the office of governor shall, during the declaration of  
9060 candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and  
9061 submit a letter from the candidate for governor that names the lieutenant governor candidate as  
9062 a joint-ticket running mate.

9063 (6) (a) A qualified political party that nominates a candidate under this section shall  
9064 certify the name of the candidate to the [~~lieutenant governor~~] director before the deadline  
9065 described in Subsection 20A-9-202(1)(b).

9066 (b) The [~~lieutenant governor~~] director shall include, in the primary ballot certification  
9067 or, for a race where a primary is not held because the candidate is unopposed, in the general  
9068 election ballot certification, the name of each candidate nominated by a qualified political party  
9069 under this section.

9070 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who  
9071 is nominated by a qualified political party under this section, designate the qualified political  
9072 party that nominated the candidate.

9073 Section 157. Section 20A-9-408 is amended to read:

9074 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
9075 **political party -- Removal of signature.**

9076 (1) This section describes the requirements for a member of a qualified political party

9077 who is seeking the nomination of the qualified political party for an elective office through the  
9078 signature-gathering process described in this section.

9079 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of  
9080 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
9081 the nomination of, the qualified political party under this section shall be substantially as  
9082 described in Section 20A-9-408.5.

9083 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
9084 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
9085 nomination of the qualified political party for an elective office that is to be filled at the next  
9086 general election shall:

9087 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,  
9088 and before gathering signatures under this section, file with the filing officer on a form  
9089 approved by the [~~lieutenant governor~~] director a notice of intent to gather signatures for  
9090 candidacy that includes:

9091 (i) the name of the member who will attempt to become a candidate for a registered  
9092 political party under this section;

9093 (ii) the name of the registered political party for which the member is seeking  
9094 nomination;

9095 (iii) the office for which the member is seeking to become a candidate;

9096 (iv) the address and telephone number of the member; and

9097 (v) other information required by the [~~lieutenant governor~~] director;

9098 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,  
9099 in person, with the filing officer during the declaration of candidacy filing period described in  
9100 Section 20A-9-201.5; and

9101 (c) pay the filing fee.

9102 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
9103 party who, under this section, is seeking the nomination of the qualified political party for the  
9104 office of district attorney within a multicounty prosecution district that is to be filled at the next  
9105 general election shall:

9106 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,  
9107 and before gathering signatures under this section, file with the filing officer on a form

9108 approved by the [~~lieutenant governor~~] director a notice of intent to gather signatures for  
9109 candidacy that includes:

9110 (i) the name of the member who will attempt to become a candidate for a registered  
9111 political party under this section;

9112 (ii) the name of the registered political party for which the member is seeking  
9113 nomination;

9114 (iii) the office for which the member is seeking to become a candidate;

9115 (iv) the address and telephone number of the member; and

9116 (v) other information required by the [~~lieutenant governor~~] director;

9117 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,  
9118 in person, with the filing officer during the declaration of candidacy filing period described in  
9119 Section 20A-9-201.5; and

9120 (c) pay the filing fee.

9121 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
9122 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
9123 political party, under this section, for the office of governor shall, during the declaration of  
9124 candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and  
9125 submit a letter from the candidate for governor that names the lieutenant governor candidate as  
9126 a joint-ticket running mate.

9127 (6) The [~~lieutenant governor~~] director shall ensure that the certification described in  
9128 Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified  
9129 political party under this section.

9130 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who  
9131 is nominated by a qualified political party under this section, designate the qualified political  
9132 party that nominated the candidate.

9133 (8) A member of a qualified political party may seek the nomination of the qualified  
9134 political party for an elective office by:

9135 (a) complying with the requirements described in this section; and

9136 (b) collecting signatures, on a form approved by the [~~lieutenant governor~~] director that  
9137 complies with Subsection 20A-9-405(3), during the period beginning on the day on which the  
9138 member files a notice of intent to gather signatures and ending at 5 p.m. 14 days before the day

9139 on which the qualified political party's convention for the office is held, in the following  
9140 amounts:

9141 (i) for a statewide race, 28,000 signatures of registered voters in the state who are  
9142 permitted by the qualified political party to vote for the qualified political party's candidates in  
9143 a primary election;

9144 (ii) for a congressional district race, 7,000 signatures of registered voters who are  
9145 residents of the congressional district and are permitted by the qualified political party to vote  
9146 for the qualified political party's candidates in a primary election;

9147 (iii) for a state Senate district race, 2,000 signatures of registered voters who are  
9148 residents of the state Senate district and are permitted by the qualified political party to vote for  
9149 the qualified political party's candidates in a primary election;

9150 (iv) for a state House district race, 1,000 signatures of registered voters who are  
9151 residents of the state House district and are permitted by the qualified political party to vote for  
9152 the qualified political party's candidates in a primary election;

9153 (v) for a State Board of Education race, the lesser of:

9154 (A) 2,000 signatures of registered voters who are residents of the State Board of  
9155 Education district and are permitted by the qualified political party to vote for the qualified  
9156 political party's candidates in a primary election; or

9157 (B) 3% of the registered voters of the qualified political party who are residents of the  
9158 applicable State Board of Education district; and

9159 (vi) for a county office race, signatures of 3% of the registered voters who are residents  
9160 of the area permitted to vote for the county office and are permitted by the qualified political  
9161 party to vote for the qualified political party's candidates in a primary election.

9162 (9) (a) This Subsection (9) applies only to the manual candidate qualification process.

9163 (b) In order for a member of the qualified political party to qualify as a candidate for  
9164 the qualified political party's nomination for an elective office under this section, using the  
9165 manual candidate qualification process, the member shall:

9166 (i) collect the signatures on a form approved by the [~~lieutenant governor~~] director,  
9167 using the same circulation and verification requirements described in Sections [20A-7-105](#) and  
9168 [20A-7-204](#); and

9169 (ii) submit the signatures to the election officer before 5 p.m. no later than 14 days

9170 before the day on which the qualified political party holds the party's convention to select  
9171 candidates, for the elective office, for the qualified political party's nomination.

9172 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the  
9173 election officer shall, no later than the earlier of 14 days after the day on which the election  
9174 officer receives the signatures, or one day before the day on which the qualified political party  
9175 holds the convention to select a nominee for the elective office to which the signature packets  
9176 relate:

9177 (i) check the name of each individual who completes the verification for a signature  
9178 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

9179 (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not a  
9180 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

9181 (iii) with the assistance of the county clerk as applicable, determine whether each  
9182 signer is a registered voter who is qualified to sign the petition, using the same method,  
9183 described in Section [20A-1-1002](#), used to verify a signature on a petition; and

9184 (iv) certify whether each name is that of a registered voter who is qualified to sign the  
9185 signature packet.

9186 (d) (i) A registered voter who physically signs a form under Subsections (8) and (9)(b)  
9187 may have the voter's signature removed from the form by, no later than three business days  
9188 after the day on which the member submits the signature form to the election officer,  
9189 submitting to the election officer a statement requesting that the voter's signature be removed.

9190 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements  
9191 described in Subsection [20A-1-1003\(2\)](#).

9192 (iii) With the assistance of the county clerk as applicable, the election officer shall use  
9193 the procedures described in Subsection [20A-1-1003\(3\)](#) to determine whether to remove an  
9194 individual's signature after receiving a timely, valid statement requesting removal of the  
9195 signature.

9196 (10) (a) This Subsection (10) applies only to the electronic candidate qualification  
9197 process.

9198 (b) In order for a member of the qualified political party to qualify as a candidate for  
9199 the qualified political party's nomination for an elective office under this section, the member  
9200 shall, before 5 p.m. no later than 14 days before the day on which the qualified political party

9201 holds the party's convention to select candidates, for the elective office, for the qualified  
9202 political party's nomination, collect signatures electronically:

9203 (i) in accordance with Section 20A-21-201; and

9204 (ii) using progressive screens, in a format approved by the [~~lieutenant governor~~]  
9205 director, that complies with Subsection 20A-9-405(4).

9206 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the  
9207 election officer shall, no later than the earlier of 14 days after the day on which the election  
9208 officer receives the signatures, or one day before the day on which the qualified political party  
9209 holds the convention to select a nominee for the elective office to which the signature packets  
9210 relate:

9211 (i) check the name of each individual who completes the verification for a signature to  
9212 determine whether each individual is a resident of Utah and is at least 18 years old; and

9213 (ii) submit the name of each individual described in Subsection (10)(c)(i) who is not a  
9214 Utah resident or who is not at least 18 years old to the attorney general and the county attorney.

9215 (11) (a) An individual may not gather signatures under this section until after the  
9216 individual files a notice of intent to gather signatures for candidacy described in this section.

9217 (b) An individual who files a notice of intent to gather signatures for candidacy,  
9218 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files  
9219 the notice of intent to gather signatures for candidacy:

9220 (i) required to comply with the reporting requirements that a candidate for office is  
9221 required to comply with; and

9222 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that  
9223 apply to a candidate for office in relation to the reporting requirements described in Subsection  
9224 (11)(b)(i).

9225 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or  
9226 Subsections (8) and (10)(b), the election officer shall, no later than one day before the day on  
9227 which the qualified political party holds the convention to select a nominee for the elective  
9228 office to which the signature packets relate, notify the qualified political party and the  
9229 [~~lieutenant governor~~] director of the name of each member of the qualified political party who  
9230 qualifies as a nominee of the qualified political party, under this section, for the elective office  
9231 to which the convention relates.

9232 (d) Upon receipt of a notice of intent to gather signatures for candidacy described in  
9233 this section, the [~~lieutenant governor~~] director shall post the notice of intent to gather signatures  
9234 for candidacy on the [~~lieutenant governor's~~] office's website in the same location that the  
9235 [~~lieutenant governor~~] director posts a declaration of candidacy.

9236 Section 158. Section **20A-9-409** is amended to read:

9237 **20A-9-409. Primary election provisions relating to qualified political party.**

9238 (1) The regular primary election is held on the date specified in Section **20A-1-201.5**.

9239 (2) (a) A qualified political party that nominates one or more candidates for an elective  
9240 office under Section **20A-9-407** and does not have a candidate qualify as a candidate for that  
9241 office under Section **20A-9-408**, may, but is not required to, participate in the primary election  
9242 for that office.

9243 (b) A qualified political party that has only one candidate qualify as a candidate for an  
9244 elective office under Section **20A-9-408** and does not nominate a candidate for that office  
9245 under Section **20A-9-407**, may, but is not required to, participate in the primary election for  
9246 that office.

9247 (c) A qualified political party that nominates one or more candidates for an elective  
9248 office under Section **20A-9-407** and has one or more candidates qualify as a candidate for that  
9249 office under Section **20A-9-408** shall participate in the primary election for that office.

9250 (d) A qualified political party that has two or more candidates qualify as candidates for  
9251 an elective office under Section **20A-9-408** and does not nominate a candidate for that office  
9252 under Section **20A-9-407** shall participate in the primary election for that office.

9253 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section  
9254 **17-52a-201** or **17-52a-202**, a qualified political party shall participate in the primary election  
9255 for a county commission office if:

9256 (a) there is more than one:

9257 (i) open position as defined in Section **17-52a-201**; or

9258 (ii) midterm vacancy as defined in Section **17-52a-201**; and

9259 (b) the number of candidates nominated under Section **20A-9-407** or qualified under  
9260 Section **20A-9-408** for the respective open positions or midterm vacancies exceeds the number  
9261 of respective open positions or midterm vacancies.

9262 (4) (a) As used in this Subsection (4), a candidate is "unopposed" if:



9263 (i) no individual other than the candidate receives a certification, from the appropriate  
9264 filing officer, for the regular primary election ballot of the candidate's registered political party  
9265 for a particular elective office; or

9266 (ii) for an office where more than one individual is to be elected or nominated, the  
9267 number of candidates who receive certification, from the appropriate filing officer, for the  
9268 regular primary election of the candidate's registered political party does not exceed the total  
9269 number of candidates to be elected or nominated for that office.

9270 (b) Before the deadline described in Subsection (4)(c), the [~~lieutenant governor~~]  
9271 director shall:

9272 (i) provide to the county clerks:

9273 (A) a list of the names of all candidates for federal, constitutional, multi-county, single  
9274 county, and county offices who have received certifications from the appropriate filing officer,  
9275 along with instructions on how those names shall appear on the primary election ballot in  
9276 accordance with Section 20A-6-305; and

9277 (B) a list of unopposed candidates for elective office who have been nominated by a  
9278 registered political party; and

9279 (ii) instruct the county clerks to exclude unopposed candidates from the primary  
9280 election ballot.

9281 (c) The deadline described in Subsection (4)(b) is 5 p.m. on the first Wednesday after  
9282 the fourth Saturday in April.

9283 Section 159. Section 20A-9-410 is amended to read:

9284 **20A-9-410. Rulemaking authority.**

9285 The [~~director of elections, within the Office of the Lieutenant Governor,~~] office shall  
9286 make rules, in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative  
9287 Rulemaking Act, relating to procedures for complying with, and verifying compliance with, the  
9288 candidate nominating process described in this part.

9289 Section 160. Section 20A-9-503 is amended to read:

9290 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

9291 (1) Except as provided in Subsection (1)(b), after the certificate of nomination has been  
9292 certified, executed, and acknowledged by the county clerk, the candidate shall:

9293 (a) (i) file the petition in person with the [~~lieutenant governor~~] director, if the office the



9294 candidate seeks is a constitutional office or a federal office, or the county clerk, if the office the  
9295 candidate seeks is a county office, during the declaration of candidacy filing period described  
9296 in Section [20A-9-201.5](#); and

9297 (ii) pay the filing fee; or

9298 (b) not later than the close of normal office hours on June 15 of any odd-numbered  
9299 year:

9300 (i) file the petition in person with the municipal clerk, if the candidate seeks an office  
9301 in a city or town, or the special district clerk, if the candidate seeks an office in a special  
9302 district; and

9303 (ii) pay the filing fee.

9304 (2) (a) The provisions of this Subsection (2) do not apply to an individual who files a  
9305 declaration of candidacy for president of the United States.

9306 (b) Subject to Subsections (4)(c) and [20A-9-502\(2\)](#), an individual may designate an  
9307 agent to file a declaration of candidacy with the appropriate filing officer if:

9308 (i) the individual is located outside of the state during the entire filing period;

9309 (ii) the designated agent appears in person before the filing officer; and

9310 (iii) the individual communicates with the filing officer using an electronic device that  
9311 allows the individual and filing officer to see and hear each other.

9312 (3) (a) At the time of filing, and before accepting the petition, the filing officer shall  
9313 read the constitutional and statutory requirements for candidacy to the candidate.

9314 (b) If the candidate states that the candidate does not meet the requirements, the filing  
9315 officer may not accept the petition.

9316 (4) (a) An individual filing a certificate of nomination for president or vice president of  
9317 the United States under this section shall pay a filing fee of \$500.

9318 (b) Notwithstanding Subsection (1), an individual filing a certificate of nomination for  
9319 president or vice president of the United States:

9320 (i) may file the certificate of nomination during the declaration of candidacy filing  
9321 period described in Section [20A-9-201.5](#); and

9322 (ii) may use a designated agent to file the certificate of nomination.

9323 (c) An agent designated under Subsection (2) or described in Subsection (4)(b)(ii) may  
9324 not sign the certificate of nomination form.

9325 Section 161. Section 20A-9-601 is amended to read:

9326 **20A-9-601. Qualifying as a write-in candidate.**

9327 (1) (a) Except as provided in Subsection (1)(b), an individual who wishes to become a  
9328 valid write-in candidate shall file a declaration of candidacy in person, or through a designated  
9329 agent for a candidate for president or vice president of the United States, with the appropriate  
9330 filing officer before 5 p.m. no later than 65 days before the regular general election or a  
9331 municipal general election in which the individual intends to be a write-in candidate.

9332 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a  
9333 declaration of candidacy for president of the United States.

9334 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a  
9335 declaration of candidacy with the appropriate filing officer if:

- 9336 (A) the individual is located outside of the state during the entire filing period;
- 9337 (B) the designated agent appears in person before the filing officer; and
- 9338 (C) the individual communicates with the filing officer using an electronic device that  
9339 allows the individual and filing officer to see and hear each other.

9340 (2) (a) The form of the declaration of candidacy for a write-in candidate for all offices,  
9341 except president or vice president of the United States, is substantially as follows:

9342 "State of Utah, County of \_\_\_\_

9343 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of  
9344 \_\_\_\_ for the \_\_\_\_ district (if applicable). I do solemnly swear that: I will meet the  
9345 qualifications to hold the office, both legally and constitutionally, if selected; I reside at  
9346 \_\_\_\_\_ in the City or Town of \_\_\_\_\_, Utah, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will  
9347 not knowingly violate any law governing campaigns and elections; if filing via a designated  
9348 agent, I will be out of the state of Utah during the entire candidate filing period; I will file all  
9349 campaign financial disclosure reports as required by law; and I understand that failure to do so  
9350 will result in my disqualification as a candidate for this office and rejection of any votes cast  
9351 for me. The mailing address that I designate for receiving official election notices is  
9352 \_\_\_\_\_.

9353 \_\_\_\_\_

9354 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

9355 Notary Public (or other officer qualified to administer oath)."

9356 (b) The form of the declaration of candidacy for a write-in candidate for president of  
9357 the United States is substantially as follows:

9358 "State of Utah, County of \_\_\_\_\_

9359 I, \_\_\_\_\_, declare my intention of becoming a candidate for the office of the  
9360 president of the United States. I do solemnly swear that: I will meet the qualifications to hold  
9361 the office, both legally and constitutionally, if selected; I reside at \_\_\_\_\_ in the City  
9362 or Town of \_\_\_\_\_, State \_\_\_\_\_, Zip Code \_\_\_\_\_, Phone No. \_\_\_\_\_; I will not knowingly violate  
9363 any law governing campaigns and elections. The mailing address that I designate for receiving  
9364 official election notices is \_\_\_\_\_. I designate \_\_\_\_\_ as  
9365 my vice presidential candidate.

9366

\_\_\_\_\_  
9367 Subscribed and sworn before me this \_\_\_\_\_(month\day\year).

9368 Notary Public (or other officer qualified to administer oath.)"

9369 (c) A declaration of candidacy for a write-in candidate for vice president of the United  
9370 States shall be in substantially the same form as a declaration of candidacy described in  
9371 Subsection 20A-9-202(7).

9372 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in  
9373 Subsection (2)(a) or (b).

9374 (3) (a) The filing officer shall:

9375 (i) read to the candidate the constitutional and statutory requirements for the office;

9376 (ii) ask the candidate whether the candidate meets the requirements; and

9377 (iii) if the declaration of candidacy is for a legislative office, inform the individual that  
9378 Utah Constitution, Article VI, Section 6, prohibits a person who holds a public office of profit  
9379 or trust, under authority of the United States or Utah, from being a member of the Legislature.

9380 (b) If the candidate cannot meet the requirements of office, the filing officer may not  
9381 accept the write-in candidate's declaration of candidacy.

9382 (4) (a) Except as provided in Subsection (4)(b), a write-in candidate is subject to  
9383 Subsection 20A-9-201(8).

9384 (b) A write-in candidate for president of the United States is subject to Subsection  
9385 20A-9-201(8)(d) or 20A-9-803(1)(d), as applicable.

9386 (5) By November 1 of each regular general election year, the [~~lieutenant governor~~]

9387 director shall certify to each county clerk the names of all write-in candidates who filed their  
9388 declaration of candidacy with the [~~lieutenant governor~~] director.

9389 Section 162. Section **20A-9-701** is amended to read:

9390 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

9391 (1) No later than August 31 of each regular general election year, the [~~lieutenant~~  
9392 ~~governor~~] director shall certify to each county clerk, for offices to be voted upon at the regular  
9393 general election in that county clerk's county:

9394 (a) the names of each candidate nominated under Subsection [20A-9-202\(4\)](#) or  
9395 Subsection [20A-9-403\(5\)](#); and

9396 (b) the names of the candidates for president and vice president that are certified by the  
9397 registered political party as the party's nominees.

9398 (2) The names shall be certified by the [~~lieutenant governor~~] director and shall be  
9399 displayed on the ballot as they are provided on the candidate's declaration of candidacy. No  
9400 other names may appear on the ballot as affiliated with, endorsed by, or nominated by any other  
9401 registered political party, political party, or other political group.

9402 Section 163. Section **20A-9-802** is amended to read:

9403 **20A-9-802. Presidential primary election established -- Other ballot items**  
9404 **prohibited.**

9405 (1) (a) There is established a presidential primary election held on the first Tuesday in  
9406 March in the year in which a presidential election will be held.

9407 (b) Except as otherwise specifically provided in this chapter, county clerks shall  
9408 administer the presidential primary election according to the provisions of this title, including:

9409 (i) Chapter 1, General Provisions;

9410 (ii) Chapter 2, Voter Registration;

9411 (iii) Chapter 3a, Voting;

9412 (iv) Chapter 4, Election Returns and Election Contests;

9413 (v) Chapter 5, Election Administration; and

9414 (vi) Chapter 6, Ballot Form.

9415 (c) (i) The county clerks shall ensure that the ballot voted by the voters at the  
9416 presidential primary election contains only the names of candidates for President of the United  
9417 States who have qualified as provided in this part.

9418 (ii) The county clerks may not present any other items to the voters to be voted upon at  
9419 this election.

9420 (2) Registered political parties, and candidates for President of the United States who  
9421 are affiliated with a registered political party, may participate in the presidential primary  
9422 election established by this part.

9423 (3) As a condition for using the state's election system, each registered political party  
9424 wishing to participate in the presidential primary election held under this section shall:

9425 (a) declare the political party's intent to participate in the presidential primary election;

9426 (b) identify one or more registered political parties whose members may vote for the  
9427 registered political party's candidates and whether individuals identified as unaffiliated with a  
9428 political party may vote for the registered political party's candidates; and

9429 (c) certify that information to the [~~lieutenant governor~~] director no later than 5 p.m. on  
9430 August 10 of the year before the year in which the presidential primary election will be held.

9431 Section 164. Section **20A-9-803** is amended to read:

9432 **20A-9-803. Declaration of candidacy -- Filing fee -- Form.**

9433 (1) Candidates for president of the United States who are affiliated with a registered  
9434 political party that has elected to participate in the presidential primary election and who wish  
9435 to participate in the primary election shall:

9436 (a) file a declaration of candidacy, in person or via a designated agent, with the  
9437 [~~lieutenant governor~~] director between August 15 of the year before the primary election will  
9438 be held and 5 p.m. on December 1 of the year before the primary election will be held;

9439 (b) identify the registered political party whose nomination the candidate is seeking;

9440 (c) provide a letter from the registered political party certifying that the candidate may  
9441 participate as a candidate for that party in that party's presidential primary election; and

9442 (d) pay the filing fee of \$500.

9443 (2) The [~~lieutenant governor~~] director shall develop a declaration of candidacy form for  
9444 presidential candidates participating in the primary.

9445 (3) An agent designated to file a declaration of candidacy may not sign the form  
9446 described in Subsection (2).

9447 Section 165. Section **20A-9-805** is amended to read:

9448 **20A-9-805. Closed primary -- Determining party affiliation -- Changing party**

9449 **affiliation.**

9450 (1) If a registered political party has restricted voting for its presidential candidates as  
9451 authorized by Subsection [20A-9-802\(3\)\(b\)](#), the [~~lieutenant governor~~] director shall direct the  
9452 county clerks and other election officials to allow only those voters meeting the registered  
9453 political party's criteria to vote for that party's presidential candidates.

9454 (2) (a) For each individual who registers to vote, the county clerk shall:

9455 (i) record the party affiliation designated by the individual on the voter registration  
9456 form as the individual's party affiliation; or

9457 (ii) if no political party affiliation is designated by the individual on the voter  
9458 registration form, record the individual's party affiliation as "unaffiliated."

9459 (b) Any registered voter may designate or change the voter's political party affiliation  
9460 by complying with the procedures and requirements of Section [20A-2-107](#) or Section  
9461 [20A-9-808](#).

9462 Section 166. Section **20A-9-806** is amended to read:

9463 **20A-9-806. Ballots.**

9464 (1) The [~~lieutenant governor~~] director, together with county clerks, suppliers of  
9465 election materials, and representatives of registered political parties, shall:

9466 (a) develop manual ballots, mechanical ballots, return envelopes and provisional ballot  
9467 envelopes to be used in a presidential primary election;

9468 (b) ensure that the ballots, return envelopes, and provisional ballot envelopes comply  
9469 generally with the requirements of Chapter 6, Part 1, General Requirements for All Ballots; and

9470 (c) provide voting booths, election records and supplies, and ballot boxes for each  
9471 voting precinct as required by Section [20A-5-403](#).

9472 (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Chapter 6, Part  
9473 1, General Requirements for All Ballots, and Section [20A-5-403](#), the [~~lieutenant governor~~]  
9474 director, together with county clerks, suppliers of election materials, and representatives of  
9475 registered political parties shall ensure that the ballots, return envelopes, provisional ballot  
9476 envelopes, voting booths, election records and supplies, and ballot boxes:

9477 (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

9478 (ii) simplify the task of poll workers, particularly in determining a voter's party  
9479 affiliation;

- 9480 (iii) minimize the possibility of spoiled ballots due to voter confusion; and  
9481 (iv) protect against fraud.
- 9482 (b) To accomplish the requirements of this Subsection (2), the [~~lieutenant governor~~  
9483 director, county clerks, suppliers of election materials, and representatives of registered  
9484 political parties shall:
- 9485 (i) mark ballots as being for a particular registered political party; and  
9486 (ii) instruct persons counting the ballots to count only those votes for candidates from  
9487 the registered political party whose ballot the voter received.
- 9488 (c) To accomplish the requirements of this Subsection (2), the [~~lieutenant governor~~  
9489 director, county clerks, suppliers of election materials, and representatives of registered  
9490 political parties may:
- 9491 (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use  
9492 different colored ballots for each registered political party;  
9493 (ii) place ballots for each registered political party in different voting booths and direct  
9494 voters to the particular voting booth for the political party whose ballot they are voting; or  
9495 (iii) consider other means of accomplishing the objectives described in Subsection  
9496 (2)(a).
- 9497 Section 167. Section **20A-9-809** is amended to read:  
9498 **20A-9-809. Counting votes -- Canvass -- Certification of results to parties.**  
9499 (1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and  
9500 retained, returns canvassed, and recounts and election contests conducted as provided in  
9501 Chapter 4, Election Returns and Election Contests.
- 9502 (2) After the canvass is complete and the report is prepared, the [~~lieutenant governor~~  
9503 director shall transmit a copy of the report to each registered political party that participated in  
9504 the presidential primary election.
- 9505 Section 168. Section **20A-11-101** is amended to read:  
9506 **20A-11-101. Definitions.**  
9507 As used in this chapter:  
9508 (1) (a) "Address" means the number and street where an individual resides or where a  
9509 reporting entity has its principal office.  
9510 (b) "Address" does not include a post office box.

- 9511 (2) "Agent of a reporting entity" means:
- 9512 (a) a person acting on behalf of a reporting entity at the direction of the reporting
- 9513 entity;
- 9514 (b) a person employed by a reporting entity in the reporting entity's capacity as a
- 9515 reporting entity;
- 9516 (c) the personal campaign committee of a candidate or officeholder;
- 9517 (d) a member of the personal campaign committee of a candidate or officeholder in the
- 9518 member's capacity as a member of the personal campaign committee of the candidate or
- 9519 officeholder; or
- 9520 (e) a political consultant of a reporting entity.
- 9521 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional
- 9522 amendments, and any other ballot propositions submitted to the voters that are authorized by
- 9523 the Utah Code Annotated 1953.
- 9524 (4) "Candidate" means any person who:
- 9525 (a) files a declaration of candidacy for a public office; or
- 9526 (b) receives contributions, makes expenditures, or gives consent for any other person to
- 9527 receive contributions or make expenditures to bring about the person's nomination or election
- 9528 to a public office.
- 9529 (5) "Chief election officer" means:
- 9530 (a) the ~~lieutenant governor~~ director for state office candidates, legislative office
- 9531 candidates, officeholders, political parties, political action committees, corporations, political
- 9532 issues committees, state school board candidates, judges, and labor organizations, as defined in
- 9533 Section [20A-11-1501](#); and
- 9534 (b) the county clerk for local school board candidates.
- 9535 (6) (a) "Contribution" means any of the following when done for political purposes:
- 9536 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
- 9537 value given to the filing entity;
- 9538 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
- 9539 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
- 9540 anything of value to the filing entity;
- 9541 (iii) any transfer of funds from another reporting entity to the filing entity;



- 9542 (iv) compensation paid by any person or reporting entity other than the filing entity for  
9543 personal services provided without charge to the filing entity;
- 9544 (v) remuneration from:
- 9545 (A) any organization or its directly affiliated organization that has a registered lobbyist;  
9546 or
- 9547 (B) any agency or subdivision of the state, including school districts;
- 9548 (vi) a loan made by a candidate deposited to the candidate's own campaign; and  
9549 (vii) in-kind contributions.
- 9550 (b) "Contribution" does not include:
- 9551 (i) services provided by individuals volunteering a portion or all of their time on behalf  
9552 of the filing entity if the services are provided without compensation by the filing entity or any  
9553 other person;
- 9554 (ii) money lent to the filing entity by a financial institution in the ordinary course of  
9555 business;
- 9556 (iii) goods or services provided for the benefit of a political entity at less than fair  
9557 market value that are not authorized by or coordinated with the political entity; or
- 9558 (iv) data or information described in Subsection (24)(b).
- 9559 (7) "Coordinated with" means that goods or services provided for the benefit of a  
9560 political entity are provided:
- 9561 (a) with the political entity's prior knowledge, if the political entity does not object;  
9562 (b) by agreement with the political entity;  
9563 (c) in coordination with the political entity; or  
9564 (d) using official logos, slogans, and similar elements belonging to a political entity.
- 9565 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business  
9566 organization that is registered as a corporation or is authorized to do business in a state and  
9567 makes any expenditure from corporate funds for:
- 9568 (i) the purpose of expressly advocating for political purposes; or  
9569 (ii) the purpose of expressly advocating the approval or the defeat of any ballot  
9570 proposition.
- 9571 (b) "Corporation" does not mean:
- 9572 (i) a business organization's political action committee or political issues committee; or

- 9573 (ii) a business entity organized as a partnership or a sole proprietorship.
- 9574 (9) "County political party" means, for each registered political party, all of the persons  
9575 within a single county who, under definitions established by the political party, are members of  
9576 the registered political party.
- 9577 (10) "County political party officer" means a person whose name is required to be  
9578 submitted by a county political party to the [~~lieutenant governor~~] director in accordance with  
9579 Section [20A-8-402](#).
- 9580 (11) "Detailed listing" means:
- 9581 (a) for each contribution or public service assistance:
- 9582 (i) the name and address of the individual or source making the contribution or public  
9583 service assistance, except to the extent that the name or address of the individual or source is  
9584 unknown;
- 9585 (ii) the amount or value of the contribution or public service assistance; and  
9586 (iii) the date the contribution or public service assistance was made; and
- 9587 (b) for each expenditure:
- 9588 (i) the amount of the expenditure;
- 9589 (ii) the goods or services acquired by the expenditure; and  
9590 (iii) the date the expenditure was made.
- 9591 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment  
9592 for membership in the corporation, to a corporation without receiving full and adequate  
9593 consideration for the money.
- 9594 (b) "Donor" does not include a person that signs a statement that the corporation may  
9595 not use the money for an expenditure or political issues expenditure.
- 9596 (13) "Election" means each:
- 9597 (a) regular general election;
- 9598 (b) regular primary election; and  
9599 (c) special election at which candidates are eliminated and selected.
- 9600 (14) "Electioneering communication" means a communication that:
- 9601 (a) has at least a value of \$10,000;
- 9602 (b) clearly identifies a candidate or judge; and  
9603 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising

9604 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly  
9605 identified candidate's or judge's election date.

9606 (15) (a) "Expenditure" means any of the following made by a reporting entity or an  
9607 agent of a reporting entity on behalf of the reporting entity:

9608 (i) any disbursement from contributions, receipts, or from the separate bank account  
9609 required by this chapter;

9610 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
9611 or anything of value made for political purposes;

9612 (iii) an express, legally enforceable contract, promise, or agreement to make any  
9613 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
9614 value for political purposes;

9615 (iv) compensation paid by a filing entity for personal services rendered by a person  
9616 without charge to a reporting entity;

9617 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
9618 committee;

9619 (vi) goods or services provided by the filing entity to or for the benefit of another  
9620 reporting entity for political purposes at less than fair market value; or

9621 (vii) an independent expenditure, as defined in Section [20A-11-1702](#).

9622 (b) "Expenditure" does not include:

9623 (i) services provided without compensation by individuals volunteering a portion or all  
9624 of their time on behalf of a reporting entity;

9625 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
9626 business; or

9627 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
9628 candidates for office or officeholders in states other than Utah.

9629 (16) "Federal office" means the office of president of the United States, United States  
9630 Senator, or United States Representative.

9631 (17) "Filing entity" means the reporting entity that is required to file a financial  
9632 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

9633 (18) "Financial statement" includes any summary report, interim report, verified  
9634 financial statement, or other statement disclosing contributions, expenditures, receipts,

9635 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
9636 Retention Elections.

9637 (19) "Governing board" means the individual or group of individuals that determine the  
9638 candidates and committees that will receive expenditures from a political action committee,  
9639 political party, or corporation.

9640 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal  
9641 Incorporation, by which a geographical area becomes legally recognized as a city, town, or  
9642 metro township.

9643 (21) "Incorporation election" means the election conducted under Section [10-2a-210](#) or  
9644 [10-2a-404](#).

9645 (22) "Incorporation petition" means a petition described in Section [10-2a-208](#).

9646 (23) "Individual" means a natural person.

9647 (24) (a) "In-kind contribution" means anything of value, other than money, that is  
9648 accepted by or coordinated with a filing entity.

9649 (b) "In-kind contribution" does not include survey results, voter lists, voter contact  
9650 information, demographic data, voting trend data, or other information that:

9651 (i) is not commissioned for the benefit of a particular candidate or officeholder; and

9652 (ii) is offered at no cost to a candidate or officeholder.

9653 (25) "Interim report" means a report identifying the contributions received and  
9654 expenditures made since the last report.

9655 (26) "Legislative office" means the office of state senator, state representative, speaker  
9656 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
9657 whip of any party caucus in either house of the Legislature.

9658 (27) "Legislative office candidate" means a person who:

9659 (a) files a declaration of candidacy for the office of state senator or state representative;

9660 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
9661 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
9662 assistant whip of any party caucus in either house of the Legislature; or

9663 (c) receives contributions, makes expenditures, or gives consent for any other person to  
9664 receive contributions or make expenditures to bring about the person's nomination, election, or  
9665 appointment to a legislative office.

- 9666 (28) "Loan" means any of the following provided by a person that benefits a filing  
9667 entity if the person expects repayment or reimbursement:
- 9668 (a) an expenditure made using any form of payment;
  - 9669 (b) money or funds received by the filing entity;
  - 9670 (c) the provision of a good or service with an agreement or understanding that payment  
9671 or reimbursement will be delayed; or
  - 9672 (d) use of any line of credit.
- 9673 (29) "Major political party" means either of the two registered political parties that  
9674 have the greatest number of members elected to the two houses of the Legislature.
- 9675 (30) "Officeholder" means a person who holds a public office.
- 9676 (31) "Party committee" means any committee organized by or authorized by the  
9677 governing board of a registered political party.
- 9678 (32) "Person" means both natural and legal persons, including individuals, business  
9679 organizations, personal campaign committees, party committees, political action committees,  
9680 political issues committees, and labor organizations, as defined in Section [20A-11-1501](#).
- 9681 (33) "Personal campaign committee" means the committee appointed by a candidate to  
9682 act for the candidate as provided in this chapter.
- 9683 (34) "Personal use expenditure" has the same meaning as provided under Section  
9684 [20A-11-104](#).
- 9685 (35) (a) "Political action committee" means an entity, or any group of individuals or  
9686 entities within or outside this state, a major purpose of which is to:
- 9687 (i) solicit or receive contributions from any other person, group, or entity for political  
9688 purposes; or
  - 9689 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
9690 vote for or against any candidate or person seeking election to a municipal or county office.
- 9691 (b) "Political action committee" includes groups affiliated with a registered political  
9692 party but not authorized or organized by the governing board of the registered political party  
9693 that receive contributions or makes expenditures for political purposes.
- 9694 (c) "Political action committee" does not mean:
- 9695 (i) a party committee;
  - 9696 (ii) any entity that provides goods or services to a candidate or committee in the regular

9697 course of its business at the same price that would be provided to the general public;

9698 (iii) an individual;

9699 (iv) individuals who are related and who make contributions from a joint checking

9700 account;

9701 (v) a corporation, except a corporation a major purpose of which is to act as a political

9702 action committee; or

9703 (vi) a personal campaign committee.

9704 (36) (a) "Political consultant" means a person who is paid by a reporting entity, or paid

9705 by another person on behalf of and with the knowledge of the reporting entity, to provide

9706 political advice to the reporting entity.

9707 (b) "Political consultant" includes a circumstance described in Subsection (36)(a),

9708 where the person:

9709 (i) has already been paid, with money or other consideration;

9710 (ii) expects to be paid in the future, with money or other consideration; or

9711 (iii) understands that the person may, in the discretion of the reporting entity or another

9712 person on behalf of and with the knowledge of the reporting entity, be paid in the future, with

9713 money or other consideration.

9714 (37) "Political convention" means a county or state political convention held by a

9715 registered political party to select candidates.

9716 (38) "Political entity" means a candidate, a political party, a political action committee,

9717 or a political issues committee.

9718 (39) (a) "Political issues committee" means an entity, or any group of individuals or

9719 entities within or outside this state, a major purpose of which is to:

9720 (i) solicit or receive donations from any other person, group, or entity to assist in

9721 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or

9722 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

9723 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a

9724 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any

9725 proposed ballot proposition or an incorporation in an incorporation election; or

9726 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the

9727 ballot or to assist in keeping a ballot proposition off the ballot.

- 9728 (b) "Political issues committee" does not mean:
- 9729 (i) a registered political party or a party committee;
- 9730 (ii) any entity that provides goods or services to an individual or committee in the  
9731 regular course of its business at the same price that would be provided to the general public;
- 9732 (iii) an individual;
- 9733 (iv) individuals who are related and who make contributions from a joint checking  
9734 account;
- 9735 (v) a corporation, except a corporation a major purpose of which is to act as a political  
9736 issues committee; or
- 9737 (vi) a group of individuals who:
- 9738 (A) associate together for the purpose of challenging or supporting a single ballot  
9739 proposition, ordinance, or other governmental action by a county, city, town, special district,  
9740 special service district, or other local political subdivision of the state;
- 9741 (B) have a common liberty, property, or financial interest that is directly impacted by  
9742 the ballot proposition, ordinance, or other governmental action;
- 9743 (C) do not associate together, for the purpose described in Subsection (39)(b)(vi)(A),  
9744 via a legal entity;
- 9745 (D) do not receive funds for challenging or supporting the ballot proposition,  
9746 ordinance, or other governmental action from a person other than an individual in the group;  
9747 and
- 9748 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection  
9749 (39)(b)(vi)(A).
- 9750 (40) (a) "Political issues contribution" means any of the following:
- 9751 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
9752 anything of value given to a political issues committee;
- 9753 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
9754 issues donation to influence the approval or defeat of any ballot proposition;
- 9755 (iii) any transfer of funds received by a political issues committee from a reporting  
9756 entity;
- 9757 (iv) compensation paid by another reporting entity for personal services rendered  
9758 without charge to a political issues committee; and

9759 (v) goods or services provided to or for the benefit of a political issues committee at  
9760 less than fair market value.

9761 (b) "Political issues contribution" does not include:

9762 (i) services provided without compensation by individuals volunteering a portion or all  
9763 of their time on behalf of a political issues committee; or

9764 (ii) money lent to a political issues committee by a financial institution in the ordinary  
9765 course of business.

9766 (41) (a) "Political issues expenditure" means any of the following when made by a  
9767 political issues committee or on behalf of a political issues committee by an agent of the  
9768 reporting entity:

9769 (i) any payment from political issues contributions made for the purpose of influencing  
9770 the approval or the defeat of:

9771 (A) a ballot proposition; or

9772 (B) an incorporation petition or incorporation election;

9773 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
9774 the express purpose of influencing the approval or the defeat of:

9775 (A) a ballot proposition; or

9776 (B) an incorporation petition or incorporation election;

9777 (iii) an express, legally enforceable contract, promise, or agreement to make any  
9778 political issues expenditure;

9779 (iv) compensation paid by a reporting entity for personal services rendered by a person  
9780 without charge to a political issues committee; or

9781 (v) goods or services provided to or for the benefit of another reporting entity at less  
9782 than fair market value.

9783 (b) "Political issues expenditure" does not include:

9784 (i) services provided without compensation by individuals volunteering a portion or all  
9785 of their time on behalf of a political issues committee; or

9786 (ii) money lent to a political issues committee by a financial institution in the ordinary  
9787 course of business.

9788 (42) "Political purposes" means an act done with the intent or in a way to influence or  
9789 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or



9790 against any:

9791 (a) candidate or a person seeking a municipal or county office at any caucus, political  
9792 convention, or election; or

9793 (b) judge standing for retention at any election.

9794 (43) (a) "Poll" means the survey of a person regarding the person's opinion or  
9795 knowledge of an individual who has filed a declaration of candidacy for public office, or of a  
9796 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
9797 person or by telephone, facsimile, Internet, postal mail, or email.

9798 (b) "Poll" does not include:

9799 (i) a ballot; or

9800 (ii) an interview of a focus group that is conducted, in person, by one individual, if:

9801 (A) the focus group consists of more than three, and less than thirteen, individuals; and

9802 (B) all individuals in the focus group are present during the interview.

9803 (44) "Primary election" means any regular primary election held under the election  
9804 laws.

9805 (45) "Publicly identified class of individuals" means a group of 50 or more individuals  
9806 sharing a common occupation, interest, or association that contribute to a political action  
9807 committee or political issues committee and whose names can be obtained by contacting the  
9808 political action committee or political issues committee upon whose financial statement the  
9809 individuals are listed.

9810 (46) "Public office" means the office of governor, lieutenant governor, state auditor,  
9811 state treasurer, attorney general, state school board member, state senator, state representative,  
9812 speaker of the House of Representatives, president of the Senate, and the leader, whip, and  
9813 assistant whip of any party caucus in either house of the Legislature.

9814 (47) (a) "Public service assistance" means the following when given or provided to an  
9815 officeholder to defray the costs of functioning in a public office or aid the officeholder to  
9816 communicate with the officeholder's constituents:

9817 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
9818 money or anything of value to an officeholder; or

9819 (ii) goods or services provided at less than fair market value to or for the benefit of the  
9820 officeholder.

- 9821 (b) "Public service assistance" does not include:
- 9822 (i) anything provided by the state;
- 9823 (ii) services provided without compensation by individuals volunteering a portion or all
- 9824 of their time on behalf of an officeholder;
- 9825 (iii) money lent to an officeholder by a financial institution in the ordinary course of
- 9826 business;
- 9827 (iv) news coverage or any publication by the news media; or
- 9828 (v) any article, story, or other coverage as part of any regular publication of any
- 9829 organization unless substantially all the publication is devoted to information about the
- 9830 officeholder.
- 9831 (48) "Receipts" means contributions and public service assistance.
- 9832 (49) "Registered lobbyist" means a person licensed under Title 36, Chapter 11,
- 9833 Lobbyist Disclosure and Regulation Act.
- 9834 (50) "Registered political action committee" means any political action committee that
- 9835 is required by this chapter to file a statement of organization with the [~~Office of the Lieutenant~~
- 9836 ~~Governor~~] office.
- 9837 (51) "Registered political issues committee" means any political issues committee that
- 9838 is required by this chapter to file a statement of organization with the [~~Office of the Lieutenant~~
- 9839 ~~Governor~~] office.
- 9840 (52) "Registered political party" means an organization of voters that:
- 9841 (a) participated in the last regular general election and polled a total vote equal to 2%
- 9842 or more of the total votes cast for all candidates for the United States House of Representatives
- 9843 for any of its candidates for any office; or
- 9844 (b) has complied with the petition and organizing procedures of Chapter 8, Political
- 9845 Party Formation and Procedures.
- 9846 (53) (a) "Remuneration" means a payment:
- 9847 (i) made to a legislator for the period the Legislature is in session; and
- 9848 (ii) that is approximately equivalent to an amount a legislator would have earned
- 9849 during the period the Legislature is in session in the legislator's ordinary course of business.
- 9850 (b) "Remuneration" does not mean anything of economic value given to a legislator by:
- 9851 (i) the legislator's primary employer in the ordinary course of business; or

9852 (ii) a person or entity in the ordinary course of business:

9853 (A) because of the legislator's ownership interest in the entity; or

9854 (B) for services rendered by the legislator on behalf of the person or entity.

9855 (54) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
9856 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
9857 action committee, a political issues committee, a corporation, or a labor organization, as  
9858 defined in Section [20A-11-1501](#).

9859 (55) "School board office" means the office of state school board.

9860 (56) (a) "Source" means the person or entity that is the legal owner of the tangible or  
9861 intangible asset that comprises the contribution.

9862 (b) "Source" means, for political action committees and corporations, the political  
9863 action committee and the corporation as entities, not the contributors to the political action  
9864 committee or the owners or shareholders of the corporation.

9865 (57) "State office" means the offices of governor, lieutenant governor, attorney general,  
9866 state auditor, and state treasurer.

9867 (58) "State office candidate" means a person who:

9868 (a) files a declaration of candidacy for a state office; or

9869 (b) receives contributions, makes expenditures, or gives consent for any other person to  
9870 receive contributions or make expenditures to bring about the person's nomination, election, or  
9871 appointment to a state office.

9872 (59) "Summary report" means the year end report containing the summary of a  
9873 reporting entity's contributions and expenditures.

9874 (60) "Supervisory board" means the individual or group of individuals that allocate  
9875 expenditures from a political issues committee.

9876 Section 169. Section **20A-11-101.3** is amended to read:

9877 **20A-11-101.3. Detailed listing and report requirements -- Rulemaking authority.**

9878 (1) As used in this section:

9879 (a) "Advertising" includes:

9880 (i) website development and maintenance;

9881 (ii) social media;

9882 (iii) television, newspaper, or radio; or

- 9883 (iv) a convention booth.
- 9884 (b) "Association expense" means a membership fee for:
- 9885 (i) a political association; or
- 9886 (ii) an association related to an activity of a candidate or an officeholder.
- 9887 (c) "Campaign Expense" includes:
- 9888 (i) district mapping;
- 9889 (ii) voter data;
- 9890 (iii) a phone bank;
- 9891 (iv) fund-raising expenses;
- 9892 (v) campaign assistance or consulting;
- 9893 (vi) campaign technology;
- 9894 (vii) campaign management;
- 9895 (viii) campaign interns; or
- 9896 (ix) food, and related expenses, purchased:
- 9897 (A) for a campaign event; or
- 9898 (B) for consumption by a candidate or campaign staff while conducting work relating
- 9899 to a campaign.
- 9900 (d) "Donations" includes giving to a charitable organization.
- 9901 (e) "Loans" includes repaying loans.
- 9902 (f) "Office expense" includes:
- 9903 (i) an email server;
- 9904 (ii) phones;
- 9905 (iii) phone service;
- 9906 (iv) computers;
- 9907 (v) printers;
- 9908 (vi) furniture;
- 9909 (vii) tools and hardware; or
- 9910 (viii) food, and related expenses, purchased for consumption during an officeholder
- 9911 activity.
- 9912 (g) "Political support" includes contributions made to other candidates or political
- 9913 action committees.

- 9914 (h) "Supplies" includes:
- 9915 (i) signs;
- 9916 (ii) sign holders;
- 9917 (iii) parade supplies;
- 9918 (iv) t-shirts;
- 9919 (v) other campaign goods;
- 9920 (vi) repair or replacement of clothing that is damaged while the candidate or
- 9921 officeholder is engaged in an activity of a candidate or an officeholder;
- 9922 (vii) printed materials; or
- 9923 (viii) postage.
- 9924 (i) "Travel expenses" includes:
- 9925 (i) political conference registration;
- 9926 (ii) airfare;
- 9927 (iii) hotels;
- 9928 (iv) food, and related expenses, purchased for consumption during travel;
- 9929 (v) vehicle mileage reimbursement; or
- 9930 (vi) incidental expenses while traveling.
- 9931 (2) As it relates to an expenditure, a detailed listing includes identifying the
- 9932 expenditure as falling within one of the following categories:
- 9933 (a) advertising;
- 9934 (b) association expense;
- 9935 (c) campaign expense;
- 9936 (d) constituent services;
- 9937 (e) donations;
- 9938 (f) loans;
- 9939 (g) office;
- 9940 (h) political support;
- 9941 (i) return of a contribution;
- 9942 (j) signature gathering;
- 9943 (k) supplies;
- 9944 (l) travel expenses; or

9945 (m) other expenditures that do not fall within a category described in Subsections  
9946 (2)(a) through (l), followed by a description of the expenditure.

9947 (3) The [~~director of elections, within the Lieutenant Governor's Office,~~] office may  
9948 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in  
9949 relation to the form, type, and level of detail required in a detailed listing or a financial  
9950 disclosure form.

9951 Section 170. Section **20A-11-103** is amended to read:

9952 **20A-11-103. Notice of pending interim and summary reports -- Form of**  
9953 **submission -- Public availability -- Notice of reporting and filing requirements.**

9954 (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or  
9955 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections,  
9956 the chief election officer shall inform the filing entity by electronic mail unless postal mail is  
9957 requested:

9958 (i) that the financial statement is due;  
9959 (ii) of the date that the financial statement is due; and  
9960 (iii) of the penalty for failing to file the financial statement.

9961 (b) The chief election officer is not required to provide notice:

9962 (i) to a candidate or political party of the financial statement that is due before the  
9963 candidate's or political party's political convention;  
9964 (ii) of a financial statement due in connection with a public hearing for an initiative  
9965 under the requirements of Section [20A-7-204.1](#); or  
9966 (iii) to a corporation or labor organization, as defined in Section [20A-11-1501](#).

9967 (2) A filing entity shall electronically file a financial statement via electronic mail or  
9968 the Internet according to specifications established by the chief election officer.

9969 (3) (a) A financial statement is considered timely filed if the financial statement is  
9970 received by the chief election officer's office before midnight, Mountain Time, at the end of the  
9971 day on which the financial statement is due.

9972 (b) For a county clerk's office that is not open until midnight at the end of the day on  
9973 which a financial statement is due, the county clerk shall permit a candidate to file the financial  
9974 statement via email or another electronic means designated by the county clerk.

9975 (c) A chief election officer may extend the time in which a filing entity is required to

9976 file a financial statement if a filing entity notifies the chief election officer of the existence of  
 9977 an extenuating circumstance that is outside the control of the filing entity.

9978 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records  
 9979 Access and Management Act, the [~~lieutenant governor~~] director shall:

9980 (a) make each campaign finance statement filed by a candidate available for public  
 9981 inspection and copying no later than one business day after the statement is filed; and

9982 (b) post an electronic copy or the contents of each financial statement in a searchable  
 9983 format on a website established by the [~~lieutenant governor~~] director:

9984 (i) for campaign finance statements submitted to the [~~lieutenant governor~~] director  
 9985 under the requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business  
 9986 days after the date of receipt of the campaign finance statement; or

9987 (ii) for a summary report or interim report filed under the requirements of this chapter  
 9988 or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the  
 9989 date the summary report or interim report is electronically filed.

9990 (5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5,  
 9991 elects to provide campaign finance disclosure on its own website, rather than through the  
 9992 [~~lieutenant governor~~] director, the office's website [~~established by the lieutenant governor~~] shall  
 9993 contain a link or other access point to the municipality or county website.

9994 (6) Between January 1 and January 15 of each year, the chief election officer shall  
 9995 provide notice, by postal mail or email, to each filing entity for which the chief election officer  
 9996 has a physical or email address, of the reporting and filing requirements described in this  
 9997 chapter.

9998 Section 171. Section 20A-11-104 is amended to read:

9999 **20A-11-104. Personal use expenditure -- Authorized and prohibited uses of**  
 10000 **campaign funds -- Enforcement -- Penalties.**

10001 (1) (a) As used in this chapter, "personal use expenditure" means an expenditure that:

10002 (i) (A) is not excluded from the definition of personal use expenditure by Subsection  
 10003 (2); and

10004 (B) primarily furthers a personal interest of a candidate or officeholder or a candidate's  
 10005 or officeholder's family, which interest is not connected with the performance of an activity as  
 10006 a candidate or an activity or duty of an officeholder; or

- 10007 (ii) would likely cause the candidate or officeholder to recognize the expenditure as
- 10008 taxable income under federal or state law.
- 10009 (b) "Personal use expenditure" includes:
- 10010 (i) a mortgage, rent, utility, or vehicle payment;
- 10011 (ii) a household food item or supply;
- 10012 (iii) a clothing expense, except:
- 10013 (A) clothing bearing the candidate's name or campaign slogan or logo that is used in
- 10014 the candidate's campaign; or
- 10015 (B) repair or replacement of clothing that is damaged while the candidate or
- 10016 officeholder is engaged in an activity of a candidate or officeholder;
- 10017 (iv) an admission to a sporting, artistic, or recreational event or other form of
- 10018 entertainment;
- 10019 (v) dues, fees, or gratuities at a country club, health club, or recreational facility;
- 10020 (vi) a salary payment made to:
- 10021 (A) a candidate or officeholder; or
- 10022 (B) a person who has not provided a bona fide service to a candidate or officeholder;
- 10023 (vii) a vacation;
- 10024 (viii) a vehicle expense;
- 10025 (ix) a meal expense;
- 10026 (x) a travel expense;
- 10027 (xi) a payment of an administrative, civil, or criminal penalty;
- 10028 (xii) a satisfaction of a personal debt;
- 10029 (xiii) a personal service, including the service of an attorney, accountant, physician, or
- 10030 other professional person;
- 10031 (xiv) a membership fee for a professional or service organization; and
- 10032 (xv) a payment in excess of the fair market value of the item or service purchased.
- 10033 (2) As used in this chapter, "personal use expenditure" does not include an expenditure
- 10034 made:
- 10035 (a) for a political purpose;
- 10036 (b) for candidacy for public office;
- 10037 (c) to fulfill a duty or activity of an officeholder;



- 10038 (d) for a donation to a registered political party;
- 10039 (e) for a contribution to another candidate's campaign account, including sponsorship  
10040 of or attendance at an event, the primary purpose of which is to solicit a contribution for  
10041 another candidate's campaign account;
- 10042 (f) to return all or a portion of a contribution to a contributor;
- 10043 (g) for the following items, if made in connection with the candidacy for public office  
10044 or an activity or duty of an officeholder:
- 10045 (i) (A) a mileage allowance at the rate established by the Division of Finance under  
10046 Section [63A-3-107](#); or
- 10047 (B) for motor fuel or special fuel, as defined in Section [59-13-102](#);
- 10048 (ii) a food expense, including food or beverages:
- 10049 (A) served at a campaign event;
- 10050 (B) served at a charitable event;
- 10051 (C) consumed, or provided to others, by a candidate while the candidate is engaged in  
10052 campaigning;
- 10053 (D) consumed, or provided to others, by an officeholder while the officeholder is acting  
10054 in the capacity of an officeholder; or
- 10055 (E) provided as a gift to an individual who works on a candidate's campaign or who  
10056 assists an officeholder in the officeholder's capacity as an officeholder;
- 10057 (iii) a travel expense of a candidate, if the primary purpose of the travel is related to the  
10058 candidate's campaign, including airfare, car rental, other transportation, hotel, or other expenses  
10059 incidental to the travel;
- 10060 (iv) a travel expense of an individual assisting a candidate, if the primary purpose of  
10061 the travel by the individual is to assist the candidate with the candidate's campaign, including  
10062 an expense described in Subsection (2)(g)(iii);
- 10063 (v) a travel expense of an officeholder, if the primary purpose of the travel is related to  
10064 an activity or duty of the officeholder, including an expense described in Subsection (2)(g)(iii);
- 10065 (vi) a travel expense of an individual assisting an officeholder, if the primary purpose  
10066 of the travel by the individual is to assist the officeholder in an activity or duty of an  
10067 officeholder, including an expense described in Subsection (2)(g)(iii);
- 10068 (vii) a payment for a service provided by an attorney or accountant;

- 10069 (viii) a tuition payment or registration fee for participation in a meeting or conference;
- 10070 (ix) a gift;
- 10071 (x) a payment for the following items in connection with an office space:
- 10072 (A) rent;
- 10073 (B) utilities;
- 10074 (C) a supply; or
- 10075 (D) furnishing;
- 10076 (xi) a booth at a meeting or event;
- 10077 (xii) educational material; or
- 10078 (xiii) an item purchased for a purpose related to a campaign or to an activity or duty of
- 10079 an officeholder;
- 10080 (h) to purchase or mail informational material, a survey, or a greeting card;
- 10081 (i) for a donation to a charitable organization, as defined by Section 13-22-2, including
- 10082 admission to or sponsorship of an event, the primary purpose of which is charitable solicitation,
- 10083 as defined in Section 13-22-2;
- 10084 (j) to repay a loan a candidate makes from the candidate's personal account to the
- 10085 candidate's campaign account;
- 10086 (k) to pay membership dues to a national organization whose primary purpose is to
- 10087 address general public policy;
- 10088 (l) for admission to or sponsorship of an event, the primary purpose of which is to
- 10089 promote the social, educational, or economic well-being of the state or the candidate's or
- 10090 officeholder's community;
- 10091 (m) for one or more guests of an officeholder or candidate to attend an event, meeting,
- 10092 or conference described in this Subsection (2), including related travel expenses and other
- 10093 expenses, if attendance by the guest is for a primary purpose described in Subsection (2)(g)(iv)
- 10094 or (vi); or
- 10095 (n) to pay childcare expenses of:
- 10096 (i) a candidate while the candidate is engaging in campaign activity; or
- 10097 (ii) an officeholder while the officeholder is engaging in the duties of an officeholder.
- 10098 (3) (a) The [~~lieutenant governor~~] director shall enforce this chapter prohibiting a
- 10099 personal use expenditure by:

10100 (i) evaluating a financial statement to identify a personal use expenditure; and  
10101 (ii) commencing an informal adjudicative proceeding in accordance with Title 63G,  
10102 Chapter 4, Administrative Procedures Act, if the [~~lieutenant governor~~] director has probable  
10103 cause to believe a candidate or officeholder has made a personal use expenditure.

10104 (b) Following the proceeding, the [~~lieutenant governor~~] director may issue a signed  
10105 order requiring a candidate or officeholder who has made a personal use expenditure to:

10106 (i) remit an administrative penalty of an amount equal to 50% of the personal use  
10107 expenditure to the lieutenant governor; and

10108 (ii) deposit the amount of the personal use expenditure in the campaign account from  
10109 which the personal use expenditure was disbursed.

10110 (c) The [~~lieutenant governor~~] director shall deposit money received under Subsection  
10111 (3)(b)(i) [~~in~~] into the General Fund.

10112 Section 172. Section **20A-11-105** is amended to read:

10113 **20A-11-105. Deadline for payment of fine.**

10114 A person against whom the [~~lieutenant governor~~] director imposes a fine under this  
10115 chapter shall pay the fine before 5 p.m. within 30 days after the day on which the [~~lieutenant~~  
10116 ~~governor~~] director imposes the fine.

10117 Section 173. Section **20A-11-201** is amended to read:

10118 **20A-11-201. State office -- Separate bank account for campaign funds -- No**  
10119 **personal use -- State office candidate reporting deadline -- Report other accounts --**  
10120 **Anonymous contributions.**

10121 (1) (a) Each state office candidate or the candidate's personal campaign committee  
10122 shall deposit each contribution received in one or more separate campaign accounts in a  
10123 financial institution.

10124 (b) A state office candidate or a candidate's personal campaign committee may not use  
10125 money deposited in a campaign account for:

10126 (i) a personal use expenditure; or

10127 (ii) an expenditure prohibited by law.

10128 (c) Each state officeholder or the state officeholder's personal campaign committee  
10129 shall deposit each contribution and public service assistance received in one or more separate  
10130 campaign accounts in a financial institution.

10131 (d) A state officeholder or a state officeholder's personal campaign committee may not  
10132 use money deposited in a campaign account for:

10133 (i) a personal use expenditure; or

10134 (ii) an expenditure prohibited by law.

10135 (2) (a) A state office candidate or the candidate's personal campaign committee may  
10136 not deposit or mingle any contributions received into a personal or business account.

10137 (b) A state officeholder or the state officeholder's personal campaign committee may  
10138 not deposit or mingle any contributions or public service assistance received into a personal or  
10139 business account.

10140 (3) If a person who is no longer a state office candidate chooses not to expend the  
10141 money remaining in a campaign account, the person shall continue to file the year-end  
10142 summary report required by Section 20A-11-203 until the statement of dissolution and final  
10143 summary report required by Section 20A-11-205 are filed with the [~~lieutenant governor~~  
10144 director].

10145 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who  
10146 is no longer a state office candidate may not expend or transfer the money in a campaign  
10147 account in a manner that would cause the former state office candidate to recognize the money  
10148 as taxable income under federal tax law.

10149 (b) A person who is no longer a state office candidate may transfer the money in a  
10150 campaign account in a manner that would cause the former state office candidate to recognize  
10151 the money as taxable income under federal tax law if the transfer is made to a campaign  
10152 account for federal office.

10153 (5) (a) As used in this Subsection (5), "received" means the same as that term is  
10154 defined in Subsection 20A-11-204(1)(b).

10155 (b) Each state office candidate shall report to the [~~lieutenant governor~~] director each  
10156 contribution received by the state office candidate:

10157 (i) except as provided in Subsection (5)(b)(ii), within 31 days after the day on which  
10158 the contribution is received; or

10159 (ii) within seven business days after the day on which the contribution is received, if:

10160 (A) the state office candidate is contested in a convention and the contribution is  
10161 received within 30 days before the day on which the convention is held;

10162 (B) the state office candidate is contested in a primary election and the contribution is  
10163 received within 30 days before the day on which the primary election is held; or

10164 (C) the state office candidate is contested in a general election and the contribution is  
10165 received within 30 days before the day on which the general election is held.

10166 (c) Except as provided in Subsection (5)(d), for each contribution that a state office  
10167 candidate fails to report within the time period described in Subsection (5)(b), the [~~lieutenant~~  
10168 ~~governor~~] director shall impose a fine against the state office candidate in an amount equal to:

10169 (i) 10% of the amount of the contribution, if the state office candidate reports the  
10170 contribution within 60 days after the day on which the time period described in Subsection  
10171 (5)(b) ends; or

10172 (ii) 20% of the amount of the contribution, if the state office candidate fails to report  
10173 the contribution within 60 days after the day on which the time period described in Subsection  
10174 (5)(b) ends.

10175 (d) The [~~lieutenant governor~~] director may waive the fine described in Subsection  
10176 (5)(c) and issue a warning to the state office candidate if:

10177 (i) the contribution that the state office candidate fails to report is paid by the state  
10178 office candidate from the state office candidate's personal funds;

10179 (ii) the state office candidate has not previously violated Subsection (5)(c) in relation to  
10180 a contribution paid by the state office candidate from the state office candidate's personal  
10181 funds; and

10182 (iii) the [~~lieutenant governor~~] director determines that the failure to timely report the  
10183 contribution is due to the state office candidate not understanding that the reporting  
10184 requirement includes a contribution paid by a state office candidate from the state office  
10185 candidate's personal funds.

10186 (e) The [~~lieutenant governor~~] director shall:

10187 (i) deposit money received under Subsection (5)(c) into the General Fund; and

10188 (ii) report on the [~~lieutenant governor's~~] office's website, in the location where reports  
10189 relating to each state office candidate are available for public access:

10190 (A) each fine imposed by the [~~lieutenant governor~~] director against the state office  
10191 candidate;

10192 (B) the amount of the fine;

10193 (C) the amount of the contribution to which the fine relates; and  
10194 (D) the date of the contribution.  
10195 (6) (a) As used in this Subsection (6), "account" means an account in a financial  
10196 institution:  
10197 (i) that is not described in Subsection (1)(a); and  
10198 (ii) into which or from which a person who, as a candidate for an office, other than the  
10199 state office for which the person files a declaration of candidacy or federal office, or as a holder  
10200 of an office, other than a state office for which the person files a declaration of candidacy or  
10201 federal office, deposits a contribution or makes an expenditure.  
10202 (b) A state office candidate shall include on any financial statement filed in accordance  
10203 with this part:  
10204 (i) a contribution deposited in an account:  
10205 (A) since the last campaign finance statement was filed; or  
10206 (B) that has not been reported under a statute or ordinance that governs the account; or  
10207 (ii) an expenditure made from an account:  
10208 (A) since the last campaign finance statement was filed; or  
10209 (B) that has not been reported under a statute or ordinance that governs the account.  
10210 (7) Within 31 days after receiving a contribution that is cash or a negotiable  
10211 instrument, exceeds \$50, and is from an unknown source, a state office candidate shall disburse  
10212 the amount of the contribution to an organization that is exempt from federal income taxation  
10213 under Section 501(c)(3), Internal Revenue Code.  
10214 Section 174. Section **20A-11-202** is amended to read:  
10215 **20A-11-202. State office candidate -- Personal campaign committee required --**  
10216 **Candidate as a political action committee officer.**  
10217 (1) (a) (i) Each state office candidate shall select no more than one personal campaign  
10218 committee, consisting of one or more persons, to receive contributions, make expenditures, and  
10219 file reports connected with the candidate's campaign.  
10220 (ii) A state office candidate may serve as the candidate's own campaign committee.  
10221 (iii) A state office candidate may be designated by a political action committee as an  
10222 officer who has primary decision-making authority as described in Section **20A-11-601**.  
10223 (b) Except for expenses made by a registered political party to benefit a party's

10224 candidates generally, a state office candidate or other person acting in concert with or with the  
10225 knowledge of the state office candidate may not receive any contributions or make any  
10226 expenditures on behalf of a state office candidate other than through:

10227 (i) a personal campaign committee established under this section; and  
10228 (ii) a political action committee established under Part 6, Political Action Committee  
10229 Registration and Financial Reporting Requirements.

10230 (2) (a) The state office candidate shall file a written statement signed by the candidate  
10231 or authorized member of the candidate's personal campaign committee with the [~~lieutenant~~  
10232 ~~governor~~] director that:

10233 (i) informs the [~~lieutenant governor~~] director that the state office candidate's personal  
10234 campaign committee has been selected; and

10235 (ii) provides the name and address of each member and the secretary of the committee.

10236 (b) A state office candidate or the candidate's personal campaign committee may not  
10237 make any expenditures on behalf of the candidate until the statement has been filed.

10238 (c) A state office candidate may revoke the selection of any member of the campaign  
10239 committee by:

10240 (i) revoking that individual's appointment or election in writing;

10241 (ii) personally serving the written revocation on the member whose selection is  
10242 revoked; and

10243 (iii) filing a copy of the written revocation with the [~~lieutenant governor~~] director.

10244 (d) (i) The state office candidate may select a replacement to fill any vacancy on the  
10245 campaign committee.

10246 (ii) The state office candidate shall file that replacement's name and address with the  
10247 [~~lieutenant governor~~] director.

10248 (3) A member of a state office candidate's personal campaign committee may not make  
10249 an expenditure of more than \$1,000 unless the state office candidate or the secretary of the  
10250 personal campaign committee authorizes the expenditure in writing.

10251 (4) A state office candidate or the candidate's personal campaign committee may not  
10252 make any expenditures prohibited by law.

10253 Section 175. Section **20A-11-204** is amended to read:

10254 **20A-11-204. State office candidate and state officeholder -- Financial reporting**

10255 **requirements -- Interim reports.**

10256 (1) As used in this section:

10257 (a) "Campaign account" means a separate campaign account required under Subsection  
10258 [20A-11-201](#)(1)(a) or (c).

10259 (b) "Received" means:

10260 (i) for a cash contribution, that the cash is given to a state office candidate or a member  
10261 of the state office candidate's personal campaign committee;

10262 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
10263 instrument or check is negotiated;

10264 (iii) for a direct deposit made into a campaign account by a person not associated with  
10265 the campaign, the earlier of:

10266 (A) the day on which the state office candidate or a member of the state office  
10267 candidate's personal campaign committee becomes aware of the deposit and the source of the  
10268 deposit;

10269 (B) the day on which the state office candidate or a member of the state office  
10270 candidate's personal campaign committee receives notice of the deposit and the source of the  
10271 deposit by mail, email, text, or similar means; or

10272 (C) 31 days after the day on which the direct deposit occurs; or

10273 (iv) for any other type of contribution, that any portion of the contribution's benefit  
10274 inures to the state office candidate.

10275 (2) Except as provided in Subsection (3), each state office candidate shall file an  
10276 interim report at the following times in any year in which the candidate has filed a declaration  
10277 of candidacy for a public office:

10278 (a) (i) seven days before the candidate's political convention; or

10279 (ii) for an unaffiliated candidate, the fourth Saturday in March;

10280 (b) seven days before the regular primary election date;

10281 (c) September 30; and

10282 (d) seven days before the regular general election date.

10283 (3) If a state office candidate is a state office candidate seeking appointment for a  
10284 midterm vacancy, the state office candidate:

10285 (a) shall file an interim report:



10286 (i) (A) no later than seven days before the day on which the political party of the party  
10287 for which the state office candidate seeks nomination meets to declare a nominee for the  
10288 governor to appoint in accordance with Section 20A-1-504; and

10289 (B) two days before the day on which the political party of the party for which the state  
10290 office candidate seeks nomination meets to declare a nominee for the governor to appoint in  
10291 accordance with Subsection 20A-1-504(1)(b)(i); or

10292 (ii) if a state office candidate decides to seek the appointment with less than seven days  
10293 before the party meets, or the political party schedules the meeting to declare a nominee less  
10294 than seven days before the day of the meeting, no later than 5 p.m. on the last day of business  
10295 before the day on which the party meets; and

10296 (b) is not required to file an interim report at the times described in Subsection (1).

10297 (4) Each interim report shall include the following information:

10298 (a) the net balance of the last summary report, if any;

10299 (b) a single figure equal to the total amount of receipts reported on all prior interim  
10300 reports, if any, during the calendar year in which the interim report is due;

10301 (c) a single figure equal to the total amount of expenditures reported on all prior  
10302 interim reports, if any, filed during the calendar year in which the interim report is due;

10303 (d) a detailed listing of:

10304 (i) for a state office candidate, each contribution received since the last summary report  
10305 that has not been reported in detail on a prior interim report; or

10306 (ii) for a state officeholder, each contribution and public service assistance received  
10307 since the last summary report that has not been reported in detail on a prior interim report;

10308 (e) for each nonmonetary contribution:

10309 (i) the fair market value of the contribution with that information provided by the  
10310 contributor; and

10311 (ii) a specific description of the contribution;

10312 (f) a detailed listing of each expenditure made since the last summary report that has  
10313 not been reported in detail on a prior interim report;

10314 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

10315 (h) a net balance for the year consisting of the net balance from the last summary  
10316 report, if any, plus all receipts since the last summary report minus all expenditures since the

10317 last summary report;

10318 (i) a summary page in the form required by the [~~lieutenant governor~~] director that  
10319 identifies:

10320 (i) beginning balance;

10321 (ii) total contributions and public service assistance received during the period since  
10322 the last statement;

10323 (iii) total contributions and public service assistance received to date;

10324 (iv) total expenditures during the period since the last statement; and

10325 (v) total expenditures to date; and

10326 (j) the name of a political action committee for which the state office candidate or state  
10327 officeholder is designated as an officer who has primary decision-making authority under  
10328 Section [20A-11-601](#).

10329 (5) (a) In preparing each interim report, all receipts and expenditures shall be reported  
10330 as of five days before the required filing date of the report.

10331 (b) Any negotiable instrument or check received by a state office candidate or state  
10332 officeholder more than five days before the required filing date of a report required by this  
10333 section shall be included in the interim report.

10334 Section 176. Section **20A-11-205** is amended to read:

10335 **20A-11-205. State office candidate -- Financial reporting requirements --**  
10336 **Termination of duty to report.**

10337 (1) Each state office candidate and the candidate's personal campaign committee is  
10338 active and subject to interim reporting requirements until:

10339 (a) the candidate withdraws or is eliminated in a convention or primary; or

10340 (b) if seeking appointment as a midterm vacancy state office candidate:

10341 (i) the political party liaison fails to forward the person's name to the governor; or

10342 (ii) the governor fails to appoint the person to fill the vacancy.

10343 (2) Each state office candidate and the candidate's personal campaign committee is  
10344 active and subject to year-end summary reporting requirements until the candidate has filed a  
10345 statement of dissolution with the [~~lieutenant governor~~] director stating that:

10346 (a) the state office candidate or the personal campaign committee is no longer receiving  
10347 contributions and is no longer making expenditures;

10348 (b) the ending balance on the last summary report filed is zero and the balance in the  
10349 separate bank account required in Section 20A-11-201 is zero; and

10350 (c) a final summary report in the form required by Section 20A-11-203 showing a zero  
10351 balance is attached to the statement of dissolution.

10352 (3) A statement of dissolution and a final summary report may be filed at any time.

10353 (4) Each state office candidate and the candidate's personal campaign committee shall  
10354 continue to file the year-end summary report required by Section 20A-11-203 until the  
10355 statement of dissolution and final summary report required by this section are filed with the  
10356 [~~lieutenant governor~~] director.

10357 Section 177. Section 20A-11-206 is amended to read:

10358 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

10359 (1) A state office candidate who fails to file a financial statement before the deadline is  
10360 subject to a fine imposed in accordance with Section 20A-11-1005.

10361 (2) If a state office candidate fails to file an interim report described in Subsections  
10362 20A-11-204(2)(b) through (d), the [~~lieutenant governor~~] director may send an electronic notice  
10363 to the state office candidate and the political party of which the state office candidate is a  
10364 member, if any, that states:

10365 (a) that the state office candidate failed to timely file the report; and

10366 (b) that, if the state office candidate fails to file the report within 24 hours after the  
10367 deadline for filing the report, the state office candidate will be disqualified and the political  
10368 party will not be permitted to replace the candidate.

10369 (3) (a) The [~~lieutenant governor~~] director shall disqualify a state office candidate and  
10370 inform the county clerk and other appropriate election officials that the state office candidate is  
10371 disqualified if the state office candidate fails to file an interim report described in Subsections  
10372 20A-11-204(2)(b) through (d) within 24 hours after the deadline for filing the report.

10373 (b) The political party of a state office candidate who is disqualified under Subsection  
10374 (3)(a) may not replace the state office candidate.

10375 (4) If a state office candidate is disqualified under Subsection (3)(a), the election  
10376 officer shall:

10377 (a) notify every opposing candidate for the state office that the state office candidate is  
10378 disqualified;

10379 (b) send an email notification to each voter who is eligible to vote in the state office  
10380 race for whom the [~~lieutenant governor~~] office has an email address informing the voter that  
10381 the state office candidate is disqualified and that votes cast for the state office candidate will  
10382 not be counted;

10383 (c) post notice of the disqualification on the [~~lieutenant governor's~~] office's website;  
10384 and

10385 (d) if practicable, remove the state office candidate's name from the ballot.

10386 (5) An election officer may fulfill the requirement described in Subsection (4) in  
10387 relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a  
10388 written notice directing the voter to the [~~lieutenant governor's~~] office's website to inform the  
10389 voter whether a candidate on the ballot is disqualified.

10390 (6) A state office candidate is not disqualified if:

10391 (a) the state office candidate timely files the reports described in Subsections  
10392 [20A-11-204\(2\)\(b\)](#) through (d) no later than 24 hours after the applicable deadlines for filing the  
10393 reports;

10394 (b) the reports are completed, detailing accurately and completely the information  
10395 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
10396 and

10397 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in  
10398 an amended report or the next scheduled report.

10399 (7) (a) Within 60 days after a deadline for the filing of a summary report, the  
10400 [~~lieutenant governor~~] director shall review each filed summary report to ensure that:

10401 (i) each state office candidate that is required to file a summary report has filed one;  
10402 and

10403 (ii) each summary report contains the information required by this part.

10404 (b) If it appears that any state office candidate has failed to file the summary report  
10405 required by law, if it appears that a filed summary report does not conform to the law, or if the  
10406 [~~lieutenant governor~~] director has received a written complaint alleging a violation of the law  
10407 or the falsity of any summary report, the [~~lieutenant governor~~] director shall, within five days  
10408 of discovery of a violation or receipt of a written complaint, notify the state office candidate of  
10409 the violation or written complaint and direct the state office candidate to file a summary report

10410 correcting the problem.

10411 (c) (i) It is unlawful for a state office candidate to fail to file or amend a summary  
10412 report within seven days after receiving notice from the [~~lieutenant governor~~] director  
10413 described in this Subsection (7).

10414 (ii) Each state office candidate who violates Subsection (7)(c)(i) is guilty of a class B  
10415 misdemeanor.

10416 (iii) The [~~lieutenant governor~~] director shall report all violations of Subsection (7)(c)(i)  
10417 to the attorney general.

10418 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the  
10419 [~~lieutenant governor~~] director shall impose a civil fine of \$100 against a state office candidate  
10420 who violates Subsection (7)(c)(i).

10421 Section 178. Section **20A-11-301** is amended to read:

10422 **20A-11-301. Legislative office -- Campaign finance requirements -- Candidate as**  
10423 **a political action committee officer -- No personal use -- Contribution reporting deadline**  
10424 **-- Report other accounts -- Anonymous contributions.**

10425 (1) (a) (i) Each legislative office candidate shall deposit each contribution received in  
10426 one or more separate accounts in a financial institution that are dedicated only to that purpose.

10427 (ii) A legislative office candidate may:

10428 (A) receive a contribution from a political action committee registered under Section  
10429 [20A-11-601](#); and

10430 (B) be designated by a political action committee as an officer who has primary  
10431 decision-making authority as described in Section [20A-11-601](#).

10432 (b) A legislative office candidate or the candidate's personal campaign committee may  
10433 not use money deposited in an account described in Subsection (1)(a)(i) for:

10434 (i) a personal use expenditure; or

10435 (ii) an expenditure prohibited by law.

10436 (c) (i) Each legislative officeholder shall deposit each contribution and public service  
10437 assistance received in one or more separate accounts in a financial institution that are dedicated  
10438 only to that purpose.

10439 (ii) A legislative officeholder may:

10440 (A) receive a contribution or public service assistance from a political action

10441 committee registered under Section 20A-11-601; and

10442 (B) be designated by a political action committee as an officer who has primary  
10443 decision-making authority as described in Section 20A-11-601.

10444 (d) A legislative officeholder or the legislative officeholder's personal campaign  
10445 committee may not use money deposited in an account described in Subsection (1)(c)(i) for:

10446 (i) a personal use expenditure; or

10447 (ii) an expenditure prohibited by law.

10448 (2) (a) A legislative office candidate may not deposit or mingle any contributions  
10449 received into a personal or business account.

10450 (b) A legislative officeholder may not deposit or mingle any contributions or public  
10451 service assistance received into a personal or business account.

10452 (3) If a person who is no longer a legislative candidate chooses not to expend the  
10453 money remaining in a campaign account, the person shall continue to file the year-end  
10454 summary report required by Section 20A-11-302 until the statement of dissolution and final  
10455 summary report required by Section 20A-11-304 are filed with the [~~lieutenant governor~~  
10456 director].

10457 (4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who  
10458 is no longer a legislative office candidate may not expend or transfer the money in a campaign  
10459 account in a manner that would cause the former legislative office candidate to recognize the  
10460 money as taxable income under federal tax law.

10461 (b) A person who is no longer a legislative office candidate may transfer the money in  
10462 a campaign account in a manner that would cause the former legislative office candidate to  
10463 recognize the money as taxable income under federal tax law if the transfer is made to a  
10464 campaign account for federal office.

10465 (5) (a) As used in this Subsection (5), "received" means the same as that term is  
10466 defined in Subsection 20A-11-303(1)(b).

10467 (b) Each legislative office candidate shall report to the [~~lieutenant governor~~] director  
10468 each contribution received by the legislative office candidate:

10469 (i) except as provided in Subsection (5)(b)(ii), within 31 days after the day on which  
10470 the contribution is received; or

10471 (ii) within seven business days after the day on which the contribution is received, if:

10472 (A) the legislative office candidate is contested in a convention and the contribution is  
10473 received within 30 days before the day on which the convention is held;

10474 (B) the legislative office candidate is contested in a primary election and the  
10475 contribution is received within 30 days before the day on which the primary election is held; or

10476 (C) the legislative office candidate is contested in a general election and the  
10477 contribution is received within 30 days before the day on which the general election is held.

10478 (c) Except as provided in Subsection (5)(d), for each contribution that a legislative  
10479 office candidate fails to report within the time period described in Subsection (5)(b), the  
10480 [~~lieutenant governor~~] director shall impose a fine against the legislative office candidate in an  
10481 amount equal to:

10482 (i) 10% of the amount of the contribution, if the legislative office candidate reports the  
10483 contribution within 60 days after the day on which the time period described in Subsection  
10484 (5)(b) ends; or

10485 (ii) 20% of the amount of the contribution, if the legislative office candidate fails to  
10486 report the contribution within 60 days after the day on which the time period described in  
10487 Subsection (5)(b) ends.

10488 (d) The [~~lieutenant governor~~] director may waive the fine described in Subsection  
10489 (5)(c) and issue a warning to the legislative office candidate if:

10490 (i) the contribution that the legislative office candidate fails to report is paid by the  
10491 legislative office candidate from the legislative office candidate's personal funds;

10492 (ii) the legislative office candidate has not previously violated Subsection (5)(c) in  
10493 relation to a contribution paid by the legislative office candidate from the legislative office  
10494 candidate's personal funds; and

10495 (iii) the [~~lieutenant governor~~] director determines that the failure to timely report the  
10496 contribution is due to the legislative office candidate not understanding that the reporting  
10497 requirement includes a contribution paid by a legislative office candidate from the legislative  
10498 office candidate's personal funds.

10499 (e) The [~~lieutenant governor~~] director shall:

10500 (i) deposit money received under Subsection (5)(c) into the General Fund; and

10501 (ii) report on the [~~lieutenant governor's~~] office's website, in the location where reports  
10502 relating to each legislative office candidate are available for public access:

10503 (A) each fine imposed by the [~~lieutenant governor~~] director against the legislative  
10504 office candidate;

10505 (B) the amount of the fine;

10506 (C) the amount of the contribution to which the fine relates; and

10507 (D) the date of the contribution.

10508 (6) Within 31 days after receiving a contribution that is cash or a negotiable  
10509 instrument, exceeds \$50, and is from an unknown source, a legislative office candidate shall  
10510 disburse the amount of the contribution to an organization that is exempt from federal income  
10511 taxation under Section 501(c)(3), Internal Revenue Code.

10512 (7) (a) As used in this Subsection (7), "account" means an account in a financial  
10513 institution:

10514 (i) that is not described in Subsection (1)(a)(i); and

10515 (ii) into which or from which a person who, as a candidate for an office, other than a  
10516 legislative office for which the person files a declaration of candidacy or federal office, or as a  
10517 holder of an office, other than a legislative office for which the person files a declaration of  
10518 candidacy or federal office, deposits a contribution or makes an expenditure.

10519 (b) A legislative office candidate shall include on any financial statement filed in  
10520 accordance with this part:

10521 (i) a contribution deposited in an account:

10522 (A) since the last campaign finance statement was filed; or

10523 (B) that has not been reported under a statute or ordinance that governs the account; or

10524 (ii) an expenditure made from an account:

10525 (A) since the last campaign finance statement was filed; or

10526 (B) that has not been reported under a statute or ordinance that governs the account.

10527 Section 179. Section **20A-11-303** is amended to read:

10528 **20A-11-303. Legislative office candidate and legislative officeholder -- Financial**  
10529 **reporting requirements -- Interim reports.**

10530 (1) As used in this section:

10531 (a) "Campaign account" means a separate campaign account required under Subsection  
10532 [20A-11-301](#)(1)(a)(i) or (c)(i).

10533 (b) "Received" means:



- 10534 (i) for a cash contribution, that the cash is given to a legislative office candidate or a  
10535 member of the legislative office candidate's personal campaign committee;
- 10536 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
10537 instrument or check is negotiated;
- 10538 (iii) for a direct deposit made into a campaign account by a person not associated with  
10539 the campaign, the earlier of:
- 10540 (A) the day on which the legislative office candidate or a member of the legislative  
10541 office candidate's personal campaign committee becomes aware of the deposit and the source  
10542 of the deposit;
- 10543 (B) the day on which the legislative office candidate or a member of the legislative  
10544 office candidate's personal campaign committee receives notice of the deposit and the source of  
10545 the deposit by mail, email, text, or similar means; or
- 10546 (C) 31 days after the day on which the direct deposit occurs; or
- 10547 (iv) for any other type of contribution, that any portion of the contribution's benefit  
10548 inures to the legislative office candidate.
- 10549 (2) Except as provided in Subsection (3), each legislative office candidate shall file an  
10550 interim report at the following times in any year in which the candidate has filed a declaration  
10551 of candidacy for a public office:
- 10552 (a) (i) seven days before the candidate's political convention; or  
10553 (ii) for an unaffiliated candidate, the fourth Saturday in March;
- 10554 (b) seven days before the regular primary election date;
- 10555 (c) September 30; and
- 10556 (d) seven days before the regular general election date.
- 10557 (3) If a legislative office candidate is a legislative office candidate seeking appointment  
10558 for a midterm vacancy, the legislative office candidate:
- 10559 (a) shall file an interim report:
- 10560 (i) (A) seven days before the day on which the political party of the party for which the  
10561 legislative office candidate seeks nomination meets to declare a nominee for the governor to  
10562 appoint in accordance with Section [20A-1-503](#); and
- 10563 (B) two days before the day on which the political party of the party for which the  
10564 legislative office candidate seeks nomination meets to declare a nominee for the governor to

10565 appoint in accordance with Section 20A-1-503; or  
10566           (ii) if the legislative office candidate decides to seek the appointment with less than  
10567 seven days before the party meets, or the political party schedules the meeting to declare a  
10568 nominee less than seven days before the day of the meeting, two days before the day on which  
10569 the party meets; and  
10570           (b) is not required to file an interim report at the times described in Subsection (2)(a).  
10571           (4) Each interim report shall include the following information:  
10572           (a) the net balance of the last summary report, if any;  
10573           (b) a single figure equal to the total amount of receipts reported on all prior interim  
10574 reports, if any, during the calendar year in which the interim report is due;  
10575           (c) a single figure equal to the total amount of expenditures reported on all prior  
10576 interim reports, if any, filed during the calendar year in which the interim report is due;  
10577           (d) a detailed listing of:  
10578           (i) for a legislative office candidate, each contribution received since the last summary  
10579 report that has not been reported in detail on a prior interim report; or  
10580           (ii) for a legislative officeholder, each contribution and public service assistance  
10581 received since the last summary report that has not been reported in detail on a prior interim  
10582 report;  
10583           (e) for each nonmonetary contribution:  
10584           (i) the fair market value of the contribution with that information provided by the  
10585 contributor; and  
10586           (ii) a specific description of the contribution;  
10587           (f) a detailed listing of each expenditure made since the last summary report that has  
10588 not been reported in detail on a prior interim report;  
10589           (g) for each nonmonetary expenditure, the fair market value of the expenditure;  
10590           (h) a net balance for the year consisting of the net balance from the last summary  
10591 report, if any, plus all receipts since the last summary report minus all expenditures since the  
10592 last summary report;  
10593           (i) a summary page in the form required by the [~~lieutenant governor~~] director that  
10594 identifies:  
10595           (i) beginning balance;

- 10596 (ii) total contributions and public service assistance received during the period since  
10597 the last statement;
- 10598 (iii) total contributions and public service assistance received to date;
- 10599 (iv) total expenditures during the period since the last statement; and
- 10600 (v) total expenditures to date; and
- 10601 (j) the name of a political action committee for which the legislative office candidate or  
10602 legislative officeholder is designated as an officer who has primary decision-making authority  
10603 under Section 20A-11-601.

10604 (5) (a) In preparing each interim report, all receipts and expenditures shall be reported  
10605 as of five days before the required filing date of the report.

10606 (b) Any negotiable instrument or check received by a legislative office candidate or  
10607 legislative officeholder more than five days before the required filing date of a report required  
10608 by this section shall be included in the interim report.

10609 Section 180. Section 20A-11-304 is amended to read:

10610 **20A-11-304. Legislative office candidate -- Financial reporting requirements --**  
10611 **Termination of duty to report.**

10612 (1) Each legislative office candidate is subject to interim reporting requirements until:

- 10613 (a) the candidate withdraws or is eliminated in a convention or primary; or
- 10614 (b) if seeking appointment as a midterm vacancy legislative office candidate:
- 10615 (i) the political party liaison fails to forward the person's name to the governor; or
- 10616 (ii) the governor fails to appoint the person to fill the vacancy.

10617 (2) Each legislative office candidate is subject to year-end summary reporting  
10618 requirements until the candidate has filed a statement of dissolution with the [~~lieutenant~~  
10619 ~~governor~~] director stating that:

10620 (a) the legislative office candidate is no longer receiving contributions and is no longer  
10621 making expenditures;

10622 (b) the ending balance on the last summary report filed is zero and the balance in the  
10623 separate bank account required in Section 20A-11-301 is zero; and

10624 (c) a final summary report in the form required by Section 20A-11-302 showing a zero  
10625 balance is attached to the statement of dissolution.

10626 (3) A statement of dissolution and a final summary report may be filed at any time.

10627 (4) Each legislative office candidate shall continue to file the year-end summary report  
10628 required by Section 20A-11-302 until the statement of dissolution and final summary report  
10629 required by this section are filed with the [~~lieutenant governor~~] director.

10630 Section 181. Section 20A-11-305 is amended to read:

10631 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

10632 (1) A legislative office candidate who fails to file a financial statement before the  
10633 deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

10634 (2) If a legislative office candidate fails to file an interim report described in  
10635 Subsections 20A-11-303(2)(b) through (d), the [~~lieutenant governor~~] director may send an  
10636 electronic notice to the legislative office candidate and the political party of which the  
10637 legislative office candidate is a member, if any, that states:

10638 (a) that the legislative office candidate failed to timely file the report; and

10639 (b) that, if the legislative office candidate fails to file the report within 24 hours after  
10640 the deadline for filing the report, the legislative office candidate will be disqualified and the  
10641 political party will not be permitted to replace the candidate.

10642 (3) (a) The [~~lieutenant governor~~] director shall disqualify a legislative office candidate  
10643 and inform the county clerk and other appropriate election officials that the legislative office  
10644 candidate is disqualified if the legislative office candidate fails to file an interim report  
10645 described in Subsections 20A-11-303(2)(b) through (d) within 24 hours after the deadline for  
10646 filing the report.

10647 (b) The political party of a legislative office candidate who is disqualified under  
10648 Subsection (3)(a) may not replace the legislative office candidate.

10649 (4) If a legislative office candidate is disqualified under Subsection (3)(a), the election  
10650 officer shall:

10651 (a) notify every opposing candidate for the legislative office that the legislative office  
10652 candidate is disqualified;

10653 (b) send an email notification to each voter who is eligible to vote in the legislative  
10654 office race for whom the election officer has an email address informing the voter that the  
10655 legislative office candidate is disqualified and that votes cast for the legislative office candidate  
10656 will not be counted;

10657 (c) post notice of the disqualification on the election officer's website; and

- 10658 (d) if practicable, remove the legislative office candidate's name from the ballot.
- 10659 (5) An election officer may fulfill the requirement described in Subsection (4) in  
10660 relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a  
10661 written notice directing the voter to the election officer's website to inform the voter whether a  
10662 candidate on the ballot is disqualified.
- 10663 (6) A legislative office candidate is not disqualified if:
- 10664 (a) the legislative office candidate files the reports described in Subsections  
10665 20A-11-303(2)(b) through (d) no later than 24 hours after the applicable deadlines for filing the  
10666 reports;
- 10667 (b) the reports are completed, detailing accurately and completely the information  
10668 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
10669 and
- 10670 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in  
10671 an amended report or the next scheduled report.
- 10672 (7) (a) Within 60 days after a deadline for the filing of a summary report, the  
10673 [~~lieutenant governor~~] director shall review each filed summary report to ensure that:
- 10674 (i) each legislative office candidate that is required to file a summary report has filed  
10675 one; and
- 10676 (ii) each summary report contains the information required by this part.
- 10677 (b) If it appears that any legislative office candidate has failed to file the summary  
10678 report required by law, if it appears that a filed summary report does not conform to the law, or  
10679 if the [~~lieutenant governor~~] director has received a written complaint alleging a violation of the  
10680 law or the falsity of any summary report, the [~~lieutenant governor~~] director shall, within five  
10681 days of discovery of a violation or receipt of a written complaint, notify the legislative office  
10682 candidate of the violation or written complaint and direct the legislative office candidate to file  
10683 a summary report correcting the problem.
- 10684 (c) (i) It is unlawful for a legislative office candidate to fail to file or amend a summary  
10685 report within seven days after receiving notice from the [~~lieutenant governor~~] director  
10686 described in this Subsection (7).
- 10687 (ii) Each legislative office candidate who violates Subsection (7)(c)(i) is guilty of a  
10688 class B misdemeanor.

10689 (iii) The [~~lieutenant governor~~] director shall report all violations of Subsection  
10690 (7)(c)(i) to the attorney general.

10691 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the  
10692 [~~lieutenant governor~~] director shall impose a civil fine of \$100 against a legislative office  
10693 candidate who violates Subsection (7)(c)(i).

10694 Section 182. Section **20A-11-402** is amended to read:

10695 **20A-11-402. Officeholder financial reporting requirements -- Statement of**  
10696 **dissolution.**

10697 (1) An officeholder or former officeholder is active and subject to reporting  
10698 requirements until the officeholder or former officeholder has filed a statement of dissolution  
10699 with the [~~lieutenant governor~~] director stating that:

10700 (a) the officeholder or former officeholder is no longer receiving contributions or  
10701 public service assistance and is no longer making expenditures;

10702 (b) the ending balance on the last summary report filed is zero and the balance in the  
10703 separate bank account required by Section [20A-11-201](#), [20A-11-301](#), or [20A-11-1301](#) is zero;  
10704 and

10705 (c) a final summary report in the form required by Section [20A-11-401](#) showing a zero  
10706 balance is attached to the statement of dissolution.

10707 (2) A statement of dissolution and a final summary report may be filed at any time.

10708 (3) (a) Each officeholder shall report to the [~~lieutenant governor~~] director each  
10709 contribution or public service assistance received by the state officeholder within 31 days after  
10710 the day on which the officeholder receives the contribution or public service assistance.

10711 (b) For each contribution or public service assistance that an officeholder fails to report  
10712 within the time period described in Subsection (3)(a), the [~~lieutenant governor~~] director shall  
10713 impose a fine against the officeholder in an amount equal to:

10714 (i) 10% of the amount of the contribution or public service assistance if the  
10715 officeholder reports the contribution or public service assistance within 60 days after the day on  
10716 which the time period described in Subsection (3)(a) ends; or

10717 (ii) 20% of the amount of the contribution or public service assistance if the  
10718 officeholder fails to report the contribution or public service assistance within 60 days after the  
10719 day on which the time period described in Subsection (3)(a) ends.

10720 (c) Each officeholder or former officeholder shall continue to file the year-end  
10721 summary report required by Section 20A-11-401 until the statement of dissolution and final  
10722 summary report required by this section are filed with the [~~lieutenant governor~~] director.

10723 (4) An officeholder or former officeholder may not use a contribution or public service  
10724 assistance deposited in an account in accordance with this chapter for:

10725 (a) a personal use expenditure; or

10726 (b) an expenditure prohibited by law.

10727 (5) (a) Except as provided in Subsection (5)(b), a former officeholder may not expend  
10728 or transfer the money in a campaign account in a manner that would cause the former  
10729 officeholder to recognize the money as taxable income under federal tax law.

10730 (b) A former officeholder may transfer the money in a campaign account in a manner  
10731 that would cause the former officeholder to recognize the money as taxable income under  
10732 federal tax law if the transfer is made to a campaign account for federal office.

10733 Section 183. Section 20A-11-403 is amended to read:

10734 **20A-11-403. Failure to file -- Penalties.**

10735 (1) Within 60 days after a deadline for the filing of a summary report, the [~~lieutenant~~  
10736 ~~governor~~] director shall review each filed summary report to ensure that:

10737 (a) each officeholder that is required to file a summary report has filed one; and

10738 (b) each summary report contains the information required by this part.

10739 (2) If it appears that any officeholder has failed to file the summary report required by  
10740 law, if it appears that a filed summary report does not conform to the law, or if the [~~lieutenant~~  
10741 ~~governor~~] director has received a written complaint alleging a violation of the law or the falsity  
10742 of any summary report, the [~~lieutenant governor~~] director shall, if the [~~lieutenant governor~~]  
10743 director determines that a violation has occurred:

10744 (a) impose a fine against the filing entity in accordance with Section 20A-11-1005; and

10745 (b) within five days of discovery of a violation or receipt of a written complaint, notify  
10746 the officeholder of the violation or written complaint and direct the officeholder to file a  
10747 summary report correcting the problem.

10748 (3) (a) It is unlawful for any officeholder to fail to file or amend a summary report  
10749 within seven days after receiving notice from the [~~lieutenant governor~~] director under this  
10750 section.

10751 (b) Each officeholder who violates Subsection (3)(a) is guilty of a class B  
10752 misdemeanor.

10753 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (3)(a) to  
10754 the attorney general.

10755 (d) In addition to the criminal penalty described in Subsection (3)(b), the [~~lieutenant~~  
10756 ~~governor~~] director shall impose a civil fine of \$100 against an officeholder who violates  
10757 Subsection (3)(a).

10758 Section 184. Section **20A-11-507** is amended to read:

10759 **20A-11-507. Political party financial reporting requirements -- Interim reports.**

10760 (1) The party committee of each registered political party shall file an interim report at  
10761 the following times in any year in which there is a regular general election:

10762 (a) seven days before the registered political party's political convention;

10763 (b) seven days before the regular primary election date;

10764 (c) September 30; and

10765 (d) seven days before the general election date.

10766 (2) Each interim report shall include the following information:

10767 (a) the net balance of the last financial statement, if any;

10768 (b) a single figure equal to the total amount of receipts reported on all prior interim  
10769 reports, if any, during the calendar year in which the interim report is due;

10770 (c) a single figure equal to the total amount of expenditures reported on all prior  
10771 interim reports, if any, filed during the calendar year in which the interim report is due;

10772 (d) a detailed listing of each contribution received since the last summary report that  
10773 has not been reported in detail on a prior interim report;

10774 (e) for each nonmonetary contribution, the fair market value of the contribution;

10775 (f) a detailed listing of each expenditure made since the last summary report that has  
10776 not been reported in detail on a prior interim report;

10777 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

10778 (h) a net balance for the year consisting of the net balance from the last summary  
10779 report, if any, plus all receipts since the last summary report minus all expenditures since the  
10780 last summary report; and

10781 (i) a summary page in the form required by the [~~lieutenant governor~~] director that



10782 identifies:

10783 (i) beginning balance;

10784 (ii) total contributions during the period since the last statement;

10785 (iii) total contributions to date;

10786 (iv) total expenditures during the period since the last statement; and

10787 (v) total expenditures to date.

10788 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be  
10789 reported without separate detailed listings.

10790 (b) Two or more contributions from the same source that have an aggregate total of  
10791 more than \$50 may not be reported in the aggregate, but shall be reported separately.

10792 (4) In preparing each interim report, all receipts and expenditures shall be reported as  
10793 of five days before the required filing date of the report.

10794 Section 185. Section **20A-11-508** is amended to read:

10795 **20A-11-508. Political party reporting requirements -- Criminal penalties -- Fines.**

10796 (1) (a) Each registered political party that fails to file a financial statement by the  
10797 deadline is subject to a fine imposed in accordance with Section [20A-11-1005](#).

10798 (b) Each registered political party that fails to file an interim report described in  
10799 Subsections [20A-11-507](#)(1)(b) through (d) is guilty of a class B misdemeanor.

10800 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (1)(b) to  
10801 the attorney general.

10802 (2) Within 60 days after a deadline for the filing of a summary report required by this  
10803 part, the [~~lieutenant governor~~] director shall review each filed report to ensure that:

10804 (a) each political party that is required to file a report has filed one; and

10805 (b) each report contains the information required by this part.

10806 (3) If it appears that any political party has failed to file a report required by law, if it  
10807 appears that a filed report does not conform to the law, or if the [~~lieutenant governor~~] director  
10808 has received a written complaint alleging a violation of the law or the falsity of any report, the  
10809 [~~lieutenant governor~~] director shall, within five days of discovery of a violation or receipt of a  
10810 written complaint, notify the political party of the violation or written complaint and direct the  
10811 political party to file a summary report correcting the problem.

10812 (4) (a) It is unlawful for any political party to fail to file or amend a summary report

10813 within seven days after receiving notice from the [~~lieutenant governor~~] director under this  
10814 section.

10815 (b) Each political party who violates Subsection (4)(a) is guilty of a class B  
10816 misdemeanor.

10817 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (4)(a) to  
10818 the attorney general.

10819 (d) In addition to the criminal penalty described in Subsection (4)(b), the [~~lieutenant~~  
10820 ~~governor~~] director shall impose a civil fine of \$1,000 against a political party that violates  
10821 Subsection (4)(a).

10822 Section 186. Section **20A-11-511** is amended to read:

10823 **20A-11-511. County political party financial reporting requirements -- Interim**  
10824 **reports.**

10825 (1) (a) A county political party officer of a county political party that has received  
10826 contributions totaling at least \$750, or disbursed expenditures totaling at least \$750, during a  
10827 calendar year shall file an interim report at the following times in any year in which there is a  
10828 regular general election:

- 10829 (i) seven days before the county political party's convention;
- 10830 (ii) seven days before the regular primary election date;
- 10831 (iii) September 30; and
- 10832 (iv) seven days before the general election date.

10833 (b) A county political party officer need not file an interim report if it received no  
10834 contributions or made no expenditures during the reporting period.

10835 (2) Each interim report shall include the following information:

- 10836 (a) the net balance of the last financial statement, if any;
- 10837 (b) a single figure equal to the total amount of receipts reported on all prior interim  
10838 reports, if any, during the calendar year in which the interim report is due;

10839 (c) a single figure equal to the total amount of expenditures reported on all prior  
10840 interim reports, if any, filed during the calendar year in which the interim report is due;

10841 (d) a detailed listing of each contribution received since the last summary report that  
10842 has not been reported in detail on a prior interim report;

10843 (e) for each nonmonetary contribution, the fair market value of the contribution;

10844 (f) a detailed listing of each expenditure made since the last summary report that has  
10845 not been reported in detail on a prior interim report;

10846 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

10847 (h) a net balance for the year consisting of the net balance from the last summary  
10848 report, if any, plus all receipts since the last summary report minus all expenditures since the  
10849 last summary report; and

10850 (i) a summary page in the form required by the [~~lieutenant governor~~] director that  
10851 identifies:

10852 (i) beginning balance;

10853 (ii) total contributions during the period since the last statement;

10854 (iii) total contributions to date;

10855 (iv) total expenditures during the period since the last statement; and

10856 (v) total expenditures to date.

10857 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be  
10858 reported without separate detailed listings.

10859 (b) Two or more contributions from the same source that have an aggregate total of  
10860 more than \$50 may not be reported in the aggregate, but shall be reported separately.

10861 (4) In preparing each interim report, all receipts and expenditures shall be reported as  
10862 of five days before the required filing date of the report.

10863 Section 187. Section **20A-11-512** is amended to read:

10864 **20A-11-512. County political party -- Criminal penalties -- Fines.**

10865 (1) A county political party that fails to file an interim report described in Subsections  
10866 **20A-11-511**(1)(a)(i) through (iv) before the deadline is subject to a fine in accordance with  
10867 Section **20A-11-1005**, which the chief election officer shall deposit [~~in~~] into the General Fund.

10868 (2) Within 60 days after a deadline for the filing of the January 10 statement required  
10869 by Section **20A-11-510**, the [~~lieutenant governor~~] director shall review each filed statement to  
10870 ensure that:

10871 (a) a county political party officer who is required to file a statement has filed one; and

10872 (b) each statement contains the information required by Section **20A-11-510**.

10873 (3) If it appears that any county political party officer has failed to file a financial  
10874 statement before the deadline, if it appears that a filed financial statement does not conform to

10875 the law, or if the [~~lieutenant governor~~] director has received a written complaint alleging a  
10876 violation of the law or the falsity of any financial statement, the [~~lieutenant governor~~] director  
10877 shall, within five days after the day on which the [~~lieutenant governor~~] director discovers the  
10878 violation or receives the written complaint, notify the county political party officer of the  
10879 violation or written complaint and direct the county political party officer to file a financial  
10880 statement correcting the problem.

10881 (4) (a) A county political party that fails to file or amend a financial statement within  
10882 seven days after the day on which the county political party receives notice from the [~~lieutenant~~  
10883 ~~governor~~] director under this section is subject to a fine of the lesser of:

10884 (i) 10% of the total contributions received, and the total expenditures made, by the  
10885 county political party during the reporting period for the financial statement that the county  
10886 political party failed to file or amend; or

10887 (ii) \$1,000.

10888 (b) The chief election officer shall deposit a fine collected under Subsection (4)(a) into  
10889 the General Fund.

10890 Section 188. Section **20A-11-513** is amended to read:

10891 **20A-11-513. Termination of duty to report.**

10892 (1) A registered political party or county political party is subject to year-end summary  
10893 reporting requirements until the registered political party or county political party has filed a  
10894 statement of dissolution with the [~~lieutenant governor~~] director stating that:

10895 (a) the political party is no longer receiving contributions and is no longer making  
10896 expenditures;

10897 (b) the ending balance on the last summary report filed is zero; and

10898 (c) a final summary report in the form required by this part showing a zero balance is  
10899 filed with the statement of dissolution.

10900 (2) A statement of dissolution and a final summary report may be filed at any time.

10901 (3) A registered political party or county political party shall continue to file the  
10902 year-end summary report required by this part until the statement of dissolution and final  
10903 summary report required by this section are filed with the [~~lieutenant governor~~] director.

10904 Section 189. Section **20A-11-601** is amended to read:

10905 **20A-11-601. Political action committees -- Registration -- Name or acronym used**

10906 **by political action committee -- Criminal penalty for providing false information or**  
10907 **accepting unlawful contribution.**

10908 (1) (a) A political action committee shall file an initial statement of organization with  
10909 the [~~lieutenant governor's~~] office no later than 5 p.m. seven days after the day on which the  
10910 political action committee:

10911 (i) receives contributions totaling at least \$750; or

10912 (ii) distributes expenditures for political purposes totaling at least \$750.

10913 (b) Unless the political action committee has filed a notice of dissolution under

10914 Subsection (7), after filing an initial statement of organization, a political action committee

10915 shall file an updated statement of organization with the [~~lieutenant governor's~~] office each year

10916 after the year in which the political action committee files an initial statement of organization:

10917 (i) before 5 p.m. on January 10; or

10918 (ii) electronically, before midnight on January 10.

10919 (c) After filing an initial statement of organization, a political action committee shall,

10920 before January 10 each year after the year in which the political action committee files an initial

10921 statement of organization, file an updated statement of organization with the [~~lieutenant~~

10922 ~~governor's~~] office.

10923 (2) A statement of organization described in Subsection (1) shall include:

10924 (a) the full name of the political action committee, a second name, if any, and an  
10925 acronym, if any;

10926 (b) the address and phone number of the political action committee;

10927 (c) the name, address, telephone number, title, and occupation of:

10928 (i) the two officers described in Subsection (5) and the treasurer of the political action  
10929 committee;

10930 (ii) all other officers, advisory members, and governing board members of the political  
10931 action committee; and

10932 (iii) each individual or entity represented by, or affiliated with, the political action  
10933 committee; and

10934 (d) other relevant information requested by the [~~lieutenant governor~~] director.

10935 (3) (a) A political action committee may not use a name or acronym:

10936 (i) other than a name or acronym disclosed in the political action committee's latest

10937 statement of organization;

10938           (ii) that is the same, or deceptively similar to, the name or acronym of another political

10939 action committee; or

10940           (iii) that is likely to mislead a potential donor regarding the individuals or entities

10941 represented by, or affiliated with, the political action committee.

10942           (b) Within seven days after the day on which a political action committee files an

10943 initial statement of organization, the [~~lieutenant governor's~~] office shall:

10944           (i) review the statement and determine whether a name or acronym used by the

10945 political action committee violates Subsection (3)(a)(ii) or (iii); and

10946           (ii) if the [~~lieutenant governor's~~] office determines that a name or acronym used by the

10947 political action committee violates Subsection (3)(a)(ii) or (iii), order, in writing, that the

10948 political action committee:

10949           (A) immediately cease and desist use of the name or acronym; and

10950           (B) within seven days after the day of the order, file an updated statement of

10951 organization with a name and acronym that does not violate Subsection (3)(a)(ii) or (iii).

10952           (c) If a political action committee uses a name or acronym that is the same, or

10953 deceptively similar to, the name or acronym of another political action committee, the

10954 [~~lieutenant governor~~] director shall determine which political action committee has been using

10955 the name the longest and shall order, in writing, any other political action committee using the

10956 same, or a deceptively similar, name or acronym to:

10957           (i) immediately cease and desist use of the name or acronym; and

10958           (ii) within seven days after the day of the order, file an updated statement of

10959 organization with a name and acronym that does not violate Subsection (3)(a)(ii) or (iii).

10960           (d) If a political action committee uses a name or acronym other than a name or

10961 acronym disclosed in the political action committee's latest statement of organization:

10962           (i) the [~~lieutenant governor~~] director shall order, in writing, that the political action

10963 committee cease and desist use of the name or acronym; and

10964           (ii) the political action committee shall immediately comply with the order described in

10965 Subsection (3)(d)(i).

10966           (4) (a) The [~~lieutenant governor~~] director may, in addition to any other penalty

10967 provided by law, impose a \$100 fine against a political action committee, or against an

10968 individual who forms a political action committee, that:

10969 (i) fails to timely file a complete and accurate statement of organization or subsequent  
10970 statement of organization; or

10971 (ii) fails to comply with an order described in Subsection (3).

10972 (b) If the [~~lieutenant governor~~] director imposes a fine described in Subsection  
10973 (4)(a)(i):

10974 (i) the person against whom the fine is imposed shall, within seven days after the day  
10975 on which the [~~lieutenant governor~~] director imposes the fine:

10976 (A) pay the fine; and

10977 (B) file a complete and accurate statement, or subsequent statement, of organization, as  
10978 applicable; and

10979 (ii) the [~~lieutenant governor~~] director shall provide written notice to the person against  
10980 whom the fine is imposed:

10981 (A) of the requirements described in Subsection (4)(b)(i); and

10982 (B) that failure to timely comply with the requirement described in Subsection  
10983 (4)(b)(i)(B) is a class B misdemeanor.

10984 (c) The attorney general, or a political action committee that is harmed by the action of  
10985 a political action committee in violation of this section, may bring an action for an injunction  
10986 against the violating political action committee, or an officer of the violating political action  
10987 committee, to enforce the provisions of this section.

10988 (d) A political action committee may bring an action for damages against another  
10989 political action committee that uses a name or acronym that is the same, or deceptively similar  
10990 to, the name or acronym of the political action committee bringing the action.

10991 (5) (a) Each political action committee shall designate two officers who have primary  
10992 decision-making authority for the political action committee.

10993 (b) An individual may not exercise primary decision-making authority for a political  
10994 action committee if the individual is not designated under Subsection (5)(a).

10995 (6) A political action committee shall deposit each contribution received in one or  
10996 more separate accounts in a financial institution that are dedicated only to that purpose.

10997 (7) (a) A registered political action committee that intends to permanently cease  
10998 operations shall file a notice of dissolution with the [~~lieutenant governor's~~] office.

10999 (b) A notice of dissolution filed by a political action committee does not exempt the  
11000 political action committee from complying with the financial reporting requirements described  
11001 in this chapter in relation to all contributions received, and all expenditures made, before, at, or  
11002 after dissolution.

11003 (c) A political action committee shall, before filing a notice of dissolution, dispose of  
11004 any money remaining in an account described in Subsection (6) by:

11005 (i) returning the money to the donors;

11006 (ii) donating the money to the campaign account of a candidate or officeholder;

11007 (iii) donating the money to another political action committee;

11008 (iv) donating the money to a political party;

11009 (v) donating the money to an organization that is exempt from federal income taxation  
11010 under Section 501(c)(3), Internal Revenue Code; or

11011 (vi) making another lawful expenditure of the money for a political purpose.

11012 (d) A political action committee shall report all money donated or expended in a  
11013 financial report to the [~~lieutenant governor~~] director, in accordance with the financial reporting  
11014 requirements described in this chapter.

11015 (8) (a) Unless the political action committee has filed a notice of dissolution under  
11016 Subsection (7), a political action committee shall file, with the [~~lieutenant governor's~~] office,  
11017 notice of any change of an officer described in Subsection (5)(a).

11018 (b) A political action committee may not accept a contribution from a political issues  
11019 committee, but may donate money to a political issues committee.

11020 (c) A political action committee shall:

11021 (i) file a notice of a change of a primary officer described in Subsection (5)(a) before 5  
11022 p.m. within 10 days after the day on which the change occurs; and

11023 (ii) include in the notice of change the name and title of the officer being replaced, and  
11024 the name, address, occupation, and title of the new officer.

11025 (9) (a) A person is guilty of providing false information in relation to a political action  
11026 committee if the person intentionally or knowingly gives false or misleading material  
11027 information in a statement of organization or the notice of change of primary officer.

11028 (b) Each primary officer designated in Subsection (5)(a) or (8)(c) is guilty of accepting  
11029 an unlawful contribution if the political action committee knowingly or recklessly accepts a



11030 contribution from a corporation that:

- 11031 (i) was organized less than 90 days before the date of the general election; and  
11032 (ii) at the time the political action committee accepts the contribution, has failed to file  
11033 a statement of organization with the [~~lieutenant governor's~~] office as required by Section  
11034 [20A-11-704](#).

11035 (c) A violation of this Subsection (9) is a third degree felony.

11036 Section 190. Section **20A-11-602** is amended to read:

11037 **20A-11-602. Political action committees -- Financial reporting.**

11038 (1) (a) Each registered political action committee that has received contributions  
11039 totaling at least \$750, or disbursed expenditures totaling at least \$750, during a calendar year  
11040 shall file a verified financial statement with the [~~lieutenant governor's~~] office:

11041 (i) on January 10, reporting contributions and expenditures as of December 31 of the  
11042 previous year;

11043 (ii) seven days before the state political convention of each major political party;

11044 (iii) seven days before the county political convention of a political party, if the  
11045 political action committee makes an expenditure on or before the day described in Subsection  
11046 (1)(b)(ii) in relation to a candidate that the party may nominate at the convention;

11047 (iv) seven days before the regular primary election date;

11048 (v) on September 30; and

11049 (vi) seven days before:

11050 (A) the municipal general election; and

11051 (B) the regular general election.

11052 (b) The registered political action committee shall report:

11053 (i) a detailed listing of all contributions received and expenditures made since the last  
11054 statement; and

11055 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all  
11056 contributions and expenditures as of five days before the required filing date of the financial  
11057 statement.

11058 (c) The registered political action committee need not file a statement under this  
11059 section if it received no contributions and made no expenditures during the reporting period.

11060 (2) (a) The verified financial statement shall include:

- 11061 (i) the name and address of any individual who makes a contribution to the reporting  
11062 political action committee, if known, and the amount of the contribution;
- 11063 (ii) the identification of any publicly identified class of individuals that makes a  
11064 contribution to the reporting political action committee, if known, and the amount of the  
11065 contribution;
- 11066 (iii) the name and address of any political action committee, group, or entity, if known,  
11067 that makes a contribution to the reporting political action committee, and the amount of the  
11068 contribution;
- 11069 (iv) for each nonmonetary contribution, the fair market value of the contribution;
- 11070 (v) the name and address of each reporting entity that received an expenditure from the  
11071 reporting political action committee, and the amount of each expenditure;
- 11072 (vi) for each nonmonetary expenditure, the fair market value of the expenditure;
- 11073 (vii) the total amount of contributions received and expenditures disbursed by the  
11074 reporting political action committee;
- 11075 (viii) a statement by the political action committee's treasurer or chief financial officer  
11076 certifying that, to the best of the person's knowledge, the financial report is accurate; and
- 11077 (ix) a summary page in the form required by the [~~lieutenant governor~~] director that  
11078 identifies:
- 11079 (A) beginning balance;
- 11080 (B) total contributions during the period since the last statement;
- 11081 (C) total contributions to date;
- 11082 (D) total expenditures during the period since the last statement; and
- 11083 (E) total expenditures to date.
- 11084 (b) (i) Contributions received by a political action committee that have a value of \$50  
11085 or less need not be reported individually, but shall be listed on the report as an aggregate total.
- 11086 (ii) Two or more contributions from the same source that have an aggregate total of  
11087 more than \$50 may not be reported in the aggregate, but shall be reported separately.
- 11088 (c) A political action committee is not required to report an independent expenditure  
11089 under Part 17, Independent Expenditures, if, in the financial statement described in this section,  
11090 the political action committee:
- 11091 (i) includes the independent expenditure;

11092 (ii) identifies the independent expenditure as an independent expenditure; and  
11093 (iii) provides the information, described in Section 20A-11-1704, in relation to the  
11094 independent expenditure.

11095 (3) A group or entity may not divide or separate into units, sections, or smaller groups  
11096 for the purpose of avoiding the financial reporting requirements of this chapter, and substance  
11097 shall prevail over form in determining the scope or size of a political action committee.

11098 (4) (a) As used in this Subsection (4), "received" means:

11099 (i) for a cash contribution, that the cash is given to a political action committee;

11100 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
11101 instrument or check is negotiated; and

11102 (iii) for any other type of contribution, that any portion of the contribution's benefit  
11103 inures to the political action committee.

11104 (b) A political action committee shall report each contribution to the [~~lieutenant~~  
11105 ~~governor~~] director within 31 days after the contribution is received.

11106 (5) A political action committee may not expend a contribution for political purposes if  
11107 the contribution:

11108 (a) is cash or a negotiable instrument;

11109 (b) exceeds \$50; and

11110 (c) is from an unknown source.

11111 (6) Within 31 days after receiving a contribution that is cash or a negotiable  
11112 instrument, exceeds \$50, and is from an unknown source, a political action committee shall  
11113 disburse the amount of the contribution to:

11114 (a) the treasurer of the state or a political subdivision for deposit into the state's or  
11115 political subdivision's general fund; or

11116 (b) an organization that is exempt from federal income taxation under Section  
11117 501(c)(3), Internal Revenue Code.

11118 Section 191. Section 20A-11-603 is amended to read:

11119 **20A-11-603. Criminal penalties -- Fines.**

11120 (1) (a) As used in this Subsection (1), "completed" means that:

11121 (i) the financial statement accurately and completely details the information required  
11122 by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

11123 (ii) the political action committee corrects the omissions, errors, or inaccuracies  
11124 described in Subsection (1)(a) in an amended report or the next scheduled report.

11125 (b) Each political action committee that fails to file a completed financial statement  
11126 before the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

11127 (c) Each political action committee that fails to file a completed financial statement  
11128 described in Subsections 20A-11-602(1)(a)(iv) through (vi) is guilty of a class B misdemeanor.

11129 (d) The [~~lieutenant governor~~] director shall report all violations of Subsection (1)(c) to  
11130 the attorney general.

11131 (2) Within 60 days after a deadline for the filing of the January 10 statement required  
11132 by this part, the [~~lieutenant governor~~] director shall review each filed statement to ensure that:

- 11133 (a) each political action committee that is required to file a statement has filed one; and
- 11134 (b) each statement contains the information required by this part.

11135 (3) If it appears that any political action committee has failed to file the January 10  
11136 statement, if it appears that a filed statement does not conform to the law, or if the [~~lieutenant~~  
11137 ~~governor~~] director has received a written complaint alleging a violation of the law or the falsity  
11138 of any statement, the [~~lieutenant governor~~] director shall, within five days after the day on  
11139 which the [~~lieutenant governor~~] director discovers the violation or receives the written  
11140 complaint, notify the political action committee of the violation or written complaint and direct  
11141 the political action committee to file a statement correcting the problem.

11142 (4) (a) It is unlawful for any political action committee to fail to file or amend a  
11143 statement within seven days after the day on which the political action committee receives  
11144 notice from the [~~lieutenant governor~~] director under this section.

11145 (b) Each political action committee that violates Subsection (4)(a) is guilty of a class B  
11146 misdemeanor.

11147 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (4)(a) to  
11148 the attorney general.

11149 (d) In addition to the criminal penalty described in Subsection (4)(b), the [~~lieutenant~~  
11150 ~~governor~~] director shall impose a civil fine of \$1,000 against a political action committee that  
11151 violates Subsection (4)(a).

11152 (5) (a) It is unlawful for a person to fail to file a complete and accurate statement of  
11153 organization, or a complete and accurate subsequent statement of organization, within seven

11154 days after the day on which the person receives the notice described in Subsection  
11155 20A-11-601(4)(b)(ii).

11156 (b) A violation of Subsection (5)(a) is a class B misdemeanor.

11157 (c) The ~~[lieutenant governor]~~ director shall report all violations of Subsection (5)(a) to  
11158 the attorney general.

11159 Section 192. Section 20A-11-701.5 is amended to read:

11160 **20A-11-701.5. Campaign financial reporting by corporations -- Filing**  
11161 **requirements -- Statement contents.**

11162 (1) (a) Each corporation that has made expenditures for political purposes that total at  
11163 least \$750 during a calendar year shall file a verified financial statement with the ~~[lieutenant~~  
11164 ~~governor's]~~ office:

11165 (i) on January 10, reporting expenditures as of December 31 of the previous year;

11166 (ii) seven days before the state political convention for each major political party;

11167 (iii) seven days before the regular primary election date;

11168 (iv) on September 30; and

11169 (v) seven days before the regular general election date.

11170 (b) The corporation shall report:

11171 (i) a detailed listing of all expenditures made since the last financial statement;

11172 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v), all  
11173 expenditures as of five days before the required filing date of the financial statement; and

11174 (iii) whether the corporation, including an officer of the corporation, director of the  
11175 corporation, or person with at least 10% ownership in the corporation:

11176 (A) has bid since the last financial statement on a contract, as defined in Section  
11177 63G-6a-103, in excess of \$100,000;

11178 (B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of  
11179 \$100,000; or

11180 (C) is a party to a contract, as defined in Section 63G-6a-103, in excess of \$100,000.

11181 (c) The corporation need not file a financial statement under this section if the  
11182 corporation made no expenditures during the reporting period.

11183 (d) The corporation is not required to report an expenditure made to, or on behalf of, a  
11184 reporting entity that the reporting entity is required to include in a financial statement described

11185 in this chapter, Chapter 12, Part 2, Judicial Retention Elections, Section 10-3-208, or Section  
11186 17-16-6.5.

11187 (2) The financial statement shall include:

11188 (a) the name and address of each reporting entity that received an expenditure from the  
11189 corporation, and the amount of each expenditure;

11190 (b) the total amount of expenditures disbursed by the corporation; and

11191 (c) a statement by the corporation's treasurer or chief financial officer certifying the  
11192 accuracy of the financial statement.

11193 Section 193. Section 20A-11-702 is amended to read:

11194 **20A-11-702. Campaign financial reporting of political issues expenditures by**  
11195 **corporations -- Financial reporting.**

11196 (1) (a) Each corporation that has made political issues expenditures on current or  
11197 proposed ballot issues that total at least \$750 during a calendar year shall file a verified  
11198 financial statement with the [~~lieutenant governor's~~] office:

11199 (i) on January 10, reporting expenditures as of December 31 of the previous year;

11200 (ii) seven days before the state political convention of each major political party;

11201 (iii) seven days before the regular primary election date;

11202 (iv) on September 30; and

11203 (v) seven days before the regular general election date.

11204 (b) The corporation shall report:

11205 (i) a detailed listing of all expenditures made since the last financial statement; and

11206 (ii) for a financial statement described in Subsections (1)(a)(ii) through (v),  
11207 expenditures as of five days before the required filing date of the financial statement.

11208 (c) The corporation need not file a statement under this section if it made no  
11209 expenditures during the reporting period.

11210 (2) That statement shall include:

11211 (a) the name and address of each individual, entity, or group of individuals or entities  
11212 that received a political issues expenditure of more than \$50 from the corporation, and the  
11213 amount of each political issues expenditure;

11214 (b) the total amount of political issues expenditures disbursed by the corporation; and

11215 (c) a statement by the corporation's treasurer or chief financial officer certifying the

11216 accuracy of the verified financial statement.

11217 Section 194. Section **20A-11-703** is amended to read:

11218 **20A-11-703. Criminal penalties -- Fines.**

11219 (1) Within 60 days after a deadline for the filing of any statement required by this part,  
11220 the [~~lieutenant governor~~] director shall review each filed statement to ensure that:

11221 (a) each corporation that is required to file a statement has filed one; and

11222 (b) each statement contains the information required by this part.

11223 (2) If it appears that any corporation has failed to file any statement, if it appears that a  
11224 filed statement does not conform to the law, or if the [~~lieutenant governor~~] director has  
11225 received a written complaint alleging a violation of the law or the falsity of any statement, the  
11226 [~~lieutenant governor~~] director shall:

11227 (a) impose a fine against the corporation in accordance with Section [20A-11-1005](#); and

11228 (b) within five days of discovery of a violation or receipt of a written complaint, notify  
11229 the corporation of the violation or written complaint and direct the corporation to file a  
11230 statement correcting the problem.

11231 (3) (a) It is unlawful for any corporation to fail to file or amend a statement within  
11232 seven days after receiving notice from the [~~lieutenant governor~~] director under this section.

11233 (b) Each corporation that violates Subsection (3)(a) is guilty of a class B misdemeanor.

11234 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (3)(a) to  
11235 the attorney general.

11236 (d) In addition to the criminal penalty described in Subsection (3)(b), the [~~lieutenant~~  
11237 ~~governor~~] director shall impose a civil fine of \$1,000 against a corporation that violates  
11238 Subsection (3)(a).

11239 Section 195. Section **20A-11-704** is amended to read:

11240 **20A-11-704. Statement of organization required for certain new corporations.**

11241 (1) A corporation that is incorporated, organized, or otherwise created less than 90 days  
11242 before the date of a general election shall file a statement of organization with the [~~lieutenant~~  
11243 ~~governor's~~] office before making a contribution to a political action committee or a political  
11244 issues committee in association with the election.

11245 (2) The statement of organization shall include:

11246 (a) the name and street address of the corporation;

11247 (b) the name, street address, phone number, occupation, and title of one or more  
11248 individuals that have primary decision-making authority for the corporation;

11249 (c) the name, street address, phone number, occupation, and title of the corporation's  
11250 chief financial officer;

11251 (d) the name, street address, occupation, and title of all other officers or managers of  
11252 the corporation; and

11253 (e) the name, street address, and occupation of each member of the corporation's  
11254 governing and advisory boards, if any.

11255 (3) (a) A corporation shall file with the [~~lieutenant governor's~~] office a notice of intent  
11256 to cease making contributions, if the corporation:

11257 (i) has made a contribution described in Subsection (1); and

11258 (ii) intends to permanently cease making contributions described in Subsection (1).

11259 (b) A notice filed under Subsection (3)(a) does not exempt the corporation from  
11260 complying with the financial reporting requirements described in this chapter.

11261 Section 196. Section **20A-11-801** is amended to read:

11262 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**  
11263 **providing false information or accepting unlawful contribution.**

11264 (1) (a) Unless the political issues committee has filed a notice of dissolution under  
11265 Subsection (4), each political issues committee shall file a statement of organization with the  
11266 [~~lieutenant governor's~~] office:

11267 (i) before 5 p.m. on January 10 of each year; or

11268 (ii) electronically, before midnight on January 10 of each year.

11269 (b) If a political issues committee is organized after the filing deadline described in  
11270 Subsection (1)(a), the political issues committee shall file an initial statement of organization  
11271 no later than seven days after the day on which the political issues committee:

11272 (i) receives political issues contributions totaling at least \$750; or

11273 (ii) distributes political issues expenditures totaling at least \$750.

11274 (c) Each political issues committee shall deposit each contribution received into one or  
11275 more separate accounts in a financial institution that are dedicated only to that purpose.

11276 (2) (a) Each political issues committee shall designate two officers that have primary  
11277 decision-making authority for the political issues committee.



- 11278 (b) An individual may not exercise primary decision-making authority for a political  
11279 issues committee if the individual is not designated under Subsection (2)(a).
- 11280 (3) The statement of organization shall include:
- 11281 (a) the name and address of the political issues committee;
- 11282 (b) the name, address, phone number, occupation, and title of the two primary officers  
11283 designated under Subsection (2);
- 11284 (c) the name, address, occupation, and title of all other officers of the political issues  
11285 committee;
- 11286 (d) the name and address of the organization, individual, corporation, association, unit  
11287 of government, or union that the political issues committee represents, if any;
- 11288 (e) the name and address of all affiliated or connected organizations and their  
11289 relationships to the political issues committee;
- 11290 (f) the name, residential address, business address, occupation, and phone number of  
11291 the committee's treasurer or chief financial officer;
- 11292 (g) the name, address, and occupation of each member of the supervisory and advisory  
11293 boards, if any; and
- 11294 (h) the ballot proposition whose outcome they wish to affect, and whether they support  
11295 or oppose it.
- 11296 (4) (a) A registered political issues committee that intends to permanently cease  
11297 operations during a calendar year shall:
- 11298 (i) dispose of all remaining funds by returning the funds to donors or donating the  
11299 funds to an organization that is exempt from federal income taxation under Section 501(c)(3),  
11300 Internal Revenue Code; and
- 11301 (ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the  
11302 [~~lieutenant governor's~~] office.
- 11303 (b) A political issues committee may not donate money to a political action committee,  
11304 but may accept a contribution from a political action committee.
- 11305 (c) Any notice of dissolution filed by a political issues committee does not exempt that  
11306 political issues committee from complying with the financial reporting requirements of this  
11307 chapter in relation to all contributions received, and all expenditures made, before, at, or after  
11308 dissolution.

11309 (d) A political issues committee shall report all money donated or expended under  
11310 Subsection (4)(a) in a financial report to the [~~lieutenant governor~~] director, in accordance with  
11311 the financial reporting requirements described in this chapter.

11312 (5) (a) Unless the political issues committee has filed a notice of dissolution under  
11313 Subsection (4), a political issues committee shall file, with the [~~lieutenant governor's~~] office,  
11314 notice of any change of an officer described in Subsection (2).

11315 (b) A political issues committee shall:

11316 (i) file a notice of a change of a primary officer described in Subsection (2)(a) before 5  
11317 p.m. within 10 days after the day on which the change occurs; and

11318 (ii) include in the notice of change the name and title of the officer being replaced and  
11319 the name, address, occupation, and title of the new officer.

11320 (6) (a) A person is guilty of providing false information in relation to a political issues  
11321 committee if the person intentionally or knowingly gives false or misleading material  
11322 information in the statement of organization or the notice of change of primary officer.

11323 (b) Each primary officer designated in Subsection (2)(a) or (5)(b) is guilty of accepting  
11324 an unlawful contribution if the political issues committee knowingly or recklessly accepts a  
11325 contribution from a corporation that:

11326 (i) was organized less than 90 days before the date of the general election; and

11327 (ii) at the time the political issues committee accepts the contribution, has failed to file  
11328 a statement of organization with the [~~lieutenant governor's~~] office as required by Section  
11329 [20A-11-704](#).

11330 (c) A violation of this Subsection (6) is a third degree felony.

11331 (7) (a) As used in this Subsection (7), "received" means:

11332 (i) for a cash contribution, that the cash is given to a political issues committee;

11333 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
11334 instrument or check is negotiated; and

11335 (iii) for any other type of contribution, that any portion of the contribution's benefit  
11336 inures to the political issues committee.

11337 (b) Each political issues committee shall report to the [~~lieutenant governor~~] director  
11338 each contribution received by the political issues committee within seven business days after  
11339 the day on which the contribution is received if the contribution is received within 30 days

11340 before the last day on which the sponsors of the initiative or referendum described in  
11341 Subsection 20A-11-801(3)(h) may submit signatures to qualify the initiative or referendum for  
11342 the ballot.

11343 (c) For each contribution that a political issues committee fails to report within the  
11344 period described in Subsection (7)(b), the [~~lieutenant governor~~] director shall impose a fine  
11345 against the political issues committee in an amount equal to:

11346 (i) 10% of the amount of the contribution, if the political issues committee reports the  
11347 contribution within 60 days after the last day on which the political issues committee should  
11348 have reported the contribution under Subsection (7)(b); or

11349 (ii) 20% of the amount of the contribution, if the political issues committee fails to  
11350 report the contribution within 60 days after the last day on which the political issues committee  
11351 should have reported the contribution under Subsection (7)(b).

11352 (d) The [~~lieutenant governor~~] director shall:

11353 (i) deposit money received under Subsection (7)(c) into the General Fund; and

11354 (ii) report on the [~~lieutenant governor's~~] office's website, in the location where reports  
11355 relating to each political issues committee are available for public access:

11356 (A) each fine imposed by the [~~lieutenant governor~~] director against the political issues  
11357 committee;

11358 (B) the amount of the fine;

11359 (C) the amount of the contribution to which the fine relates; and

11360 (D) the date of the contribution.

11361 Section 197. Section 20A-11-802 is amended to read:

11362 **20A-11-802. Political issues committees -- Financial reporting.**

11363 (1) (a) Each registered political issues committee that has received political issues  
11364 contributions totaling at least \$750, or disbursed political issues expenditures totaling at least  
11365 \$750, during a calendar year, shall file a verified financial statement with the [~~lieutenant~~  
11366 ~~governor's~~] office:

11367 (i) on January 10, reporting contributions and expenditures as of December 31 of the  
11368 previous year;

11369 (ii) seven days before the state political convention of each major political party;

11370 (iii) seven days before the regular primary election date;

- 11371 (iv) seven days before the date of an incorporation election, if the political issues  
11372 committee has received or expended funds to affect an incorporation;
- 11373 (v) at least three days before the first public hearing held as required by Section  
11374 [20A-7-204.1](#);
- 11375 (vi) if the political issues committee has received or expended funds in relation to an  
11376 initiative or referendum, five days before the deadline for the initiative or referendum sponsors  
11377 to submit:
- 11378 (A) the verified and certified initiative packets under Section [20A-7-105](#); or  
11379 (B) the signed and verified referendum packets under Section [20A-7-105](#);
- 11380 (vii) on September 30; and  
11381 (viii) seven days before:
- 11382 (A) the municipal general election; and  
11383 (B) the regular general election.
- 11384 (b) The political issues committee shall report:
- 11385 (i) a detailed listing of all contributions received and expenditures made since the last  
11386 statement; and  
11387 (ii) all contributions and expenditures as of five days before the required filing date of  
11388 the financial statement, except for a financial statement filed on January 10.
- 11389 (c) The political issues committee need not file a statement under this section if it  
11390 received no contributions and made no expenditures during the reporting period.
- 11391 (2) (a) That statement shall include:
- 11392 (i) the name and address, if known, of any individual who makes a political issues  
11393 contribution to the reporting political issues committee, and the amount of the political issues  
11394 contribution;
- 11395 (ii) the identification of any publicly identified class of individuals that makes a  
11396 political issues contribution to the reporting political issues committee, and the amount of the  
11397 political issues contribution;
- 11398 (iii) the name and address, if known, of any political issues committee, group, or entity  
11399 that makes a political issues contribution to the reporting political issues committee, and the  
11400 amount of the political issues contribution;
- 11401 (iv) the name and address of each reporting entity that makes a political issues

11402 contribution to the reporting political issues committee, and the amount of the political issues  
11403 contribution;

11404 (v) for each nonmonetary contribution, the fair market value of the contribution;

11405 (vi) except as provided in Subsection (2)(c), the name and address of each individual,  
11406 entity, or group of individuals or entities that received a political issues expenditure of more  
11407 than \$50 from the reporting political issues committee, and the amount of each political issues  
11408 expenditure;

11409 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

11410 (viii) the total amount of political issues contributions received and political issues  
11411 expenditures disbursed by the reporting political issues committee;

11412 (ix) a statement by the political issues committee's treasurer or chief financial officer  
11413 certifying that, to the best of the person's knowledge, the financial statement is accurate; and

11414 (x) a summary page in the form required by the [~~lieutenant governor~~] director that  
11415 identifies:

11416 (A) beginning balance;

11417 (B) total contributions during the period since the last statement;

11418 (C) total contributions to date;

11419 (D) total expenditures during the period since the last statement; and

11420 (E) total expenditures to date.

11421 (b) (i) Political issues contributions received by a political issues committee that have a  
11422 value of \$50 or less need not be reported individually, but shall be listed on the report as an  
11423 aggregate total.

11424 (ii) Two or more political issues contributions from the same source that have an  
11425 aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported  
11426 separately.

11427 (c) When reporting political issue expenditures made to circulators of initiative  
11428 petitions, the political issues committee:

11429 (i) need only report the amount paid to each initiative petition circulator; and

11430 (ii) need not report the name or address of the circulator.

11431 (3) (a) As used in this Subsection (3), "received" means:

11432 (i) for a cash contribution, that the cash is given to a political issues committee;

- 11433 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
11434 instrument or check is negotiated; and
- 11435 (iii) for any other type of contribution, that any portion of the contribution's benefit  
11436 inures to the political issues committee.
- 11437 (b) A political issues committee shall report each contribution to the [~~lieutenant~~  
11438 ~~governor~~] director within 31 days after the contribution is received.
- 11439 (4) A political issues committee may not expend a contribution for a political issues  
11440 expenditure if the contribution:
- 11441 (a) is cash or a negotiable instrument;
- 11442 (b) exceeds \$50; and
- 11443 (c) is from an unknown source.
- 11444 (5) Within 31 days after receiving a contribution that is cash or a negotiable  
11445 instrument, exceeds \$50, and is from an unknown source, a political issues committee shall  
11446 disburse the amount of the contribution to:
- 11447 (a) the treasurer of the state or a political subdivision for deposit into the state's or  
11448 political subdivision's general fund; or
- 11449 (b) an organization that is exempt from federal income taxation under Section  
11450 501(c)(3), Internal Revenue Code.
- 11451 Section 198. Section **20A-11-803** is amended to read:
- 11452 **20A-11-803. Criminal penalties -- Fines.**
- 11453 (1) (a) As used in this Subsection (1), "completed" means that:
- 11454 (i) the financial statement accurately and completely details the information required  
11455 by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
- 11456 (ii) the political issues committee corrects the omissions, errors, or inaccuracies  
11457 described in Subsection (1)(a) in an amended report or the next scheduled report.
- 11458 (b) Each political issues committee that fails to file a completed financial statement  
11459 before the deadline is subject to a fine imposed in accordance with Section **20A-11-1005**.
- 11460 (c) Each political issues committee that fails to file a completed financial statement  
11461 described in Subsection **20A-11-802**(1)(a)(vii) or (viii) is guilty of a class B misdemeanor.
- 11462 (d) The [~~lieutenant governor~~] director shall report all violations of Subsection (1)(c) to  
11463 the attorney general.

11464 (2) Within 60 days after a deadline for the filing of the January 10 statement, the  
11465 [~~lieutenant governor~~] director shall review each filed statement to ensure that:

11466 (a) each political issues committee that is required to file a statement has filed one; and

11467 (b) each statement contains the information required by this part.

11468 (3) If it appears that any political issues committee has failed to file the January 10

11469 statement, if it appears that a filed statement does not conform to the law, or if the [~~lieutenant~~

11470 ~~governor~~] director has received a written complaint alleging a violation of the law or the falsity

11471 of any statement, the [~~lieutenant governor~~] director shall, within five days after the day on

11472 which the [~~lieutenant governor~~] director discovers the violation or receives the written

11473 complaint, notify the political issues committee of the violation or written complaint and direct

11474 the political issues committee to file a statement correcting the problem.

11475 (4) (a) It is unlawful for any political issues committee to fail to file or amend a

11476 statement within seven days after the day on which the political issues committee receives

11477 notice from the [~~lieutenant governor~~] director under this section.

11478 (b) Each political issues committee that violates Subsection (4)(a) is guilty of a class B  
11479 misdemeanor.

11480 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (4)(a) to  
11481 the attorney general.

11482 (d) In addition to the criminal penalty described in Subsection (4)(b), the [~~lieutenant~~

11483 ~~governor~~] director shall impose a civil fine of \$1,000 against a political issues committee that

11484 violates Subsection (4)(a).

11485 Section 199. Section **20A-11-901** is amended to read:

11486 **20A-11-901. Political advertisements -- Requirement that ads designate**

11487 **responsibility and authorization -- Report to director -- Unauthorized use of**

11488 **endorsements.**

11489 (1) (a) Whenever any person makes an expenditure for the purpose of financing an

11490 advertisement expressly advocating for the election or defeat of a clearly identified candidate,

11491 or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor

11492 advertising facility, direct mailing, or any other type of general public political advertising, the

11493 advertisement:

11494 (i) if paid for and authorized by a candidate or the candidate's campaign committee,

11495 shall clearly state that the advertisement has been paid for by the candidate or the campaign  
11496 committee;

11497 (ii) if paid for by another person but authorized by a candidate or the candidate's  
11498 campaign committee, shall clearly state who paid for the advertisement and that the candidate  
11499 or the campaign committee authorized the advertisement; or

11500 (iii) if not authorized by a candidate or a candidate's campaign committee, shall clearly  
11501 state the name of the person who paid for the advertisement and state that the advertisement is  
11502 not authorized by any candidate or candidate's committee.

11503 (2) (a) A person that makes an expenditure for the purpose of financing an  
11504 advertisement related to a ballot proposition shall ensure that the advertisement complies with  
11505 Subsection (2)(b) if the advertisement expressly advocates:

11506 (i) for placing a ballot proposition on the ballot;

11507 (ii) for keeping a ballot proposition off the ballot;

11508 (iii) that a voter refrain from voting on a ballot proposition; or

11509 (iv) that a voter vote for or against a ballot proposition.

11510 (b) An advertisement described in Subsection (2)(a) shall:

11511 (i) if paid for by a political issues committee, clearly state that the advertisement was  
11512 paid for by the political issues committee;

11513 (ii) if paid for by another person but authorized by a political issues committee, clearly  
11514 state who paid for the advertisement and that the political issues committee authorized the  
11515 advertisement; or

11516 (iii) if not authorized by a political issues committee, clearly state the name of the  
11517 person who paid for the advertisement and state that the advertisement is not authorized by any  
11518 political issues committee.

11519 (3) The requirements of Subsections (1) and (2) do not apply to:

11520 (a) lawn signs with dimensions of four by eight feet or smaller;

11521 (b) bumper stickers;

11522 (c) campaign pins, buttons, and pens; or

11523 (d) similar small items upon which the disclaimer cannot be conveniently printed.

11524 (4) (a) A person who is not a reporting entity and pays for an electioneering

11525 communication shall file a report with the [~~lieutenant governor~~] director within 24 hours of



11526 making the payment or entering into a contract to make the payment.

11527 (b) The report shall include:

11528 (i) the name and address of the person described in Subsection (4)(a);

11529 (ii) the name and address of each person contributing at least \$100 to the person

11530 described in Subsection (4)(a) for the purpose of disseminating the electioneering

11531 communication;

11532 (iii) the amount spent on the electioneering communication;

11533 (iv) the name of the identified referenced candidate; and

11534 (v) the medium used to disseminate the electioneering communication.

11535 (5) A person may not, in order to promote the success of any candidate for nomination

11536 or election to any public office, or in connection with any question submitted to the voters,

11537 include or cause to be included the name of any person as endorser or supporter in any political

11538 advertisement, circular, poster, or publication without the express consent of that person.

11539 (6) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any

11540 newspaper or other periodical to induce the owner, editor, publisher, or agent to advocate or

11541 oppose editorially any candidate for nomination or election.

11542 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to

11543 advocate or oppose editorially any candidate for nomination or election.

11544 Section 200. Section **20A-11-905** is amended to read:

11545 **20A-11-905. Election polls -- Disclosure required.**

11546 (1) A person who conducts a poll shall disclose to the person being surveyed who paid

11547 for the poll before or at the conclusion of the poll.

11548 (2) The [~~lieutenant governor~~] director shall:

11549 (a) impose a \$100 fine on a person who fails to make the disclosure required under

11550 Subsection (1); and

11551 (b) deposit the fine described in Subsection (2)(a) [~~in~~] into the General Fund.

11552 (3) A person does not violate Subsection (1) if the person is prevented from making the

11553 disclosure at the conclusion of the poll, because the person being surveyed terminates the

11554 survey before the survey is completed.

11555 Section 201. Section **20A-11-1004** is amended to read:

11556 **Part 10. Administration of Campaign Finance Laws - Responsibilities of Office**

11557           **20A-11-1004. Summary of financial reports of political action committees and**  
11558 **corporations.**

11559           (1) The [~~lieutenant governor's~~] office shall prepare a summary of each financial report  
11560 submitted by each corporation, political action committee, and political issues committee.

11561           (2) Each summary shall include the following information:

11562           (a) for each candidate:

11563           (i) the name of each political action committee and corporation that made expenditures  
11564 to the candidate; and

11565           (ii) the aggregate total of expenditures made by each political action committee and  
11566 corporation to the candidate;

11567           (b) for each political action committee:

11568           (i) the name of each individual or organization listed on the financial report that made  
11569 contributions to the political action committee and the aggregate total of contributions made by  
11570 each individual or organization listed on the financial report to the political action committee;  
11571 and

11572           (ii) the name of each candidate, personal campaign committee, and political action  
11573 committee that received expenditures from a political action committee and the aggregate total  
11574 of expenditures made to each candidate, personal campaign committee, and political action  
11575 committee;

11576           (c) for each corporation:

11577           (i) the name of each candidate, personal campaign committee, and political action  
11578 committee that received expenditures from the corporation, and the aggregate total of  
11579 expenditures made by the corporation to each candidate, personal campaign committee, and  
11580 political action committee; and

11581           (ii) the name of each individual, entity, or group of individuals or entities that received  
11582 disbursements from the corporation, and the aggregate total of disbursements made by the  
11583 corporation to each individual, entity, or group of individuals or entities;

11584           (d) for each political issues committee:

11585           (i) the name of each individual or organization listed on the financial report that made  
11586 political issues contributions to the political issues committee and the aggregate total of  
11587 political issues contributions made by each individual or organization listed on the financial

11588 report to the political issues committee; and

11589 (ii) the name of each individual, entity, or group of individuals or entities that received  
11590 political issues expenditures from a political issues committee and the aggregate total of  
11591 political issues expenditures made to each individual, entity, or group of individuals or entities.

11592 Section 202. Section **20A-11-1202** is amended to read:

11593 **20A-11-1202. Definitions.**

11594 As used in this part:

11595 (1) "Applicable election officer" means:

11596 (a) a county clerk, if the email relates only to a local election; or

11597 (b) the [~~lieutenant governor~~] director, if the email relates to an election other than a  
11598 local election.

11599 (2) "Ballot proposition" means constitutional amendments, initiatives, referenda,  
11600 judicial retention questions, opinion questions, bond approvals, or other questions submitted to  
11601 the voters for their approval or rejection.

11602 (3) "Campaign contribution" means any of the following when done for a political  
11603 purpose or to advocate for or against a ballot proposition:

11604 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value  
11605 given to a filing entity;

11606 (b) an express, legally enforceable contract, promise, or agreement to make a gift,  
11607 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything  
11608 of value to a filing entity;

11609 (c) any transfer of funds from another reporting entity to a filing entity;

11610 (d) compensation paid by any person or reporting entity other than the filing entity for  
11611 personal services provided without charge to the filing entity;

11612 (e) remuneration from:

11613 (i) any organization or the organization's directly affiliated organization that has a  
11614 registered lobbyist; or

11615 (ii) any agency or subdivision of the state, including a school district; or

11616 (f) an in-kind contribution.

11617 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation  
11618 agency that receives its revenues from conduct of its commercial operations.

- 11619 (b) "Commercial interlocal cooperation agency" does not mean an interlocal  
11620 cooperation agency that receives some or all of its revenues from:
- 11621 (i) government appropriations;
  - 11622 (ii) taxes;
  - 11623 (iii) government fees imposed for regulatory or revenue raising purposes; or
  - 11624 (iv) interest earned on public funds or other returns on investment of public funds.
- 11625 (5) "Expenditure" means:
- 11626 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
11627 or anything of value;
  - 11628 (b) an express, legally enforceable contract, promise, or agreement to make any  
11629 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
11630 value;
  - 11631 (c) a transfer of funds between a public entity and a candidate's personal campaign  
11632 committee;
  - 11633 (d) a transfer of funds between a public entity and a political issues committee; or
  - 11634 (e) goods or services provided to or for the benefit of a candidate, a candidate's  
11635 personal campaign committee, or a political issues committee for political purposes at less than  
11636 fair market value.
- 11637 (6) "Filing entity" means the same as that term is defined in Section [20A-11-101](#).
- 11638 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation  
11639 agency that receives some or all of its revenues from:
- 11640 (a) government appropriations;
  - 11641 (b) taxes;
  - 11642 (c) government fees imposed for regulatory or revenue raising purposes; or
  - 11643 (d) interest earned on public funds or other returns on investment of public funds.
- 11644 (8) "Influence" means to campaign or advocate for or against a ballot proposition.
- 11645 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement  
11646 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.
- 11647 (10) "Political purposes" means an act done with the intent or in a way to influence or  
11648 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
11649 against any:

11650 (a) candidate for public office at any caucus, political convention, primary, or election;

11651 or

11652 (b) judge standing for retention at any election.

11653 (11) "Proposed initiative" means an initiative proposed in an application filed under

11654 Section [20A-7-202](#) or [20A-7-502](#).

11655 (12) "Proposed referendum" means a referendum proposed in an application filed

11656 under Section [20A-7-302](#) or [20A-7-602](#).

11657 (13) (a) "Public entity" includes the state, each state agency, each county, municipality,

11658 school district, special district, governmental interlocal cooperation agency, and each

11659 administrative subunit of each of them.

11660 (b) "Public entity" does not include a commercial interlocal cooperation agency.

11661 (c) "Public entity" includes local health departments created under Title 26A, Local

11662 Health Authorities.

11663 (14) (a) "Public funds" means any money received by a public entity from

11664 appropriations, taxes, fees, interest, or other returns on investment.

11665 (b) "Public funds" does not include money donated to a public entity by a person or

11666 entity.

11667 (15) (a) "Public official" means an elected or appointed member of government with

11668 authority to make or determine public policy.

11669 (b) "Public official" includes the person or group that:

11670 (i) has supervisory authority over the personnel and affairs of a public entity; and

11671 (ii) approves the expenditure of funds for the public entity.

11672 (16) "Reporting entity" means the same as that term is defined in Section [20A-11-101](#).

11673 (17) (a) "Special district" means an entity under Title 17B, Limited Purpose Local

11674 Government Entities - Special Districts.

11675 (b) "Special district" includes a special service district under Title 17D, Chapter 1,

11676 Special Service District Act.

11677 (18) (a) "State agency" means each department, commission, board, council, agency,

11678 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,

11679 unit, bureau, panel, or other administrative unit of the state.

11680 (b) "State agency" includes the legislative branch, the Utah Board of Higher Education,

11681 each institution of higher education board of trustees, and each higher education institution.

11682 Section 203. Section **20A-11-1205** is amended to read:

11683 **20A-11-1205. Use of public email for a political purpose.**

11684 (1) Except as provided in Subsection (5), a person may not send an email using the  
11685 email of a public entity:

11686 (a) for a political purpose;

11687 (b) to advocate for or against a proposed initiative, initiative, proposed referendum,  
11688 referendum, a proposed bond, a bond, or any ballot proposition; or

11689 (c) to solicit a campaign contribution.

11690 (2) (a) The [~~lieutenant governor~~] director shall, after giving the person and the  
11691 complainant notice and an opportunity to be heard, impose a civil fine against a person who  
11692 violates Subsection (1) as follows:

11693 (i) up to \$250 for a first violation; and

11694 (ii) except as provided in Subsection (3), for each subsequent violation committed after  
11695 the [~~lieutenant governor~~] director imposes a fine against the person for a first violation, \$1,000  
11696 multiplied by the number of violations committed by the person.

11697 (b) A person may, within 30 days after the day on which the [~~lieutenant governor~~]  
11698 director imposes a fine against the person under this Subsection (2), appeal the fine to a district  
11699 court.

11700 (3) The [~~lieutenant governor~~] director shall consider a violation of this section as a first  
11701 violation if the violation is committed more than seven years after the day on which the person  
11702 last committed a violation of this section.

11703 (4) For purposes of this section, one violation means one act of sending an email,  
11704 regardless of the number of recipients of the email.

11705 (5) A person does not violate this section if:

11706 (a) the [~~lieutenant governor~~] director finds that the email described in Subsection (1)  
11707 was inadvertently sent by the person using the email of a public entity;

11708 (b) the person is directly providing information solely to another person or a group of  
11709 people in response to a question asked by the other person or group of people;

11710 (c) the information the person emails is an argument or rebuttal argument prepared  
11711 under Section [20A-7-401.5](#) or [20A-7-402](#), and the email includes each opposing argument and

11712 rebuttal argument that:

11713 (i) relates to the same proposed initiative, initiative, proposed referendum, or  
11714 referendum; and

11715 (ii) complies with the requirements of Section 20A-7-401.5 or 20A-7-402; or

11716 (d) the person is engaging in:

11717 (i) an internal communication solely within the public entity;

11718 (ii) a communication solely with another public entity;

11719 (iii) a communication solely with legal counsel;

11720 (iv) a communication solely with the sponsors of an initiative or referendum;

11721 (v) a communication solely with a land developer for a project permitted by a local

11722 land use law that is challenged by a proposed referendum or a referendum; or

11723 (vi) a communication solely with a person involved in a business transaction directly

11724 relating to a project described in Subsection (5)(d)(v).

11725 (6) A violation of this section does not invalidate an otherwise valid election.

11726 (7) An email sent in violation of Subsection (1), as determined by the records officer,

11727 constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of Title

11728 63G, Chapter 2, Government Records Access and Management Act, notwithstanding any

11729 applicability of Subsection 63G-2-103(25)(b)(i).

11730 Section 204. Section 20A-11-1301 is amended to read:

11731 **20A-11-1301. School board office -- Campaign finance requirements -- Candidate**

11732 **as a political action committee officer -- No personal use -- Contribution reporting**

11733 **deadline -- Report other accounts -- Anonymous contributions.**

11734 (1) (a) (i) Each school board office candidate shall deposit each contribution received

11735 in one or more separate accounts in a financial institution that are dedicated only to that

11736 purpose.

11737 (ii) A school board office candidate may:

11738 (A) receive a contribution from a political action committee registered under Section

11739 20A-11-601; and

11740 (B) be designated by a political action committee as an officer who has primary

11741 decision-making authority as described in Section 20A-11-601.

11742 (b) A school board office candidate may not use money deposited in an account

11743 described in Subsection (1)(a)(i) for:

11744 (i) a personal use expenditure; or

11745 (ii) an expenditure prohibited by law.

11746 (c) (i) Each school board officeholder shall deposit each contribution and public

11747 service assistance received in one or more separate accounts in a financial institution that are

11748 dedicated only to that purpose.

11749 (ii) A school board officeholder may:

11750 (A) receive a contribution or public service assistance from a political action

11751 committee registered under Section 20A-11-601; and

11752 (B) be designated by a political action committee as an officer who has primary

11753 decision-making authority as described in Section 20A-11-601.

11754 (d) A school board officeholder may not use money deposited in an account described

11755 in Subsection (1)(a)(i) or (1)(c)(i) for:

11756 (i) a personal use expenditure; or

11757 (ii) an expenditure prohibited by law.

11758 (2) (a) A school board office candidate may not deposit or mingle any contributions

11759 received into a personal or business account.

11760 (b) A school board officeholder may not deposit or mingle any contributions or public

11761 service assistance received into a personal or business account.

11762 (3) A school board office candidate or school board officeholder may not make any

11763 political expenditures prohibited by law.

11764 (4) If a person who is no longer a school board office candidate chooses not to expend

11765 the money remaining in a campaign account, the person shall continue to file the year-end

11766 summary report required by Section 20A-11-1302 until the statement of dissolution and final

11767 summary report required by Section 20A-11-1304 are filed with the [~~lieutenant governor~~

11768 director.

11769 (5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who

11770 is no longer a school board office candidate may not expend or transfer the money in a

11771 campaign account in a manner that would cause the former school board office candidate to

11772 recognize the money as taxable income under federal tax law.

11773 (b) A person who is no longer a school board office candidate may transfer the money



11774 in a campaign account in a manner that would cause the former school board office candidate  
11775 to recognize the money as taxable income under federal tax law if the transfer is made to a  
11776 campaign account for federal office.

11777 (6) (a) As used in this Subsection (6), "received" means the same as that term is  
11778 defined in Subsection 20A-11-1303(1)(a).

11779 (b) Except as provided in Subsection (6)(d), each school board office candidate shall  
11780 report to the chief election officer each contribution received by the school board office  
11781 candidate:

11782 (i) except as provided in Subsection (6)(b)(ii), within 31 days after the day on which  
11783 the contribution is received; or

11784 (ii) within seven business days after the day on which the contribution is received, if:

11785 (A) the school board office candidate is contested in a convention and the contribution  
11786 is received within 30 days before the day on which the convention is held;

11787 (B) the school board office candidate is contested in a primary election and the  
11788 contribution is received within 30 days before the day on which the primary election is held; or

11789 (C) the school board office candidate is contested in a general election and the  
11790 contribution is received within 30 days before the day on which the general election is held.

11791 (c) For each contribution that a school board office candidate fails to report within the  
11792 time period described in Subsection (6)(b), the chief election officer shall impose a fine against  
11793 the school board office candidate in an amount equal to:

11794 (i) 10% of the amount of the contribution, if the school board office candidate reports  
11795 the contribution within 60 days after the day on which the time period described in Subsection  
11796 (6)(b) ends; or

11797 (ii) 20% of the amount of the contribution, if the school board office candidate fails to  
11798 report the contribution within 60 days after the day on which the time period described in  
11799 Subsection (6)(b) ends.

11800 (d) The [~~lieutenant governor~~] director may waive the fine described in Subsection  
11801 (6)(c) and issue a warning to the school board office candidate if:

11802 (i) the contribution that the school board office candidate fails to report is paid by the  
11803 school board office candidate from the school board office candidate's personal funds;

11804 (ii) the school board office candidate has not previously violated Subsection (6)(c) in

11805 relation to a contribution paid by the school board office candidate from the school board office  
11806 candidate's personal funds; and

11807 (iii) the [~~lieutenant governor~~] director determines that the failure to timely report the  
11808 contribution is due to the school board office candidate not understanding that the reporting  
11809 requirement includes a contribution paid by a school board office candidate from the school  
11810 board office candidate's personal funds.

11811 (e) The chief election officer shall:

11812 (i) deposit money received under Subsection (6)(c) into the General Fund; and

11813 (ii) report on the chief election officer's website, in the location where reports relating  
11814 to each school board office candidate are available for public access:

11815 (A) each fine imposed by the chief election officer against the school board office  
11816 candidate;

11817 (B) the amount of the fine;

11818 (C) the amount of the contribution to which the fine relates; and

11819 (D) the date of the contribution.

11820 (7) Within 31 days after receiving a contribution that is cash or a negotiable  
11821 instrument, exceeds \$50, and is from an unknown source, a school board office candidate shall  
11822 disburse the contribution to an organization that is exempt from federal income taxation under  
11823 Section 501(c)(3), Internal Revenue Code.

11824 (8) (a) As used in this Subsection (8), "account" means an account in a financial  
11825 institution:

11826 (i) that is not described in Subsection (1)(a)(i); and

11827 (ii) into which or from which a person who, as a candidate for an office, other than a  
11828 school board office for which the person files a declaration of candidacy or federal office, or as  
11829 a holder of an office, other than a school board office for which the person files a declaration of  
11830 candidacy or federal office, deposits a contribution or makes an expenditure.

11831 (b) A school board office candidate shall include on any financial statement filed in  
11832 accordance with this part:

11833 (i) a contribution deposited in an account:

11834 (A) since the last campaign finance statement was filed; or

11835 (B) that has not been reported under a statute or ordinance that governs the account; or

- 11836 (ii) an expenditure made from an account:  
11837 (A) since the last campaign finance statement was filed; or  
11838 (B) that has not been reported under a statute or ordinance that governs the account.  
11839 Section 205. Section **20A-11-1303** is amended to read:  
11840 **20A-11-1303. School board office candidate and school board officeholder --**  
11841 **Financial reporting requirements -- Interim reports.**  
11842 (1) (a) As used in this section, "received" means:  
11843 (i) for a cash contribution, that the cash is given to a school board office candidate or a  
11844 member of the school board office candidate's personal campaign committee;  
11845 (ii) for a contribution that is a check or other negotiable instrument, that the check or  
11846 other negotiable instrument is negotiated;  
11847 (iii) for a direct deposit made into a campaign account by a person not associated with  
11848 the campaign, the earlier of:  
11849 (A) the day on which the school board office candidate or a member of the school  
11850 board office candidate's personal campaign committee becomes aware of the deposit and the  
11851 source of the deposit;  
11852 (B) the day on which the school board office candidate or a member of the school  
11853 board office candidate's personal campaign committee receives notice of the deposit and the  
11854 source of the deposit by mail, email, text, or similar means; or  
11855 (C) 31 days after the day on which the direct deposit occurs; or  
11856 (iv) for any other type of contribution, that any portion of the contribution's benefit  
11857 inures to the school board office candidate.  
11858 (b) As used in this Subsection (1), "campaign account" means a separate campaign  
11859 account required under Subsection **20A-11-1301(1)(a)(i)** or **(c)(i)**.  
11860 (c) Each school board office candidate shall file an interim report at the following  
11861 times in any year in which the candidate has filed a declaration of candidacy for a public office:  
11862 (i) May 15;  
11863 (ii) seven days before the regular primary election date;  
11864 (iii) September 30; and  
11865 (iv) seven days before the regular general election date.  
11866 (2) Each interim report shall include the following information:

- 11867 (a) the net balance of the last summary report, if any;
- 11868 (b) a single figure equal to the total amount of receipts reported on all prior interim
- 11869 reports, if any, during the calendar year in which the interim report is due;
- 11870 (c) a single figure equal to the total amount of expenditures reported on all prior
- 11871 interim reports, if any, filed during the calendar year in which the interim report is due;
- 11872 (d) a detailed listing of:
  - 11873 (i) for a school board office candidate, each contribution received since the last
  - 11874 summary report that has not been reported in detail on a prior interim report; or
  - 11875 (ii) for a school board officeholder, each contribution and public service assistance
  - 11876 received since the last summary report that has not been reported in detail on a prior interim
  - 11877 report;
- 11878 (e) for each nonmonetary contribution:
  - 11879 (i) the fair market value of the contribution with that information provided by the
  - 11880 contributor; and
  - 11881 (ii) a specific description of the contribution;
- 11882 (f) a detailed listing of each expenditure made since the last summary report that has
- 11883 not been reported in detail on a prior interim report;
- 11884 (g) for each nonmonetary expenditure, the fair market value of the expenditure;
- 11885 (h) a net balance for the year consisting of the net balance from the last summary
- 11886 report, if any, plus all receipts since the last summary report minus all expenditures since the
- 11887 last summary report;
- 11888 (i) a summary page in the form required by the [~~lieutenant governor~~] director that
- 11889 identifies:
  - 11890 (i) beginning balance;
  - 11891 (ii) total contributions during the period since the last statement;
  - 11892 (iii) total contributions to date;
  - 11893 (iv) total expenditures during the period since the last statement; and
  - 11894 (v) total expenditures to date; and
  - 11895 (j) the name of a political action committee for which the school board office candidate
  - 11896 or school board officeholder is designated as an officer who has primary decision-making
  - 11897 authority under Section [20A-11-601](#).

11898 (3) (a) In preparing each interim report, all receipts and expenditures shall be reported  
11899 as of five days before the required filing date of the report.

11900 (b) Any negotiable instrument or check received by a school board office candidate or  
11901 school board officeholder more than five days before the required filing date of a report  
11902 required by this section shall be included in the interim report.

11903 Section 206. Section **20A-11-1304** is amended to read:

11904 **20A-11-1304. School board office candidate -- Financial reporting requirements**  
11905 **-- Termination of duty to report.**

11906 (1) Each school board candidate is subject to interim reporting requirements until the  
11907 candidate withdraws or is eliminated in a primary.

11908 (2) Each school board office candidate is subject to year-end summary reporting  
11909 requirements until the candidate has filed a statement of dissolution with the [~~lieutenant~~  
11910 ~~governor~~] director stating that:

11911 (a) the school board office candidate is no longer receiving contributions and is no  
11912 longer making expenditures;

11913 (b) the ending balance on the last summary report filed is zero and the balance in the  
11914 separate bank account required in Section **20A-11-1301** is zero; and

11915 (c) a final summary report in the form required by Section **20A-11-1302** showing a  
11916 zero balance is attached to the statement of dissolution.

11917 (3) A statement of dissolution and a final summary report may be filed at any time.

11918 (4) Each school board office candidate shall continue to file the year-end summary  
11919 report required by Section **20A-11-1302** until the statement of dissolution and final summary  
11920 report required by this section are filed.

11921 Section 207. Section **20A-11-1305** is amended to read:

11922 **20A-11-1305. School board office candidate -- Failure to file statement --**  
11923 **Penalties.**

11924 (1) A school board office candidate who fails to file a financial statement by the  
11925 deadline is subject to a fine imposed in accordance with Section **20A-11-1005**.

11926 (2) If a school board office candidate fails to file an interim report described in  
11927 Subsections **20A-11-1303**(1)(c)(i) through (iv), the [~~lieutenant governor~~] director may send an  
11928 electronic notice to the school board office candidate and the political party of which the school

11929 board office candidate is a member, if any, that states:

11930 (a) that the school board office candidate failed to timely file the report; and

11931 (b) that, if the school board office candidate fails to file the report within 24 hours after

11932 the deadline for filing the report, the school board office candidate will be disqualified and the

11933 political party will not be permitted to replace the candidate.

11934 (3) (a) The [~~lieutenant governor~~] director shall disqualify a school board office

11935 candidate and inform the county clerk and other appropriate election officials that the school

11936 board office candidate is disqualified if the school board office candidate fails to file an interim

11937 report described in Subsections [20A-11-1303\(1\)\(c\)\(i\)](#) through (iv) within 24 hours after the

11938 deadline for filing the report.

11939 (b) The political party of a school board office candidate who is disqualified under

11940 Subsection (3)(a) may not replace the school board office candidate.

11941 (4) If a school board office candidate is disqualified under Subsection (3)(a), the

11942 election officer shall:

11943 (a) notify every opposing candidate for the school board office that the school board

11944 office candidate is disqualified;

11945 (b) send an email notification to each voter who is eligible to vote in the school board

11946 office race for whom the election officer has an email address informing the voter that the

11947 school board office candidate is disqualified and that votes cast for the school board office

11948 candidate will not be counted;

11949 (c) post notice of the disqualification on the election officer's website; and

11950 (d) if practicable, remove the school board office candidate's name from the ballot.

11951 (5) An election officer may fulfill the requirement described in Subsection (4) in

11952 relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a

11953 written notice directing the voter to the election officer's website to inform the voter whether a

11954 candidate on the ballot is disqualified.

11955 (6) A school board office candidate is not disqualified if:

11956 (a) the school board office candidate files the reports described in Subsections

11957 [20A-11-1303\(1\)\(c\)\(i\)](#) through (iv) no later than 24 hours after the applicable deadlines for

11958 filing the reports;

11959 (b) the reports are completed, detailing accurately and completely the information

11960 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
11961 and

11962 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in  
11963 an amended report or the next scheduled report.

11964 (7) (a) Within 60 days after a deadline for the filing of a summary report, the  
11965 [~~lieutenant governor~~] director shall review each filed summary report to ensure that:

11966 (i) each school board office candidate who is required to file a summary report has  
11967 filed the report; and

11968 (ii) each summary report contains the information required by this part.

11969 (b) If it appears that a school board office candidate has failed to file the summary  
11970 report required by law, if it appears that a filed summary report does not conform to the law, or  
11971 if the [~~lieutenant governor~~] director has received a written complaint alleging a violation of the  
11972 law or the falsity of any summary report, the [~~lieutenant governor~~] director shall, within five  
11973 days of discovery of a violation or receipt of a written complaint, notify the school board office  
11974 candidate of the violation or written complaint and direct the school board office candidate to  
11975 file a summary report correcting the problem.

11976 (c) (i) It is unlawful for a school board office candidate to fail to file or amend a  
11977 summary report within seven days after receiving the notice described in Subsection (7)(b)  
11978 from the [~~lieutenant governor~~] director.

11979 (ii) Each school board office candidate who violates Subsection (7)(c)(i) is guilty of a  
11980 class B misdemeanor.

11981 (iii) The [~~lieutenant governor~~] director shall report all violations of Subsection  
11982 (7)(c)(i) to the attorney general.

11983 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the  
11984 [~~lieutenant governor~~] director shall impose a civil fine of \$100 against a school board office  
11985 candidate who violates Subsection (7)(c)(i).

11986 Section 208. Section **20A-11-1502** is amended to read:

11987 **20A-11-1502. Campaign financial reporting of expenditures -- Filing**  
11988 **requirements -- Statement contents.**

11989 (1) (a) Each labor organization that has made expenditures for political purposes or  
11990 political issues expenditures on current or proposed ballot issues that total at least \$750 during

11991 a calendar year shall file a verified financial statement with the [~~lieutenant governor's~~] office:

11992 (i) on January 10, reporting expenditures as of December 31 of the previous year;

11993 (ii) seven days before the regular primary election date;

11994 (iii) on September 30; and

11995 (iv) seven days before the regular general election date.

11996 (b) The labor organization shall report:

11997 (i) a detailed listing of all expenditures made since the last statement; and

11998 (ii) for a financial statement described in Subsections (1)(a)(ii) through (iv), all

11999 expenditures as of five days before the required filing date of the financial statement.

12000 (c) The labor organization is not required to file a financial statement under this section

12001 if the labor organization:

12002 (i) made no expenditures during the reporting period; or

12003 (ii) reports the labor organization's expenditures during the reporting period under

12004 another part of this chapter.

12005 (2) The financial statement shall include:

12006 (a) the name and address of each reporting entity that received an expenditure or

12007 political issues expenditure of more than \$50 from the labor organization, and the amount of

12008 each expenditure or political issues expenditure;

12009 (b) the total amount of expenditures disbursed by the labor organization; and

12010 (c) a statement by the labor organization's treasurer or chief financial officer certifying

12011 the accuracy of the financial statement.

12012 Section 209. Section **20A-11-1503** is amended to read:

12013 **20A-11-1503. Criminal penalties -- Fines.**

12014 (1) Within 60 days after a deadline for the filing of a financial statement required by

12015 this part, the [~~lieutenant governor~~] director shall review each filed financial statement to ensure

12016 that:

12017 (a) each labor organization that is required to file a financial statement has filed one;

12018 and

12019 (b) each financial statement contains the information required by this part.

12020 (2) If it appears that any labor organization has failed to file a financial statement, if it

12021 appears that a filed financial statement does not conform to the law, or if the [~~lieutenant~~



12022 ~~governor~~ director has received a written complaint alleging a violation of the law or the falsity  
12023 of a financial statement, the [~~lieutenant governor~~] director shall:

12024 (a) impose a fine against the labor organization in accordance with Section  
12025 [20A-11-1005](#); and

12026 (b) within five days of discovery of a violation or receipt of a written complaint, notify  
12027 the labor organization of the violation or written complaint and direct the labor organization to  
12028 file a financial statement correcting the problem.

12029 (3) (a) It is unlawful for any labor organization to fail to file or amend a financial  
12030 statement within seven days after receiving notice from the [~~lieutenant governor~~] director under  
12031 this section.

12032 (b) Each labor organization that violates Subsection (3)(a) is guilty of a class B  
12033 misdemeanor.

12034 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (3)(a) to  
12035 the attorney general.

12036 (d) In addition to the criminal penalty described in Subsection (3)(b), the [~~lieutenant~~  
12037 ~~governor~~] director shall impose a civil fine of \$1,000 against a labor organization that violates  
12038 Subsection (3)(a).

12039 Section 210. Section **20A-11-1602** is amended to read:

12040 **20A-11-1602. Definitions.**

12041 As used in this part:

12042 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that  
12043 the officeholder reasonably believes may cause direct financial benefit or detriment to the  
12044 officeholder, a member of the officeholder's immediate family, or an individual or entity that  
12045 the officeholder is required to disclose under the provisions of this section, if that benefit or  
12046 detriment is distinguishable from the effects of that action on the public or on the officeholder's  
12047 profession, occupation, or association generally.

12048 (2) "Conflict of interest disclosure" means a disclosure, on the website, of all  
12049 information required under Section [20A-11-1604](#).

12050 (3) "Entity" means a corporation, a partnership, a limited liability company, a limited  
12051 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint  
12052 venture, a governmental entity, an unincorporated organization, or any other legal entity,

12053 regardless of whether it is established primarily for the purpose of gain or economic profit.

12054 (4) "Filing officer" means:

12055 (a) the [~~lieutenant governor~~] director, for the office of a state constitutional officer or  
12056 State Board of Education member; or

12057 (b) the [~~lieutenant governor~~] director or the county clerk in the county of the  
12058 candidate's residence, for a state legislative office.

12059 (5) "Immediate family" means the regulated officeholder's spouse, a child living in the  
12060 regulated officeholder's immediate household, or an individual claimed as a dependent for state  
12061 or federal income tax purposes by the regulated officeholder.

12062 (6) "Income" means earnings, compensation, or any other payment made to an  
12063 individual for gain, regardless of source, whether denominated as wages, salary, commission,  
12064 pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,  
12065 reimbursement, dividends, or otherwise.

12066 (7) (a) "Owner or officer" means an individual who owns an ownership interest in an  
12067 entity or holds a position where the person has authority to manage, direct, control, or make  
12068 decisions for:

12069 (i) the entity or a portion of the entity; or

12070 (ii) an employee, agent, or independent contractor of the entity.

12071 (b) "Owner or officer" includes:

12072 (i) a member of a board of directors or other governing body of an entity; or

12073 (ii) a partner in any type of partnership.

12074 (8) "Preceding year" means the year immediately preceding the day on which the  
12075 regulated officeholder makes a conflict of interest disclosure.

12076 (9) "Regulated officeholder" means an individual who is required to make a conflict of  
12077 interest disclosure under the provisions of this part.

12078 (10) "State constitutional officer" means the governor, the lieutenant governor, the state  
12079 auditor, the state treasurer, or the attorney general.

12080 (11) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure  
12081 Website described in Section [20A-11-1602.5](#).

12082 Section 211. Section **20A-11-1602.5** is amended to read:

12083 **20A-11-1602.5. Candidate and Officeholder Conflict of Interest Disclosure**

12084 **Website.**

12085 (1) The [~~lieutenant governor~~] director shall, in cooperation with the county clerks,  
12086 establish and administer a Candidate and Officeholder Conflict of Interest Disclosure Website.

12087 (2) The website shall:

12088 (a) permit a candidate or officeholder to securely access the website for the purpose of:

12089 (i) complying with the conflict of interest disclosure requirements described in this  
12090 part; and

12091 (ii) editing conflict of interest disclosures;

12092 (b) contain a record of all conflict of interest disclosures and edits made by the  
12093 candidate or officeholder for at least the preceding four years; and

12094 (c) permit any person to view a conflict of interest disclosure made by a candidate or  
12095 officeholder.

12096 Section 212. Section **20A-11-1603** is amended to read:

12097 **20A-11-1603. Conflict of interest disclosure -- Required when filing for candidacy**  
12098 **-- Public availability.**

12099 (1) (a) Except as provided in Subsection (1)(c), candidates seeking the following  
12100 offices shall make a complete conflict of interest disclosure on the website at the time of filing  
12101 a declaration of candidacy:

12102 (i) state constitutional officer;

12103 (ii) state legislator; or

12104 (iii) State Board of Education member.

12105 (b) A candidate who fails to comply with Subsection (1)(a) shall make a complete  
12106 conflict of interest disclosure on the website no later than 5:00 p.m. on January 10.

12107 (c) A candidate is not required to comply with Subsection (1)(a) if the candidate:

12108 (i) currently holds the office for which the candidate is seeking reelection;

12109 (ii) already, that same year, filed the conflict of interest disclosure for the office  
12110 described in Subsection (1)(c)(i), in accordance Section **20A-11-1604**; and

12111 (iii) at the time the candidate files the declaration of candidacy, indicates, in writing,  
12112 that the conflict of interest disclosure described in Subsection (1)(c)(ii) is updated and accurate  
12113 as of the date of filing the declaration of candidacy.

12114 (2) Except as provided in Subsection (1)(c), a filing officer:

12115 (a) shall provide electronic notice to a candidate who fails to comply with Subsection  
12116 (1)(a) that the candidate must make a complete conflict of interest disclosure on the website no  
12117 later than the deadline described in Subsection (1)(b); and

12118 (b) may not accept a declaration of candidacy for an office listed in Subsection (1)(a)  
12119 until the candidate makes a complete conflict of interest disclosure on the website.

12120 (3) The conflict of interest disclosure described in Subsection (1)(a) shall contain the  
12121 same requirements and shall be in the same format as the conflict of interest disclosure  
12122 described in Section 20A-11-1604.

12123 (4) The [~~lieutenant governor~~] director shall make the complete conflict of interest  
12124 disclosure made by each candidate available for public inspection on the website.

12125 Section 213. Section 20A-11-1604 is amended to read:

12126 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with**  
12127 **reporting requirements.**

12128 (1) (a) Before or during the execution of any order, settlement, declaration, contract, or  
12129 any other official act of office in which a state constitutional officer has actual knowledge that  
12130 the state constitutional officer has a conflict of interest that is not stated in the conflict of  
12131 interest disclosure, the state constitutional officer shall publicly declare that the state  
12132 constitutional officer may have a conflict of interest and what that conflict of interest is.

12133 (b) Before or during any vote on legislation or any legislative matter in which a  
12134 legislator has actual knowledge that the legislator has a conflict of interest that is not stated in  
12135 the conflict of interest disclosure, the legislator shall orally declare to the committee or body  
12136 before which the matter is pending that the legislator may have a conflict of interest and what  
12137 that conflict is.

12138 (c) Before or during any vote on any rule, resolution, order, or any other board matter  
12139 in which a member of the State Board of Education has actual knowledge that the member has  
12140 a conflict of interest that is not stated in the conflict of interest disclosure, the member shall  
12141 orally declare to the board that the member may have a conflict of interest and what that  
12142 conflict of interest is.

12143 (2) Any public declaration of a conflict of interest that is made under Subsection (1)  
12144 shall be noted:

12145 (a) on the official record of the action taken, for a state constitutional officer;

12146 (b) in the minutes of the committee meeting or in the Senate or House Journal, as  
12147 applicable, for a legislator; or

12148 (c) in the minutes of the meeting or on the official record of the action taken, for a  
12149 member of the State Board of Education.

12150 (3) A state constitutional officer shall make a complete conflict of interest disclosure  
12151 on the website:

12152 (a) (i) no sooner than January 1 each year, and before January 11 each year; or

12153 (ii) if the state constitutional officer takes office after January 10, within 10 days after  
12154 the day on which the state constitutional officer takes office; and

12155 (b) each time the state constitutional officer changes employment.

12156 (4) A legislator shall make a complete conflict of interest disclosure on the website:

12157 (a) (i) no sooner than January 1 each year, and before January 11 each year; or

12158 (ii) if the legislator takes office after January 10, within 10 days after the day on which  
12159 the legislator takes office; and

12160 (b) each time the legislator changes employment.

12161 (5) A member of the State Board of Education shall make a complete conflict of  
12162 interest disclosure on the website:

12163 (a) (i) no sooner than January 1 each year, and before January 11 each year; or

12164 (ii) if the member takes office after January 10, within 10 days after the day on which  
12165 the member takes office; and

12166 (b) each time the member changes employment.

12167 (6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall  
12168 include:

12169 (a) the regulated officeholder's name;

12170 (b) the name and address of each of the regulated officeholder's current employers and  
12171 each of the regulated officeholder's employers during the preceding year;

12172 (c) for each employer described in Subsection (6)(b), a brief description of the  
12173 employment, including the regulated officeholder's occupation and, as applicable, job title;

12174 (d) for each entity in which the regulated officeholder is an owner or officer, or was an  
12175 owner or officer during the preceding year:

12176 (i) the name of the entity;

- 12177 (ii) a brief description of the type of business or activity conducted by the entity; and
- 12178 (iii) the regulated officeholder's position in the entity;
- 12179 (e) in accordance with Subsection (7), for each individual from whom, or entity from
- 12180 which, the regulated officeholder has received \$5,000 or more in income during the preceding
- 12181 year:
- 12182 (i) the name of the individual or entity; and
- 12183 (ii) a brief description of the type of business or activity conducted by the individual or
- 12184 entity;
- 12185 (f) for each entity in which the regulated officeholder holds any stocks or bonds having
- 12186 a fair market value of \$5,000 or more as of the date of the disclosure form or during the
- 12187 preceding year, but excluding funds that are managed by a third party, including blind trusts,
- 12188 managed investment accounts, and mutual funds:
- 12189 (i) the name of the entity; and
- 12190 (ii) a brief description of the type of business or activity conducted by the entity;
- 12191 (g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated
- 12192 officeholder currently serves, or served in the preceding year, in a paid leadership capacity or in
- 12193 a paid or unpaid position on a board of directors:
- 12194 (i) the name of the entity or organization;
- 12195 (ii) a brief description of the type of business or activity conducted by the entity; and
- 12196 (iii) the type of position held by the regulated officeholder;
- 12197 (h) at the option of the regulated officeholder, a description of any real property in
- 12198 which the regulated officeholder holds an ownership or other financial interest that the
- 12199 regulated officeholder believes may constitute a conflict of interest, including a description of
- 12200 the type of interest held by the regulated officeholder in the property;
- 12201 (i) the name of the regulated officeholder's spouse and any other adult residing in the
- 12202 regulated officeholder's household who is not related by blood or marriage, as applicable;
- 12203 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
- 12204 is required to provide under Subsection (6)(b);
- 12205 (k) a brief description of the employment and occupation of each adult who:
- 12206 (i) resides in the regulated officeholder's household; and
- 12207 (ii) is not related to the regulated officeholder by blood or marriage;

- 12208 (l) at the option of the regulated officeholder, a description of any other matter or  
12209 interest that the regulated officeholder believes may constitute a conflict of interest;
- 12210 (m) the date the form was completed;
- 12211 (n) a statement that the regulated officeholder believes that the form is true and  
12212 accurate to the best of the regulated officeholder's knowledge; and
- 12213 (o) the signature of the regulated officeholder.
- 12214 (7) In making the disclosure described in Subsection (6)(e), a regulated officeholder  
12215 who provides goods or services to multiple customers or clients as part of a business or a  
12216 licensed profession is only required to provide the information described in Subsection (6)(e) in  
12217 relation to the entity or practice through which the regulated officeholder provides the goods or  
12218 services and is not required to provide the information described in Subsection (6)(e) in  
12219 relation to the regulated officeholder's individual customers or clients.
- 12220 (8) The disclosure requirements described in this section do not prohibit a regulated  
12221 officeholder from voting or acting on any matter.
- 12222 (9) A regulated officeholder may amend a conflict of interest disclosure described in  
12223 this part at any time.
- 12224 (10) A regulated officeholder who violates the requirements of Subsection (1) is guilty  
12225 of a class B misdemeanor.
- 12226 (11) (a) A regulated officeholder who intentionally or knowingly violates a provision  
12227 of this section, other than Subsection (1), is guilty of a class B misdemeanor.
- 12228 (b) In addition to the criminal penalty described in Subsection (11)(a), the [~~lieutenant~~  
12229 ~~governor~~] director shall impose a civil penalty of \$100 against a regulated officeholder who  
12230 violates a provision of this section, other than Subsection (1).
- 12231 Section 214. Section **20A-11-1605** is amended to read:
- 12232 **20A-11-1605. Failure to file -- Penalties.**
- 12233 (1) Within 60 days after the day on which a regulated officeholder is required to file a  
12234 conflict of interest disclosure under Subsection **20A-11-1604**(3), (4) or (5), the [~~lieutenant~~  
12235 ~~governor~~] director shall review each filed conflict of interest disclosure to ensure that:
- 12236 (a) each regulated officeholder who is required to file a conflict of interest disclosure  
12237 has filed one; and
- 12238 (b) each conflict of interest disclosure contains the information required under Section

12239 20A-11-1604.

12240 (2) The [~~lieutenant governor~~] director shall take the action described in Subsection (3)  
12241 if:

12242 (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;

12243 (b) a filed conflict of interest disclosure does not comply with the requirements of  
12244 Section 20A-11-1604; or

12245 (c) the [~~lieutenant governor~~] director receives a written complaint alleging a violation  
12246 of Section 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the  
12247 complaint and giving the regulated officeholder notice and an opportunity to be heard, the  
12248 [~~lieutenant governor~~] director determines that a violation occurred.

12249 (3) If a circumstance described in Subsection (2) occurs, the [~~lieutenant governor~~]  
12250 director shall, within five days after the day on which the [~~lieutenant governor~~] director  
12251 determines that a violation occurred, notify the regulated officeholder of the violation and  
12252 direct the regulated officeholder to file an amended report correcting the problem.

12253 (4) (a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of  
12254 interest disclosure within seven days after the day on which the regulated officeholder receives  
12255 the notice described in Subsection (3).

12256 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B  
12257 misdemeanor.

12258 (c) The [~~lieutenant governor~~] director shall report all violations of Subsection (4)(a) to  
12259 the attorney general.

12260 (d) In addition to the criminal penalty described in Subsection (4)(b), the [~~lieutenant~~  
12261 ~~governor~~] director shall impose a civil fine of \$100 against a regulated officeholder who  
12262 violates Subsection (4)(a).

12263 (5) The [~~lieutenant governor~~] director shall deposit a fine collected under this part into  
12264 the General Fund as a dedicated credit to pay for the costs of administering the provisions of  
12265 this part.

12266 Section 215. Section 20A-11-1606 is amended to read:

12267 **20A-11-1606. Link to conflict of interest disclosure on Legislature's website.**

12268 The Legislature's website shall include, for each legislative officeholder, a link to the  
12269 conflict of interest disclosure on the website maintained by the [~~lieutenant governor~~] director in



12270 relation to that legislative officeholder.

12271 Section 216. Section **20A-12-201 (Superseded 07/01/24)** is amended to read:

12272 **20A-12-201 (Superseded 07/01/24). Judicial appointees -- Retention elections.**

12273 (1) (a) Each judicial appointee to a court is subject to an unopposed retention election  
12274 at the first general election held more than three years after the judge or justice was appointed.

12275 (b) After the first retention election:

12276 (i) each Supreme Court justice shall be on the regular general election ballot for an  
12277 unopposed retention election every tenth year; and

12278 (ii) each judge of other courts shall be on the regular general election ballot for an  
12279 unopposed retention election every sixth year.

12280 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in  
12281 the year the justice or judge is subject to a retention election:

12282 (i) file a declaration of candidacy with the [~~lieutenant governor~~] director, or with the  
12283 county clerk in the candidate's county of residence, within the period beginning on July 1 and  
12284 ending at 5 p.m. on July 15 in the year of a regular general election; and

12285 (ii) pay a filing fee of \$50.

12286 (b) (i) Each justice court judge who wishes to retain office shall, in the year the justice  
12287 court judge is subject to a retention election:

12288 (A) file a declaration of candidacy with the [~~lieutenant governor~~] director, or with the  
12289 county clerk in the candidate's county of residence, within the period beginning on July 1 and  
12290 ending at 5 p.m. on July 15 in the year of a regular general election; and

12291 (B) pay a filing fee of \$25 for each judicial office.

12292 (ii) If a justice court judge is appointed or elected to more than one judicial office, the  
12293 declaration of candidacy shall identify all of the courts included in the same general election.

12294 (iii) If a justice court judge is appointed or elected to more than one judicial office,  
12295 filing a declaration of candidacy in one county in which one of those courts is located is valid  
12296 for the courts in any other county.

12297 (3) (a) The [~~lieutenant governor~~] director shall, no later than August 31 of each regular  
12298 general election year:

12299 (i) transmit a certified list containing the names of the justices of the Supreme Court  
12300 and judges of the Court of Appeals declaring their candidacy to the county clerk of each

12301 county; and

12302 (ii) transmit a certified list containing the names of judges of other courts declaring

12303 their candidacy to the county clerk of each county in the geographic division in which the judge

12304 filing the declaration holds office.

12305 (b) Each county clerk shall place the names of justices and judges standing for

12306 retention election in the nonpartisan section of the ballot.

12307 (4) (a) At the general election, the ballots shall contain:

12308 (i) at the beginning of the judicial retention section of the ballot, the following

12309 statement:

12310 "Visit [judges.utah.gov](http://judges.utah.gov) to learn about the Judicial Performance Evaluation

12311 Commission's recommendations for each judge"; and

12312 (ii) as to each justice or judge of any court to be voted on in the county, the following

12313 question:

12314 "Shall \_\_\_\_\_ (name of justice or judge) be retained in the

12315 office of \_\_\_\_\_? (name of office, such as "Justice of the Supreme

12316 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the

12317 Third Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District";

12318 "Justice Court Judge of (name of county) County or (name of municipality)")

12319 Yes ()

12320 No ()."

12321 (b) If a justice court exists by means of an interlocal agreement under Section

12322 [78A-7-102](#), the ballot question for the judge shall include the name of that court.

12323 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge

12324 is retained for the term of office provided by law.

12325 (b) If the justice or judge does not receive more yes votes than no votes, the justice or

12326 judge is not retained, and a vacancy exists in the office on the first Monday in January after the

12327 regular general election.

12328 (6) A justice or judge not retained is ineligible for appointment to the office for which

12329 the justice or judge was defeated until after the expiration of that term of office.

12330 (7) (a) If a justice court judge is standing for retention for one or more judicial offices

12331 in a county in which the judge is a county justice court judge or a municipal justice court judge

12332 in a town or municipality of the fourth or fifth class, as described in Section 10-2-301, or any  
12333 combination thereof, the election officer shall place the judge's name on the county ballot only  
12334 once for all judicial offices for which the judge seeks to be retained.

12335 (b) If a justice court judge is standing for retention for one or more judicial offices in a  
12336 municipality of the first, second, or third class, as described in Section 10-2-301, the election  
12337 officer shall place the judge's name only on the municipal ballot for the voters of the  
12338 municipality that the judge serves.

12339 Section 217. Section 20A-12-201 (Effective 07/01/24) is amended to read:

12340 **20A-12-201 (Effective 07/01/24). Judicial appointees -- Retention elections.**

12341 (1) (a) Each judicial appointee to a court is subject to an unopposed retention election  
12342 at the first general election held more than three years after the judge or justice was appointed.

12343 (b) After the first retention election:

12344 (i) each Supreme Court justice shall be on the regular general election ballot for an  
12345 unopposed retention election every tenth year; and

12346 (ii) each judge of other courts shall be on the regular general election ballot for an  
12347 unopposed retention election every sixth year.

12348 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in  
12349 the year the justice or judge is subject to a retention election:

12350 (i) file a declaration of candidacy with the [~~lieutenant governor~~] director, or with the  
12351 county clerk in the candidate's county of residence, within the period beginning on July 1 and  
12352 ending at 5 p.m. on July 15 in the year of a regular general election; and

12353 (ii) pay a filing fee of \$50.

12354 (b) (i) Each justice court judge who wishes to retain office shall, in the year the justice  
12355 court judge is subject to a retention election:

12356 (A) file a declaration of candidacy with the [~~lieutenant governor~~] director, or with the  
12357 county clerk in the candidate's county of residence, within the period beginning on July 1 and  
12358 ending at 5 p.m. on July 15 in the year of a regular general election; and

12359 (B) pay a filing fee of \$25 for each judicial office.

12360 (ii) If a justice court judge is appointed or elected to more than one judicial office, the  
12361 declaration of candidacy shall identify all of the courts included in the same general election.

12362 (iii) If a justice court judge is appointed or elected to more than one judicial office,

12363 filing a declaration of candidacy in one county in which one of those courts is located is valid  
12364 for the courts in any other county.

12365 (3) (a) The [~~lieutenant governor~~] director shall, no later than August 31 of each regular  
12366 general election year:

12367 (i) transmit a certified list containing the names of the justices of the Supreme Court,  
12368 judges of the Court of Appeals, and judges of the Business and Chancery Court declaring their  
12369 candidacy to the county clerk of each county; and

12370 (ii) transmit a certified list containing the names of judges of other courts declaring  
12371 their candidacy to the county clerk of each county in the geographic division in which the judge  
12372 filing the declaration holds office.

12373 (b) Each county clerk shall place the names of justices and judges standing for  
12374 retention election in the nonpartisan section of the ballot.

12375 (4) (a) At the general election, the ballots shall contain:

12376 (i) at the beginning of the judicial retention section of the ballot, the following  
12377 statement:

12378 "Visit judges.utah.gov to learn about the Judicial Performance Evaluation  
12379 Commission's recommendations for each judge"; and

12380 (ii) as to each justice or judge of any court to be voted on in the county, the following  
12381 question:

12382 "Shall \_\_\_\_\_ (name of justice or judge) be retained in the  
12383 office of \_\_\_\_\_? (name of office, such as "Justice of the Supreme  
12384 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the Business and Chancery  
12385 Court of Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the  
12386 Juvenile Court of the Fourth Juvenile Court District"; "Justice Court Judge of (name of county)  
12387 County or (name of municipality)")

12388 Yes ()

12389 No ()."

12390 (b) If a justice court exists by means of an interlocal agreement under Section  
12391 [78A-7-102](#), the ballot question for the judge shall include the name of that court.

12392 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge  
12393 is retained for the term of office provided by law.

12394 (b) If the justice or judge does not receive more yes votes than no votes, the justice or  
12395 judge is not retained, and a vacancy exists in the office on the first Monday in January after the  
12396 regular general election.

12397 (6) A justice or judge not retained is ineligible for appointment to the office for which  
12398 the justice or judge was defeated until after the expiration of that term of office.

12399 (7) (a) If a justice court judge is standing for retention for one or more judicial offices  
12400 in a county in which the judge is a county justice court judge or a municipal justice court judge  
12401 in a town or municipality of the fourth or fifth class, as described in Section 10-2-301, or any  
12402 combination thereof, the election officer shall place the judge's name on the county ballot only  
12403 once for all judicial offices for which the judge seeks to be retained.

12404 (b) If a justice court judge is standing for retention for one or more judicial offices in a  
12405 municipality of the first, second, or third class, as described in Section 10-2-301, the election  
12406 officer shall place the judge's name only on the municipal ballot for the voters of the  
12407 municipality that the judge serves.

12408 Section 218. Section 20A-12-302 is amended to read:

12409 **20A-12-302. Campaign committee required.**

12410 (1) (a) When permitted to do so by the Code of Judicial Conduct promulgated by the  
12411 Utah Supreme Court, and if the judge chooses to solicit contributions or make expenditures to  
12412 promote his retention, the judge may establish no more than one retention election personal  
12413 campaign committee, consisting of one or more persons, to receive contributions, make  
12414 expenditures, and shall file reports connected with the judge's retention election campaign.

12415 (b) A judge or person acting in concert with or with the knowledge of the judge may  
12416 not receive any contributions or make any expenditures other than through the personal  
12417 campaign committee established under this section.

12418 (2) (a) The judge shall file with the [~~lieutenant governor~~] director a signed written  
12419 statement containing the name and address of each member and the secretary of the judge's  
12420 personal campaign committee.

12421 (b) The judge may change the membership of the personal campaign committee at any  
12422 time by filing with the [~~lieutenant governor~~] director a signed statement containing the name  
12423 and address of any additional members and identifying any members that have been removed  
12424 from the committee.

12425 (c) The judge or the judge's personal campaign committee may not make any  
12426 expenditures on behalf of the judge until the statement has been filed.

12427 (3) (a) The judge's personal campaign committee may not make an expenditure of more  
12428 than \$1,000 unless the judge or the secretary of the personal campaign committee authorizes  
12429 the expenditure in writing.

12430 (b) A judge or the judge's personal campaign committee may not make any  
12431 expenditures prohibited by law.

12432 (4) A judge's personal campaign committee is dissolved on the date that the summary  
12433 report required by Section 20A-12-304 is filed.

12434 Section 219. Section 20A-12-303 is amended to read:

12435 **20A-12-303. Separate account for campaign funds -- Reporting contributions.**

12436 (1) The judge or the judge's personal campaign committee shall deposit each  
12437 contribution in one or more separate personal campaign accounts in a financial institution.

12438 (2) The judge or the judge's personal campaign committee may not deposit or mingle  
12439 any contributions received into a personal or business account.

12440 (3) (a) As used in this Subsection (3) and Section 20A-12-305, "received" means:

12441 (i) for a cash contribution, that the cash is given to a judge or the judge's personal  
12442 campaign committee;

12443 (ii) for a contribution that is a negotiable instrument or check, that the negotiable  
12444 instrument or check is negotiated; and

12445 (iii) for any other type of contribution, that any portion of the contribution's benefit  
12446 inures to the judge.

12447 (b) The judge or the judge's personal campaign committee shall report to the  
12448 [~~lieutenant governor~~] director each contribution received by the judge, within 31 days after the  
12449 day on which the contribution is received.

12450 (c) For each contribution that a judge fails to report within the time period described in  
12451 Subsection (3)(b), the [~~lieutenant governor~~] director shall impose a fine against the judge in an  
12452 amount equal to:

12453 (i) 10% of the amount of the contribution if the judge reports the contribution within  
12454 60 days after the day on which the time period described in Subsection (3)(b) ends; or

12455 (ii) 20% of the amount of the contribution, if the judge fails to report the contribution

12456 within 60 days after the day on which the time period described in Subsection (3)(b) ends.

12457 (d) The [~~lieutenant governor~~] director shall:

12458 (i) deposit money received under Subsection (3)(c) into the General Fund; and

12459 (ii) report on the [~~lieutenant governor's~~] office's website, in the location where reports

12460 relating to each judge are available for public access:

12461 (A) each fine imposed by the [~~lieutenant governor~~] director against the judge;

12462 (B) the amount of the fine;

12463 (C) the amount of the contribution to which the fine relates; and

12464 (D) the date of the contribution.

12465 (4) Within 31 days after receiving a contribution that is cash or a negotiable

12466 instrument, exceeds \$50, and is from an unknown source, a judge or the judge's personal

12467 campaign committee shall disburse the amount of the contribution to an organization that is

12468 exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

12469 Section 220. Section **20A-12-304** is amended to read:

12470 **20A-12-304. Judicial retention election candidates -- Financial reporting**

12471 **requirements -- Year-end summary report.**

12472 (1) The judge's personal campaign committee shall file a summary report with the

12473 [~~lieutenant governor~~] director by January 10 of the year after the regular general election year.

12474 (2) (a) Each summary report shall include the following information as of December 31

12475 of the last regular general election year:

12476 (i) a single figure equal to the total amount of contributions reported on the interim

12477 report;

12478 (ii) a single figure equal to the total amount of expenditures reported on the interim

12479 report;

12480 (iii) a detailed listing of each contribution received since the last summary report that

12481 has not been reported in detail on the interim report;

12482 (iv) for each nonmonetary contribution, the fair market value of the contribution;

12483 (v) a detailed listing of each expenditure made since the last summary report that has

12484 not been reported in detail on the interim report;

12485 (vi) for each nonmonetary expenditure, the fair market value of the expenditure; and

12486 (vii) the net balance for the year, consisting of all contributions minus all expenditures.

12487 (b) (i) For all single contributions of \$50 or less, an aggregate figure may be reported  
12488 without a separate detailed listing.

12489 (ii) Two or more contributions from the same source for a total of more than \$50 may  
12490 not be reported in the aggregate, but shall be reported in the detailed listing.

12491 (c) A check or negotiable instrument received by a judge or the judge's personal  
12492 campaign committee on or before December 31 of the previous year shall be reported in the  
12493 summary report.

12494 (3) The judge shall certify in the summary report that, to the best of the judge's  
12495 knowledge, all contributions and all expenditures have been reported as of December 31 of the  
12496 last regular general election year and that there are no financial obligations outstanding except  
12497 as set forth in the report.

12498 Section 221. Section **20A-12-305** is amended to read:

12499 **20A-12-305. Judicial retention election candidates -- Financial reporting**  
12500 **requirements -- Interim report.**

12501 (1) The judge's personal campaign committee shall file an interim report with the  
12502 [~~lieutenant governor~~] director on the date seven days before the regular general election date.

12503 (2) Each interim report shall include the following information:

12504 (a) a detailed listing of each contribution received since the last financial statement;

12505 (b) for each nonmonetary contribution, the fair market value of the contribution;

12506 (c) a detailed listing of each expenditure made since the last summary report;

12507 (d) for each nonmonetary expenditure, the fair market value of the expenditure; and

12508 (e) a net balance for the year consisting of all contributions since the last summary  
12509 report minus all expenditures since the last summary report.

12510 (3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be  
12511 reported without separate detailed listings.

12512 (b) Two or more contributions from the same source that have an aggregate total of  
12513 more than \$50 may not be reported in the aggregate, but shall be reported separately.

12514 (4) In preparing each interim report, all contributions and expenditures shall be  
12515 reported as of five days before the required filing date of the report.

12516 (5) A negotiable instrument or check received by a judge or the judge's personal  
12517 campaign committee more than five days before the required filing date of a report required by



12518 this section shall be included in the interim report.

12519 Section 222. Section **20A-12-306** is amended to read:

12520 **20A-12-306. Judges -- Failure to file reports -- Penalties.**

12521 (1) (a) If a judge's personal campaign committee fails to file the interim report due  
12522 before the regular general election, the [~~lieutenant governor~~] director shall, after making a  
12523 reasonable attempt to discover if the report was timely filed:

12524 (i) inform the county clerk and other appropriate election officials who:

12525 (A) (I) shall, if practicable, remove the name of the judge from the ballots before the  
12526 ballots are delivered to voters; or

12527 (II) shall, if removing the judge's name from the ballot is not practicable, inform the  
12528 voters by any practicable method that the judge has been disqualified and that votes cast for the  
12529 judge will not be counted; and

12530 (B) may not count any votes for that judge; and

12531 (ii) impose a fine against the filing entity in accordance with Section **20A-11-1005**.

12532 (b) Any judge who fails to file timely a financial statement required by this part is  
12533 disqualified.

12534 (c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified and the  
12535 [~~lieutenant governor~~] director may not impose a fine if:

12536 (i) the candidate timely files the reports required by this section in accordance with  
12537 Section **20A-11-103**;

12538 (ii) the reports are completed, detailing accurately and completely the information  
12539 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
12540 and

12541 (iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are  
12542 corrected in an amended report or in the next scheduled report.

12543 (2) (a) Within 30 days after a deadline for the filing of a summary report, the  
12544 [~~lieutenant governor~~] director shall review each filed summary report to ensure that:

12545 (i) each judge that is required to file a summary report has filed one; and

12546 (ii) each summary report contains the information required by this part.

12547 (b) If it appears that any judge has failed to file the summary report required by law, if  
12548 it appears that a filed summary report does not conform to the law, or if the [~~lieutenant~~

12549 ~~governor~~ director has received a written complaint alleging a violation of the law or the falsity  
12550 of any summary report, the [~~lieutenant governor~~] director shall, within five days of discovery of  
12551 a violation or receipt of a written complaint, notify the judge of the violation or written  
12552 complaint and direct the judge to file a summary report correcting the problem.

12553 (c) (i) It is unlawful for any judge to fail to file or amend a summary report within 14  
12554 days after receiving notice from the [~~lieutenant governor~~] director under this section.

12555 (ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

12556 (iii) The [~~lieutenant governor~~] director shall report all violations of Subsection (2)(c)(i)  
12557 to the attorney general.

12558 Section 223. Section **20A-13-102** is amended to read:

12559 **20A-13-102. Congressional districts -- Filing -- Legal boundaries.**

12560 (1) (a) The Legislature shall file a copy of the Congressional block equivalency file  
12561 enacted by the Legislature and the resulting Congressional shapefile with the [~~lieutenant~~  
12562 ~~governor's~~] office.

12563 (b) The legal boundaries of Utah's Congressional districts are contained in the  
12564 Congressional shapefile on file with the [~~lieutenant governor's~~] office.

12565 (2) (a) The [~~lieutenant governor~~] director shall:

12566 (i) verify the Congressional block equivalency file that the Legislature files under  
12567 Subsection (1) using block equivalency file security code  
12568 "4cb8a686520fdb1c2385e0a9812ff403" and the corresponding Congressional shapefile;

12569 (ii) generate maps of each Congressional district from the Congressional shapefile; and

12570 (iii) ensure that the district maps are available for viewing on the [~~lieutenant~~  
12571 ~~governor's~~] office's website.

12572 (b) If there is any inconsistency between the district maps and the Congressional  
12573 shapefile resulting from the Congressional block equivalency file, the Congressional shapefile  
12574 is controlling.

12575 Section 224. Section **20A-13-102.2** is amended to read:

12576 **20A-13-102.2. County clerk, Utah Geospatial Resource Center, and director**  
12577 **responsibilities -- Maps and voting precinct boundaries.**

12578 (1) As used in this section, "redistricting boundary data" means the Congressional  
12579 shapefile in the possession of the [~~lieutenant governor's~~] office.

12580 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the  
12581 clerk's county from the [~~lieutenant governor's~~] office.

12582 (3) (a) A county clerk may create one or more county maps that identify the boundaries  
12583 of Utah's Congressional districts as generated from the redistricting boundary data.

12584 (b) Before publishing or distributing any map or data created by the county clerk that  
12585 identifies the boundaries of Utah's Congressional districts within the county, the county clerk  
12586 shall submit the county map and data to the [~~lieutenant governor~~] director and to the Utah  
12587 Geospatial Resource Center for review.

12588 (c) Within 30 days after receipt of a county map and data from a county clerk, the Utah  
12589 Geospatial Resource Center shall:

12590 (i) review the county map and data to evaluate if the county map and data accurately  
12591 reflect the boundaries of Utah's Congressional districts established by the Legislature in the  
12592 redistricting boundary data;

12593 (ii) determine whether the county map and data are correct or incorrect; and

12594 (iii) communicate those findings to the [~~lieutenant governor~~] director.

12595 (d) The [~~lieutenant governor~~] director shall either notify the county clerk that the  
12596 county map and data are correct or notify the county clerk that the county map and data are  
12597 incorrect.

12598 (e) If the county clerk receives notice from the [~~lieutenant governor~~] director that the  
12599 county map and data submitted are incorrect, the county clerk shall:

12600 (i) make the corrections necessary to conform the county map and data to the  
12601 redistricting boundary data; and

12602 (ii) resubmit the corrected county map and data to the [~~lieutenant governor~~] director  
12603 and to the Utah Geospatial Resource Center for a new review under this Subsection (3).

12604 (4) (a) Subject to the requirements of this Subsection (4), each county clerk shall  
12605 establish voting precincts and polling places within each Utah Congressional district according  
12606 to the procedures and requirements of Section [20A-5-303](#).

12607 (b) Within five working days after approval of voting precincts and polling places by  
12608 the county legislative body as required by Section [20A-5-303](#), each county clerk shall submit a  
12609 voting precinct map identifying the boundaries of each voting precinct within the county to the  
12610 [~~lieutenant governor~~] director and to the Utah Geospatial Resource Center for review.

12611 (c) Within 30 days after receipt of a map from a county clerk, the Utah Geospatial  
12612 Resource Center shall:

12613 (i) review the voting precinct map to evaluate if the voting precinct map accurately  
12614 reflects the boundaries of Utah's Congressional districts established by the Legislature in the  
12615 redistricting boundary data;

12616 (ii) determine whether the voting precinct map is correct or incorrect; and

12617 (iii) communicate those findings to the [~~lieutenant governor~~] director.

12618 (d) The [~~lieutenant governor~~] director shall either notify the county clerk that the voting  
12619 precinct map is correct or notify the county clerk that the map is incorrect.

12620 (e) If the county clerk receives notice from the [~~lieutenant governor~~] director that the  
12621 voting precinct map is incorrect, the county clerk shall:

12622 (i) make the corrections necessary to conform the voting precinct map to the  
12623 redistricting boundary data; and

12624 (ii) resubmit the corrected voting precinct map to the [~~lieutenant governor~~] director and  
12625 to the Utah Geospatial Resource Center for a new review under this Subsection (4).

12626 Section 225. Section **20A-13-103** is amended to read:

12627 **20A-13-103. Omissions from maps -- How resolved.**

12628 (1) If any area of the state is omitted from a Congressional district in the Congressional  
12629 shapefile in the possession of the [~~lieutenant governor's~~] office, the county clerk of the affected  
12630 county, upon discovery of the omission, shall attach the area to the appropriate Congressional  
12631 district according to the requirements of Subsections (2) and (3).

12632 (2) If the omitted area is surrounded by a single Congressional district, the county clerk  
12633 shall attach the area to that district.

12634 (3) If the omitted area is contiguous to two or more Congressional districts, the county  
12635 clerk shall attach the area to the district that has the least population, as determined by the Utah  
12636 Population Committee.

12637 (4) The county clerk shall certify in writing and file with the [~~lieutenant governor~~]  
12638 director any attachment made under this section.

12639 Section 226. Section **20A-13-104** is amended to read:

12640 **20A-13-104. Uncertain boundaries -- How resolved.**

12641 (1) As used in this section, "affected party" means:

12642 (a) a representative whose Congressional district boundary is uncertain because the  
12643 boundary in the Congressional shapefile used to establish the district boundary has been  
12644 removed, modified, or is unable to be identified or who is uncertain about whether the  
12645 representative or another individual resides in a particular Congressional district;

12646 (b) a candidate for Congressional representative whose Congressional district boundary  
12647 is uncertain because the boundary in the Congressional shapefile used to establish the district  
12648 boundary has been removed, modified, or is unable to be identified or who is uncertain about  
12649 whether the candidate or another individual resides in a particular Congressional district; or

12650 (c) an individual who is uncertain about which Congressional district contains the  
12651 individual's residence because the boundary in the Congressional shapefile used to establish the  
12652 district boundary has been removed, modified, or is unable to be identified.

12653 (2) (a) An affected party may file a written request petitioning the [~~lieutenant governor~~]  
12654 director to determine:

12655 (i) the precise location of the Congressional district boundary;

12656 (ii) the number of the Congressional district in which an individual resides; or

12657 (iii) both Subsections (2)(a)(i) and (ii).

12658 (b) In order to make the determination required by Subsection (2)(a), the [~~lieutenant~~  
12659 ~~governor~~] director shall review:

12660 (i) the Congressional block equivalency file and the resulting Congressional shapefile;  
12661 and

12662 (ii) any other relevant data such as aerial photographs, aerial maps, or other data about  
12663 the area.

12664 (c) Within five days of receipt of the request, the [~~lieutenant governor~~] director shall:

12665 (i) complete the review described in Subsection (2)(b); and

12666 (ii) make a determination.

12667 (d) When the [~~lieutenant governor~~] director determines the location of the  
12668 Congressional district boundary, the [~~lieutenant governor~~] director shall:

12669 (i) prepare a certification identifying the appropriate boundary and attaching a map, if  
12670 necessary; and

12671 (ii) send a copy of the certification to:

12672 (A) the affected party;

12673 (B) the county clerk of the affected county; and

12674 (C) the Utah Geospatial Resource Center created under Section 63A-16-505.

12675 (e) If the [~~lieutenant governor~~] director determines the number of the Congressional  
12676 district in which a particular individual resides, the [~~lieutenant governor~~] director shall send a  
12677 letter identifying that district by number to:

12678 (i) the individual;

12679 (ii) the affected party who filed the petition, if different than the individual whose  
12680 Congressional district number was identified; and

12681 (iii) the county clerk of the affected county.

12682 Section 227. Section 20A-13-301 is amended to read:

12683 **20A-13-301. Presidential elections -- Effect of vote.**

12684 (1) (a) Each registered political party shall choose individuals to act as presidential  
12685 electors and to fill vacancies in the office of presidential electors for their party's candidates for  
12686 president and vice president of the United States according to the procedures established in  
12687 their bylaws.

12688 (b) Each registered political party shall certify to the [~~lieutenant governor~~] director the  
12689 names and addresses of the individuals selected by the political party as the party's presidential  
12690 electors before 5 p.m. no later than August 31.

12691 (c) An unaffiliated candidate or write-in candidate for the office of president of the  
12692 United States shall, no later than 5 p.m. ten days after the day on which the candidate files a  
12693 declaration of candidacy, certify to the [~~lieutenant governor~~] director the names and addresses  
12694 of each individual selected by the candidate as a presidential elector for the candidate and each  
12695 individual selected by the candidate to fill a vacancy in the office of presidential elector for the  
12696 candidate.

12697 (2) The highest number of votes cast for candidates for president and vice president of  
12698 the United States elects the presidential electors for:

12699 (a) except as provided in Subsection (2)(b), the political party of those candidates; or

12700 (b) if the candidates receiving the highest number of votes are unaffiliated candidates  
12701 or write-in candidates, the presidential electors selected for those candidates under Subsection  
12702 (1)(c).

12703 Section 228. Section 20A-13-302 is amended to read:

12704 **20A-13-302. Certificate of election.**

12705 (1) The [~~lieutenant governor~~] director shall transmit certificates of election to each of  
12706 the electors selected under Section [20A-13-301](#):

12707 (a) if the candidates for president and vice president of the United States who receive  
12708 the highest number of votes in the state are unaffiliated candidates or write-in candidates, by  
12709 the candidate for president; or

12710 (b) if the candidates for president and vice president of the United States who receive  
12711 the highest number of votes in the state are the nominees of a registered political party, by the  
12712 registered political party.

12713 (2) Presidential electors may not receive compensation for their services.

12714 Section 229. Section **20A-13-304** is amended to read:

12715 **20A-13-304. Meeting to ballot -- Casting ballot for individual not nominated by**  
12716 **elector's candidate or party.**

12717 (1) The electors shall meet at the office [~~of the lieutenant governor at the state capitol~~]  
12718 at noon of the first Wednesday of the January after their election, or at noon of any other day  
12719 designated by the Congress of the United States of America.

12720 (2) After convening, the electors shall perform their duties in conformity with the  
12721 United States Constitution and laws.

12722 (3) Any elector who casts an electoral ballot for an individual not nominated by the  
12723 individual, or by the party of which the elector is an elector, except in the cases of death or  
12724 felony conviction of a candidate, is considered to have resigned from the office of elector, the  
12725 elector's vote may not be recorded, and the remaining electors shall appoint another individual  
12726 to fill the vacancy.

12727 Section 230. Section **20A-14-102** is amended to read:

12728 **20A-14-102. State Board of Education districts -- Filing -- Legal boundaries.**

12729 (1) (a) The Legislature shall file a copy of the Board block equivalency file enacted by  
12730 the Legislature and the resulting Board shapefile with the [~~lieutenant governor's~~] office.

12731 (b) The legal boundaries of State Board of Education districts are contained in the  
12732 Board shapefile on file with the [~~lieutenant governor's~~] office.

12733 (2) (a) The [~~lieutenant governor~~] director shall:

12734 (i) verify the Board block equivalency file that the Legislature files under Subsection

12735 (1) using block equivalency file security code "3045e67dd19fd1085282c1d9a89a7873" and the  
12736 resulting Board shapefile;

12737 (ii) generate maps of each State Board of Education district from the Board shapefile;  
12738 and

12739 (iii) ensure that the district maps are available for viewing on the [~~lieutenant~~  
12740 ~~governor's~~] office's website.

12741 (b) If there is any inconsistency between the district maps and the Board shapefile  
12742 resulting from the Board block equivalency file, the Board shapefile is controlling.

12743 Section 231. Section **20A-14-102.1** is amended to read:

12744 **20A-14-102.1. Omissions from maps -- How resolved.**

12745 (1) If any area of the state is omitted from a State Board of Education district in the  
12746 Board shapefile in the possession of the [~~lieutenant governor's~~] office, the county clerk of the  
12747 affected county, upon discovery of the omission, shall attach the area to the appropriate State  
12748 Board of Education district according to the requirements of Subsections (2) and (3).

12749 (2) If the omitted area is surrounded by a single State Board of Education district, the  
12750 county clerk shall attach the area to that district.

12751 (3) If the omitted area is contiguous to two or more State Board of Education districts,  
12752 the county clerk shall attach the area to the district that has the least population, as determined  
12753 by the Utah Population Committee.

12754 (4) The county clerk shall certify in writing and file with the [~~lieutenant governor~~]  
12755 director any attachment made under this section.

12756 Section 232. Section **20A-14-102.2** is amended to read:

12757 **20A-14-102.2. Uncertain boundaries -- How resolved.**

12758 (1) As used in this section:

12759 (a) "Affected party" means:

12760 (i) a state school board member whose State Board of Education district boundary is  
12761 uncertain because the feature used to establish the district boundary in the Board shapefile has  
12762 been removed, modified, or is unable to be identified or who is uncertain about whether the  
12763 member or another individual resides in a particular State Board of Education district;

12764 (ii) a candidate for state school board whose State Board of Education district  
12765 boundary is uncertain because the feature used to establish the district boundary in the Board



12766 shapefile has been removed, modified, or is unable to be identified or who is uncertain about  
12767 whether the candidate or another individual resides in a particular State Board of Education  
12768 district; or

12769 (iii) an individual who is uncertain about which State Board of Education district  
12770 contains the individual's residence because the feature used to establish the district boundary in  
12771 the Board shapefile has been removed, modified, or is unable to be identified.

12772 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or  
12773 political subdivision boundary that is used to establish a State Board of Education district  
12774 boundary.

12775 (2) (a) An affected party may file a written request petitioning the [~~lieutenant governor~~]  
12776 director to determine:

12777 (i) the precise location of the State Board of Education district boundary;

12778 (ii) the number of the State Board of Education district in which an individual resides;

12779 or

12780 (iii) both Subsections (2)(a)(i) and (ii).

12781 (b) In order to make the determination required by Subsection (2)(a), the [~~lieutenant~~  
12782 ~~governor~~] director shall review:

12783 (i) the Board block equivalency file and the resulting Board shapefile; and

12784 (ii) any other relevant data such as aerial photographs, aerial maps, or other data about  
12785 the area.

12786 (c) Within five days of receipt of the request, the [~~lieutenant governor~~] director shall:

12787 (i) complete the review described in Subsection (2)(b); and

12788 (ii) make a determination.

12789 (d) If the [~~lieutenant governor~~] director determines the precise location of the State  
12790 Board of Education district boundary, the [~~lieutenant governor~~] director shall:

12791 (i) prepare a certification identifying the appropriate State Board of Education district  
12792 boundary and attaching a map, if necessary; and

12793 (ii) send a copy of the certification to:

12794 (A) the affected party;

12795 (B) the county clerk of the affected county; and

12796 (C) the Utah Geospatial Resource Center created under Section [63A-16-505](#).

12797 (e) If the [~~lieutenant governor~~] director determines the number of the State Board of  
12798 Education district in which a particular individual resides, the [~~lieutenant governor~~] director  
12799 shall send a letter identifying that district by number to:

12800 (i) the individual;

12801 (ii) the affected party who filed the petition, if different than the individual whose State  
12802 Board of Education district number was identified; and

12803 (iii) the county clerk of the affected county.

12804 Section 233. Section **20A-14-102.3** is amended to read:

12805 **20A-14-102.3. County clerk, Utah Geospatial Resource Center, and director**  
12806 **responsibilities -- Maps and voting precinct boundaries.**

12807 (1) As used in this section, "redistricting boundary data" means the Board shapefile in  
12808 the possession of the [~~lieutenant governor's~~] office.

12809 (2) Each county clerk shall obtain a copy of the redistricting boundary data for the  
12810 clerk's county from the [~~lieutenant governor's~~] office.

12811 (3) (a) A county clerk may create one or more county maps that identify the boundaries  
12812 of State Board of Education districts as generated from the redistricting boundary data.

12813 (b) Before publishing or distributing any map or data created by the county clerk that  
12814 identifies the boundaries of State Board of Education districts within the county, the clerk shall  
12815 submit the county map and data to the [~~lieutenant governor~~] director and to the Utah Geospatial  
12816 Resource Center for review.

12817 (c) Within 30 days after receipt of a county map and data from a county clerk, the Utah  
12818 Geospatial Resource Center shall:

12819 (i) review the county map and data to evaluate if the county map and data accurately  
12820 reflect the boundaries of State Board of Education districts established by the Legislature in the  
12821 redistricting boundary data;

12822 (ii) determine whether the county map and data are correct or incorrect; and

12823 (iii) communicate those findings to the [~~lieutenant governor~~] director.

12824 (d) The [~~lieutenant governor~~] director shall either notify the county clerk that the  
12825 county map and data are correct or inform the county clerk that the county map and data are  
12826 incorrect.

12827 (e) If the county clerk receives notice from the [~~lieutenant governor~~] director that the

12828 county map and data submitted are incorrect, the county clerk shall:

12829 (i) make the corrections necessary to conform the county map and data to the  
12830 redistricting boundary data; and

12831 (ii) resubmit the corrected county map and data to the [~~lieutenant governor~~] director for  
12832 a new review under this Subsection (3).

12833 (4) (a) Subject to the requirements of this Subsection (4), each county clerk shall  
12834 establish voting precincts and polling places within each State Board of Education district  
12835 according to the procedures and requirements of Section 20A-5-303.

12836 (b) Within five working days after approval of voting precincts and polling places by  
12837 the county legislative body as required by Section 20A-5-303, each county clerk shall submit a  
12838 voting precinct map identifying the boundaries of each voting precinct within the county to the  
12839 [~~lieutenant governor~~] director and to the Utah Geospatial Resource Center for review.

12840 (c) Within 30 days after receipt of a voting precinct map from a county clerk, the Utah  
12841 Geospatial Resource Center shall:

12842 (i) review the voting precinct map to evaluate if the voting precinct map accurately  
12843 reflects the boundaries of State Board of Education districts established by the Legislature in  
12844 the redistricting boundary data;

12845 (ii) determine whether the voting precinct map is correct or incorrect; and

12846 (iii) communicate those findings to the [~~lieutenant governor~~] director.

12847 (d) The [~~lieutenant governor~~] director shall either notify the county clerk that the voting  
12848 precinct map is correct or notify the county clerk that the voting precinct map is incorrect.

12849 (e) If the county clerk receives notice from the [~~lieutenant governor~~] director that the  
12850 voting precinct map is incorrect, the county clerk shall:

12851 (i) make the corrections necessary to conform the voting precinct map to the  
12852 redistricting boundary data; and

12853 (ii) resubmit the corrected voting precinct map to the [~~lieutenant governor~~] director and  
12854 to the Utah Geospatial Resource Center for a new review under this Subsection (4).

12855 Section 234. Section 20A-14-103 is amended to read:

12856 **20A-14-103. State Board of Education members -- Term -- Requirements.**

12857 (1) Unless otherwise provided by law and except as provided in Subsection (2):

12858 (a) voters in the following districts, as designated in the Senate block equivalency file,

12859 shall elect a State Board of Education member for a term of four years:

12860 (i) at the 2022 General Election, State Board of Education Districts 1, 2, 4, 5, 8, 11,  
12861 and 14; and

12862 (ii) at the 2024 General Election, State Board of Education Districts 3, 6, 7, 9, 10, 12,  
12863 13, and 15; and

12864 (b) a State Board of Education member representing a district described in Subsection  
12865 (1)(a)(ii) on November 16, 2021, shall represent the realigned district, if the State Board of  
12866 Education member resides in the realigned district, for a term of office that ends January 6,  
12867 2025.

12868 (2) (a) As used in this Subsection (2), "District 6" means District 6 as designated in the  
12869 Senate block equivalency file.

12870 (b) If one of the incumbent State Board of Education members from District 6 files  
12871 written notice with the [~~lieutenant governor~~] director by close of business on January 3, 2022,  
12872 that the member will not seek election to the State Board of Education from District 6:

12873 (i) the filing incumbent member may serve until January 2, 2023, in representation of  
12874 the district to which the member was elected at the 2020 General Election; and

12875 (ii) the other incumbent member from District 6 shall serve out the term for which the  
12876 member was elected, in representation of District 6, which is until January 6, 2025.

12877 (c) If neither or both incumbent State Board of Education members in District 6 file the  
12878 written notice described in Subsection (2)(b):

12879 (i) the incumbent members may serve until January 2, 2023, in representation of the  
12880 district to which the members were elected at the 2020 General Election;

12881 (ii) the [~~lieutenant governor~~] director shall designate District 6 as an office to be filled  
12882 in the 2022 General Election in the notice of election required by Section [20A-5-101](#);

12883 (iii) the State Board of Education member elected from District 6 at the 2022 General  
12884 Election shall be elected to serve a term of office of two years; and

12885 (iv) the State Board of Education member elected from District 6 at the 2024 General  
12886 Election shall be elected to serve a term of office of four years.

12887 (3) (a) A person seeking election to the State Board of Education shall have been a  
12888 resident of the State Board of Education district in which the person is seeking election for at  
12889 least one year as of the date of the election.

12890 (b) A person who has resided within the State Board of Education district, as the  
12891 boundaries of the district exist on the date of the election, for one year immediately preceding  
12892 the date of the election shall be considered to have met the requirements of this Subsection (3).

12893 (4) A State Board of Education member shall:

12894 (a) be and remain a registered voter in the State Board of Education district from which  
12895 the member was elected or appointed; and

12896 (b) maintain the member's primary residence within the State Board of Education  
12897 district from which the member was elected or appointed during the member's term of office.

12898 (5) A State Board of Education member may not, during the member's term of office,  
12899 also serve as an employee of the State Board of Education.

12900 Section 235. Section **20A-15-103** is amended to read:

12901 **20A-15-103. Delegates -- Candidacy -- Qualifications -- Nominating procedures --**  
12902 **Removal of petition signature.**

12903 (1) Candidates for the office of delegate to the ratification convention shall be citizens,  
12904 residents of Utah, and at least 21 years old.

12905 (2) Persons wishing to be delegates to the ratification convention shall:

12906 (a) circulate a nominating petition meeting the requirements of this section; and

12907 (b) obtain the signature of at least 100 registered voters.

12908 (3) (a) A single nominating petition may nominate any number of candidates up to 21,  
12909 the total number of delegates to be elected.

12910 (b) Nominating petitions may not contain anything identifying a candidate's party or  
12911 political affiliation.

12912 (c) Each nominating petition shall contain a written statement signed by each nominee,  
12913 indicating either that the candidate will:

12914 (i) vote for ratification of the proposed amendment; or

12915 (ii) vote against ratification of the proposed amendment.

12916 (d) A nominating petition containing the names of more than one nominee may not  
12917 contain the name of any nominee whose stated position in the nominating petition is  
12918 inconsistent with that of any other nominee listed in the petition.

12919 (4) (a) Candidates shall file their nominating petitions with the [~~lieutenant governor~~]  
12920 director before 5 p.m. no later than 40 days before the proclaimed date of the election.

12921 (b) Within 10 days after the last day for filing the petitions, the [~~lieutenant governor~~]  
12922 director shall:

12923 (i) use the procedures described in Section 20A-1-1002 to determine whether a signer  
12924 is a registered voter;

12925 (ii) declare nominated the 21 nominees in favor of ratification and the 21 nominees  
12926 against ratification whose nominating petitions have been signed by the largest number of  
12927 registered voters;

12928 (iii) decide any ties by lot drawn by the [~~lieutenant governor~~] director; and

12929 (iv) certify the nominated candidates of each group to the county clerk of each county  
12930 within the state.

12931 (5) (a) A voter who signs a nomination petition under this section may have the voter's  
12932 signature removed from the petition by, no later than three business days after the last day for  
12933 filing the petitions, submitting to the [~~lieutenant governor~~] director a statement requesting that  
12934 the voter's signature be removed.

12935 (b) A statement described in Subsection (5)(a) shall comply with the requirements  
12936 described in Subsection 20A-1-1003(2).

12937 (c) The [~~lieutenant governor~~] director shall use the procedures described in Subsection  
12938 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after  
12939 receiving a timely, valid statement requesting removal of the signature.

12940 Section 236. Section 20A-15-201 is amended to read:

12941 **20A-15-201. Convening -- Vacancies -- Election of officers -- Journal of**  
12942 **proceedings.**

12943 (1) The delegates to the convention shall convene at the state capitol at noon on the  
12944 28th day after their election to pass upon the question of whether or not the proposed  
12945 amendment shall be ratified.

12946 (2) (a) If, at the time the convention convenes, there is a vacancy in the convention, the  
12947 delegates from the group from which the delegate creating the vacancy was elected shall, by  
12948 majority vote, appoint a person to fill the vacancy.

12949 (b) If the convention contains no other delegates from the group from which the  
12950 delegate creating the vacancy was elected, the governor shall appoint a person to fill the  
12951 vacancy.

- 12952 (3) The convention may:
- 12953 (a) elect a president, secretary, and other officers; and
- 12954 (b) adopt its own rules.
- 12955 (4) The convention shall:
- 12956 (a) keep a journal of its proceedings;
- 12957 (b) record in the journal the vote of each delegate on the question of ratification of the
- 12958 proposed amendment; and
- 12959 (c) file the journal with the [~~lieutenant governor~~] director after the convention
- 12960 adjourns.
- 12961 (5) (a) Delegates to the ratification convention shall:
- 12962 (i) serve without pay;
- 12963 (ii) receive a per diem of \$4 per day while the convention is in session; and
- 12964 (iii) receive mileage at the rate of 10 cents per mile for the distance necessarily
- 12965 traveled in going to and returning from the place of meeting by the most usual route.
- 12966 (b) The [~~lieutenant governor~~] director shall pay the per diem and mileage, together with
- 12967 the necessary expenses of the convention for printing and stenographic services, from the state
- 12968 treasury.
- 12969 Section 237. Section **20A-15-202** is amended to read:
- 12970 **20A-15-202. Certificate of ratification.**
- 12971 (1) If the convention agrees, by vote of a majority of the total number of delegates, to
- 12972 ratify the proposed amendment, the president and secretary of the convention shall:
- 12973 (a) prepare and sign a certificate to that effect; and
- 12974 (b) transmit it to the [~~lieutenant governor~~] director.
- 12975 (2) Upon receipt of a ratification certificate, the [~~lieutenant governor~~] director shall
- 12976 transmit the certificate under the great seal of the state to the Secretary of State of the United
- 12977 States.
- 12978 Section 238. Section **20A-16-201** is amended to read:
- 12979 **20A-16-201. Duties of director.**
- 12980 The [~~lieutenant governor~~] director shall:
- 12981 (1) implement this chapter and the state's responsibilities under the Uniformed and
- 12982 Overseas Citizens Absentee Voting Act, 52 U.S.C. 20301 et seq.;

12983 (2) make available to covered voters information regarding voter registration  
12984 procedures for covered voters and procedures for casting military-overseas ballots;

12985 (3) establish an electronic transmission system through which a covered voter may  
12986 apply for and receive voter registration materials, military-overseas ballots, and other  
12987 information under this chapter;

12988 (4) (a) develop standardized absentee-voting materials, including privacy and  
12989 transmission envelopes and electronic equivalents of the envelopes, authentication materials,  
12990 and voting instructions, to be used with the military-overseas ballot of a voter authorized to  
12991 vote in any jurisdiction in the state; and

12992 (b) to the extent reasonably possible, coordinate with other states on the development  
12993 required by Subsection (4)(a); and

12994 (5) prescribe the form and content of a declaration:

12995 (a) for use by a covered voter to swear or affirm specific representations pertaining to  
12996 the voter's identity, eligibility to vote, status as a covered voter, and timely and proper  
12997 completion of an overseas-military ballot;

12998 (b) that is based on the declaration prescribed to accompany a federal write-in absentee  
12999 ballot, as modified to be consistent with this chapter; and

13000 (c) that is a prominent part of all balloting materials for which the declaration is  
13001 required, including an indication of the date of execution of the declaration.

13002 Section 239. Section **20A-16-202** is amended to read:

13003 **20A-16-202. Report on ballots.**

13004 (1) No later than 60 days after each regular general election date, each county clerk  
13005 shall submit a report to the [~~lieutenant governor~~] director indicating:

13006 (a) the number of ballots sent to covered voters; and

13007 (b) the number of ballots returned by covered voters that were counted.

13008 (2) No later than 90 days after each regular general election date, the [~~lieutenant~~  
13009 ~~governor~~] director shall submit a statewide report to the Election Assistance Commission that  
13010 includes the information required by Subsection (1).

13011 Section 240. Section **20A-16-302** is amended to read:

13012 **20A-16-302. Methods of registering to vote.**

13013 (1) To apply to register to vote, in addition to any other approved method, a covered



13014 voter may use a federal postcard application or the application's electronic equivalent.

13015 (2) (a) A covered voter may use the declaration accompanying a federal write-in  
13016 absentee ballot to apply to register to vote simultaneously with the submission of the federal  
13017 write-in absentee ballot, if the declaration is received before the day of the election.

13018 (b) If the declaration is received on or after the day of the election, the declaration shall  
13019 be treated as an application to register to vote for subsequent elections.

13020 (3) (a) The [~~lieutenant governor~~] director shall ensure that the electronic transmission  
13021 system described in Subsection 20A-16-201(3) is capable of accepting both a federal postcard  
13022 application and any other approved electronic registration application sent to the appropriate  
13023 election official.

13024 (b) The voter may use the electronic transmission system or any other approved  
13025 method to register to vote.

13026 Section 241. Section **20A-16-401** is amended to read:

13027 **20A-16-401. Methods of applying for military-overseas ballots.**

13028 (1) A covered voter who is registered to vote in the state may apply for a  
13029 military-overseas ballot:

13030 (a) via the federal postcard application;

13031 (b) via the federal postcard application's electronic equivalent; or

13032 (c) by otherwise making a request in writing.

13033 (2) A covered voter who is not registered to vote in this state may use a federal  
13034 postcard application or the federal postcard application's electronic equivalent to apply  
13035 simultaneously to register to vote under Section 20A-16-302 and for a military-overseas ballot.

13036 (3) (a) The [~~lieutenant governor~~] director shall ensure that the electronic transmission  
13037 system described in Subsection 20A-16-201(3) is capable of accepting the submission of both a  
13038 federal postcard application and any other approved electronic military-overseas ballot  
13039 application sent to the appropriate election official.

13040 (b) The voter may use the electronic transmission system or any other approved  
13041 method to apply for a military-overseas ballot.

13042 (4) A covered voter may use the declaration accompanying a federal write-in absentee  
13043 ballot as an application for a military-overseas ballot simultaneously with the submission of the  
13044 federal write-in absentee ballot, if the declaration is received by the appropriate election official

13045 before the day of the election.

13046 (5) To receive the benefits of this chapter, a covered voter shall inform the appropriate  
13047 election official that the voter is a covered voter by:

13048 (a) the use of a federal postcard application or federal write-in absentee ballot;

13049 (b) the use of an overseas address on an approved voter registration application or  
13050 ballot application; or

13051 (c) the inclusion on an approved voter registration application or ballot application of  
13052 other information sufficient to identify the voter as a covered voter.

13053 (6) This chapter does not preclude a covered voter from voting via a manual ballot by  
13054 mail.

13055 Section 242. Section **20A-16-410** is amended to read:

13056 **20A-16-410. Confirmation of receipt of application and voted ballot.**

13057 The [~~lieutenant governor~~] director, in coordination with an election officer, shall  
13058 implement an electronic free-access system by which a covered voter may determine by  
13059 telephone, electronic mail, or Internet:

13060 (1) whether the voter's federal postcard application or other registration or  
13061 military-overseas ballot application has been received and accepted;

13062 (2) whether the voter's military-overseas ballot has been received; and

13063 (3) the current status of the ballot.

13064 Section 243. Section **20A-21-101** is amended to read:

13065 **20A-21-101. Definitions.**

13066 As used in this chapter:

13067 (1) "Approved device" means a device described in Subsection **20A-21-201(4)**.

13068 (2) "Candidate qualification process" means the process, described in Section  
13069 **20A-9-403** or **20A-9-408**, of gathering signatures to seek the nomination of a registered  
13070 political party.

13071 (3) "Electronic candidate qualification process" means the same as that term is defined  
13072 in Section **20A-9-101**.

13073 (4) "Electronic initiative process" means the same as that term is defined in Section  
13074 **20A-7-101**.

13075 (5) "Electronic referendum process" means the same as that term is defined in Section

13076 20A-7-101.

13077 (6) "Manual candidate qualification process" means the same as that term is defined in  
13078 Section 20A-9-101.

13079 (7) "Petition" means:

13080 (a) as it relates to the electronic initiative process or the electronic referendum process,  
13081 the electronic record that an individual signs to indicate the individual is in favor of placing the  
13082 initiative or referendum on the ballot; or

13083 (b) as it relates to electronic candidate qualification process, the electronic record that  
13084 an individual signs to indicate the individual is in favor of placing an individual's name on the  
13085 ballot to run for a particular elective office.

13086 (8) "Signature" means:

13087 (a) as it relates to a signature gathered for an initiative or referendum, the same as that  
13088 term is defined in Section 20A-7-101; or

13089 (b) as it relates to a signature gathered for the candidate qualification process, the same  
13090 as that term is defined in Section 20A-9-101.

13091 (9) "Website" means:

13092 (a) as it relates to the electronic initiative process or the electronic referendum process,  
13093 the website designated by the [~~lieutenant governor~~] director for collecting the signatures and  
13094 other information relating to the electronic initiative process or the electronic referendum  
13095 process; or

13096 (b) as it relates to the electronic candidate qualification process, a website designated  
13097 by the [~~lieutenant governor~~] director for collecting the signatures and other information relating  
13098 to the electronic candidate qualification process.

13099 Section 244. Section 20A-21-201 is amended to read:

13100 **20A-21-201. Electronic signature gathering for an initiative, a referendum, or**  
13101 **candidate qualification.**

13102 (1) (a) After filing a petition for a statewide initiative or a statewide referendum, and  
13103 before gathering signatures, the sponsors shall, after consulting with the [~~Office of the~~  
13104 ~~Lieutenant Governor~~] office, sign a form provided by the [~~Office of the Lieutenant Governor~~]  
13105 office indicating whether the sponsors will gather signatures manually or electronically.

13106 (b) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather

13107 signatures electronically:

13108 (i) in relation to a statewide initiative, signatures for that initiative:

13109 (A) may only be gathered and submitted electronically, in accordance with this section

13110 and Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

13111 (B) may not be gathered or submitted using the manual signature-gathering process

13112 described in Sections 20A-7-105 and 20A-7-204; and

13113 (ii) in relation to a statewide referendum, signatures for that referendum:

13114 (A) may only be gathered and submitted electronically, in accordance with this section

13115 and Sections 20A-7-313, 20A-7-314, and 20A-7-315; and

13116 (B) may not be gathered or submitted using the manual signature-gathering process

13117 described in Sections 20A-7-105 and 20A-7-304.

13118 (c) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather

13119 signatures manually:

13120 (i) in relation to a statewide initiative, signatures for that initiative:

13121 (A) may only be gathered and submitted using the manual signature-gathering process

13122 described in Sections 20A-7-105 and 20A-7-204; and

13123 (B) may not be gathered or submitted electronically, as described in this section and

13124 Sections 20A-7-215, 20A-7-216, and 20A-7-217; and

13125 (ii) in relation to a statewide referendum, signatures for that referendum:

13126 (A) may only be gathered and submitted using the manual signature-gathering process

13127 described in Sections 20A-7-105 and 20A-7-304; and

13128 (B) may not be gathered or submitted electronically, as described in this section and

13129 Sections 20A-7-313, 20A-7-314, and 20A-7-315.

13130 (2) (a) After filing a petition for a local initiative or a local referendum, and before

13131 gathering signatures, the sponsors shall, after consulting with the local clerk's office, sign a

13132 form provided by the local clerk's office indicating whether the sponsors will gather signatures

13133 manually or electronically.

13134 (b) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather

13135 signatures electronically:

13136 (i) in relation to a local initiative, signatures for that initiative:

13137 (A) may only be gathered and submitted electronically, in accordance with this section

13138 and Sections 20A-7-514, 20A-7-515, and 20A-7-516; and

13139 (B) may not be gathered or submitted using the manual signature-gathering process  
13140 described in Sections 20A-7-105 and 20A-7-504; and

13141 (ii) in relation to a local referendum, signatures for that referendum:

13142 (A) may only be gathered and submitted electronically, in accordance with this section  
13143 and Sections 20A-7-614, 20A-7-615, and 20A-7-616; and

13144 (B) may not be gathered or submitted using the manual signature-gathering process  
13145 described in Sections 20A-7-105 and 20A-7-604.

13146 (c) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather  
13147 signatures manually:

13148 (i) in relation to a local initiative, signatures for that initiative:

13149 (A) may only be gathered and submitted using the manual signature-gathering process  
13150 described in Sections 20A-7-105 and 20A-7-504; and

13151 (B) may not be gathered or submitted electronically, as described in this section and  
13152 Sections 20A-7-514, 20A-7-515, and 20A-7-516; and

13153 (ii) in relation to a local referendum, signatures for that referendum:

13154 (A) may only be gathered and submitted using the manual signature-gathering process  
13155 described in Sections 20A-7-105 and 20A-7-604; and

13156 (B) may not be gathered or submitted electronically, as described in this section and  
13157 Sections 20A-7-614, 20A-7-615, and 20A-7-616.

13158 (3) (a) After a candidate files a notice of intent to gather signatures to qualify for a  
13159 ballot, and before gathering signatures, the candidate shall, after consulting with the election  
13160 officer, sign a form provided by the election officer indicating whether the candidate will  
13161 gather signatures manually or electronically.

13162 (b) If a candidate indicates, under Subsection (3)(a), that the candidate will gather  
13163 signatures electronically, signatures for the candidate:

13164 (i) may only be gathered and submitted using the electronic candidate qualification  
13165 process; and

13166 (ii) may not be gathered or submitted using the manual candidate qualification process.

13167 (c) If a candidate indicates, under Subsection (3)(a), that the candidate will gather  
13168 signatures manually, signatures for the candidate:

13169 (i) may only be gathered and submitted using the manual candidate qualification  
13170 process; and

13171 (ii) may not be gathered or submitted using the electronic candidate qualification  
13172 process.

13173 (4) To gather a signature electronically, a signature-gatherer shall:

13174 (a) use a device provided by the signature-gatherer or a sponsor of the petition that:

13175 (i) is approved by the [~~lieutenant governor~~] director;

13176 (ii) except as provided in Subsection (4)(a)(iii), does not store a signature or any other  
13177 information relating to an individual signing the petition in any location other than the location  
13178 used by the website to store the information;

13179 (iii) does not, on the device, store a signature or any other information relating to an  
13180 individual signing the petition except for the minimum time necessary to upload information to  
13181 the website;

13182 (iv) does not contain any applications, software, or data other than those approved by  
13183 the [~~lieutenant governor~~] director; and

13184 (v) complies with cyber-security and other security protocols required by the  
13185 [~~lieutenant governor~~] director;

13186 (b) use the approved device to securely access a website designated by the [~~lieutenant~~  
13187 ~~governor~~] director, directly, or via an application designated by the [~~lieutenant governor~~]  
13188 director; and

13189 (c) while connected to the website, present the approved device to an individual  
13190 considering signing the petition and, while the signature-gatherer is in the physical presence of  
13191 the individual:

13192 (i) wait for the individual to reach each screen presented to the individual on the  
13193 approved device; and

13194 (ii) wait for the individual to advance to each subsequent screen by clicking on the  
13195 acknowledgement at the bottom of the screen.

13196 (5) Each screen shown on an approved device as part of the signature-gathering process  
13197 shall appear as a continuous electronic document that, if the entire document does not appear  
13198 on the screen at once, requires the individual viewing the screen to, before advancing to the  
13199 next screen, scroll through the document until the individual reaches the end of the document.

13200 (6) After advancing through each screen required for the petition, the signature process  
13201 shall proceed as follows:

13202 (a) except as provided in Subsection (6)(b):

13203 (i) the individual desiring to sign the petition shall present the individual's driver  
13204 license or state identification card to the signature-gatherer;

13205 (ii) the signature-gatherer shall verify that the individual pictured on the driver license  
13206 or state identification card is the individual signing the petition;

13207 (iii) the signature-gatherer shall scan or enter the driver license number or state  
13208 identification card number through the approved device; and

13209 (iv) immediately after the signature-gatherer complies with Subsection (6)(a)(iii), the  
13210 website shall determine whether the individual desiring to sign the petition is eligible to sign  
13211 the petition;

13212 (b) if the individual desiring to sign the petition is unable to provide a driver license or  
13213 state identification card to the signature gatherer:

13214 (i) the individual may present other valid voter identification;

13215 (ii) if the valid voter identification contains a picture of the individual, the  
13216 signature-gatherer shall verify that the individual pictured is the individual signing the petition;

13217 (iii) if the valid voter identification does not contain a picture of the individual, the  
13218 signature-gatherer shall, to the extent reasonably practicable, use the individual's address or  
13219 other available means to determine whether the identification relates to the individual  
13220 presenting the identification;

13221 (iv) the signature-gatherer shall scan an image of the valid voter identification and  
13222 immediately upload the image to the website; and

13223 (v) the individual:

13224 (A) shall enter the individual's address; and

13225 (B) may, at the discretion of the individual, enter the individual's date of birth or age  
13226 after the individual clicks on the screen acknowledging that they have read and understand the  
13227 following statement, "Birth date or age information is not required, but may be used to verify  
13228 your identity with voter registration records. If you choose not to provide it, your signature may  
13229 not be verified as a valid signature if you change your address before your signature is verified  
13230 or if the information you provide does not match your voter registration records."; and

13231 (c) after completing the process described in Subsection (6)(a) or (b), the screen shall:

13232 (i) except for a petition to qualify a candidate for the ballot, give the individual signing  
13233 the petition the opportunity to enter the individual's email address after the individual reads the  
13234 following statement, "If you provide your email address, you may receive an email with  
13235 additional information relating to the petition you are signing."; and

13236 (ii) (A) if the website determines, under Subsection (6)(a)(iv), that the individual is  
13237 eligible to sign the petition, permit the individual to enter the individual's name as the  
13238 individual's electronic signature and, immediately after the signature-gatherer timely complies  
13239 with Subsection (10), certify the signature; or

13240 (B) if the individual provides valid voter identification under Subsection (6)(b), permit  
13241 the individual to enter the individual's name as the individual's electronic signature.

13242 (7) If an individual provides valid voter identification under Subsection (6)(b), the  
13243 county clerk shall, within seven days after the day on which the individual submits the valid  
13244 voter identification, certify the signature if:

13245 (a) the individual is eligible to sign the petition;

13246 (b) the identification provided matches the information on file; and

13247 (c) the signature-gatherer timely complies with Subsection (10).

13248 (8) For each signature submitted under this section, the website shall record:

13249 (a) the information identifying the individual who signs;

13250 (b) the date the signature was collected; and

13251 (c) the name of the signature-gatherer.

13252 (9) An individual who is a signature-gatherer may not sign a petition unless another  
13253 individual acts as the signature-gatherer when the individual signs the petition.

13254 (10) Except for a petition for a candidate to seek the nomination of a registered  
13255 political party, each individual who gathers a signature under this section shall, within one  
13256 business day after the day on which the individual gathers a signature, electronically sign and  
13257 submit the following statement to the website:

13258 "VERIFICATION OF SIGNATURE-GATHERER

13259 State of Utah, County of \_\_\_\_\_

13260 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

13261 I am a resident of Utah and am at least 18 years old;



13262 All the signatures that I collected on [Date signatures were gathered] were signed by  
 13263 individuals who professed to be the individuals whose signatures I gathered, and each of the  
 13264 individuals signed the petition in my presence;

13265 I did not knowingly make a misrepresentation of fact concerning the law or proposed  
 13266 law to which the petition relates;

13267 I believe that each individual has signed the individual's name and written the  
 13268 individual's residence correctly, that each signer has read and understands the law to which the  
 13269 petition relates, and that each signer is registered to vote in Utah;

13270 Each signature correctly reflects the date on which the individual signed the petition;  
 13271 and

13272 I have not paid or given anything of value to any individual who signed this petition to  
 13273 encourage that individual to sign it."

13274 (11) Except for a petition for a candidate to seek the nomination of a registered  
 13275 political party:

13276 (a) the county clerk may not certify a signature that is not timely verified in accordance  
 13277 with Subsection (10); and

13278 (b) if a signature certified by a county clerk under Subsection (6)(c)(ii)(A) is not timely  
 13279 verified in accordance with Subsection (10), the county clerk shall:

13280 (i) revoke the certification;

13281 (ii) remove the signature from the posting described in Subsection 20A-7-217(4),

13282 [~~20A-7-315(3)~~] 20A-7-315(4), 20A-7-516(4), or [~~20A-7-616(3)~~] 20A-7-616(4); and

13283 (iii) update the totals described in Subsections 20A-7-217(5)(a)(ii),

13284 20A-7-315(5)(a)(ii), 20A-7-516(5)(a)(ii), and 20A-7-616(5)(a)(ii).

13285 (12) For a petition for a candidate to seek the nomination of a registered political party,  
 13286 each individual who gathers a signature under this section shall, within one business day after  
 13287 the day on which the individual gathers a signature, electronically sign and submit the  
 13288 following statement to the [~~lieutenant governor~~] director in the manner specified by the  
 13289 [~~lieutenant governor~~] director:

13290 "VERIFICATION OF SIGNATURE-GATHERER

13291 State of Utah, County of \_\_\_\_\_

13292 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

13293 I am a resident of Utah and am at least 18 years old;

13294 All the signatures that I collected on [Date signatures were gathered] were signed by  
13295 individuals who professed to be the individuals whose signatures I gathered, and each of the  
13296 individuals signed the petition in my presence;

13297 I believe that each individual has signed the individual's name and written the  
13298 individual's residence correctly and that each signer is registered to vote in Utah; and

13299 Each signature correctly reflects the date on which the individual signed the petition."

13300 (13) For a petition for a candidate to seek the nomination of a registered political party,  
13301 the election officer may not certify a signature that is not timely verified in accordance with  
13302 Subsection (12).

13303 Section 245. Section **36-11-102** is amended to read:

13304 **36-11-102. Definitions.**

13305 As used in this chapter:

13306 (1) "Aggregate daily expenditures" means:

13307 (a) for a single lobbyist, principal, or government officer, the total of all expenditures  
13308 made within a calendar day by the lobbyist, principal, or government officer for the benefit of  
13309 an individual public official;

13310 (b) for an expenditure made by a member of a lobbyist group, the total of all  
13311 expenditures made within a calendar day by every member of the lobbyist group for the benefit  
13312 of an individual public official; or

13313 (c) for a multicient lobbyist, the total of all expenditures made by the multicient  
13314 lobbyist within a calendar day for the benefit of an individual public official, regardless of  
13315 whether the expenditures were attributed to different clients.

13316 (2) "Approved activity" means an event, a tour, or a meeting:

13317 (a) (i) to which a legislator or another nonexecutive branch public official is invited;  
13318 and

13319 (ii) attendance at which is approved by:

13320 (A) the speaker of the House of Representatives, if the public official is a member of  
13321 the House of Representatives or another nonexecutive branch public official; or

13322 (B) the president of the Senate, if the public official is a member of the Senate or  
13323 another nonexecutive branch public official; or

13324 (b) (i) to which a public official who holds a position in the executive branch of state  
13325 government is invited; and

13326 (ii) attendance at which is approved by the governor or the lieutenant governor.

13327 (3) "Board of education" means:

13328 (a) a local school board described in Title 53G, Chapter 4, School Districts;

13329 (b) the State Board of Education;

13330 (c) the State Charter School Board created under Section 53G-5-201; or

13331 (d) a charter school governing board described in Title 53G, Chapter 5, Charter  
13332 Schools.

13333 (4) "Capitol hill complex" means the same as that term is defined in Section  
13334 63C-9-102.

13335 (5) (a) "Compensation" means anything of economic value, however designated, that is  
13336 paid, loaned, granted, given, donated, or transferred to an individual for the provision of  
13337 services or ownership before any withholding required by federal or state law.

13338 (b) "Compensation" includes:

13339 (i) a salary or commission;

13340 (ii) a bonus;

13341 (iii) a benefit;

13342 (iv) a contribution to a retirement program or account;

13343 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue  
13344 Code, and subject to social security deductions, including a payment in excess of the maximum  
13345 amount subject to deduction under social security law;

13346 (vi) an amount that the individual authorizes to be deducted or reduced for salary  
13347 deferral or other benefits authorized by federal law; or

13348 (vii) income based on an individual's ownership interest.

13349 (6) "Compensation payor" means a person who pays compensation to a public official  
13350 in the ordinary course of business:

13351 (a) because of the public official's ownership interest in the compensation payor; or

13352 (b) for services rendered by the public official on behalf of the compensation payor.

13353 (7) "Education action" means:

13354 (a) a resolution, policy, or other official action for consideration by a board of

13355 education;

13356 (b) a nomination or appointment by an education official or a board of education;

13357 (c) a vote on an administrative action taken by a vote of a board of education;

13358 (d) an adjudicative proceeding over which an education official has direct or indirect

13359 control;

13360 (e) a purchasing or contracting decision;

13361 (f) drafting or making a policy, resolution, or rule;

13362 (g) determining a rate or fee; or

13363 (h) making an adjudicative decision.

13364 (8) "Education official" means:

13365 (a) a member of a board of education;

13366 (b) an individual appointed to or employed in a position under a board of education, if

13367 that individual:

13368 (i) occupies a policymaking position or makes purchasing or contracting decisions;

13369 (ii) drafts resolutions or policies or drafts or makes rules;

13370 (iii) determines rates or fees;

13371 (iv) makes decisions relating to an education budget or the expenditure of public

13372 money; or

13373 (v) makes adjudicative decisions; or

13374 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).

13375 (9) "Event" means entertainment, a performance, a contest, or a recreational activity

13376 that an individual participates in or is a spectator at, including a sporting event, an artistic

13377 event, a play, a movie, dancing, or singing.

13378 (10) "Executive action" means:

13379 (a) a nomination or appointment by the governor;

13380 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule

13381 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

13382 (c) agency ratemaking proceedings; or

13383 (d) an adjudicative proceeding of a state agency.

13384 (11) (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when

13385 given to or for the benefit of a public official unless consideration of equal or greater value is

- 13386 received:
- 13387 (i) a purchase, payment, or distribution;
- 13388 (ii) a loan, gift, or advance;
- 13389 (iii) a deposit, subscription, or forbearance;
- 13390 (iv) services or goods;
- 13391 (v) money;
- 13392 (vi) real property;
- 13393 (vii) a ticket or admission to an event; or
- 13394 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide
- 13395 any item listed in Subsections (11)(a)(i) through (vii).
- 13396 (b) "Expenditure" does not mean:
- 13397 (i) a commercially reasonable loan made in the ordinary course of business;
- 13398 (ii) a campaign contribution:
- 13399 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial
- 13400 Reporting Requirements, Section [10-3-208](#), Section [17-16-6.5](#), or any applicable ordinance
- 13401 adopted under Subsection [~~[10-3-208\(6\)](#)~~ [10-3-208\(8\)](#) or [17-16-6.5\(1\)](#)]; or
- 13402 (B) lawfully given to a person that is not required to report the contribution under a law
- 13403 or ordinance described in Subsection (11)(b)(ii)(A);
- 13404 (iii) printed informational material that is related to the performance of the recipient's
- 13405 official duties;
- 13406 (iv) a devise or inheritance;
- 13407 (v) any item listed in Subsection (11)(a) if:
- 13408 (A) given by a relative;
- 13409 (B) given by a compensation payor for a purpose solely unrelated to the public
- 13410 official's position as a public official;
- 13411 (C) the item is food or beverage with a value that does not exceed the food
- 13412 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed
- 13413 the food reimbursement rate; or
- 13414 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate
- 13415 daily expenditures do not exceed \$10;
- 13416 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the

- 13417 following are invited:
- 13418 (A) all members of the Legislature;
  - 13419 (B) all members of a standing or interim committee;
  - 13420 (C) all members of an official legislative task force;
  - 13421 (D) all members of a party caucus; or
  - 13422 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D) who
  - 13423 are attending a meeting of a national organization whose primary purpose is addressing general
  - 13424 legislative policy;
  - 13425 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
  - 13426 official who is:
    - 13427 (A) giving a speech at the event, tour, or meeting;
    - 13428 (B) participating in a panel discussion at the event, tour, or meeting; or
    - 13429 (C) presenting or receiving an award at the event, tour, or meeting;
  - 13430 (viii) a plaque, commendation, or award that:
    - 13431 (A) is presented in public; and
    - 13432 (B) has the name of the individual receiving the plaque, commendation, or award
    - 13433 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or
    - 13434 award;
  - 13435 (ix) a gift that:
    - 13436 (A) is an item that is not consumable and not perishable;
    - 13437 (B) a public official, other than a local official or an education official, accepts on
    - 13438 behalf of the state;
    - 13439 (C) the public official promptly remits to the state;
    - 13440 (D) a property administrator does not reject under Section [63G-23-103](#);
    - 13441 (E) does not constitute a direct benefit to the public official before or after the public
    - 13442 official remits the gift to the state; and
    - 13443 (F) after being remitted to the state, is not transferred, divided, distributed, or used to
    - 13444 distribute a gift or benefit to one or more public officials in a manner that would otherwise
    - 13445 qualify the gift as an expenditure if the gift were given directly to a public official;
  - 13446 (x) any of the following with a cash value not exceeding \$30:
    - 13447 (A) a publication; or

- 13448 (B) a commemorative item;
- 13449 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of  
13450 which is:
- 13451 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign  
13452 and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section [10-3-208](#), Section  
13453 [17-16-6.5](#), or an applicable ordinance adopted under Subsection [~~[10-3-208\(6\)](#)~~] [10-3-208\(8\)](#) or  
13454 [17-16-6.5\(1\)](#);
- 13455 (B) to solicit a campaign contribution that a person is not required to report under a law  
13456 or ordinance described in Subsection (11)(b)(xi)(A); or
- 13457 (C) charitable solicitation, as defined in Section [13-22-2](#);
- 13458 (xii) travel to, lodging at, food or beverage served at, and admission to an approved  
13459 activity;
- 13460 (xiii) sponsorship of an approved activity;
- 13461 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to  
13462 or from an event, a tour, or a meeting:
- 13463 (A) that is sponsored by a governmental entity;
- 13464 (B) that is widely attended and related to a governmental duty of a public official;
- 13465 (C) for a local official, that is sponsored by an organization that represents only local  
13466 governments, including the Utah Association of Counties, the Utah League of Cities and  
13467 Towns, or the Utah Association of Special Districts; or
- 13468 (D) for an education official, that is sponsored by a public school, a charter school, or  
13469 an organization that represents only public schools or charter schools, including the Utah  
13470 Association of Public Charter Schools, the Utah School Boards Association, or the Utah  
13471 School Superintendents Association; or
- 13472 (xv) travel to a widely attended tour or meeting related to a governmental duty of a  
13473 public official if that travel results in a financial savings to:
- 13474 (A) for a public official who is not a local official or an education official, the state; or
- 13475 (B) for a public official who is a local official or an education official, the local  
13476 government or board of education to which the public official belongs.
- 13477 (12) "Food reimbursement rate" means the total amount set by the director of the  
13478 Division of Finance, by rule, under Section [63A-3-107](#), for in-state meal reimbursement, for an

13479 employee of the executive branch, for an entire day.

13480 (13) (a) "Foreign agent" means an individual who engages in lobbying under contract  
13481 with a foreign government.

13482 (b) "Foreign agent" does not include an individual who is recognized by the United  
13483 States Department of State as a duly accredited diplomatic or consular officer of a foreign  
13484 government, including a duly accredited honorary consul.

13485 (14) "Foreign government" means a government other than the government of:

13486 (a) the United States;

13487 (b) a state within the United States;

13488 (c) a territory or possession of the United States; or

13489 (d) a political subdivision of the United States.

13490 (15) (a) "Government officer" means:

13491 (i) an individual elected to a position in state or local government, when acting in the  
13492 capacity of the state or local government position;

13493 (ii) an individual elected to a board of education, when acting in the capacity of a  
13494 member of a board of education;

13495 (iii) an individual appointed to fill a vacancy in a position described in Subsection  
13496 (15)(a)(i) or (ii), when acting in the capacity of the position; or

13497 (iv) an individual appointed to or employed in a full-time position by state government,  
13498 local government, or a board of education, when acting in the capacity of the individual's  
13499 appointment or employment.

13500 (b) "Government officer" does not mean a member of the legislative branch of state  
13501 government.

13502 (16) "Immediate family" means:

13503 (a) a spouse;

13504 (b) a child residing in the household; or

13505 (c) an individual claimed as a dependent for tax purposes.

13506 (17) "Legislative action" means:

13507 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or  
13508 proposed in either house of the Legislature or its committees or requested by a legislator; and

13509 (b) the action of the governor in approving or vetoing legislation.



- 13510 (18) "Lobbying" means communicating with a public official for the purpose of  
13511 influencing a legislative action, executive action, local action, or education action.
- 13512 (19) (a) "Lobbyist" means:
- 13513 (i) an individual who is employed by a principal; or
- 13514 (ii) an individual who contracts for economic consideration, other than reimbursement  
13515 for reasonable travel expenses, with a principal to lobby a public official.
- 13516 (b) "Lobbyist" does not include:
- 13517 (i) a government officer;
- 13518 (ii) a member or employee of the legislative branch of state government;
- 13519 (iii) a person, including a principal, while appearing at, or providing written comments  
13520 to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative  
13521 Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;
- 13522 (iv) a person participating on or appearing before an advisory or study task force,  
13523 commission, board, or committee, constituted by the Legislature, a local government, a board  
13524 of education, or any agency or department of state government, except legislative standing,  
13525 appropriation, or interim committees;
- 13526 (v) a representative of a political party;
- 13527 (vi) an individual representing a bona fide church solely for the purpose of protecting  
13528 the right to practice the religious doctrines of the church, unless the individual or church makes  
13529 an expenditure that confers a benefit on a public official;
- 13530 (vii) a newspaper, television station or network, radio station or network, periodical of  
13531 general circulation, or book publisher for the purpose of publishing news items, editorials,  
13532 other comments, or paid advertisements that directly or indirectly urge legislative action,  
13533 executive action, local action, or education action;
- 13534 (viii) an individual who appears on the individual's own behalf before a committee of  
13535 the Legislature, an agency of the executive branch of state government, a board of education,  
13536 the governing body of a local government, a committee of a local government, or a committee  
13537 of a board of education, solely for the purpose of testifying in support of or in opposition to  
13538 legislative action, executive action, local action, or education action; or
- 13539 (ix) an individual representing a business, entity, or industry, who:
- 13540 (A) interacts with a public official, in the public official's capacity as a public official,

13541 while accompanied by a registered lobbyist who is lobbying in relation to the subject of the  
13542 interaction or while presenting at a legislative committee meeting at the same time that the  
13543 registered lobbyist is attending another legislative committee meeting; and

13544 (B) does not make an expenditure for, or on behalf of, a public official in relation to the  
13545 interaction or during the period of interaction.

13546 (20) "Lobbyist group" means two or more lobbyists, principals, government officers, or  
13547 any combination of lobbyists, principals, and government officers, who each contribute a  
13548 portion of an expenditure made to benefit a public official or member of the public official's  
13549 immediate family.

13550 (21) "Local action" means:

13551 (a) an ordinance or resolution for consideration by a local government;

13552 (b) a nomination or appointment by a local official or a local government;

13553 (c) a vote on an administrative action taken by a vote of a local government's  
13554 legislative body;

13555 (d) an adjudicative proceeding over which a local official has direct or indirect control;

13556 (e) a purchasing or contracting decision;

13557 (f) drafting or making a policy, resolution, or rule;

13558 (g) determining a rate or fee; or

13559 (h) making an adjudicative decision.

13560 (22) "Local government" means:

13561 (a) a county, city, town, or metro township;

13562 (b) a special district governed by Title 17B, Limited Purpose Local Government  
13563 Entities - Special Districts;

13564 (c) a special service district governed by Title 17D, Chapter 1, Special Service District  
13565 Act;

13566 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local  
13567 Government Entities - Community Reinvestment Agency Act;

13568 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;

13569 (f) a redevelopment agency; or

13570 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter  
13571 13, Interlocal Cooperation Act.

13572 (23) "Local official" means:  
13573 (a) an elected member of a local government;  
13574 (b) an individual appointed to or employed in a position in a local government if that  
13575 individual:

13576 (i) occupies a policymaking position or makes purchasing or contracting decisions;  
13577 (ii) drafts ordinances or resolutions or drafts or makes rules;  
13578 (iii) determines rates or fees; or  
13579 (iv) makes adjudicative decisions; or

13580 (c) an immediate family member of an individual described in Subsection (23)(a) or  
13581 (b).

13582 (24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or  
13583 make a decision, including a conference, seminar, or summit.

13584 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer  
13585 who represents two or more clients and divides the aggregate daily expenditure made to benefit  
13586 a public official or member of the public official's immediate family between two or more of  
13587 those clients.

13588 (26) "Principal" means a person that employs an individual to perform lobbying, either  
13589 as an employee or as an independent contractor.

13590 (27) "Public official" means:

13591 (a) (i) a member of the Legislature;  
13592 (ii) an individual elected to a position in the executive branch of state government; or  
13593 (iii) an individual appointed to or employed in a position in the executive or legislative  
13594 branch of state government if that individual:

13595 (A) occupies a policymaking position or makes purchasing or contracting decisions;  
13596 (B) drafts legislation or makes rules;  
13597 (C) determines rates or fees; or  
13598 (D) makes adjudicative decisions;

13599 (b) an immediate family member of a person described in Subsection (27)(a);  
13600 (c) a local official; or  
13601 (d) an education official.

13602 (28) "Public official type" means a notation to identify whether a public official is:

- 13603 (a) (i) a member of the Legislature;
- 13604 (ii) an individual elected to a position in the executive branch of state government;
- 13605 (iii) an individual appointed to or employed in a position in the legislative branch of
- 13606 state government who meets the definition of public official under Subsection (27)(a)(iii);
- 13607 (iv) an individual appointed to or employed in a position in the executive branch of
- 13608 state government who meets the definition of public official under Subsection (27)(a)(iii);
- 13609 (v) a local official, including a description of the type of local government for which
- 13610 the individual is a local official; or

13611 (vi) an education official, including a description of the type of board of education for  
 13612 which the individual is an education official; or

13613 (b) an immediate family member of an individual described in Subsection (27)(a), (c),  
 13614 or (d).

13615 (29) "Quarterly reporting period" means the three-month period covered by each  
 13616 financial report required under Subsection 36-11-201(2)(a).

13617 (30) "Related person" means a person, agent, or employee who knowingly and  
 13618 intentionally assists a lobbyist, principal, or government officer in lobbying.

13619 (31) "Relative" means:

- 13620 (a) a spouse;
- 13621 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law,
- 13622 brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or
- 13623 (c) a spouse of an individual described in Subsection (31)(b).

13624 (32) "Tour" means visiting a location, for a purpose relating to the duties of a public  
 13625 official, and not primarily for entertainment, including:

- 13626 (a) viewing a facility;
- 13627 (b) viewing the sight of a natural disaster; or
- 13628 (c) assessing a circumstance in relation to which a public official may need to take
- 13629 action within the scope of the public official's duties.

13630 Section 246. Section 63A-19-101 is enacted to read:

13631 **CHAPTER 19. ELECTIONS OFFICE**

13632 **63A-19-101. Definitions.**

13633 As used in this chapter:

- 13634 (1) "Appointing committee" means the committee created in Subsection  
 13635 63A-19-201(2).
- 13636 (2) "Director" means the director of the office, appointed under Subsection  
 13637 63A-19-201(3)(a).
- 13638 (3) "Office" means the Elections Office, created in Subsection 63A-19-201(1).  
 13639 Section 247. Section **63A-19-201** is enacted to read:
- 13640 **63A-19-201. Elections Office - Creation -- Director -- Appointment -- Term.**
- 13641 (1) There is created an independent entity within the department known as the  
 13642 "Elections Office."
- 13643 (2) There is created an appointing committee, consisting of the following:
- 13644 (a) the governor;  
 13645 (b) the lieutenant governor;  
 13646 (c) the president of the Senate;  
 13647 (d) the speaker of the House or Representatives;  
 13648 (e) the attorney general;  
 13649 (f) the state auditor; and  
 13650 (g) the state treasurer.
- 13651 (3) The appointing committee shall, by a majority vote of the members of the  
 13652 appointing committee:
- 13653 (a) appoint the director of the office, with the advice and consent of the Senate; and  
 13654 (b) establish the salary for the director based upon a recommendation from the  
 13655 Division of Human Resource Management which shall be based on a market salary survey  
 13656 conducted by the Division of Human Resource Management.
- 13657 (4) An individual appointed as the director:
- 13658 (a) shall be familiar with federal and state election law;  
 13659 (b) shall be familiar with the state's election system;  
 13660 (c) shall have strong management and interpersonal skills;  
 13661 (d) shall be a nonpartisan individual who is not affiliated with a political party; and  
 13662 (e) may not hold an elective office, or be a candidate for elective office, while serving  
 13663 as the director.
- 13664 (5) The director:

- 13665 (a) shall serve a term of six years;
- 13666 (b) may, in accordance with Subsection (3), be appointed to subsequent terms; and
- 13667 (c) may be removed during a term of service, only for cause, by a majority vote of the
- 13668 appointing committee with the advice and consent of the Senate.
- 13669 (6) If the director is removed for cause, the appointing committee shall appoint an
- 13670 individual, in accordance with Subsection (3), to serve the remainder of the previous director's
- 13671 term.
- 13672 (7) The director and the office are not under the supervision of, and do not take
- 13673 direction from, the governor, lieutenant governor, executive director, or any other person,
- 13674 except for direction given by the executive director for solely administrative purposes.
- 13675 (8) The office:
- 13676 (a) shall use the legal services of the Office of the Attorney General;
- 13677 (b) shall submit a budget for the office directly to the department;
- 13678 (c) is subject to:
- 13679 (i) Title 51, Chapter 5, Funds Consolidation Act;
- 13680 (ii) Title 51, Chapter 7, State Money Management Act;
- 13681 (iii) Title 63A, Utah Government Operations Code;
- 13682 (iv) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 13683 (v) Title 63G, Chapter 6a, Utah Procurement Code;
- 13684 (vi) Title 63J, Chapter 1, Budgetary Procedures Act;
- 13685 (vii) Title 63J, Chapter 2, Revenue Procedures and Control Act;
- 13686 (viii) Chapter 17, Utah State Personnel Management Act;
- 13687 (ix) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
- 13688 (x) Title 52, Chapter 4, Open and Public Meetings Act;
- 13689 (xi) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 13690 (xii) coverage under the Risk Management Fund created under Section [63A-4-201](#); and
- 13691 (d) shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 13692 Act, make rules to establish policies for employees that are substantially similar to the rules
- 13693 made by the Division of Human Resource Management.
- 13694 Section 248. Section **63A-19-202** is enacted to read:
- 13695 **63A-19-202. Duties of the director.**

13696 (1) The director shall, in accordance with Subsection (2), serve as the chief election  
13697 officer of the state.

13698 (2) (a) As the chief election officer, the director shall:

13699 (i) exercise oversight, and general supervisory authority, over all elections;

13700 (ii) exercise direct authority over the conduct of elections for federal, state, and  
13701 multicounty officers and statewide or multicounty ballot propositions and any recounts  
13702 involving those races;

13703 (iii) establish uniformity in the election ballot;

13704 (iv) (A) prepare election information for the public as required by law and as  
13705 determined appropriate by the director; and

13706 (B) make the information described in Subsection (2)(a)(iv)(A) available to the public  
13707 and to news media, on the Internet, and in other forms as required by law and as determined  
13708 appropriate by the director;

13709 (v) receive and answer election questions and maintain an election file on opinions  
13710 received from the attorney general;

13711 (vi) maintain a current list of registered political parties as defined in Section  
13712 [20A-8-101](#);

13713 (vii) maintain election returns and statistics;

13714 (viii) certify to the governor the names of individuals nominated to run for, or elected  
13715 to, office;

13716 (ix) ensure that all voting equipment purchased by the state complies with the  
13717 requirements of Sections [20A-5-302](#), [20A-5-802](#), and [20A-5-803](#);

13718 (x) during a declared emergency, to the extent that the director determines it warranted,  
13719 designate, as provided in Section [20A-1-308](#), a different method, time, or location relating to:

13720 (A) voting on election day;

13721 (B) early voting;

13722 (C) the transmittal or voting of a mail-in ballot or military-overseas ballot;

13723 (D) the counting of mail-in ballot or military-overseas ballot; or

13724 (E) the canvassing of election returns; and

13725 (xi) exercise all other election authority, and perform other election duties, as provided  
13726 in Title 20A, Election Code.

- 13727 (b) As chief election officer, the director:
- 13728 (i) shall oversee all elections, and functions relating to elections, in the state;
- 13729 (ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance by
- 13730 an election officer with legal requirements relating to elections; and
- 13731 (iii) may not assume the responsibilities assigned to the county clerks, city recorders,
- 13732 town clerks, or other local election officials by Title 20A, Election Code.
- 13733 Section 249. Section **63C-27-201** is amended to read:
- 13734 **63C-27-201. Cybersecurity Commission created.**
- 13735 (1) There is created the Cybersecurity Commission.
- 13736 (2) The commission shall be composed of 24 members:
- 13737 (a) one member the governor designates to serve as the governor's designee;
- 13738 (b) the commissioner of the Department of Public Safety;
- 13739 (c) the ~~[lieutenant governor]~~ director of the Elections Office, or an election officer, as
- 13740 that term is defined in Section 20A-1-102, ~~[the]~~ ~~[lieutenant governor]~~ whom the director
- 13741 designates to serve as the ~~[lieutenant governor's]~~ director's designee;
- 13742 (d) the chief information officer of the Division of Technology Services;
- 13743 (e) the chief information security officer, as described in Section 63A-16-210;
- 13744 (f) the chairman of the Public Service Commission shall designate a representative
- 13745 with professional experience in information technology or cybersecurity;
- 13746 (g) the executive director of the Utah Department of Transportation shall designate a
- 13747 representative with professional experience in information technology or cybersecurity;
- 13748 (h) the director of the Division of Finance shall designate a representative with
- 13749 professional experience in information technology or cybersecurity;
- 13750 (i) the executive director of the Department of Health and Human Services shall
- 13751 designate a representative with professional experience in information technology or
- 13752 cybersecurity;
- 13753 (j) the director of the Division of Indian Affairs shall designate a representative with
- 13754 professional experience in information technology or cybersecurity;
- 13755 (k) the Utah League of Cities and Towns shall designate a representative with
- 13756 professional experience in information technology or cybersecurity;
- 13757 (l) the Utah Association of Counties shall designate a representative with professional



13758 experience in information technology or cybersecurity;

13759 (m) the attorney general, or the attorney general's designee;

13760 (n) the commissioner of financial institutions, or the commissioner's designee;

13761 (o) the executive director of the Department of Environmental Quality shall designate a

13762 representative with professional experience in information technology or cybersecurity;

13763 (p) the executive director of the Department of Natural Resources shall designate a

13764 representative with professional experience in information technology or cybersecurity;

13765 (q) the highest ranking information technology official, or the official's designee, from

13766 each of:

13767 (i) the Judicial Council;

13768 (ii) the Utah Board of Higher Education;

13769 (iii) the State Board of Education; and

13770 (iv) the State Tax Commission;

13771 (r) the governor shall appoint:

13772 (i) one representative from the Utah National Guard; and

13773 (ii) one representative from the Governor's Office of Economic Opportunity;

13774 (s) the president of the Senate shall appoint one member of the Senate; and

13775 (t) the speaker of the House of Representatives shall appoint one member of the House

13776 of Representatives.

13777 (3) (a) The governor's designee shall serve as cochair of the commission.

13778 (b) The commissioner of the Department of Public Safety shall serve as cochair of the

13779 commission.

13780 (4) (a) The members described in Subsection (2) shall represent urban, rural, and

13781 suburban population areas.

13782 (b) No fewer than half of the members described in Subsection (2) shall have

13783 professional experience in cybersecurity or in information technology.

13784 (5) In addition to the membership described in Subsection (2), the commission shall

13785 seek information and advice from state and private entities with expertise in critical

13786 infrastructure.

13787 (6) As necessary to improve information and protect potential vulnerabilities, the

13788 commission shall seek information and advice from federal entities including:

- 13789 (a) the Cybersecurity and Infrastructure Security Agency;  
13790 (b) the Federal Energy Regulatory Commission;  
13791 (c) the Federal Bureau of Investigation; and  
13792 (d) the United States Department of Transportation.
- 13793 (7) (a) Except as provided in Subsections (7)(b) and (c), a member is appointed for a  
13794 term of four years.
- 13795 (b) A member shall serve until the member's successor is appointed and qualified.
- 13796 (c) Notwithstanding the requirements of Subsection (7)(a), the governor shall, at the  
13797 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
13798 commission members are staggered so that approximately half of the commission members  
13799 appointed under Subsection (2)(r) are appointed every two years.
- 13800 (8) (a) If a vacancy occurs in the membership of the commission, the member shall be  
13801 replaced in the same manner in which the original appointment was made.
- 13802 (b) An individual may be appointed to more than one term.
- 13803 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
13804 appointed for the unexpired term.
- 13805 (9) (a) A majority of the members of the commission is a quorum.
- 13806 (b) The action of a majority of a quorum constitutes an action of the commission.
- 13807 (10) The commission shall meet at least two times a year.
- 13808 Section 250. Section **63G-2-203** is amended to read:
- 13809 **63G-2-203. Fees.**
- 13810 (1) (a) Subject to Subsection (5), a governmental entity may charge a reasonable fee to  
13811 cover the governmental entity's actual cost of providing a record.
- 13812 (b) A fee under Subsection (1)(a) shall be approved by the governmental entity's  
13813 executive officer.
- 13814 (2) (a) When a governmental entity compiles a record in a form other than that  
13815 normally maintained by the governmental entity, the actual costs under this section may include  
13816 the following:
- 13817 (i) the cost of staff time for compiling, formatting, manipulating, packaging,  
13818 summarizing, or tailoring the record either into an organization or media to meet the person's  
13819 request;

- 13820 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for  
13821 complying with a request; and
- 13822 (iii) in the case of fees for a record that is the result of computer output other than word  
13823 processing, the actual incremental cost of providing the electronic services and products  
13824 together with a reasonable portion of the costs associated with formatting or interfacing the  
13825 information for particular users, and the administrative costs as set forth in Subsections  
13826 (2)(a)(i) and (ii).
- 13827 (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest  
13828 paid employee who, in the discretion of the custodian of records, has the necessary skill and  
13829 training to perform the request.
- 13830 (3) (a) Fees shall be established as provided in this Subsection (3).
- 13831 (b) A governmental entity with fees established by the Legislature:
- 13832 (i) shall establish the fees defined in Subsection (2), or other actual costs associated  
13833 with this section through the budget process; and
- 13834 (ii) may use the procedures of Section [63J-1-504](#) to set fees until the Legislature  
13835 establishes fees through the budget process.
- 13836 (c) Political subdivisions shall establish fees by ordinance or written formal policy  
13837 adopted by the governing body.
- 13838 (d) The judiciary shall establish fees by rules of the judicial council.
- 13839 (4) A governmental entity may fulfill a record request without charge and is  
13840 encouraged to do so if it determines that:
- 13841 (a) releasing the record primarily benefits the public rather than a person;
- 13842 (b) the individual requesting the record is the subject of the record, or an individual  
13843 specified in Subsection [63G-2-202](#)(1) or (2); or
- 13844 (c) the requester's legal rights are directly implicated by the information in the record,  
13845 and the requester is impecunious.
- 13846 (5) (a) As used in this Subsection (5), "media representative":
- 13847 (i) means a person who requests a record to obtain information for a story or report for  
13848 publication or broadcast to the general public; and
- 13849 (ii) does not include a person who requests a record to obtain information for a blog,  
13850 podcast, social media account, or other means of mass communication generally available to a

13851 member of the public.

13852 (b) A governmental entity may not charge a fee for:

13853 (i) reviewing a record to determine whether it is subject to disclosure, except as  
13854 permitted by Subsection (2)(a)(ii);

13855 (ii) inspecting a record; or

13856 (iii) the first quarter hour of staff time spent in responding to a request under Section  
13857 [63G-2-204](#).

13858 (c) Notwithstanding Subsection (5)(b)(iii), a governmental entity is not prevented from  
13859 charging a fee for the first quarter hour of staff time spent in responding to a request under  
13860 Section [63G-2-204](#) if the person who submits the request:

13861 (i) is not a Utah media representative; and

13862 (ii) previously submitted a separate request within the 10-day period immediately  
13863 before the date of the request to which the governmental entity is responding.

13864 (6) (a) A person who believes that there has been an unreasonable denial of a fee  
13865 waiver under Subsection (4) may appeal the denial in the same manner as a person appeals  
13866 when inspection of a public record is denied under Section [63G-2-205](#).

13867 (b) The adjudicative body hearing the appeal:

13868 (i) shall review the fee waiver de novo, but shall review and consider the governmental  
13869 entity's denial of the fee waiver and any determination under Subsection (4); and

13870 (ii) has the same authority when a fee waiver or reduction is denied as it has when the  
13871 inspection of a public record is denied.

13872 (7) (a) All fees received under this section by a governmental entity subject to  
13873 Subsection (3)(b) shall be retained by the governmental entity as a dedicated credit.

13874 (b) Those funds shall be used to recover the actual cost and expenses incurred by the  
13875 governmental entity in providing the requested record or record series.

13876 (8) (a) A governmental entity may require payment of past fees and future estimated  
13877 fees before beginning to process a request if:

13878 (i) fees are expected to exceed \$50; or

13879 (ii) the requester has not paid fees from previous requests.

13880 (b) Any prepaid amount in excess of fees due shall be returned to the requester.

13881 (9) This section does not alter, repeal, or reduce fees established by other statutes or

13882 legislative acts.

13883 (10) (a) Notwithstanding Subsection (3)(c), fees for voter registration records shall be  
13884 set as provided in this Subsection (10).

13885 (b) The [~~lieutenant governor~~] director of the Elections Office, appointed under  
13886 Subsection 63A-19-201(3)(a), shall:

13887 (i) after consultation with county clerks, establish uniform fees for voter registration  
13888 and voter history records that meet the requirements of this section; and

13889 (ii) obtain legislative approval of those fees by following the procedures and  
13890 requirements of Section 63J-1-504.

13891 Section 251. Section **63G-2-302** is amended to read:

13892 **63G-2-302. Private records.**

13893 (1) The following records are private:

13894 (a) records concerning an individual's eligibility for unemployment insurance benefits,  
13895 social services, welfare benefits, or the determination of benefit levels;

13896 (b) records containing data on individuals describing medical history, diagnosis,  
13897 condition, treatment, evaluation, or similar medical data;

13898 (c) records of publicly funded libraries that when examined alone or with other records  
13899 identify a patron;

13900 (d) records received by or generated by or for:

13901 (i) the Independent Legislative Ethics Commission, except for:

13902 (A) the commission's summary data report that is required under legislative rule; and

13903 (B) any other document that is classified as public under legislative rule; or

13904 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,  
13905 unless the record is classified as public under legislative rule;

13906 (e) records received by, or generated by or for, the Independent Executive Branch  
13907 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review  
13908 of Executive Branch Ethics Complaints;

13909 (f) records received or generated for a Senate confirmation committee concerning  
13910 character, professional competence, or physical or mental health of an individual:

13911 (i) if, prior to the meeting, the chair of the committee determines release of the records:

13912 (A) reasonably could be expected to interfere with the investigation undertaken by the

13913 committee; or

13914 (B) would create a danger of depriving a person of a right to a fair proceeding or

13915 impartial hearing; and

13916 (ii) after the meeting, if the meeting was closed to the public;

13917 (g) employment records concerning a current or former employee of, or applicant for

13918 employment with, a governmental entity that would disclose that individual's home address,

13919 home telephone number, social security number, insurance coverage, marital status, or payroll

13920 deductions;

13921 (h) records or parts of records under Section [63G-2-303](#) that a current or former

13922 employee identifies as private according to the requirements of that section;

13923 (i) that part of a record indicating a person's social security number or federal employer

13924 identification number if provided under Section [31A-23a-104](#), [31A-25-202](#), [31A-26-202](#),

13925 [58-1-301](#), [58-55-302](#), [61-1-4](#), or [61-2f-203](#);

13926 (j) that part of a voter registration record identifying a voter's:

13927 (i) driver license or identification card number;

13928 (ii) social security number, or last four digits of the social security number;

13929 (iii) email address;

13930 (iv) date of birth; or

13931 (v) phone number;

13932 (k) a voter registration record that is classified as a private record by the [~~lieutenant~~

13933 ~~governor~~] director of the Elections Office, appointed under Subsection [63A-19-201\(3\)\(a\)](#), or a

13934 county clerk under Subsection [20A-2-101.1\(5\)\(a\)](#), [20A-2-104\(4\)\(h\)](#), or [20A-2-204\(4\)\(b\)](#);

13935 (l) a voter registration record that is withheld under Subsection [20A-2-104\(7\)](#);

13936 (m) a withholding request form described in Subsections [20A-2-104\(7\)](#) and (8) and any

13937 verification submitted in support of the form;

13938 (n) a record that:

13939 (i) contains information about an individual;

13940 (ii) is voluntarily provided by the individual; and

13941 (iii) goes into an electronic database that:

13942 (A) is designated by and administered under the authority of the Chief Information

13943 Officer; and

13944 (B) acts as a repository of information about the individual that can be electronically  
13945 retrieved and used to facilitate the individual's online interaction with a state agency;

13946 (o) information provided to the Commissioner of Insurance under:

13947 (i) Subsection 31A-23a-115(3)(a);

13948 (ii) Subsection 31A-23a-302(4); or

13949 (iii) Subsection 31A-26-210(4);

13950 (p) information obtained through a criminal background check under Title 11, Chapter  
13951 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

13952 (q) information provided by an offender that is:

13953 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap  
13954 Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and

13955 (ii) not required to be made available to the public under Subsection 77-41-110(4) or  
13956 77-43-108(4);

13957 (r) a statement and any supporting documentation filed with the attorney general in  
13958 accordance with Section 34-45-107, if the federal law or action supporting the filing involves  
13959 homeland security;

13960 (s) electronic toll collection customer account information received or collected under  
13961 Section 72-6-118 and customer information described in Section 17B-2a-815 received or  
13962 collected by a public transit district, including contact and payment information and customer  
13963 travel data;

13964 (t) an email address provided by a military or overseas voter under Section  
13965 20A-16-501;

13966 (u) a completed military-overseas ballot that is electronically transmitted under Title  
13967 20A, Chapter 16, Uniform Military and Overseas Voters Act;

13968 (v) records received by or generated by or for the Political Subdivisions Ethics Review  
13969 Commission established in Section 63A-15-201, except for:

13970 (i) the commission's summary data report that is required in Section 63A-15-202; and  
13971 (ii) any other document that is classified as public in accordance with Title 63A,  
13972 Chapter 15, Political Subdivisions Ethics Review Commission;

13973 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of  
13974 an incident or threat;

- 13975 (x) a criminal background check or credit history report conducted in accordance with  
13976 Section [63A-3-201](#);
- 13977 (y) a record described in Subsection [53-5a-104\(7\)](#);
- 13978 (z) on a record maintained by a county for the purpose of administering property taxes,  
13979 an individual's:
- 13980 (i) email address;
- 13981 (ii) phone number; or
- 13982 (iii) personal financial information related to a person's payment method;
- 13983 (aa) a record submitted by a taxpayer to establish the taxpayer's eligibility for an  
13984 exemption, deferral, abatement, or relief under:
- 13985 (i) Title 59, Chapter 2, Part 11, Exemptions;
- 13986 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
- 13987 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or
- 13988 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions;
- 13989 (bb) a record provided by the State Tax Commission in response to a request under  
13990 Subsection [59-1-403\(4\)\(y\)\(iii\)](#);
- 13991 (cc) a record of the Child Welfare Legislative Oversight Panel regarding an individual  
13992 child welfare case, as described in Subsection [36-33-103\(3\)](#); and
- 13993 (dd) a record relating to drug or alcohol testing of a state employee under Section  
13994 [63A-17-1004](#).
- 13995 (2) The following records are private if properly classified by a governmental entity:
- 13996 (a) records concerning a current or former employee of, or applicant for employment  
13997 with a governmental entity, including performance evaluations and personal status information  
13998 such as race, religion, or disabilities, but not including records that are public under Subsection  
13999 [63G-2-301\(2\)\(b\)](#) or [63G-2-301\(3\)\(o\)](#) or private under Subsection (1)(b);
- 14000 (b) records describing an individual's finances, except that the following are public:
- 14001 (i) records described in Subsection [63G-2-301\(2\)](#);
- 14002 (ii) information provided to the governmental entity for the purpose of complying with  
14003 a financial assurance requirement; or
- 14004 (iii) records that must be disclosed in accordance with another statute;
- 14005 (c) records of independent state agencies if the disclosure of those records would



- 14006 conflict with the fiduciary obligations of the agency;
- 14007 (d) other records containing data on individuals the disclosure of which constitutes a  
14008 clearly unwarranted invasion of personal privacy;
- 14009 (e) records provided by the United States or by a government entity outside the state  
14010 that are given with the requirement that the records be managed as private records, if the  
14011 providing entity states in writing that the record would not be subject to public disclosure if  
14012 retained by it;
- 14013 (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
14014 created in Section 26B-6-102, that may disclose, or lead to the discovery of, the identity of a  
14015 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and
- 14016 (g) audio and video recordings created by a body-worn camera, as defined in Section  
14017 77-7a-103, that record sound or images inside a home or residence except for recordings that:
- 14018 (i) depict the commission of an alleged crime;
- 14019 (ii) record any encounter between a law enforcement officer and a person that results in  
14020 death or bodily injury, or includes an instance when an officer fires a weapon;
- 14021 (iii) record any encounter that is the subject of a complaint or a legal proceeding  
14022 against a law enforcement officer or law enforcement agency;
- 14023 (iv) contain an officer involved critical incident as defined in Subsection  
14024 76-2-408(1)(f); or
- 14025 (v) have been requested for reclassification as a public record by a subject or  
14026 authorized agent of a subject featured in the recording.
- 14027 (3) (a) As used in this Subsection (3), "medical records" means medical reports,  
14028 records, statements, history, diagnosis, condition, treatment, and evaluation.
- 14029 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
14030 doctors, or affiliated entities are not private records or controlled records under Section  
14031 63G-2-304 when the records are sought:
- 14032 (i) in connection with any legal or administrative proceeding in which the patient's  
14033 physical, mental, or emotional condition is an element of any claim or defense; or
- 14034 (ii) after a patient's death, in any legal or administrative proceeding in which any party  
14035 relies upon the condition as an element of the claim or defense.
- 14036 (c) Medical records are subject to production in a legal or administrative proceeding

14037 according to state or federal statutes or rules of procedure and evidence as if the medical  
14038 records were in the possession of a nongovernmental medical care provider.

14039 Section 252. Section **63G-2-305** is amended to read:

14040 **63G-2-305. Protected records.**

14041 The following records are protected if properly classified by a governmental entity:

14042 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret  
14043 has provided the governmental entity with the information specified in Section [63G-2-309](#);

14044 (2) commercial information or nonindividual financial information obtained from a  
14045 person if:

14046 (a) disclosure of the information could reasonably be expected to result in unfair  
14047 competitive injury to the person submitting the information or would impair the ability of the  
14048 governmental entity to obtain necessary information in the future;

14049 (b) the person submitting the information has a greater interest in prohibiting access  
14050 than the public in obtaining access; and

14051 (c) the person submitting the information has provided the governmental entity with  
14052 the information specified in Section [63G-2-309](#);

14053 (3) commercial or financial information acquired or prepared by a governmental entity  
14054 to the extent that disclosure would lead to financial speculations in currencies, securities, or  
14055 commodities that will interfere with a planned transaction by the governmental entity or cause  
14056 substantial financial injury to the governmental entity or state economy;

14057 (4) records, the disclosure of which could cause commercial injury to, or confer a  
14058 competitive advantage upon a potential or actual competitor of, a commercial project entity as  
14059 defined in Subsection [11-13-103\(4\)](#);

14060 (5) test questions and answers to be used in future license, certification, registration,  
14061 employment, or academic examinations;

14062 (6) records, the disclosure of which would impair governmental procurement  
14063 proceedings or give an unfair advantage to any person proposing to enter into a contract or  
14064 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this  
14065 Subsection (6) does not restrict the right of a person to have access to, after the contract or  
14066 grant has been awarded and signed by all parties:

14067 (a) a bid, proposal, application, or other information submitted to or by a governmental

14068 entity in response to:

14069 (i) an invitation for bids;

14070 (ii) a request for proposals;

14071 (iii) a request for quotes;

14072 (iv) a grant; or

14073 (v) other similar document; or

14074 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

14075 (7) information submitted to or by a governmental entity in response to a request for

14076 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict

14077 the right of a person to have access to the information, after:

14078 (a) a contract directly relating to the subject of the request for information has been

14079 awarded and signed by all parties; or

14080 (b) (i) a final determination is made not to enter into a contract that relates to the

14081 subject of the request for information; and

14082 (ii) at least two years have passed after the day on which the request for information is

14083 issued;

14084 (8) records that would identify real property or the appraisal or estimated value of real

14085 or personal property, including intellectual property, under consideration for public acquisition

14086 before any rights to the property are acquired unless:

14087 (a) public interest in obtaining access to the information is greater than or equal to the

14088 governmental entity's need to acquire the property on the best terms possible;

14089 (b) the information has already been disclosed to persons not employed by or under a

14090 duty of confidentiality to the entity;

14091 (c) in the case of records that would identify property, potential sellers of the described

14092 property have already learned of the governmental entity's plans to acquire the property;

14093 (d) in the case of records that would identify the appraisal or estimated value of

14094 property, the potential sellers have already learned of the governmental entity's estimated value

14095 of the property; or

14096 (e) the property under consideration for public acquisition is a single family residence

14097 and the governmental entity seeking to acquire the property has initiated negotiations to acquire

14098 the property as required under Section [78B-6-505](#);

14099 (9) records prepared in contemplation of sale, exchange, lease, rental, or other  
14100 compensated transaction of real or personal property including intellectual property, which, if  
14101 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value  
14102 of the subject property, unless:

14103 (a) the public interest in access is greater than or equal to the interests in restricting  
14104 access, including the governmental entity's interest in maximizing the financial benefit of the  
14105 transaction; or

14106 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of  
14107 the value of the subject property have already been disclosed to persons not employed by or  
14108 under a duty of confidentiality to the entity;

14109 (10) records created or maintained for civil, criminal, or administrative enforcement  
14110 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if  
14111 release of the records:

14112 (a) reasonably could be expected to interfere with investigations undertaken for  
14113 enforcement, discipline, licensing, certification, or registration purposes;

14114 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement  
14115 proceedings;

14116 (c) would create a danger of depriving a person of a right to a fair trial or impartial  
14117 hearing;

14118 (d) reasonably could be expected to disclose the identity of a source who is not  
14119 generally known outside of government and, in the case of a record compiled in the course of  
14120 an investigation, disclose information furnished by a source not generally known outside of  
14121 government if disclosure would compromise the source; or

14122 (e) reasonably could be expected to disclose investigative or audit techniques,  
14123 procedures, policies, or orders not generally known outside of government if disclosure would  
14124 interfere with enforcement or audit efforts;

14125 (11) records the disclosure of which would jeopardize the life or safety of an  
14126 individual;

14127 (12) records the disclosure of which would jeopardize the security of governmental  
14128 property, governmental programs, or governmental recordkeeping systems from damage, theft,  
14129 or other appropriation or use contrary to law or public policy;

14130 (13) records that, if disclosed, would jeopardize the security or safety of a correctional  
14131 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere  
14132 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

14133 (14) records that, if disclosed, would reveal recommendations made to the Board of  
14134 Pardons and Parole by an employee of or contractor for the Department of Corrections, the  
14135 Board of Pardons and Parole, or the Department of Health and Human Services that are based  
14136 on the employee's or contractor's supervision, diagnosis, or treatment of any person within the  
14137 board's jurisdiction;

14138 (15) records and audit workpapers that identify audit, collection, and operational  
14139 procedures and methods used by the State Tax Commission, if disclosure would interfere with  
14140 audits or collections;

14141 (16) records of a governmental audit agency relating to an ongoing or planned audit  
14142 until the final audit is released;

14143 (17) records that are subject to the attorney client privilege;

14144 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,  
14145 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,  
14146 quasi-judicial, or administrative proceeding;

14147 (19) (a) (i) personal files of a state legislator, including personal correspondence to or  
14148 from a member of the Legislature; and

14149 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of  
14150 legislative action or policy may not be classified as protected under this section; and

14151 (b) (i) an internal communication that is part of the deliberative process in connection  
14152 with the preparation of legislation between:

14153 (A) members of a legislative body;

14154 (B) a member of a legislative body and a member of the legislative body's staff; or

14155 (C) members of a legislative body's staff; and

14156 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of  
14157 legislative action or policy may not be classified as protected under this section;

14158 (20) (a) records in the custody or control of the Office of Legislative Research and  
14159 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated  
14160 legislation or contemplated course of action before the legislator has elected to support the

14161 legislation or course of action, or made the legislation or course of action public; and  
14162           (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the  
14163 Office of Legislative Research and General Counsel is a public document unless a legislator  
14164 asks that the records requesting the legislation be maintained as protected records until such  
14165 time as the legislator elects to make the legislation or course of action public;

14166           (21) research requests from legislators to the Office of Legislative Research and  
14167 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared  
14168 in response to these requests;

14169           (22) drafts, unless otherwise classified as public;

14170           (23) records concerning a governmental entity's strategy about:

14171           (a) collective bargaining; or  
14172           (b) imminent or pending litigation;

14173           (24) records of investigations of loss occurrences and analyses of loss occurrences that  
14174 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the  
14175 Uninsured Employers' Fund, or similar divisions in other governmental entities;

14176           (25) records, other than personnel evaluations, that contain a personal recommendation  
14177 concerning an individual if disclosure would constitute a clearly unwarranted invasion of  
14178 personal privacy, or disclosure is not in the public interest;

14179           (26) records that reveal the location of historic, prehistoric, paleontological, or  
14180 biological resources that if known would jeopardize the security of those resources or of  
14181 valuable historic, scientific, educational, or cultural information;

14182           (27) records of independent state agencies if the disclosure of the records would  
14183 conflict with the fiduciary obligations of the agency;

14184           (28) records of an institution within the state system of higher education defined in  
14185 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,  
14186 retention decisions, and promotions, which could be properly discussed in a meeting closed in  
14187 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of  
14188 the final decisions about tenure, appointments, retention, promotions, or those students  
14189 admitted, may not be classified as protected under this section;

14190           (29) records of the governor's office, including budget recommendations, legislative  
14191 proposals, and policy statements, that if disclosed would reveal the governor's contemplated

14192 policies or contemplated courses of action before the governor has implemented or rejected  
14193 those policies or courses of action or made them public;

14194 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,  
14195 revenue estimates, and fiscal notes of proposed legislation before issuance of the final  
14196 recommendations in these areas;

14197 (31) records provided by the United States or by a government entity outside the state  
14198 that are given to the governmental entity with a requirement that they be managed as protected  
14199 records if the providing entity certifies that the record would not be subject to public disclosure  
14200 if retained by it;

14201 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a  
14202 public body except as provided in Section 52-4-206;

14203 (33) records that would reveal the contents of settlement negotiations but not including  
14204 final settlements or empirical data to the extent that they are not otherwise exempt from  
14205 disclosure;

14206 (34) memoranda prepared by staff and used in the decision-making process by an  
14207 administrative law judge, a member of the Board of Pardons and Parole, or a member of any  
14208 other body charged by law with performing a quasi-judicial function;

14209 (35) records that would reveal negotiations regarding assistance or incentives offered  
14210 by or requested from a governmental entity for the purpose of encouraging a person to expand  
14211 or locate a business in Utah, but only if disclosure would result in actual economic harm to the  
14212 person or place the governmental entity at a competitive disadvantage, but this section may not  
14213 be used to restrict access to a record evidencing a final contract;

14214 (36) materials to which access must be limited for purposes of securing or maintaining  
14215 the governmental entity's proprietary protection of intellectual property rights including patents,  
14216 copyrights, and trade secrets;

14217 (37) the name of a donor or a prospective donor to a governmental entity, including an  
14218 institution within the state system of higher education defined in Section 53B-1-102, and other  
14219 information concerning the donation that could reasonably be expected to reveal the identity of  
14220 the donor, provided that:

14221 (a) the donor requests anonymity in writing;

14222 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be

14223 classified protected by the governmental entity under this Subsection (37); and  
14224 (c) except for an institution within the state system of higher education defined in  
14225 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged  
14226 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority  
14227 over the donor, a member of the donor's immediate family, or any entity owned or controlled  
14228 by the donor or the donor's immediate family;  
14229 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
14230 73-18-13;  
14231 (39) a notification of workers' compensation insurance coverage described in Section  
14232 34A-2-205;  
14233 (40) (a) the following records of an institution within the state system of higher  
14234 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,  
14235 or received by or on behalf of faculty, staff, employees, or students of the institution:  
14236 (i) unpublished lecture notes;  
14237 (ii) unpublished notes, data, and information:  
14238 (A) relating to research; and  
14239 (B) of:  
14240 (I) the institution within the state system of higher education defined in Section  
14241 53B-1-102; or  
14242 (II) a sponsor of sponsored research;  
14243 (iii) unpublished manuscripts;  
14244 (iv) creative works in process;  
14245 (v) scholarly correspondence; and  
14246 (vi) confidential information contained in research proposals;  
14247 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public  
14248 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and  
14249 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;  
14250 (41) (a) records in the custody or control of the Office of the Legislative Auditor  
14251 General that would reveal the name of a particular legislator who requests a legislative audit  
14252 prior to the date that audit is completed and made public; and  
14253 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the



14254 Office of the Legislative Auditor General is a public document unless the legislator asks that  
14255 the records in the custody or control of the Office of the Legislative Auditor General that would  
14256 reveal the name of a particular legislator who requests a legislative audit be maintained as  
14257 protected records until the audit is completed and made public;

14258 (42) records that provide detail as to the location of an explosive, including a map or  
14259 other document that indicates the location of:

14260 (a) a production facility; or

14261 (b) a magazine;

14262 (43) information contained in the statewide database of the Division of Aging and  
14263 Adult Services created by Section [26B-6-210](#);

14264 (44) information contained in the Licensing Information System described in Title 80,  
14265 Chapter 2, Child Welfare Services;

14266 (45) information regarding National Guard operations or activities in support of the  
14267 National Guard's federal mission;

14268 (46) records provided by any pawn or secondhand business to a law enforcement  
14269 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,  
14270 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

14271 (47) information regarding food security, risk, and vulnerability assessments performed  
14272 by the Department of Agriculture and Food;

14273 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
14274 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or  
14275 prepared or maintained by the Division of Emergency Management, and the disclosure of  
14276 which would jeopardize:

14277 (a) the safety of the general public; or

14278 (b) the security of:

14279 (i) governmental property;

14280 (ii) governmental programs; or

14281 (iii) the property of a private person who provides the Division of Emergency  
14282 Management information;

14283 (49) records of the Department of Agriculture and Food that provides for the  
14284 identification, tracing, or control of livestock diseases, including any program established under

14285 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
14286 of Animal Disease;

14287 (50) as provided in Section 26B-2-408:

14288 (a) information or records held by the Department of Health and Human Services  
14289 related to a complaint regarding a child care program or residential child care which the  
14290 department is unable to substantiate; and

14291 (b) information or records related to a complaint received by the Department of Health  
14292 and Human Services from an anonymous complainant regarding a child care program or  
14293 residential child care;

14294 (51) unless otherwise classified as public under Section 63G-2-301 and except as  
14295 provided under Section 41-1a-116, an individual's home address, home telephone number, or  
14296 personal mobile phone number, if:

14297 (a) the individual is required to provide the information in order to comply with a law,  
14298 ordinance, rule, or order of a government entity; and

14299 (b) the subject of the record has a reasonable expectation that this information will be  
14300 kept confidential due to:

14301 (i) the nature of the law, ordinance, rule, or order; and

14302 (ii) the individual complying with the law, ordinance, rule, or order;

14303 (52) the portion of the following documents that contains a candidate's residential or  
14304 mailing address, if the candidate provides to the filing officer another address or phone number  
14305 where the candidate may be contacted:

14306 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
14307 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,  
14308 20A-9-408.5, 20A-9-502, or 20A-9-601;

14309 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

14310 (c) a notice of intent to gather signatures for candidacy, described in Section  
14311 20A-9-408;

14312 (53) the name, home address, work addresses, and telephone numbers of an individual  
14313 that is engaged in, or that provides goods or services for, medical or scientific research that is:

14314 (a) conducted within the state system of higher education, as defined in Section  
14315 53B-1-102; and

14316 (b) conducted using animals;

14317 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance  
14318 Evaluation Commission concerning an individual commissioner's vote, in relation to whether a  
14319 judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and  
14320 information disclosed under Subsection 78A-12-203(5)(e);

14321 (55) information collected and a report prepared by the Judicial Performance  
14322 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter  
14323 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,  
14324 the information or report;

14325 (56) records provided or received by the Public Lands Policy Coordinating Office in  
14326 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

14327 (57) information requested by and provided to the 911 Division under Section  
14328 63H-7a-302;

14329 (58) in accordance with Section 73-10-33:

14330 (a) a management plan for a water conveyance facility in the possession of the Division  
14331 of Water Resources or the Board of Water Resources; or

14332 (b) an outline of an emergency response plan in possession of the state or a county or  
14333 municipality;

14334 (59) the following records in the custody or control of the Office of Inspector General  
14335 of Medicaid Services, created in Section 63A-13-201:

14336 (a) records that would disclose information relating to allegations of personal  
14337 misconduct, gross mismanagement, or illegal activity of a person if the information or  
14338 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services  
14339 through other documents or evidence, and the records relating to the allegation are not relied  
14340 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation  
14341 report or final audit report;

14342 (b) records and audit workpapers to the extent they would disclose the identity of a  
14343 person who, during the course of an investigation or audit, communicated the existence of any  
14344 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or  
14345 regulation adopted under the laws of this state, a political subdivision of the state, or any  
14346 recognized entity of the United States, if the information was disclosed on the condition that

- 14347 the identity of the person be protected;
- 14348 (c) before the time that an investigation or audit is completed and the final
- 14349 investigation or final audit report is released, records or drafts circulated to a person who is not
- 14350 an employee or head of a governmental entity for the person's response or information;
- 14351 (d) records that would disclose an outline or part of any investigation, audit survey
- 14352 plan, or audit program; or
- 14353 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
- 14354 investigation or audit;
- 14355 (60) records that reveal methods used by the Office of Inspector General of Medicaid
- 14356 Services, the fraud unit, or the Department of Health and Human Services, to discover
- 14357 Medicaid fraud, waste, or abuse;
- 14358 (61) information provided to the Department of Health and Human Services or the
- 14359 Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
- 14360 58-68-304(3) and (4);
- 14361 (62) a record described in Section 63G-12-210;
- 14362 (63) captured plate data that is obtained through an automatic license plate reader
- 14363 system used by a governmental entity as authorized in Section 41-6a-2003;
- 14364 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
- 14365 victim, including:
- 14366 (a) a victim's application or request for benefits;
- 14367 (b) a victim's receipt or denial of benefits; and
- 14368 (c) any administrative notes or records made or created for the purpose of, or used to,
- 14369 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
- 14370 Reparations Fund;
- 14371 (65) an audio or video recording created by a body-worn camera, as that term is
- 14372 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
- 14373 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
- 14374 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
- 14375 that term is defined in Section 26B-2-101, except for recordings that:
- 14376 (a) depict the commission of an alleged crime;
- 14377 (b) record any encounter between a law enforcement officer and a person that results in

14378 death or bodily injury, or includes an instance when an officer fires a weapon;  
14379 (c) record any encounter that is the subject of a complaint or a legal proceeding against  
14380 a law enforcement officer or law enforcement agency;  
14381 (d) contain an officer involved critical incident as defined in Subsection  
14382 76-2-408(1)(f); or  
14383 (e) have been requested for reclassification as a public record by a subject or  
14384 authorized agent of a subject featured in the recording;  
14385 (66) a record pertaining to the search process for a president of an institution of higher  
14386 education described in Section 53B-2-102, except for application materials for a publicly  
14387 announced finalist;  
14388 (67) an audio recording that is:  
14389 (a) produced by an audio recording device that is used in conjunction with a device or  
14390 piece of equipment designed or intended for resuscitating an individual or for treating an  
14391 individual with a life-threatening condition;  
14392 (b) produced during an emergency event when an individual employed to provide law  
14393 enforcement, fire protection, paramedic, emergency medical, or other first responder service:  
14394 (i) is responding to an individual needing resuscitation or with a life-threatening  
14395 condition; and  
14396 (ii) uses a device or piece of equipment designed or intended for resuscitating an  
14397 individual or for treating an individual with a life-threatening condition; and  
14398 (c) intended and used for purposes of training emergency responders how to improve  
14399 their response to an emergency situation;  
14400 (68) records submitted by or prepared in relation to an applicant seeking a  
14401 recommendation by the Research and General Counsel Subcommittee, the Budget  
14402 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an  
14403 employment position with the Legislature;  
14404 (69) work papers as defined in Section 31A-2-204;  
14405 (70) a record made available to Adult Protective Services or a law enforcement agency  
14406 under Section 61-1-206;  
14407 (71) a record submitted to the Insurance Department in accordance with Section  
14408 31A-37-201;

- 14409 (72) a record described in Section [31A-37-503](#);
- 14410 (73) any record created by the Division of Professional Licensing as a result of  
14411 Subsection [58-37f-304\(5\)](#) or [58-37f-702\(2\)\(a\)\(ii\)](#);
- 14412 (74) a record described in Section [72-16-306](#) that relates to the reporting of an injury  
14413 involving an amusement ride;
- 14414 (75) except as provided in Subsection [63G-2-305.5\(1\)](#), the signature of an individual  
14415 on a political petition, or on a request to withdraw a signature from a political petition,  
14416 including a petition or request described in the following titles:
- 14417 (a) Title 10, Utah Municipal Code;
- 14418 (b) Title 17, Counties;
- 14419 (c) Title 17B, Limited Purpose Local Government Entities - Special Districts;
- 14420 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 14421 (e) Title 20A, Election Code;
- 14422 (76) except as provided in Subsection [63G-2-305.5\(2\)](#), the signature of an individual in  
14423 a voter registration record;
- 14424 (77) except as provided in Subsection [63G-2-305.5\(3\)](#), any signature, other than a  
14425 signature described in Subsection (75) or (76), in the custody of the [~~lieutenant governor~~  
14426 director of the Elections Office, appointed under Subsection [63A-19-201\(3\)\(a\)](#), or a local  
14427 political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 14428 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part  
14429 5, Victims Guidelines for Prosecutors Act;
- 14430 (79) a record submitted to the Insurance Department under Section [31A-48-103](#);
- 14431 (80) personal information, as defined in Section [63G-26-102](#), to the extent disclosure is  
14432 prohibited under Section [63G-26-103](#);
- 14433 (81) an image taken of an individual during the process of booking the individual into  
14434 jail, unless:
- 14435 (a) the individual is convicted of a criminal offense based upon the conduct for which  
14436 the individual was incarcerated at the time the image was taken;
- 14437 (b) a law enforcement agency releases or disseminates the image:
- 14438 (i) after determining that the individual is a fugitive or an imminent threat to an  
14439 individual or to public safety and releasing or disseminating the image will assist in

14440 apprehending the individual or reducing or eliminating the threat; or  
14441 (ii) to a potential witness or other individual with direct knowledge of events relevant  
14442 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an  
14443 individual in connection with the criminal investigation or criminal proceeding; or  
14444 (c) a judge orders the release or dissemination of the image based on a finding that the  
14445 release or dissemination is in furtherance of a legitimate law enforcement interest;  
14446 (82) a record:  
14447 (a) concerning an interstate claim to the use of waters in the Colorado River system;  
14448 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
14449 representative from another state or the federal government as provided in Section  
14450 [63M-14-205](#); and  
14451 (c) the disclosure of which would:  
14452 (i) reveal a legal strategy relating to the state's claim to the use of the water in the  
14453 Colorado River system;  
14454 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to  
14455 negotiate the best terms and conditions regarding the use of water in the Colorado River  
14456 system; or  
14457 (iii) give an advantage to another state or to the federal government in negotiations  
14458 regarding the use of water in the Colorado River system;  
14459 (83) any part of an application described in Section [63N-16-201](#) that the Governor's  
14460 Office of Economic Opportunity determines is nonpublic, confidential information that if  
14461 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may  
14462 not be used to restrict access to a record evidencing a final contract or approval decision;  
14463 (84) the following records of a drinking water or wastewater facility:  
14464 (a) an engineering or architectural drawing of the drinking water or wastewater facility;  
14465 and  
14466 (b) except as provided in Section [63G-2-106](#), a record detailing tools or processes the  
14467 drinking water or wastewater facility uses to secure, or prohibit access to, the records described  
14468 in Subsection (84)(a);  
14469 (85) a statement that an employee of a governmental entity provides to the  
14470 governmental entity as part of the governmental entity's personnel or administrative

14471 investigation into potential misconduct involving the employee if the governmental entity:

14472 (a) requires the statement under threat of employment disciplinary action, including  
14473 possible termination of employment, for the employee's refusal to provide the statement; and

14474 (b) provides the employee assurance that the statement cannot be used against the  
14475 employee in any criminal proceeding;

14476 (86) any part of an application for a Utah Fits All Scholarship account described in  
14477 Section 53F-6-402 or other information identifying a scholarship student as defined in Section  
14478 53F-6-401; and

14479 (87) a record:

14480 (a) concerning a claim to the use of waters in the Great Salt Lake;

14481 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a  
14482 person concerning the claim, including a representative from another state or the federal  
14483 government; and

14484 (c) the disclosure of which would:

14485 (i) reveal a legal strategy relating to the state's claim to the use of the water in the Great  
14486 Salt Lake;

14487 (ii) harm the ability of the Great Salt Lake commissioner to negotiate the best terms  
14488 and conditions regarding the use of water in the Great Salt Lake; or

14489 (iii) give an advantage to another person including another state or to the federal  
14490 government in negotiations regarding the use of water in the Great Salt Lake.

14491 Section 253. Section 63G-2-704 is amended to read:

14492 **63G-2-704. Applicability to the governor, lieutenant governor, and the director of**  
14493 **the Elections Office.**

14494 (1) The governor, the office of the governor, the lieutenant governor, ~~and~~ the office of  
14495 the lieutenant governor, the director of the Elections Office, and the Elections Office shall  
14496 designate and classify records in accordance with Sections 63G-2-301 through 63G-2-305 as  
14497 public, private, controlled, or protected.

14498 (2) (a) The governor, the office of the governor, the lieutenant governor, ~~and~~ the  
14499 office of the lieutenant governor, the director of the Elections Office, and the Elections Office  
14500 are not subject to:

14501 (i) Section 63G-2-203;



- 14502 (ii) Section [63G-2-209](#);
- 14503 (iii) Section [63G-2-401](#); or
- 14504 (iv) Part 6, Collection of Information and Accuracy of Records.
- 14505 (b) The governor, the office of the governor, the lieutenant governor, ~~[and]~~ the office of
- 14506 the lieutenant governor, the director of the Elections Office, and the Elections Office are
- 14507 subject to only the following sections in Title 63A, Chapter 12, Division of Archives and
- 14508 Records Service and Management of Government Records:
- 14509 (i) Section [63A-12-102](#); and
- 14510 (ii) Section [63A-12-106](#).
- 14511 (3) The governor ~~[and]~~, the lieutenant governor, and the director of the Elections
- 14512 Office:
- 14513 (a) (i) shall establish policies to handle requests for classification, designation, fees,
- 14514 access, denials, segregation, appeals to the chief administrative officer, management, retention,
- 14515 and amendment of records; and
- 14516 (ii) may establish an appellate board to hear appeals from denials of access; and
- 14517 (b) may establish:
- 14518 (i) a process for determining that a person is a vexatious requester, including a process
- 14519 for an appeal from a determination that a person is a vexatious requester; and
- 14520 (ii) appropriate limitations on a person determined to be a vexatious requester.
- 14521 (4) Policies described in Subsection (3) shall include reasonable times for responding
- 14522 to access requests consistent with the provisions of Part 2, Access to Records, fees, and
- 14523 reasonable time limits for appeals.
- 14524 (5) Upon request, the state archivist shall:
- 14525 (a) assist with and advise concerning the establishment of a records management
- 14526 program for the governor, the office of the governor, the lieutenant governor, ~~[and]~~ the office
- 14527 of the lieutenant governor, the director of the Elections Office, and the Elections Office ; and
- 14528 (b) as required by the governor ~~[or]~~, the lieutenant governor, or the director of the
- 14529 Elections Office, provide program services as provided in this chapter and Title 63A, Chapter
- 14530 12, Division of Archives and Records Service and Management of Government Records.
- 14531 Section 254. Section **67-1a-2** is amended to read:
- 14532 **67-1a-2. Duties enumerated.**

14533 (1) The lieutenant governor shall:  
14534 (a) perform duties delegated by the governor, including assignments to serve in any of  
14535 the following capacities:  
14536 (i) as the head of any one department, if so qualified, with the advice and consent of  
14537 the Senate, and, upon appointment at the pleasure of the governor and without additional  
14538 compensation;  
14539 (ii) as the chairperson of any cabinet group organized by the governor or authorized by  
14540 law for the purpose of advising the governor or coordinating intergovernmental or  
14541 interdepartmental policies or programs;  
14542 (iii) as liaison between the governor and the state Legislature to coordinate and  
14543 facilitate the governor's programs and budget requests;  
14544 (iv) as liaison between the governor and other officials of local, state, federal, and  
14545 international governments or any other political entities to coordinate, facilitate, and protect the  
14546 interests of the state;  
14547 (v) as personal advisor to the governor, including advice on policies, programs,  
14548 administrative and personnel matters, and fiscal or budgetary matters; and  
14549 (vi) as chairperson or member of any temporary or permanent boards, councils,  
14550 commissions, committees, task forces, or other group appointed by the governor;  
14551 (b) serve on all boards and commissions in lieu of the governor, whenever so  
14552 designated by the governor;  
14553 [~~(c) serve as the chief election officer of the state as required by Subsection (2);~~]  
14554 [~~(d)~~] (c) keep custody of the Great Seal of the State of Utah;  
14555 [~~(e)~~] (d) keep a register of, and attest, the official acts of the governor;  
14556 [~~(f)~~] (e) affix the Great Seal, with an attestation, to all official documents and  
14557 instruments to which the official signature of the governor is required; and  
14558 [~~(g)~~] (f) furnish a certified copy of all or any part of any law, record, or other  
14559 instrument filed, deposited, or recorded in the office of the lieutenant governor to any person  
14560 who requests it and pays the fee.  
14561 [~~(2)(a) As the chief election officer, the lieutenant governor shall:~~]  
14562 [~~(i) exercise oversight, and general supervisory authority, over all elections;~~]  
14563 [~~(ii) exercise direct authority over the conduct of elections for federal, state, and~~]

14564 ~~multicounty officers and statewide or multicounty ballot propositions and any recounts~~  
14565 ~~involving those races;]~~

14566 ~~[(iii) establish uniformity in the election ballot;]~~

14567 ~~[(iv) (A) prepare election information for the public as required by law and as~~  
14568 ~~determined appropriate by the lieutenant governor; and]~~

14569 ~~[(B) make the information described in Subsection (2)(a)(iv)(A) available to the public~~  
14570 ~~and to news media, on the Internet, and in other forms as required by law and as determined~~  
14571 ~~appropriate by the lieutenant governor;]~~

14572 ~~[(v) receive and answer election questions and maintain an election file on opinions~~  
14573 ~~received from the attorney general;]~~

14574 ~~[(vi) maintain a current list of registered political parties as defined in Section~~  
14575 ~~20A-8-101;]~~

14576 ~~[(vii) maintain election returns and statistics;]~~

14577 ~~[(viii) certify to the governor the names of individuals nominated to run for, or elected~~  
14578 ~~to, office;]~~

14579 ~~[(ix) ensure that all voting equipment purchased by the state complies with the~~  
14580 ~~requirements of Sections 20A-5-302, 20A-5-802, and 20A-5-803;]~~

14581 ~~[(x) during a declared emergency, to the extent that the lieutenant governor determines~~  
14582 ~~it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location~~  
14583 ~~relating to:]~~

14584 ~~[(A) voting on election day;]~~

14585 ~~[(B) early voting;]~~

14586 ~~[(C) the transmittal or voting of an absentee ballot or military-overseas ballot;]~~

14587 ~~[(D) the counting of an absentee ballot or military-overseas ballot; or]~~

14588 ~~[(E) the canvassing of election returns; and]~~

14589 ~~[(xi) exercise all other election authority, and perform other election duties, as~~  
14590 ~~provided in Title 20A, Election Code.]~~

14591 ~~[(b) As chief election officer, the lieutenant governor:]~~

14592 ~~[(i) shall oversee all elections, and functions relating to elections, in the state;]~~

14593 ~~[(ii) shall, in accordance with Section 20A-1-105, take action to enforce compliance by~~  
14594 ~~an election officer with legal requirements relating to elections; and]~~

14595 ~~[(iii) may not assume the responsibilities assigned to the county clerks, city recorders,~~  
14596 ~~town clerks, or other local election officials by Title 20A, Election Code.]~~

14597 ~~[(3)]~~ (2) (a) The lieutenant governor shall:

14598 (i) determine a new municipality's classification under Section 10-2-301 upon the city's  
14599 incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a Municipality, based on the  
14600 municipality's population using the population estimate from the Utah Population Committee;  
14601 and

14602 (ii) (A) prepare a certificate indicating the class in which the new municipality belongs  
14603 based on the municipality's population; and

14604 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
14605 municipality's legislative body.

14606 (b) The lieutenant governor shall:

14607 (i) determine the classification under Section 10-2-301 of a consolidated municipality  
14608 upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6,  
14609 Consolidation of Municipalities, using population information from:

14610 (A) each official census or census estimate of the United States Bureau of the Census;  
14611 or

14612 (B) the population estimate from the Utah Population Committee, if the population of a  
14613 municipality is not available from the United States Bureau of the Census; and

14614 (ii) (A) prepare a certificate indicating the class in which the consolidated municipality  
14615 belongs based on the municipality's population; and

14616 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
14617 consolidated municipality's legislative body.

14618 (c) The lieutenant governor shall:

14619 (i) determine a new metro township's classification under Section 10-2-301.5 upon the  
14620 metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro  
14621 Townships and Unincorporated Islands in a County of the First Class on and after May 12,  
14622 2015, based on the metro township's population using the population estimates from the Utah  
14623 Population Committee; and

14624 (ii) prepare a certificate indicating the class in which the new metro township belongs  
14625 based on the metro township's population and, within 10 days after preparing the certificate,

14626 deliver a copy of the certificate to the metro township's legislative body.

14627 (d) The lieutenant governor shall monitor the population of each municipality using  
14628 population information from:

14629 (i) each official census or census estimate of the United States Bureau of the Census; or

14630 (ii) the population estimate from the Utah Population Committee, if the population of a  
14631 municipality is not available from the United States Bureau of the Census.

14632 (e) If the applicable population figure under Subsection [~~(3)(b) or (d)~~] (2)(b) or (d)  
14633 indicates that a municipality's population has increased beyond the population for its current  
14634 class, the lieutenant governor shall:

14635 (i) prepare a certificate indicating the class in which the municipality belongs based on  
14636 the increased population figure; and

14637 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
14638 legislative body of the municipality whose class has changed.

14639 (f) (i) If the applicable population figure under Subsection [~~(3)(b) or (d)~~] (2)(b) or (d)  
14640 indicates that a municipality's population has decreased below the population for its current  
14641 class, the lieutenant governor shall send written notification of that fact to the municipality's  
14642 legislative body.

14643 (ii) Upon receipt of a petition under Subsection [~~+10-2-302(2)~~] 10-2-302(3) from a  
14644 municipality whose population has decreased below the population for its current class, the  
14645 lieutenant governor shall:

14646 (A) prepare a certificate indicating the class in which the municipality belongs based  
14647 on the decreased population figure; and

14648 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
14649 legislative body of the municipality whose class has changed.

14650 Section 255. **Effective date.**

14651 This bill takes effect on January 1, 2025.