

1                   **MUNICIPAL AND SPECIAL DISTRICT ELECTION**  
2                                   **AMENDMENTS**

3                                   2024 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: David G. Buxton**

6                                   House Sponsor: \_\_\_\_\_

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8   **LONG TITLE**

9   **Committee Note:**

10           The Government Operations Interim Committee recommended this bill.

11           Legislative Vote: 15 voting for 1 voting against 0 absent

12   **General Description:**

13           This bill amends provisions of the Election Code to provide that, subject to certain  
14 exceptions, a county clerk shall be responsible to conduct all elections in the state and  
15 process, count, and tabulate ballots.

16   **Highlighted Provisions:**

17           This bill:

- 18           ▶ defines terms;
- 19           ▶ except as provided in the following paragraph, makes a county clerk responsible to  
20 conduct all elections in the state and process, count, and tabulate all ballots in the  
21 state;
- 22           ▶ permits a municipal clerk or a special district clerk to opt in to the responsibility to  
23 count and tabulate an election in the clerk's jurisdiction if the ballot will only  
24 include races or ballot propositions relating solely to the clerk's jurisdiction;
- 25           ▶ provides for the transfer of ballots between a county election officer and a clerk  
26 described in the preceding paragraph and the preservation of the chain of custody;
- 27           ▶ leaves the canvassing of municipal and special district elections with the canvassing



28 boards for those jurisdictions;

29       ▶ repeals provisions relating to contracting with a provider election officer and,  
30 instead, provides for a municipality or special district to pay a county for the actual  
31 cost of the county running the municipality's or special district's election;

32       ▶ grants the lieutenant governor authority in relation to determining the actual cost of  
33 the county running an election for a municipality or special district;

34       ▶ modifies and clarifies provisions relating to the date on which a special election is  
35 held;

36       ▶ permits a candidate for municipal or special district office to file a declaration of  
37 candidacy with the county clerk, the municipal clerk, or the special district clerk;

38       ▶ modifies provisions relating to which election officers and governing bodies are  
39 responsible for certain duties in relation to an election, including ballots, election  
40 procedures, notice requirements, election records, election statistics, and other  
41 matters;

42       ▶ modifies certain requirements relating to ballots; and

43       ▶ makes technical and conforming changes.

44 **Money Appropriated in this Bill:**

45       None

46 **Other Special Clauses:**

47       This bill provides a special effective date.

48 **Utah Code Sections Affected:**

49 AMENDS:

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

51       **20A-1-102**, as last amended by Laws of Utah 2023, Chapters 15, 234 and 297

52       **20A-1-204**, as last amended by Laws of Utah 2022, Chapter 170

53       **20A-1-206**, as last amended by Laws of Utah 2023, Chapters 15, 435

54       **20A-1-304**, as repealed and reenacted by Laws of Utah 2018, Chapter 187

55       **20A-1-402**, as enacted by Laws of Utah 1993, Chapter 1

56       **20A-1-403**, as last amended by Laws of Utah 2022, Chapter 170

57       **20A-2-201**, as last amended by Laws of Utah 2020, Chapters 31, 95 and last amended  
58 by Coordination Clause, Laws of Utah 2020, Chapter 95

- 59           **20A-2-204**, as last amended by Laws of Utah 2023, Chapter 237
- 60           **20A-2-205**, as last amended by Laws of Utah 2020, Chapter 31 and last amended by
- 61 Coordination Clause, Laws of Utah 2020, Chapter 95
- 62           **20A-2-206**, as last amended by Laws of Utah 2023, Chapter 297
- 63           **20A-2-207**, as last amended by Laws of Utah 2022, Chapter 18
- 64           **20A-3a-106**, as enacted by Laws of Utah 2023, Chapter 297
- 65           **20A-3a-201**, as last amended by Laws of Utah 2022, Chapter 18
- 66           **20A-3a-202**, as last amended by Laws of Utah 2023, Chapters 56, 106 and 297
- 67           **20A-3a-203**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 68           **20A-3a-204**, as last amended by Laws of Utah 2022, Chapter 156
- 69           **20A-3a-205**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 70           **20A-3a-301**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 71           **20A-3a-401**, as last amended by Laws of Utah 2023, Chapters 56, 106, 297, and 406
- 72 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 106
- 73           **20A-3a-401.1**, as enacted by Laws of Utah 2023, Chapter 297
- 74           **20A-3a-402**, as last amended by Laws of Utah 2022, Chapter 380
- 75           **20A-3a-402.5**, as enacted by Laws of Utah 2023, Chapter 297
- 76           **20A-3a-405**, as last amended by Laws of Utah 2023, Chapter 297
- 77           **20A-3a-601**, as last amended by Laws of Utah 2020, Chapter 95 and renumbered and
- 78 amended by Laws of Utah 2020, Chapter 31
- 79           **20A-3a-602**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 80           **20A-3a-603**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 81           **20A-3a-604**, as last amended by Laws of Utah 2023, Chapters 45, 435
- 82           **20A-3a-605**, as last amended by Laws of Utah 2023, Chapter 15
- 83           **20A-3a-701**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 84           **20A-3a-702**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 85           **20A-3a-703**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 86           **20A-3a-801**, as last amended by Laws of Utah 2022, Chapters 18, 380
- 87           **20A-3a-804**, as renumbered and amended by Laws of Utah 2020, Chapter 31
- 88           **20A-4-101**, as last amended by Laws of Utah 2022, Chapter 342
- 89           **20A-4-102**, as last amended by Laws of Utah 2023, Chapters 156, 297

- 90            **20A-4-103**, as last amended by Laws of Utah 2020, Chapter 31
- 91            **20A-4-104**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435
- 92            **20A-4-105**, as last amended by Laws of Utah 2022, Chapter 380
- 93            **20A-4-106**, as last amended by Laws of Utah 2023, Chapters 156, 297
- 94            **20A-4-107**, as last amended by Laws of Utah 2020, Chapter 31
- 95            **20A-4-201**, as last amended by Laws of Utah 2020, Chapter 31
- 96            **20A-4-202**, as last amended by Laws of Utah 2023, Chapters 156, 297
- 97            **20A-4-302**, as enacted by Laws of Utah 1993, Chapter 1
- 98            **20A-4-303**, as last amended by Laws of Utah 2020, Chapter 31
- 99            **20A-4-304**, as last amended by Laws of Utah 2023, Chapters 15, 297 and 435
- 100           **20A-4-401**, as last amended by Laws of Utah 2023, Chapter 15
- 101           **20A-4-602**, as last amended by Laws of Utah 2022, Chapter 170
- 102           **20A-4-603**, as last amended by Laws of Utah 2022, Chapter 342
- 103           **20A-4-604**, as last amended by Laws of Utah 2022, Chapter 342
- 104           **20A-5-101**, as last amended by Laws of Utah 2023, Chapters 45, 56, 106, 297, and 435
- 105           **20A-5-102**, as last amended by Laws of Utah 2022, Chapters 18, 170
- 106           **20A-5-301**, as last amended by Laws of Utah 2016, Chapter 176
- 107           **20A-5-302**, as last amended by Laws of Utah 2023, Chapter 15
- 108           **20A-5-400.5**, as last amended by Laws of Utah 2023, Chapter 15
- 109           **20A-5-401**, as last amended by Laws of Utah 2023, Chapter 15
- 110           **20A-5-403**, as last amended by Laws of Utah 2023, Chapter 15
- 111           **20A-5-403.5**, as last amended by Laws of Utah 2023, Chapters 45, 297 and 435
- 112           **20A-5-404**, as last amended by Laws of Utah 2020, Chapter 31
- 113           **20A-5-405**, as last amended by Laws of Utah 2023, Chapters 45, 435
- 114           **20A-5-406**, as last amended by Laws of Utah 2022, Chapter 18
- 115           **20A-5-407**, as last amended by Laws of Utah 2023, Chapter 15
- 116           **20A-5-408**, as last amended by Laws of Utah 2020, Chapter 31
- 117           **20A-5-410**, as last amended by Laws of Utah 2022, Chapter 248
- 118           **20A-5-601**, as last amended by Laws of Utah 2023, Chapter 15
- 119           **20A-5-602**, as last amended by Laws of Utah 2023, Chapter 15
- 120           **20A-5-603**, as last amended by Laws of Utah 2020, Chapter 31

121           **20A-5-605**, as last amended by Laws of Utah 2022, Chapter 170  
122           **20A-5-802**, as last amended by Laws of Utah 2019, Chapter 305  
123           **20A-5-902**, as enacted by Laws of Utah 2022, Chapter 156  
124           **20A-5-903**, as enacted by Laws of Utah 2022, Chapter 156  
125           **20A-5-904**, as enacted by Laws of Utah 2022, Chapter 156  
126           **20A-6-101**, as last amended by Laws of Utah 2020, Chapter 31  
127           **20A-6-102**, as last amended by Laws of Utah 2020, Chapter 31  
128           **20A-6-105**, as last amended by Laws of Utah 2023, Chapter 406  
129           **20A-6-105.5**, as enacted by Laws of Utah 2003, Chapter 34  
130           **20A-6-106**, as last amended by Laws of Utah 2019, Chapter 255  
131           **20A-6-107**, as last amended by Laws of Utah 2018, Chapter 458  
132           **20A-6-108**, as enacted by Laws of Utah 2022, Chapter 156  
133           **20A-6-301**, as last amended by Laws of Utah 2021, Chapter 136  
134           **20A-6-302**, as last amended by Laws of Utah 2020, Chapter 31  
135           **20A-6-304**, as last amended by Laws of Utah 2021, Chapter 136  
136           **20A-6-305**, as last amended by Laws of Utah 2020, Chapter 49  
137           **20A-6-401**, as last amended by Laws of Utah 2023, Chapter 45  
138           **20A-6-401.1**, as last amended by Laws of Utah 2020, Chapter 31  
139           **20A-6-402**, as last amended by Laws of Utah 2020, Chapter 31  
140           **20A-7-209**, as last amended by Laws of Utah 2023, Chapters 45, 107 and last amended  
141 by Coordination Clause, Laws of Utah 2023, Chapter 45  
142           **20A-7-308**, as last amended by Laws of Utah 2023, Chapters 45, 107  
143           **20A-7-401.5**, as last amended by Laws of Utah 2023, Chapter 116  
144           **20A-7-402**, as last amended by Laws of Utah 2023, Chapter 435  
145           **20A-7-508**, as last amended by Laws of Utah 2023, Chapters 45, 107 and last amended  
146 by Coordination Clause, Laws of Utah 2023, Chapter 45  
147           **20A-7-509**, as last amended by Laws of Utah 2019, Chapter 203  
148           **20A-7-607**, as last amended by Laws of Utah 2023, Chapters 107, 116  
149           **20A-7-608**, as last amended by Laws of Utah 2023, Chapters 45, 107  
150           **20A-7-609**, as last amended by Laws of Utah 2023, Chapter 107  
151           **20A-7-609.5**, as last amended by Laws of Utah 2020, Chapter 31

- 152            **20A-7-613**, as last amended by Laws of Utah 2023, Chapter 116
- 153            **20A-7-702**, as last amended by Laws of Utah 2023, Chapter 107
- 154            **20A-7-801**, as last amended by Laws of Utah 2021, Chapter 100
- 155            **20A-9-101**, as last amended by Laws of Utah 2023, Chapters 15, 45
- 156            **20A-9-203**, as last amended by Laws of Utah 2023, Chapters 116, 435
- 157            **20A-9-203.5**, as enacted by Laws of Utah 2016, Chapter 48
- 158            **20A-9-207**, as enacted by Laws of Utah 2023, Chapter 45
- 159            **20A-9-404**, as last amended by Laws of Utah 2023, Chapter 116
- 160            **20A-9-406**, as last amended by Laws of Utah 2022, Chapter 13
- 161            **20A-9-408**, as last amended by Laws of Utah 2023, Chapter 116
- 162            **20A-9-411**, as enacted by Laws of Utah 2015, Chapter 296
- 163            **20A-11-206**, as last amended by Laws of Utah 2023, Chapter 45
- 164            **20A-11-305**, as last amended by Laws of Utah 2023, Chapter 45
- 165            **20A-12-201 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapter 394
- 166            **20A-16-404**, as last amended by Laws of Utah 2013, Chapter 219
- 167            **20A-16-501**, as last amended by Laws of Utah 2023, Chapter 215
- 168            **20A-16-502**, as last amended by Laws of Utah 2023, Chapter 215
- 169            **20A-21-201**, as last amended by Laws of Utah 2023, Chapter 116

170 ENACTS:

171            **20A-1-301.5**, Utah Code Annotated 1953

172 REPEALS:

173            **20A-5-400.1**, as last amended by Laws of Utah 2021, Chapter 101



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

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

177            **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**  
178 **office -- Mayor and recorder limitations.**

179            (1) As used in this section:

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

183 (b) "Principal place of residence" means the same as that term is defined in Section  
184 20A-2-105.

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

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

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

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

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

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

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

199 (A) Saturday or Sunday; or

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

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

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

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

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

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

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

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

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

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

223 (iv) fails to respond to a request, within 30 days after the day on which the elected  
224 officer receives the request, from the county clerk or the lieutenant governor seeking  
225 information to determine the officer's residency.

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

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

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

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

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

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

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

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

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

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



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

246 **20A-1-102. Definitions.**

247 As used in this title:

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

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

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

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

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

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

258 (b) a constitutional amendment;

259 (c) an initiative;

260 (d) a referendum;

261 (e) a bond proposition;

262 (f) a judicial retention question;

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

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

265 (5) "Bind," "binding," or "bound" means securing more than one piece of paper  
266 together using staples or another means in at least three places across the top of the paper in the  
267 blank space reserved for securing the paper.

268 (6) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
269 [20A-4-306](#) to canvass election returns.

270 (7) "Bond election" means an election held for the purpose of approving or rejecting  
271 the proposed issuance of bonds by a government entity.

272 (8) "Business reply mail envelope" means an envelope that may be mailed free of  
273 charge by the sender.

274 (9) "Canvass" means the review of election returns and the official declaration of  
275 election results by the board of canvassers.

276 (10) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
277 the canvass.

278 [~~(11) "Contracting election officer" means an election officer who enters into a contract  
279 or interlocal agreement with a provider election officer.~~]

280 [~~(12)~~ (11) "Convention" means the political party convention at which party officers  
281 and delegates are selected.

282 [~~(13)~~ (12) "Counting center" means one or more locations selected by the election  
283 officer [~~in charge of the election~~] responsible for counting and tabulating ballots for the  
284 automatic counting of ballots.

285 [~~(14)~~ (13) "Counting judge" means a poll worker designated to count the ballots  
286 during election day.

287 [~~(15)~~ (14) "Counting room" means a suitable and convenient private place or room for  
288 use by the poll workers and counting judges to count ballots.

289 [~~(16)~~ (15) "County officers" means those county officers that are required by law to be  
290 elected.

291 [~~(17)~~ (16) "Date of the election" or "election day" or "day of the election":

292 (a) means the day that is specified in the calendar year as the day that the election  
293 occurs; and

294 (b) does not include:

295 (i) deadlines established for voting by mail, military-overseas voting, or emergency  
296 voting; or

297 (ii) any early voting or early voting period as provided under Chapter 3a, Part 6, Early  
298 Voting.

299 [~~(18)~~ (17) "Elected official" means:

300 (a) a person elected to an office under Section [20A-1-303](#) or Chapter 4, Part 6,  
301 Municipal Alternate Voting Methods Pilot Project;

302 (b) a person who is considered to be elected to a municipal office in accordance with  
303 Subsection [~~20A-1-206(1)(c)(ii)~~] [20A-1-206\(2\)\(b\)\(ii\)](#) or [\(3\)\(c\)\(ii\)](#); or

304 (c) a person who is considered to be elected to a special district office in accordance  
305 with Subsection [~~20A-1-206(3)(b)(ii)~~] [20A-1-206\(5\)\(b\)\(ii\)](#) or [\(6\)\(b\)](#).

306 [~~(19)~~ (18) "Election" means a regular general election, a municipal general election, a

307 statewide special election, a local special election, a regular primary election, a municipal  
 308 primary election, and a special district election.

309 ~~[(20)]~~ (19) "Election Assistance Commission" means the commission established by  
 310 the Help America Vote Act of 2002, Pub. L. No. 107-252.

311 ~~[(21)]~~ (20) "Election cycle" means the period beginning on the first day persons are  
 312 eligible to file declarations of candidacy and ending when the canvass is completed.

313 ~~[(22)]~~ (21) "Election judge" means a poll worker that is assigned to:

- 314 (a) preside over other poll workers at a polling place;
- 315 (b) act as the presiding election judge; or
- 316 (c) serve as a canvassing judge, counting judge, or receiving judge.

317 ~~[(23)]~~ (22) "Election officer" means:

318 (a) the lieutenant governor, for ~~[aH]~~:

319 (i) statewide ballots and elections;

320 (ii) congressional ballots and elections;

321 (iii) ballots and elections for state legislative districts that are not entirely within a  
 322 single county;

323 (iv) ballots and elections for State School Board districts; and

324 (v) judicial retention ballots and elections for a judicial officer whose jurisdiction is not  
 325 entirely within a single county;

326 (b) the county clerk for~~[(i)]~~ a county ballot and election~~[-and]~~;

327 ~~[(ii) a ballot and election as a provider election officer as provided in Section~~  
 328 ~~20A-5-400.1 or 20A-5-400.5;]~~

329 (c) the municipal clerk for~~[(i)]~~ a municipal ballot and election~~[-and]~~;

330 ~~[(ii) a ballot and election as a provider election officer as provided in Section~~  
 331 ~~20A-5-400.1 or 20A-5-400.5;]~~

332 (d) the special district clerk or chief executive officer for~~[(i)]~~ a special district ballot  
 333 and election~~[-and]~~;

334 ~~[(ii) a ballot and election as a provider election officer as provided in Section~~  
 335 ~~20A-5-400.1 or 20A-5-400.5; or]~~

336 (e) the business administrator or superintendent of a school district for~~[(i)]~~ a school  
 337 district ballot and election~~[-and]~~.

338 ~~[(ii) a ballot and election as a provider election officer as provided in Section~~  
339 ~~20A-5-400.1 or 20A-5-400.5.]~~

340 ~~[(24)]~~ (23) "Election official" means any election officer, election judge, or poll  
341 worker.

342 ~~[(25)]~~ (24) "Election results" means:

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

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

347 ~~[(26)]~~ (25) "Election returns" includes:

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

352 (b) the record, described in Subsection ~~[20A-3a-401(8)(c)]~~ 20A-3a-401(8)(b)(ii), of  
353 voters contacted to cure a ballot.

354 ~~[(27)]~~ (26) "Electronic signature" means an electronic sound, symbol, or process  
355 attached to or logically associated with a record and executed or adopted by a person with the  
356 intent to sign the record.

357 ~~[(28)]~~ (27) "Inactive voter" means a registered voter who is listed as inactive by a  
358 county clerk under Subsection 20A-2-505(4)(c)(i) or (ii).

359 ~~[(29)]~~ (28) "Judicial office" means the office filled by any judicial officer.

360 ~~[(30)]~~ (29) "Judicial officer" means any justice or judge of a court of record or any  
361 county court judge.

362 ~~[(31)]~~ (30) "Local election" means a regular county election, a regular municipal  
363 election, a municipal primary election, a local special election, a special district election, and a  
364 bond election.

365 ~~[(32)]~~ (31) "Local political subdivision" means a county, a municipality, a special  
366 district, or a local school district.

367 ~~[(33)]~~ (32) "Local special election" means a special election called by the governing  
368 body of a local political subdivision in which all registered voters of the local political

369 subdivision may vote.

370 ~~[(34)]~~ (33) "Manual ballot" means a paper document produced by ~~[an]~~ a county  
371 election officer on which an individual records an individual's vote by directly placing a mark  
372 on the paper document using a pen or other marking instrument.

373 ~~[(35)]~~ (34) "Mechanical ballot" means a record, including a paper record, electronic  
374 record, or mechanical record, that:

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

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

378 (35) "Multi-county special election" means a special election, other than a statewide  
379 special election, in which registered voters in more than one county may vote.

380 (36) "Municipal executive" means:

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

382 (b) the mayor in the council-manager form of government defined in Subsection  
383 10-3b-103(7); or

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

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

388 (38) "Municipal legislative body" means:

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

390 (b) the council of a metro township.

391 (39) "Municipal office" means an elective office in a municipality.

392 (40) "Municipal officers" means those municipal officers that are required by law to be  
393 elected.

394 (41) "Municipal primary election" means an election held to nominate candidates for  
395 municipal office.

396 (42) "Municipality" means a city, town, or metro township.

397 (43) "Official ballot" means the ballots distributed by ~~[the]~~ a county election officer for  
398 voters to record their votes.

399 (44) "Official endorsement" means the information on the ballot that identifies:

- 400 (a) the ballot as an official ballot;
- 401 (b) the date of the election; and
- 402 (c) (i) for a ballot prepared by ~~[an]~~ a county election officer ~~[other than a county clerk,~~  
403 ~~the facsimile signature required by]~~ for a municipal election, the certification described in  
404 Subsection 20A-6-401(1)(a)(iii) or 20A-6-401.1(1)(d)(iii); or
- 405 (ii) for a ballot prepared by a county ~~[clerk, the words required by]~~ election officer for  
406 an election other than a municipal election, the certification described in Subsection  
407 20A-6-301(1)(b)(iii).
- 408 (45) "Official register" means the official record furnished to election officials by the  
409 election officer that contains the information required by Section 20A-5-401.
- 410 (46) "Political party" means an organization of registered voters that has qualified to  
411 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
412 and Procedures.
- 413 (47) (a) "Poll worker" means a person assigned by an election official to assist with an  
414 election, voting, or counting votes.
- 415 (b) "Poll worker" includes election judges.
- 416 (c) "Poll worker" does not include a watcher.
- 417 (48) "Pollbook" means a record of the names of voters in the order that they appear to  
418 cast votes.
- 419 (49) "Polling place" means a building where voting is conducted.
- 420 (50) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
421 in which the voter marks the voter's choice.
- 422 (51) "Presidential Primary Election" means the election established in Chapter 9, Part  
423 8, Presidential Primary Election.
- 424 (52) "Primary convention" means the political party conventions held during the year  
425 of the regular general election.
- 426 (53) "Protective counter" means a separate counter, which cannot be reset, that:
- 427 (a) is built into a voting machine; and
- 428 (b) records the total number of movements of the operating lever.
- 429 ~~[(54) "Provider election officer" means an election officer who enters into a contract or~~  
430 ~~interlocal agreement with a contracting election officer to conduct an election for the~~

431 ~~contracting election officer's local political subdivision in accordance with Section~~  
432 ~~20A-5-400.1.]~~

433 ~~[(55)]~~ (54) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

437 ~~[(56)]~~ (55) "Provisional ballot envelope" means an envelope printed in the form

438 required by Section 20A-6-105 that is used to identify provisional ballots and to provide

439 information to verify a person's legal right to vote.

440 ~~[(57)]~~ (56) (a) "Public figure" means an individual who, due to the individual being

441 considered for, holding, or having held a position of prominence in a public or private capacity,

442 or due to the individual's celebrity status, has an increased risk to the individual's safety.

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

444 (i) elected to public office; or

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

446 ~~[(58)]~~ (57) "Qualify" or "qualified" means to take the oath of office and begin

447 performing the duties of the position for which the individual was elected.

448 ~~[(59)]~~ (58) "Receiving judge" means the poll worker that checks the voter's name in the

449 official register at a polling place and provides the voter with a ballot.

450 ~~[(60)]~~ (59) "Registration form" means a form by which an individual may register to

451 vote under this title.

452 ~~[(61)]~~ (60) "Regular ballot" means a ballot that is not a provisional ballot.

453 ~~[(62)]~~ (61) "Regular general election" means the election held throughout the state on

454 the first Tuesday after the first Monday in November of each even-numbered year for the

455 purposes established in Section 20A-1-201.

456 ~~[(63)]~~ (62) "Regular primary election" means the election, held on the date specified in

457 Section 20A-1-201.5, to nominate candidates of political parties and candidates for nonpartisan

458 local school board positions to advance to the regular general election.

459 ~~[(64)]~~ (63) "Resident" means a person who resides within a specific voting precinct in

460 Utah.

461 ~~[(65)]~~ (64) "Return envelope" means the envelope, described in Subsection

462 20A-3a-202(4), provided to a voter with a manual ballot:

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

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

466 ~~[(66)]~~ (65) "Sample ballot" means a mock ballot similar in form to the official ballot,  
467 published as provided in Section 20A-5-405.

468 ~~[(67)]~~ (66) "Special district" means a local government entity under Title 17B, Limited  
469 Purpose Local Government Entities - Special Districts, and includes a special service district  
470 under Title 17D, Chapter 1, Special Service District Act.

471 ~~[(68)]~~ (67) "Special district officers" means those special district board members who  
472 are required by law to be elected.

473 ~~[(69)]~~ (68) "Special election" means an election held as authorized by Section  
474 20A-1-203.

475 ~~[(70)]~~ (69) "Spoiled ballot" means each ballot that:

476 (a) is spoiled by the voter;

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

478 (c) lacks the official endorsement.

479 ~~[(71)]~~ (70) "Statewide special election" means a special election called by the governor  
480 or the Legislature in which all registered voters in Utah may vote.

481 ~~[(72)]~~ (71) "Tabulation system" means a device or system designed for the sole  
482 purpose of tabulating votes cast by voters at an election.

483 ~~[(73)]~~ (72) "Ticket" means a list of:

484 (a) political parties;

485 (b) candidates for an office; or

486 (c) ballot propositions.

487 ~~[(74)]~~ (73) "Transfer case" means the sealed box used to transport voted ballots to the  
488 counting center.

489 ~~[(75)]~~ (74) "Vacancy" means:

490 (a) except as provided in Subsection ~~[(75)(b)]~~ (74)(b), the absence of an individual to  
491 serve in a position created by state constitution or state statute, whether that absence occurs  
492 because of death, disability, disqualification, resignation, or other cause; or



493 (b) in relation to a candidate for a position created by state constitution or state statute,  
494 the removal of a candidate due to the candidate's death, resignation, or disqualification.

495 [(76)] (75) "Valid voter identification" means:

496 (a) a form of identification that bears the name and photograph of the voter which may  
497 include:

498 (i) a currently valid Utah driver license;

499 (ii) a currently valid identification card that is issued by:

500 (A) the state; or

501 (B) a branch, department, or agency of the United States;

502 (iii) a currently valid Utah permit to carry a concealed weapon;

503 (iv) a currently valid United States passport; or

504 (v) a currently valid United States military identification card;

505 (b) one of the following identification cards, whether or not the card includes a  
506 photograph of the voter:

507 (i) a valid tribal identification card;

508 (ii) a Bureau of Indian Affairs card; or

509 (iii) a tribal treaty card; or

510 (c) two forms of identification not listed under Subsection [(76)(a) or (b)] (75)(a) or (b)

511 but that bear the name of the voter and provide evidence that the voter resides in the voting  
512 precinct, which may include:

513 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
514 election;

515 (ii) a bank or other financial account statement, or a legible copy thereof;

516 (iii) a certified birth certificate;

517 (iv) a valid social security card;

518 (v) a check issued by the state or the federal government or a legible copy thereof;

519 (vi) a paycheck from the voter's employer, or a legible copy thereof;

520 (vii) a currently valid Utah hunting or fishing license;

521 (viii) certified naturalization documentation;

522 (ix) a currently valid license issued by an authorized agency of the United States;

523 (x) a certified copy of court records showing the voter's adoption or name change;

524 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

525 (xii) a currently valid identification card issued by:

526 (A) a local government within the state;

527 (B) an employer for an employee; or

528 (C) a college, university, technical school, or professional school located within the  
529 state; or

530 (xiii) a current Utah vehicle registration.

531 [~~77~~] (76) "Valid write-in candidate" means a candidate who has qualified as a  
532 write-in candidate by following the procedures and requirements of this title.

533 [~~78~~] (77) "Vote by mail" means to vote, using a manual ballot that is mailed to the  
534 voter, by:

535 (a) mailing the ballot to the location designated in the mailing; or

536 (b) depositing the ballot in a ballot drop box designated by the county election officer.

537 [~~79~~] (78) "Voter" means an individual who:

538 (a) meets the requirements for voting in an election;

539 (b) meets the requirements of election registration;

540 (c) is registered to vote; and

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

542 [~~80~~] (79) "Voter registration deadline" means the registration deadline provided in  
543 Section [20A-2-102.5](#).

544 [~~81~~] (80) "Voting area" means the area within six feet of the voting booths, voting  
545 machines, and ballot box.

546 [~~82~~] (81) "Voting booth" means:

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

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

550 [~~83~~] (82) "Voting device" means any device provided by [~~an~~] a county election  
551 officer for a voter to vote a mechanical ballot.

552 [~~84~~] (83) "Voting precinct" means the smallest geographical voting unit, established  
553 under Chapter 5, Part 3, Duties of the County and Municipal Legislative Bodies.

554 [~~85~~] (84) "Watcher" means an individual who complies with the requirements

555 described in Section 20A-3a-801 to become a watcher for an election.

556 ~~[(86)]~~ (85) "Write-in ballot" means a ballot containing any write-in votes.

557 ~~[(87)]~~ (86) "Write-in vote" means a vote cast for an individual, whose name is not  
558 printed on the ballot, in accordance with the procedures established in this title.

559 Section 3. Section 20A-1-204 is amended to read:

560 **20A-1-204. Date of special election -- Legal effect.**

561 (1) ~~[(a)]~~ Except as provided ~~[by Subsection (1)(d), the governor, Legislature, or the~~  
562 ~~legislative body of a local political subdivision calling a statewide special election or local~~  
563 ~~special election under Section 20A-1-203 shall schedule the special election to]~~ in Subsection  
564 (2), a statewide special election or multi-county special election called by the governor or the  
565 Legislature, or a local special election called by a local political subdivision, shall be held on:

566 ~~[(i)]~~ (a) in an even-numbered year:

567 ~~[(A)]~~ (i) the fourth Tuesday in June; or

568 ~~[(B)]~~ (ii) the first Tuesday after the first Monday in November; or

569 ~~[(ii)]~~ (b) in an odd-numbered year:

570 ~~[(A)]~~ (i) the second Tuesday after the first Monday in August; or

571 ~~[(B)]~~ (ii) the first Tuesday after the first Monday in November.

572 ~~[(b) Except as provided in Subsection (1)(c), the governor, Legislature, or the~~  
573 ~~legislative body of a local political subdivision calling a statewide special election or local~~  
574 ~~special election under Section 20A-1-203 may not schedule a special election to be held on any~~  
575 ~~other date.]~~

576 ~~[(c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the]~~

577 ~~(2) (a) The legislative body of a local political subdivision may call a local special~~  
578 ~~election on a date other than [those specified in this section] a date described in Subsection (1)~~  
579 ~~or, as applicable, Subsection (2)(c), if the legislative body:~~

580 ~~[(A)]~~ (i) determines and declares that there is a disaster, as defined in Section

581 53-2a-102, requiring that a special election be held on a date other than ~~[the ones authorized in~~  
582 ~~statute] a date described in Subsection (1) or, as applicable, Subsection (2)(c);~~

583 ~~[(B)]~~ (ii) identifies specifically the nature of the disaster, as defined in Section

584 53-2a-102, and the reasons for holding the special election on that other date; and

585 ~~[(C)]~~ (iii) votes unanimously to hold the special election on that other date.

586           ~~[(f)]~~ (b) The legislative body of a local political subdivision may not hold a local  
 587 special election on the same date as the presidential primary election conducted under Chapter  
 588 9, Part 8, Presidential Primary Election.

589           ~~[(d) The]~~ (c) Except as provided in Subsection (2)(a), the legislative body of a local  
 590 political subdivision may only call a special election for a ballot proposition related to a bond,  
 591 debt, leeway, levy, or tax on the first Tuesday after the first Monday in November.

592           ~~[(e)]~~ (d) Nothing in this section prohibits:

593           (i) the governor or Legislature from submitting a matter to the voters at the regular  
 594 general election if authorized by law; or

595           (ii) a local government from submitting a matter to the voters at the regular municipal  
 596 election if authorized by law.

597           (e) This section does not prohibit holding a special congressional election on a date  
 598 other than a date described in Subsection (1), if the election is scheduled in accordance with  
 599 Section [20A-1-502](#) or [20A-1-502.5](#).

600           ~~[(2)(a) Two or more entities shall comply with Subsection (2)(b) if those entities hold~~  
 601 ~~a special election within a county on the same day as:]~~

602           ~~[(i) another special election;]~~

603           ~~[(ii) a regular general election; or]~~

604           ~~[(iii) a municipal general election.]~~

605           ~~[(b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:]~~

606           ~~[(i) polling places;]~~

607           ~~[(ii) ballots;]~~

608           ~~[(iii) election officials; and]~~

609           ~~[(iv) other administrative and procedural matters connected with the election.]~~

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

611           **20A-1-206. Cancellation of local election or local race -- Municipalities -- Special**  
 612 **districts -- Notice.**

613           (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

641 (4) A municipal legislative body that cancels a local election in accordance with  
642 Subsection (2) shall give notice that the election is cancelled by:

643 (a) subject to Subsection (8), providing notice to the lieutenant governor's office to be  
644 posted on the Statewide Electronic Voter Information Website described in Section [20A-7-801](#),  
645 for 15 consecutive days before the day of the scheduled election; ~~and~~

646 (b) providing notice for the municipality, as a class A notice under Section  
647 [63G-30-102](#), for at least 15 days before the day of the scheduled election~~[-]; and~~

648 (c) providing notice to the county election officer for the municipality.

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

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

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

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

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

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

658 (a) the race is uncontested; and

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

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

664 (a) subject to Subsection (8), by posting notice on the Statewide Electronic Voter  
665 Information Website described in Section 20A-7-801, for 15 consecutive days before the day of  
666 the scheduled election; ~~and~~

667 (b) as a class A notice under Section 63G-30-102, for at least 15 days before the day of  
668 the scheduled election~~[-]; and~~

669 (c) by providing notice to the county election officer for the special district.

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

674 Section 5. Section 20A-1-301.5 is enacted to read:

675 **20A-1-301.5. County election officer to conduct elections -- Exceptions -- Payment**  
676 **of costs.**

677 (1) Except as provided in Subsection (2), the county election officer is, subject to the  
678 provisions of Subsection 20A-1-105(1), responsible for conducting all elections in the state,

679 including:

680 (a) the preparation, printing, mailing, and processing of ballots; and

681 (b) the counting and tabulating of ballots.

682 (2) (a) A municipal election officer may count and tabulate ballots for a municipal

683 primary election or a municipal general election if:

684 (i) before May 1 of an even-numbered year the municipal election officer provides

685 written notice to the lieutenant governor and the county election officer that, for the following

686 year the municipal election officer intends, to the extent permitted by law, to count and tabulate

687 ballots for:

688 (A) the municipal primary election only;

689 (B) the municipal general election only; or

690 (C) the municipal primary election and the municipal general election; and

691 (ii) the ballot for the election will only include races or ballot propositions for the

692 municipality.

693 (b) A special district election officer may count and tabulate ballots for a special

694 district election if:

695 (i) before May 1 of the year before the year in which the special district election is

696 held, the special district election officer provides written notice to the lieutenant governor and

697 the county election officer that, for the following year the special district election officer

698 intends, to the extent permitted by law, to count and tabulate ballots for all elections of the

699 special election district held during that year; and

700 (ii) the ballot will only include races or ballot propositions for the special district.

701 (3) A municipal election officer may not:

702 (a) count or tabulate ballots for an election where the ballot will include a race or ballot

703 proposition for a jurisdiction other than the municipality; or

704 (b) comply with Subsection (2)(a)(ii) by providing more than one ballot to a voter for

705 the same election.

706 (4) A special district election officer may not:

707 (a) count or tabulate ballots for an election where the ballot will include a race or ballot

708 proposition for a jurisdiction other than the special district; or

709 (b) comply with Subsection (2)(b)(ii) by providing more than one ballot to a voter for

710 the same election.

711 (5) (a) A municipality or special district shall pay to the county election officer the  
712 actual cost incurred by the county election officer to conduct an election for the municipality or  
713 special district.

714 (b) The lieutenant governor shall resolve any disagreement regarding the actual cost  
715 incurred by a county election officer.

716 Section 6. Section **20A-1-304** is amended to read:

717 **20A-1-304. Tie votes.**

718 Except for a race conducted by instant runoff voting under [~~Title 20A, Chapter 4, Part~~  
719 ~~6, Municipal Alternate Voting Methods Pilot Project~~], if two or more candidates for a position  
720 have an equal and the highest number of votes for any office, the election officer responsible to  
721 count and tabulate the ballots shall, in a public meeting held within 30 days after the day on  
722 which the canvass is completed, determine the candidate selected, by lot, in the presence of  
723 each candidate subject to the tie.

724 Section 7. Section **20A-1-402** is amended to read:

725 **20A-1-402. Election officer to render interpretations and make decisions.**

726 The election officer responsible for the matter that is the subject of a controversy or  
727 other matter arising under this chapter shall render all interpretations and make all initial  
728 decisions about [~~controversies or other matters arising under this chapter~~] the controversy or  
729 other matter.

730 Section 8. Section **20A-1-403** is amended to read:

731 **20A-1-403. Errors or omissions in ballots.**

732 (1) [~~The~~] A county election officer shall, without delay, correct any errors in ballots  
733 that the county election officer discovers, or that are brought to the county election officer's  
734 attention, if those errors can be corrected without interfering with the timely distribution of the  
735 ballots.

736 (2) (a) (i) If an error or omission has occurred in the publication of the names or  
737 description of the candidates nominated for office, in the publication of sample ballots, or in  
738 the printing of official ballots, a candidate or the candidate's agent may file, without paying any  
739 fee, a petition for ballot correction with the district court.

740 (ii) If a petition is filed, the petitioner shall serve a copy of the petition on the



741 respondents on the same day that the petition is filed with the court.

742 (b) The petition shall contain:

743 (i) an affidavit signed by the candidate or the candidate's agent identifying the error or  
744 omission; and

745 (ii) a request that the court issue an order to the county election officer responsible for  
746 the ballot error or omission to correct the ballot error or omission.

747 (3) (a) After reviewing the petition, the court shall:

748 (i) issue an order commanding the respondent named in the petition to appear before  
749 the court to answer, under oath, under penalty of perjury, to the petition;

750 (ii) summarily hear and dispose of any issues raised by the petition to obtain substantial  
751 compliance with the provisions of this title by the parties to the controversy; and

752 (iii) enter appropriate orders.

753 (b) The court may assess costs, including reasonable attorney fees, against either party.

754 Section 9. Section **20A-2-201** is amended to read:

755 **20A-2-201. Registering to vote at office of county clerk.**

756 (1) Except as provided in Subsection (3), the county clerk shall register to vote each  
757 individual who registers in person at the county clerk's office during designated office hours if  
758 the individual will, on the date of the election, be legally eligible to vote in a voting precinct in  
759 the county in accordance with Section [20A-2-101](#).

760 (2) If an individual who is registering to vote submits a registration form in person at  
761 the office of the county clerk no later than 5 p.m. 11 calendar days before the date of the  
762 election, the county clerk shall:

763 (a) accept and process the voter registration form;

764 (b) unless the individual named in the form is preregistering to vote:

765 (i) enter the individual's name on the list of registered voters for the voting precinct in  
766 which the individual resides; and

767 (ii) notify the individual that the individual is registered to vote in the upcoming  
768 election; and

769 (c) if the individual named in the form is preregistering to vote, comply with Section  
770 [20A-2-101.1](#).

771 (3) If an individual who is registering to vote and who will be legally qualified and

772 entitled to vote in a voting precinct in the county on the date of an election appears in person,  
773 during designated office hours, and submits a registration form after the deadline described in  
774 Subsection (2), the county clerk shall accept the registration form and~~[, except as provided in~~  
775 ~~Subsection 20A-2-207(6),]~~ inform the individual that the individual will not be registered to  
776 vote in the pending election, unless the individual registers to vote by provisional ballot during  
777 the early voting period, if applicable, or on election day, in accordance with Section  
778 20A-2-207.

779 Section 10. Section 20A-2-204 is amended to read:

780 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

781 (1) As used in this section, "voter registration form" means, when an individual named  
782 on a qualifying form, as defined in Section 20A-2-108, answers "yes" to the question described  
783 in Subsection 20A-2-108(2)(a), the information on the qualifying form that can be used for  
784 voter registration purposes.

785 (2) (a) Except as provided in Subsection (2)(b), a citizen who is qualified to vote may  
786 register to vote, and a citizen who is qualified to preregister to vote may preregister to vote, by  
787 answering "yes" to the question described in Subsection 20A-2-108(2)(a) and completing the  
788 voter registration form.

789 (b) A citizen who is a program participant in the Safe at Home Program created in  
790 Section 77-38-602 is not eligible to register to vote as described in Subsection (2)(a), but is  
791 eligible to register to vote by any other means described in this part.

792 (3) The Driver License Division shall:

793 (a) assist an individual in completing the voter registration form unless the individual  
794 refuses assistance;

795 (b) electronically transmit each address change to the lieutenant governor within five  
796 days after the day on which the division receives the address change; and

797 (c) within five days after the day on which the division receives a voter registration  
798 form, electronically transmit the form to the Office of the Lieutenant Governor, including the  
799 following for the individual named on the form:

800 (i) the name, date of birth, driver license or state identification card number, last four  
801 digits of the social security number, Utah residential address, place of birth, and signature;

802 (ii) a mailing address, if different from the individual's Utah residential address;

- 803 (iii) an email address and phone number, if available;
- 804 (iv) the desired political affiliation, if indicated;
- 805 (v) an indication of whether the individual requested that the individual's voter  
806 registration record be classified as a private record under Subsection 20A-2-108(2)(b); and
- 807 (vi) a withholding request form described in Subsections 20A-2-104(7) and (8) and any  
808 verification submitted with the form.
- 809 (4) Upon receipt of an individual's voter registration form from the Driver License  
810 Division under Subsection (3), the lieutenant governor shall:
- 811 (a) enter the information into the statewide voter registration database; and
- 812 (b) if the individual requests on the individual's voter registration form that the  
813 individual's voter registration record be classified as a private record or the individual submits a  
814 withholding request form described in Subsections 20A-2-104(7) and (8) and any required  
815 verification, classify the individual's voter registration record as a private record.
- 816 (5) The county clerk of an individual whose information is entered into the statewide  
817 voter registration database under Subsection (4) shall:
- 818 (a) ensure that the individual meets the qualifications to be registered or preregistered  
819 to vote; and
- 820 (b) (i) if the individual meets the qualifications to be registered to vote:
- 821 (A) ensure that the individual is assigned to the proper voting precinct; and
- 822 (B) send the individual the notice described in Section 20A-2-304; or
- 823 (ii) if the individual meets the qualifications to be preregistered to vote, process the  
824 form in accordance with the requirements of Section 20A-2-101.1.
- 825 (6) (a) When the county clerk receives a correctly completed voter registration form  
826 under this section, the clerk shall:
- 827 (i) comply with the applicable provisions of this Subsection (6); or
- 828 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.
- 829 (b) If the county clerk receives a correctly completed voter registration form under this  
830 section no later than 5 p.m. or, if submitting the form electronically, midnight, 11 calendar days  
831 before the date of an election, the county clerk shall:
- 832 (i) accept the voter registration form; ~~and~~
- 833 (ii) unless the individual is preregistering to vote:

834 (A) enter the individual's name on the list of registered voters for the voting precinct in  
835 which the individual resides; and

836 (B) notify the individual that the individual is registered to vote in the upcoming  
837 election; and

838 (iii) if the individual named in the form is preregistering to vote, comply with Section  
839 [20A-2-101.1](#).

840 (c) If the county clerk receives a correctly completed voter registration form under this  
841 section after the deadline described in Subsection (6)(b), the county clerk shall, unless the  
842 individual named in the form is preregistering to vote:

843 (i) accept the application for registration of the individual;

844 (ii) process the voter registration form; and

845 (iii) [~~unless the individual is preregistering to vote, and except as provided in~~  
846 ~~Subsection [20A-2-207\(6\)](#),]~~ inform the individual that the individual will not be registered to  
847 vote in the pending election, unless the individual registers to vote by provisional ballot during  
848 the early voting period, if applicable, or on election day, in accordance with Section  
849 [20A-2-207](#).

850 (7) (a) If the county clerk determines that an individual's voter registration form  
851 received from the Driver License Division is incorrect because of an error, because the form is  
852 incomplete, or because the individual does not meet the qualifications to be registered to vote,  
853 the county clerk shall mail notice to the individual stating that the individual has not been  
854 registered or preregistered because of an error, because the registration form is incomplete, or  
855 because the individual does not meet the qualifications to be registered to vote.

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

860 Section 11. Section [20A-2-205](#) is amended to read:

861 **[20A-2-205](#). Registration at voter registration agencies.**

862 (1) As used in this section:

863 (a) "Discretionary voter registration agency" means the same as that term is defined in  
864 Section [20A-2-300.5](#).

865 (b) "Public assistance agency" means the same as that term is defined in Section  
866 20A-2-300.5.

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

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

872 "REGISTERING TO VOTE

873 If you are not registered to vote where you live now, would you like to apply to register  
874 or preregister to vote here today? (The decision of whether to register or preregister to vote will  
875 not affect the amount of assistance that you will be provided by this agency.) Yes \_\_\_ No \_\_\_

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

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

889 (a) distribute a voter registration form with each application for service or assistance  
890 provided by the agency or office;

891 (b) assist applicants in completing the voter registration form unless the applicant  
892 refuses assistance;

893 (c) accept completed forms for transmittal to the appropriate election official; and

894 (d) transmit a copy of each voter registration form to the appropriate election official  
895 within five days after the division receives the voter registration form.

- 896 (5) An individual in a public assistance agency or a discretionary voter registration  
897 agency that helps an applicant complete the voter registration form may not:
- 898 (a) seek to influence an applicant's political preference or party registration;
  - 899 (b) display any political preference or party allegiance;
  - 900 (c) make any statement to an applicant or take any action that has the purpose or effect  
901 of discouraging the applicant from registering to vote; or
  - 902 (d) make any statement to an applicant or take any action that has the purpose or effect  
903 of leading the applicant to believe that a decision of whether to register or preregister has any  
904 bearing upon the availability of services or benefits.
- 905 (6) If the county clerk receives a correctly completed voter registration form under this  
906 section no later than 5 p.m. 11 calendar days before the date of an election, the county clerk  
907 shall:
- 908 (a) accept and process the voter registration form;
  - 909 (b) unless the individual named in the form is preregistering to vote:
    - 910 (i) enter the applicant's name on the list of registered voters for the voting precinct in  
911 which the applicant resides; and
    - 912 (ii) notify the applicant that the applicant is registered to vote in the upcoming election;
  - 913 and
  - 914 (c) if the individual named in the form is preregistering to vote, comply with Section  
915 [20A-2-101.1](#)
- 916 (7) If the county clerk receives a correctly completed voter registration form after the  
917 deadline described in Subsection (6), the county clerk shall:
- 918 (a) accept the application for registration of the individual; and
  - 919 (b) ~~[except as provided in Subsection [20A-2-207](#)(6);]~~ if possible, promptly inform the  
920 individual that the individual will not be registered to vote in the pending election, unless the  
921 individual registers to vote by provisional ballot during the early voting period, if applicable, or  
922 on election day, in accordance with Section [20A-2-207](#).
- 923 (8) If the county clerk determines that a voter registration form received from a public  
924 assistance agency or discretionary voter registration agency is incorrect because of an error or  
925 because the voter registration form is incomplete, the county clerk shall mail notice to the  
926 individual attempting to register or preregister to vote, stating that the individual has not been

927 registered or preregistered to vote because of an error or because the voter registration form is  
928 incomplete.

929 Section 12. Section **20A-2-206** is amended to read:

930 **20A-2-206. Electronic registration.**

931 (1) The lieutenant governor shall create and maintain an electronic system that is  
932 publicly available on the Internet for an individual to apply for voter registration or  
933 preregistration.

934 (2) An electronic system for voter registration or preregistration shall require:

935 (a) that an applicant have a valid driver license or identification card, issued under Title  
936 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place  
937 of residence;

938 (b) that the applicant provide the information required by Section [20A-2-104](#), except  
939 that the applicant's signature may be obtained in the manner described in Subsections (2)(d)  
940 and (5);

941 (c) that the applicant attest to the truth of the information provided; and

942 (d) that the applicant authorize the lieutenant governor's and county clerk's use of the  
943 applicant's:

944 (i) driver license or identification card signature, obtained under Title 53, Chapter 3,  
945 Uniform Driver License Act, for voter registration purposes; or

946 (ii) signature on file in the lieutenant governor's statewide voter registration database  
947 developed under Section [20A-2-502](#).

948 (3) Notwithstanding Section [20A-2-104](#), an applicant using the electronic system for  
949 voter registration or preregistration created under this section is not required to complete a  
950 printed registration form.

951 (4) A system created and maintained under this section shall provide the notices  
952 concerning a voter's presentation of identification contained in Subsection [20A-2-104](#)(1).

953 (5) The lieutenant governor shall:

954 (a) obtain a digital copy of the applicant's driver license or identification card signature  
955 from the Driver License Division; or

956 (b) ensure that the applicant's signature is already on file in the lieutenant governor's  
957 statewide voter registration database developed under Section [20A-2-502](#).

958 (6) The lieutenant governor shall send the information to the county clerk for the  
959 county in which the applicant's principal place of residence is found for further action as  
960 required by Section 20A-2-304 after:

961 (a) receiving all information from an applicant; and

962 (b) (i) receiving all information from the Driver License Division; or

963 (ii) ensuring that the applicant's signature is already on file in the lieutenant governor's  
964 statewide voter registration database developed under Section 20A-2-502.

965 (7) The lieutenant governor may use additional security measures to ensure the  
966 accuracy and integrity of an electronically submitted voter registration.

967 (8) If an individual applies to register under this section no later than 11 calendar days  
968 before the date of an election, the county clerk shall:

969 (a) accept and process the voter registration form;

970 (b) unless the individual named in the form is preregistering to vote:

971 (i) enter the applicant's name on the list of registered voters for the voting precinct in  
972 which the applicant resides; and

973 (ii) notify the individual that the individual is registered to vote in the upcoming  
974 election; and

975 (c) if the individual named in the form is preregistering to vote, comply with Section  
976 20A-2-101.1.

977 (9) If an individual applies to register under this section after the deadline described in  
978 Subsection (8), the county clerk shall, unless the individual is preregistering to vote:

979 (a) accept the application for registration; and

980 (b) [~~except as provided in Subsection 20A-2-207(6),~~] if possible, promptly inform the  
981 individual that the individual will not be registered to vote in the pending election, unless the  
982 individual registers to vote by provisional ballot during the early voting period, if applicable, or  
983 on election day, in accordance with Section 20A-2-207.

984 (10) The lieutenant governor shall provide a means by which a registered voter shall  
985 sign the application form.

986 Section 13. Section 20A-2-207 is amended to read:

987 **20A-2-207. Registration by provisional ballot.**

988 (1) [~~Except as provided in Subsection (6), an~~] An individual who is not registered to



989 vote may register to vote, and vote, on election day or during the early voting period described  
 990 in Section 20A-3a-601, by voting a provisional ballot, if:

- 991 (a) the individual is otherwise legally entitled to vote the ballot;
- 992 (b) the ballot is identical to the ballot for the precinct in which the individual resides;
- 993 (c) the information on the provisional ballot form is complete; and
- 994 (d) the individual provides valid voter identification and proof of residence to the poll  
 995 worker.

996 (2) If a provisional ballot and the individual who voted the ballot comply with the  
 997 requirements described in Subsection (1), the county election officer shall:

- 998 (a) consider the provisional ballot a voter registration form;
- 999 (b) place the ballot with the other ballots, to be counted with those ballots at the  
 1000 canvass; and

1001 (c) as soon as reasonably possible, register the individual to vote.

1002 (3) Except as provided in Subsection (4), the county election officer shall retain a  
 1003 provisional ballot form, uncounted, for the period specified in Section 20A-4-202, if the county  
 1004 election officer determines that the individual who voted the ballot:

- 1005 (a) is not registered to vote and is not eligible for registration under this section; or
- 1006 (b) is not legally entitled to vote the ballot that the individual voted.

1007 (4) Subsection (3) does not apply if a court orders the county election officer to  
 1008 produce or count the provisional ballot.

1009 ~~[(5) The lieutenant governor shall report to the Government Operations Interim  
 1010 Committee on or before October 31, 2020, regarding:]~~

1011 ~~[(a) implementation of registration by provisional ballot, as described in this section,  
 1012 on a statewide basis;]~~

1013 ~~[(b) any difficulties resulting from the implementation described in Subsection (5)(a);]~~

1014 ~~[(c) the effect of registration by provisional ballot on voter participation in Utah;]~~

1015 ~~[(d) the number of ballots cast by voters who registered by provisional ballot;]~~

1016 ~~[(i) during the early voting period described in Section 20A-3a-601; and]~~

1017 ~~[(ii) on election day; and]~~

1018 ~~[(e) suggested changes in the law relating to registration by provisional ballot.]~~

1019 ~~[(6) For an election administered by an election officer other than a county clerk:]~~

1020 ~~[(a) if the election officer does not operate a polling place to allow early voting, the~~  
1021 ~~individual may not register to vote, under this section, during an early voting period; and]~~

1022 ~~[(b) if the election officer does not operate a polling place on election day, the~~  
1023 ~~individual may not register to vote, under this section, on election day.]~~

1024 Section 14. Section **20A-3a-106** is amended to read:

1025 **20A-3a-106. Rulemaking authority relating to conducting an election.**

1026 The director of elections, within the Office of the Lieutenant Governor, may make  
1027 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1028 establishing requirements for:

1029 (1) a return envelope described in Subsection [20A-3a-202\(4\)](#), to ensure uniformity and  
1030 security of the envelopes;

1031 (2) complying with the signature comparison audit requirements described in Section  
1032 [20A-3a-402.5](#); or

1033 (3) conducting and documenting the identity verification process described in  
1034 Subsection [~~[20A-3a-401\(7\)\(b\)](#)~~] [20A-3a-401\(8\)\(b\)](#).

1035 Section 15. Section **20A-3a-201** is amended to read:

1036 **20A-3a-201. Voting methods.**

1037 (1) Except for an election conducted entirely by mail under Section [20A-7-609.5](#), a  
1038 voter may vote as follows:

1039 (a) by mail;

1040 (b) at a polling place during early voting hours;

1041 (c) at a polling place on election day when the polls are open;

1042 (d) if the voter is an individual with a disability, by voting:

1043 (i) remotely, via a mechanical ballot; or

1044 (ii) via electronic means if approved by the election officer;

1045 (e) electronically or via a federal write-in absentee ballot if the voter is a covered voter,  
1046 as defined in Section [20A-16-102](#); or

1047 (f) by emergency ballot, in accordance with Part 3, Emergency Ballots.

1048 (2) A voter may not vote at a polling place if the voter voted by mail or in a manner  
1049 described in Subsections (1)(d) through (f).

1050 Section 16. Section **20A-3a-202** is amended to read:

1051 **20A-3a-202. Conducting election by mail.**

1052 (1) (a) Except as otherwise provided for an election conducted entirely by mail under  
1053 Section [20A-7-609.5](#), ~~[an]~~ a county election officer shall administer an election primarily by  
1054 mail, in accordance with this section.

1055 (b) An individual who did not provide valid voter identification at the time the voter  
1056 registered to vote shall provide valid voter identification before voting.

1057 (2) ~~[An election officer who administers an election]~~ A county election officer:

1058 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day  
1059 and no later than seven days before election day, mail to each active voter within a voting  
1060 precinct:

1061 (i) a manual ballot;

1062 (ii) a return envelope;

1063 (iii) instructions for returning the ballot that include an express notice about any  
1064 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

1065 (iv) ~~[for an election administered by a county clerk,]~~ information regarding the location  
1066 and hours of operation of any election day voting center at which the voter may vote or a  
1067 website address where the voter may view this information; and

1068 ~~[(v) for an election administered by an election officer other than a county clerk, if the  
1069 election officer does not operate a polling place or an election day voting center, a warning, on  
1070 a separate page of colored paper in bold face print, indicating that if the voter fails to follow the  
1071 instructions included with the ballot, the voter will be unable to vote in that election because  
1072 there will be no polling place for the voting precinct on the day of the election; and]~~

1073 ~~[(vi)]~~ (v) instructions on how a voter may sign up to receive electronic ballot status  
1074 notifications via the ballot tracking system described in Section [20A-3a-401.5](#);

1075 (b) may not mail a ballot under this section to:

1076 (i) an inactive voter, unless the inactive voter requests a manual ballot; or

1077 (ii) a voter whom the county election officer is prohibited from sending a ballot under  
1078 Subsection (9)(c)(ii);

1079 (c) shall, on the outside of the envelope in which the county election officer mails the  
1080 ballot, include instructions for returning the ballot if the individual to whom the county election  
1081 officer mails the ballot does not live at the address to which the ballot is sent;

1082 (d) shall provide a method of accessible voting to a voter with a disability who is not  
1083 able to vote by mail; and

1084 (e) shall include, on the county election officer's website and with each ballot mailed,  
1085 instructions regarding how a voter described in Subsection (2)(d) may vote.

1086 (3) (a) ~~Am~~ A county election officer who mails a manual ballot under Subsection (2)  
1087 shall mail the manual ballot to the address:

1088 (i) provided at the time of registration; or

1089 (ii) if, at or after the time of registration, the voter files an alternate address request  
1090 form described in Subsection (3)(b), the alternate address indicated on the form.

1091 (b) The lieutenant governor shall make available to voters an alternate address request  
1092 form that permits a voter to request that the county election officer mail the voter's ballot to a  
1093 location other than the voter's residence.

1094 (c) A voter shall provide the completed alternate address request form to the county  
1095 election officer no later than 11 days before the day of the election.

1096 (4) The return envelope shall include:

1097 (a) the name, official title, and post office address of the county election officer on the  
1098 front of the envelope;

1099 (b) a space where a voter may write an email address and phone number by which the  
1100 county election officer may contact the voter if the voter's ballot is rejected;

1101 (c) a printed affidavit in substantially the following form:

1102 "County of \_\_\_\_ State of \_\_\_\_

1103 I, \_\_\_\_, solemnly swear that: I am a qualified resident voter of the \_\_\_\_ voting precinct  
1104 in \_\_\_\_ County, Utah and that I am entitled to vote in this election. I am not a convicted felon  
1105 currently incarcerated for commission of a felony.

1106 \_\_\_\_\_  
1107 Signature of Voter"; and

1108 (d) a warning that the affidavit must be signed by the individual to whom the ballot  
1109 was sent and that the ballot will not be counted if the signature on the affidavit does not match  
1110 the signature on file with the county election officer [~~of the individual to whom the ballot was~~  
1111 ~~sent~~].

1112 (5) If the county election officer determines that the voter is required to show valid

- 1113 voter identification, the county election officer may:
- 1114 (a) mail a ballot to the voter;
- 1115 (b) instruct the voter to include a copy of the voter's valid voter identification with the  
1116 return ballot; and
- 1117 (c) provide instructions to the voter on how the voter may sign up to receive electronic  
1118 ballot status notifications via the ballot tracking system described in Section [20A-3a-401.5](#).
- 1119 (6) [~~An election officer who administers an election~~] A county election officer shall:
- 1120 (a) [(+) ] before the election, obtain the signatures of each voter qualified to vote in the  
1121 election; [~~or~~] and
- 1122 [~~(ii) obtain the signature of each voter within the voting precinct from the county clerk;~~  
1123 ~~and~~]
- 1124 (b) maintain the signatures on file in the county election officer's office.
- 1125 (7) Upon receipt of a returned ballot, the county election officer shall review and  
1126 process the ballot under Section [20A-3a-401](#).
- 1127 (8) [~~A county that administers an election.~~] In relation to an election other than a  
1128 municipal election, a county election officer:
- 1129 (a) shall provide at least one election day voting center in accordance with Part 7,  
1130 Election Day Voting Center, and at least one additional election day voting center for every  
1131 5,000 active voters in the county who have requested to not receive a ballot by mail;
- 1132 (b) shall ensure that each election day voting center operated by the county has at least  
1133 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,  
1134 Pub. L. No. 107-252, for individuals with disabilities;
- 1135 (c) may reduce the early voting period described in Section [20A-3a-601](#), if:
- 1136 (i) the county [~~clerk~~] election officer conducts early voting on at least four days;
- 1137 (ii) the early voting days are within the period beginning on the date that is 14 days  
1138 before the date of the election and ending on the day before the election; and
- 1139 (iii) the county [~~clerk~~] election officer provides notice of the reduced early voting  
1140 period in accordance with Section [20A-3a-604](#); and
- 1141 (d) is not required to pay return postage for a ballot.
- 1142 (9) (a) An individual may request that the county election officer not send the  
1143 individual a ballot by mail in the next and subsequent elections by submitting a written request

1144 to the county election officer.

1145 (b) An individual shall submit the request described in Subsection (9)(a) to the county  
 1146 election officer before 5 p.m. no later than 60 days before an election if the individual does not  
 1147 wish to receive a ballot by mail in that election.

1148 (c) ~~[An]~~ A county election officer who receives a request from an individual under  
 1149 Subsection (9)(a):

1150 (i) shall remove the individual's name from the list of voters who will receive a ballot  
 1151 by mail; and

1152 (ii) may not send the individual a ballot by mail for:

1153 (A) the next election, if the individual submits the request described in Subsection  
 1154 (9)(a) before the deadline described in Subsection (9)(b); or

1155 (B) an election after the election described in Subsection (9)(c)(ii)(A).

1156 (d) An individual who submits a request under Subsection (9)(a) may resume the  
 1157 individual's receipt of a ballot by mail by submitting a written request to the county election  
 1158 officer.

1159 Section 17. Section **20A-3a-203** is amended to read:

1160 **20A-3a-203. Voting at a polling place.**

1161 (1) Except as provided in Section [20A-7-609.5](#), a registered voter may vote at a polling  
 1162 place in an election in accordance with this section.

1163 (2) (a) The voter shall give the voter's name, and, if requested, the voter's residence, to  
 1164 one of the poll workers.

1165 (b) The voter shall present valid voter identification to one of the poll workers.

1166 (c) If the poll worker is not satisfied that the voter has presented valid voter  
 1167 identification, the poll worker shall:

1168 (i) indicate on the official register that the voter was not properly identified;

1169 (ii) issue the voter a provisional ballot;

1170 (iii) notify the voter that the voter will have until the close of normal office hours on

1171 Monday after the day of the election to present valid voter identification[?] to the county  
 1172 election officer; and

1173 [~~(A) to the county clerk at the county clerk's office; or]~~

1174 [~~(B) to an election officer who is administering the election; and]~~

- 1175 (iv) follow the procedures and requirements of Section 20A-3a-205.
- 1176 (d) If the person's right to vote is challenged as provided in Section 20A-3a-803, the  
1177 poll worker shall follow the procedures and requirements of Section 20A-3a-205.
- 1178 (3) A poll worker shall check the official register to determine whether:
- 1179 (a) a voter is registered to vote; and
- 1180 (b) if the election is a regular primary election or a presidential primary election,  
1181 whether a voter's party affiliation designation in the official register allows the voter to vote the  
1182 ballot that the voter requests.
- 1183 (4) (a) Except as provided in Subsection (5), if the voter's name is not found on the  
1184 official register, the poll worker shall follow the procedures and requirements of Section  
1185 20A-3a-205.
- 1186 (b) If, in a regular primary election or a presidential primary election, the official  
1187 register does not affirmatively identify the voter as being affiliated with a registered political  
1188 party or if the official register identifies the voter as being "unaffiliated," the voter shall be  
1189 considered to be "unaffiliated."
- 1190 (5) In a regular primary election or a presidential primary election:
- 1191 (a) if a voter's name is not found on the official register, and if it is not unduly  
1192 disruptive to the election process, the poll worker may attempt to contact the county [clerk's]  
1193 election officer's office to request oral verification of the voter's registration; and
- 1194 (b) if oral verification is received from the county [clerk's] election officer's office, the  
1195 poll worker shall:
- 1196 (i) record the verification on the official register;
- 1197 (ii) determine the voter's party affiliation and the ballot that the voter is qualified to  
1198 vote; and
- 1199 (iii) except as provided in Subsection (6), comply with Subsection (3).
- 1200 (6) (a) Except as provided in Subsection (6)(b), if, in a regular primary election or a  
1201 presidential primary election, the voter's political party affiliation listed in the official register  
1202 does not allow the voter to vote the ballot that the voter requested, the poll worker shall inform  
1203 the voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation  
1204 does allow the voter to vote.
- 1205 (b) If, in a regular primary election or a presidential primary election, the voter is listed

1206 in the official register as unaffiliated, or if the official register does not affirmatively identify  
1207 the voter as either unaffiliated or affiliated with a registered political party, and the voter, as an  
1208 unaffiliated voter, is not authorized to vote the ballot that the voter requests, the poll worker  
1209 shall:

1210 (i) ask the voter if the voter wishes to vote another registered political party ballot that  
1211 the voter, as unaffiliated, is authorized to vote, or remain unaffiliated; and

1212 (ii) (A) if the voter wishes to vote another registered political party ballot that the  
1213 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection  
1214 (3); or

1215 (B) if the voter wishes to remain unaffiliated and does not wish to vote another ballot  
1216 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the  
1217 voter may not vote.

1218 (7) Except as provided in Subsection (6)(b)(ii)(B), and subject to the other provisions  
1219 of Subsection (6), if the poll worker determines that the voter is registered, a poll worker shall:

1220 (a) direct the voter to sign the voter's name in the official register;

1221 (b) provide to the voter the ballot that the voter is qualified to vote; and

1222 (c) allow the voter to enter the voting booth.

1223 Section 18. Section **20A-3a-204** is amended to read:

1224 **20A-3a-204. Marking and depositing ballots.**

1225 (1) To vote by mail:

1226 (a) except as provided in Subsection (6), the voter shall prepare the voter's manual  
1227 ballot by marking the appropriate space with a mark opposite the name of each candidate of the  
1228 voter's choice for each office to be filled;

1229 (b) if a ballot proposition is submitted to a vote of the people, the voter shall mark the  
1230 appropriate space with a mark opposite the answer the voter intends to make;

1231 (c) except as provided in Subsection (6), the voter shall record a write-in vote in  
1232 accordance with Subsection [20A-3a-206](#)(1);

1233 (d) except as provided in Subsection (6), a mark is not required opposite the name of a  
1234 write-in candidate; and

1235 (e) the voter shall:

1236 (i) complete and sign the affidavit on the return envelope;



- 1237 (ii) place the voted ballot in the return envelope;
- 1238 (iii) if required, place a copy of the voter's valid voter identification in the return  
1239 envelope;
- 1240 (iv) securely seal the return envelope; and
- 1241 (v) (A) attach postage, if necessary, and deposit the return envelope in the mail; or  
1242 (B) place the return envelope in a ballot drop box, designated by the county election  
1243 officer, for the precinct where the voter resides.
- 1244 (2) (a) Except as otherwise provided in Section 20A-16-404, to be valid, a ballot that is  
1245 mailed must be:
- 1246 (i) clearly postmarked before election day, or otherwise clearly marked by the post  
1247 office as received by the post office before election day; and
- 1248 (ii) received in the office of the county election officer before noon on the day of the  
1249 official canvass following the election.
- 1250 (b) Except as provided in Subsection (2)(c), to be valid, a ballot shall, before the polls  
1251 close on election day, be deposited in:
- 1252 (i) a ballot box at a polling place; or
- 1253 (ii) a ballot drop box designated by [~~an~~] the county election officer for the jurisdiction  
1254 to which the ballot relates.
- 1255 (c) [~~An~~] A county election officer may, but is not required to, forward a ballot  
1256 deposited in a ballot drop box in the wrong jurisdiction to the correct jurisdiction.
- 1257 (d) [~~An~~] A county election officer shall ensure that a voter who is, at or before 8 p.m.,  
1258 in line at a ballot drop box, with a sealed return envelope containing a ballot in the voter's  
1259 possession, to deposit the ballot in the ballot drop box.
- 1260 (3) Except as provided in Subsection (4), to vote at a polling place the voter shall, after  
1261 complying with Subsections (1)(a) through (d):
- 1262 (a) sign the official register or pollbook; and
- 1263 (b) (i) place the ballot in the ballot box; or  
1264 (ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot  
1265 envelope, complete the information printed on the provisional ballot envelope, and deposit the  
1266 provisional ballot envelope in the provisional ballot box.
- 1267 (4) (a) An individual with a disability may vote a mechanical ballot at a polling place.

1268 (b) An individual other than an individual with a disability may vote a mechanical  
1269 ballot at a polling place if permitted by the county election officer.

1270 (5) To vote a mechanical ballot, the voter shall:

1271 (a) make the selections according to the instructions provided for the voting device;

1272 and

1273 (b) subject to Subsection (6), record a write-in vote by:

1274 (i) selecting the appropriate position for entering a write-in candidate; and

1275 (ii) using the voting device to enter the name of the valid write-in candidate for whom  
1276 the voter wishes to vote.

1277 (6) To vote in an instant runoff voting race under [~~Title 20A, Chapter 4, Part 6,~~  
1278 ~~Municipal Alternate Voting Methods Pilot Project~~] Chapter 4, Part 6, Municipal Alternate  
1279 Voting Methods Pilot Project, a voter:

1280 (a) shall indicate, as directed on the ballot, the name of the candidate who is the voter's  
1281 first preference for the office; and

1282 (b) may indicate, as directed on the ballot, the names of the remaining candidates in  
1283 order of the voter's preference.

1284 (7) A voter who votes at a polling place:

1285 (a) shall mark and cast or deposit the ballot without delay and shall leave the voting  
1286 area after voting; and

1287 (b) may not:

1288 (i) occupy a voting booth occupied by another, except as provided in Section  
1289 [20A-3a-208](#);

1290 (ii) remain within the voting area more than 10 minutes; or

1291 (iii) occupy a voting booth for more than five minutes if all booths are in use and other  
1292 voters are waiting to occupy a voting booth.

1293 (8) If the official register shows any voter as having voted, that voter may not reenter  
1294 the voting area during that election unless that voter is an election official or watcher.

1295 (9) A poll worker may not, at a polling place, allow more than four voters more than  
1296 the number of voting booths into the voting area at one time unless those excess voters are:

1297 (a) election officials;

1298 (b) watchers; or

1299 (c) assisting voters with a disability.

1300 Section 19. Section **20A-3a-205** is amended to read:

1301 **20A-3a-205. Manner of voting -- Provisional ballot.**

1302 (1) The poll workers shall follow the procedures and requirements of this section

1303 when:

1304 (a) the individual's right to vote is challenged as provided in Section [20A-3a-803](#) or  
1305 [20A-3a-805](#);

1306 (b) the individual's name is not found on the official register; or

1307 (c) the poll worker is not satisfied that the voter has provided valid voter identification.

1308 (2) When faced with one of the circumstances described in Subsection (1)(a) or (b), the  
1309 poll worker shall:

1310 (a) request that the individual provide valid voter identification; and

1311 (b) review the identification provided by the individual.

1312 (3) If the poll worker is satisfied that the individual has provided valid voter

1313 identification that establishes the individual's identity and residence in the voting precinct:

1314 (a) the poll worker in charge of the official register shall:

1315 (i) record in the official register the type of identification that established the  
1316 individual's identity and place of residence;

1317 (ii) record the provisional ballot envelope number in association with the name of the  
1318 individual; and

1319 (iii) direct the individual to sign the individual's name in the official register or  
1320 pollbook; and

1321 (b) the poll worker having charge of the ballots shall:

1322 (i) give the individual a provisional ballot; and

1323 (ii) allow the individual to enter the voting booth.

1324 (4) If the poll worker is not satisfied that the individual has provided valid voter  
1325 identification that establishes the individual's identity and residence in the voting precinct:

1326 (a) the poll worker in charge of the official register shall:

1327 (i) record in the official register that the voter did not provide valid voter identification;

1328 (ii) record in the official register the type of identification that was provided by the  
1329 individual, if any;

1330 (iii) record the provisional ballot envelope number in association with the name of the  
1331 individual; and

1332 (iv) direct the individual to sign the individual's name in the official register or  
1333 pollbook; and

1334 (b) the poll worker having charge of the ballots shall:

1335 (i) give the individual a provisional ballot; and

1336 (ii) allow the individual to enter the voting booth.

1337 (5) When, at a polling place, the county election officer is required to furnish more  
1338 than one version of a ballot, the poll workers at that polling place shall give the registered voter  
1339 the version of the ballot that the voter is qualified to vote.

1340 Section 20. Section **20A-3a-301** is amended to read:

1341 **20A-3a-301. Emergency ballots.**

1342 (1) As used in this section, "hospitalized voter" means a registered voter who:

1343 (a) is hospitalized or otherwise confined to a medical or long-term care institution;

1344 (b) does not have a manual ballot in the voter's immediate possession;

1345 (c) is able to vote a manual ballot; and

1346 (d) is not able to acquire a manual ballot without the assistance of another individual.

1347 (2) A hospitalized voter may, in accordance with this section, obtain a manual ballot to  
1348 use as an emergency ballot and vote at any time after the county election officer mails manual  
1349 ballots to the majority of voters and before the close of polls on election day.

1350 (3) (a) Any individual may obtain an emergency ballot application, a manual ballot,  
1351 and a manual ballot envelope from the county election officer on behalf of a hospitalized voter  
1352 by requesting a ballot and application in person at the county election officer's office during  
1353 business hours.

1354 (b) The county election officer shall require the individual to sign a statement  
1355 identifying the individual and the hospitalized voter.

1356 (4) To vote, the hospitalized voter shall complete the emergency ballot application,  
1357 complete and sign the affidavit on the manual ballot envelope, mark the voter's votes on the  
1358 manual ballot, place the manual ballot into the envelope, and seal the envelope unless a  
1359 different method is authorized under Section **20A-1-308**.

1360 (5) To be counted, the emergency voter application and the sealed manual ballot

1361 envelope must be returned to the election officer's office in accordance with the requirements  
1362 of this chapter.

1363 Section 21. Section **20A-3a-401** is amended to read:

1364 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**  
1365 **Disposition -- Notice.**

1366 (1) This section governs ballots returned by mail or via a ballot drop box.

1367 (2) (a) Poll workers shall open return envelopes containing manual ballots that are in  
1368 the custody of the poll workers in accordance with this section.

1369 (b) [~~The poll workers~~] Poll workers for the county election officer shall, first, compare  
1370 the signature of the voter on the affidavit of the return envelope to the signature of the voter in  
1371 the voter registration records.

1372 (3) After complying with Subsection (2), the poll workers for the county election  
1373 officer shall determine whether:

1374 (a) the signatures correspond;

1375 (b) the affidavit is sufficient;

1376 (c) the voter is registered to vote in the correct precinct;

1377 (d) the voter's right to vote the ballot has been challenged;

1378 (e) the voter has already voted in the election;

1379 (f) the voter is required to provide valid voter identification; and

1380 (g) if the voter is required to provide valid voter identification, whether the voter has  
1381 provided valid voter identification.

1382 (4) (a) The poll workers for the county election officer shall take the action described  
1383 in Subsection (4)(b) if the poll workers determine:

1384 (i) in accordance with the rules made under Subsection (11):

1385 (A) that the signature on the affidavit of the return envelope is reasonably consistent  
1386 with the individual's signature in the voter registration records; or

1387 (B) for an individual who checks the box described in Subsection (5)(c)(v), that the  
1388 signature is verified by alternative means;

1389 (ii) that the affidavit is sufficient;

1390 (iii) that the voter is registered to vote in the correct precinct;

1391 (iv) that the voter's right to vote the ballot has not been challenged;

- 1392 (v) that the voter has not already voted in the election; and
- 1393 (vi) for a voter required to provide valid voter identification, that the voter has
- 1394 provided valid voter identification.
- 1395 (b) If the poll workers for the county election officer make all of the findings described
- 1396 in Subsection (4)(a)[~~v~~];
- 1397 (i) the county election officer shall:
- 1398 (A) except as provided in Subsection (4)(b)(i)(B), take the action described in
- 1399 Subsection (4)(b)(ii); or
- 1400 (B) if the ballot is a locally tabulated ballot, in accordance with the chain of custody
- 1401 requirements described in Section 20A-3a-401.1 and Subsection 20A-5-403.5(7), deliver the
- 1402 unopened ballots to the applicable municipal election officer or special district election officer
- 1403 to take the action described in Subsection (4)(b)(ii); and
- 1404 (ii) the applicable poll workers described in Subsection (4)(b)(i)(A) or (B) shall:
- 1405 [~~(i)~~] (A) remove the manual ballot from the return envelope in a manner that does not
- 1406 destroy the affidavit on the return envelope;
- 1407 [~~(ii)~~] (B) ensure that the ballot does not unfold and is not otherwise examined in
- 1408 connection with the return envelope; and
- 1409 [~~(iii)~~] (C) place the ballot with the other ballots to be counted.
- 1410 (c) If the poll workers for the county election officer do not make all of the findings
- 1411 described in Subsection (4)(a), the poll workers for the county election officer shall:
- 1412 (i) disallow the vote;
- 1413 (ii) without opening the return envelope, record the ballot as "rejected" and state the
- 1414 reason for the rejection; and
- 1415 (iii) place the return envelope, unopened, with the other rejected return envelopes.
- 1416 (5) (a) If the poll workers for the county election officer reject an individual's ballot
- 1417 because the poll workers for the county election officer determine, in accordance with rules
- 1418 made under Subsection (11), that the signature on the return envelope is not reasonably
- 1419 consistent with the individual's signature in the voter registration records, the county election
- 1420 officer shall:
- 1421 (i) contact the individual in accordance with Subsection (6); and
- 1422 (ii) inform the individual:

- 1423 (A) that the individual's signature is in question;
- 1424 (B) how the individual may resolve the issue; and
- 1425 (C) that, in order for the ballot to be counted, the individual is required to deliver to the
- 1426 county election officer a correctly completed affidavit, provided by the county [~~clerk~~] election
- 1427 officer, that meets the requirements described in Subsection (5)(c).
- 1428 (b) The county election officer shall ensure that the notice described in Subsection
- 1429 (5)(a) includes:
- 1430 (i) when communicating the notice by mail, a printed copy of the affidavit described in
- 1431 Subsection (5)(c) and a courtesy reply envelope;
- 1432 (ii) when communicating the notice electronically, a link to a copy of the affidavit
- 1433 described in Subsection (5)(c) or information on how to obtain a copy of the affidavit; or
- 1434 (iii) when communicating the notice by phone, either during a direct conversation with
- 1435 the voter or in a voicemail, arrangements for the voter to receive a copy of the affidavit
- 1436 described in Subsection (5)(c), either in person from the [~~clerk's~~] county election officer's
- 1437 office, by mail, or electronically.
- 1438 (c) An affidavit described in Subsection (5)(a)(ii)(C) shall include:
- 1439 (i) an attestation that the individual voted the ballot;
- 1440 (ii) a space for the individual to enter the individual's name, date of birth, and driver
- 1441 license number or the last four digits of the individual's social security number;
- 1442 (iii) a space for the individual to sign the affidavit;
- 1443 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
- 1444 governor's and county clerk's use of the individual's signature on the affidavit for voter
- 1445 identification purposes; and
- 1446 (v) a check box accompanied by language in substantially the following form: "I am a
- 1447 voter with a qualifying disability under the Americans with Disabilities Act that impacts my
- 1448 ability to sign my name consistently. I can provide appropriate documentation upon request. To
- 1449 discuss accommodations, I can be contacted at \_\_\_\_\_".
- 1450 (d) In order for an individual described in Subsection (5)(a) to have the individual's
- 1451 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(c) to the
- 1452 county election officer.
- 1453 (e) [~~An~~] A county election officer who receives a signed affidavit under Subsection

1454 (5)(d) shall immediately:

1455 (i) scan the signature on the affidavit electronically and keep the signature on file in the  
1456 statewide voter registration database developed under Section 20A-2-502;

1457 (ii) if the county election officer receives the affidavit no later than 5 p.m. three days  
1458 before the day on which the canvass begins, [~~count the individual's ballot~~] take the action  
1459 described in Subsection (4)(b)(i); and

1460 (iii) if the check box described in Subsection (5)(c)(v) is checked, comply with the  
1461 rules described in Subsection (11)(c).

1462 (6) (a) The county election officer shall, within two business days after the day on  
1463 which an individual's ballot is rejected, notify the individual of the rejection and the reason for  
1464 the rejection, by phone, mail, email, or SMS text message, unless:

1465 (i) the ballot is cured within one business day after the day on which the ballot is  
1466 rejected; or

1467 (ii) the ballot is rejected because the ballot is received late or for another reason that  
1468 cannot be cured.

1469 (b) If an individual's ballot is rejected for a reason described in Subsection (6)(a)(ii),  
1470 the county election officer shall notify the individual of the rejection and the reason for the  
1471 rejection by phone, mail, email, or SMS text message, within the later of:

1472 (i) 30 days after the day of the rejection; or

1473 (ii) 30 days after the day of the election.

1474 (c) The county election officer may, when notifying an individual by phone under this  
1475 Subsection (6), use auto-dial technology.

1476 (7) [~~An~~] A county election officer may not [~~count the~~] take the action described in  
1477 Subsection (4)(b)(i) in relation to a ballot, or permit the counting of a ballot of an individual  
1478 whom the election officer contacts under Subsection (5) or (6) unless, no later than 5 p.m. three  
1479 days before the day on which the canvass begins, the county election officer:

1480 (a) receives a signed affidavit from the individual under Subsection (5); or

1481 (b) (i) contacts the individual;

1482 (ii) if the county election officer has reason to believe that an individual, other than the  
1483 voter to whom the ballot was sent, signed the ballot affidavit, informs the individual that it is  
1484 unlawful to sign a ballot affidavit for another person, even if the person gives permission;



- 1485 (iii) verifies the identity of the individual by:
- 1486 (A) requiring the individual to provide at least two types of personal identifying  
1487 information for the individual; and
- 1488 (B) comparing the information provided under Subsection (7)(b)(iii)(A) to records  
1489 relating to the individual that are in the possession or control of ~~[an]~~ a county election officer;  
1490 and
- 1491 (iv) documenting the verification described in Subsection (7)(b)(iii), by recording:
- 1492 (A) the name and voter identification number of the individual contacted;
- 1493 (B) the name of the individual who conducts the verification;
- 1494 (C) the date and manner of the communication;
- 1495 (D) the type of personal identifying information provided by the individual;
- 1496 (E) a description of the records against which the personal identifying information  
1497 provided by the individual is compared and verified; and
- 1498 (F) other information required by the lieutenant governor.
- 1499 (8) (a) The election officer who counts the ballots shall~~[:(a)]~~ retain and preserve the  
1500 return envelopes in the manner provided by law for the retention and preservation of ballots  
1501 voted at that election~~[:]~~.
- 1502 (b) The county election officer shall:
- 1503 (i) retain and preserve the documentation described in Subsection (7)(b)(iv); and  
1504 ~~[(c)]~~ (ii) if the county election officer complies with Subsection ~~[(8)(b)]~~ (8)(b)(i) by  
1505 including the documentation in the voter's voter registration record, make, retain, and preserve  
1506 a record of the name and voter identification number of each voter contacted under Subsection  
1507 (7)(b).
- 1508 (9) (a) The county election officer shall record the following in the database used to  
1509 verify signatures:
- 1510 (i) any initial rejection of a ballot under Subsection (4)(c), within one business day  
1511 after the day on which the county election officer rejects the ballot; and
- 1512 (ii) any resolution of a rejection of a ballot under Subsection (7), within one business  
1513 day after the day on which the ballot rejection is resolved.
- 1514 (b) ~~[An]~~ A county election officer shall include, in the county election officer's canvass  
1515 report, a final report of the disposition of all rejected and resolved ballots, including, for ballots

1516 rejected, the following:

1517 (i) the number of ballots rejected because the voter did not sign the voter's ballot; and

1518 (ii) the number of ballots rejected because the voter's signatures on the ballot, and in  
1519 records on file, do not correspond.

1520 (10) Willful failure to comply with this section constitutes willful neglect of duty under  
1521 Section [20A-5-701](#).

1522 (11) The director of elections within the Office of the Lieutenant Governor shall make  
1523 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to  
1524 establish:

1525 (a) criteria and processes for use by poll workers in determining if a signature  
1526 corresponds with the signature on file for the voter under Subsections (3)(a) and (4)(a)(i)(A);

1527 (b) training and certification requirements for election officers and employees of  
1528 election officers regarding the criteria and processes described in Subsection (11)(a); and

1529 (c) in compliance with Title II of the Americans with Disabilities Act of 1990, 42  
1530 U.S.C. Secs. 12131 through 12165, an alternative means of verifying the identity of an  
1531 individual who checks the box described in Subsection (5)(c)(v).

1532 (12) If, in response to a request, and in accordance with the requirements of law, ~~an~~ a  
1533 county election officer discloses the name or address of voters whose ballots have been rejected  
1534 and not yet resolved, the election county officer shall:

1535 (a) make the disclosure within two business days after the day on which the request is  
1536 made;

1537 (b) respond to each request in the order the requests were made; and

1538 (c) make each disclosure in a manner, and within a period of time, that does not reflect  
1539 favoritism to one requestor over another.

1540 Section 22. Section **20A-3a-401.1** is amended to read:

1541 **20A-3a-401.1. Ballot chain of custody.**

1542 (1) As used in this section:

1543 (a) "Batch" means a grouping of a specified number of ballots:

1544 (i) that is assembled by poll workers, and given a number to distinguish the grouping  
1545 from other groupings, when the ballots are first received for processing;

1546 (ii) that is kept together in the same grouping, and kept separate from other groupings,

1547 throughout ballot processing; and

1548 (iii) for which a log is kept to document the chain of custody of the grouping.

1549 (b) "Processed" means an action taken in relation to a batch, a ballot in a batch, or a  
1550 return envelope that a poll worker has not separated from a ballot, as follows:

1551 (i) starting with receiving the ballot;

1552 (ii) each step taken in relation to a ballot as part of conducting an election; and

1553 (iii) ending after the ballots are counted and stored.

1554 (2) An election officer shall preserve the chain of custody of all ballots in accordance  
1555 with this section.

1556 (3) An election officer shall maintain an accurate, updated count of the number of  
1557 ballots that the election officer:

1558 (a) mails or otherwise provides to a voter;

1559 (b) receives from a voter;

1560 (c) counts;

1561 (d) rejects;

1562 (e) resolves after rejecting; or

1563 (f) does not resolve after rejecting.

1564 (4) In addition to complying with Subsection (3):

1565 (a) a county election officer shall maintain an accurate, updated record of each ballot  
1566 and batch delivered to a municipal election officer or special district election officer for  
1567 counting and tabulating; and

1568 (b) a municipal election officer or a special district election officer shall maintain an  
1569 accurate, updated:

1570 (i) count of the number of ballots that the election officer receives from a county  
1571 election officer under Subsection (4)(a); and

1572 (ii) record of each ballot and batch received under Subsection (4)(a).

1573 [~~4~~] (5) Upon receiving ballots cast by voters, the county election officer shall ensure  
1574 that poll workers immediately count the number of ballots received and divide the ballots into  
1575 batches.

1576 [~~5~~] (6) The election officer who has custody of the ballots shall ensure that:

1577 (a) ballots in each batch are kept separate from the ballots in other batches;

- 1578 (b) a ballot is not separated from a batch, except as necessary to the election process;
- 1579 (c) if a ballot is separated from a batch, the batch log indicates:
  - 1580 (i) the ballot number;
  - 1581 (ii) the date and time of removal;
  - 1582 (iii) the identity of the individual who removes the ballot; and
  - 1583 (iv) the reason the ballot is removed;
- 1584 (d) poll workers shall keep for each batch a log that includes:
  - 1585 (i) a unique identifying code or number for the batch;
  - 1586 (ii) the number of ballots in the batch;
  - 1587 (iii) the date that the ballots were received; and
  - 1588 (iv) for each occasion that the batches, or any of the ballots in the batches, are handled:
    - 1589 (A) the date and time that the ballots are handled;
    - 1590 (B) a description of what is done with the ballots;
    - 1591 (C) the identity of the poll workers who handle the ballots; and
    - 1592 (D) any other information required by rule under Subsection [~~(7)~~] (9);
  - 1593 (e) an election official who performs a ballot processing function performs the function
    - 1594 in the presence of at least one other election official;
    - 1595 (f) to the extent reasonably possible, the poll workers who perform a ballot processing
      - 1596 function for a batch complete performing that function for the entire batch; and
      - 1597 (g) each part of the processing of all ballots, including separating ballots from
        - 1598 envelopes and counting and tabulating ballots, is monitored by recorded video, without audio.
    - 1599 [~~(6)~~] (7) An election officer shall:
      - 1600 (a) keep the recordings described in Subsection [~~(5)~~]~~(g)~~] (6)(g) until the later of:
        - 1601 (i) the end of the calendar year in which the election was held; or
        - 1602 (ii) if the election is contested, when the contest is resolved; and
      - 1603 (b) ensure that a camera, a video, or a recording of a video described in Subsection
        - 1604 [~~(5)~~]~~(g)~~] (6)(g) may only be accessed:
          - 1605 (i) by the election officer;
          - 1606 (ii) by the county election officer;
          - 1607 [~~(ii)~~] (iii) by a custodian of the camera, video, or recording;
          - 1608 [~~(iii)~~] (iv) by the lieutenant governor;

1609            [~~(iv)~~] (v) by the legislative auditor general, when performing an audit; or  
 1610            [~~(v)~~] (vi) by, or pursuant to an order of, a court of competent jurisdiction.

1611            [~~(7)~~] (8) An individual may not view a video, or a recording of a video, described in  
 1612 Subsection [~~(5)(g)~~] (6)(g):

1613            (a) unless the individual is an individual described in Subsection [~~(6)(b)~~] (7)(b); and

1614            (b) the individual views the video to the extent necessary to:

1615            (i) ensure compliance with Subsection [~~(5)(g) or (6)~~] (6)(g) or (7); or

1616            (ii) investigate a concern relating to the processing of ballots.

1617            [~~(8)~~] (9) The director of elections within the Office of the Lieutenant Governor may  
 1618 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
 1619 establishing specific requirements and procedures for an election officer or poll worker to:

1620            (a) fulfill the chain of custody requirements described in this section;

1621            (b) perform the signature verification audits described in Section [20A-3a-402.5](#); and

1622            (c) comply with the reconciliation requirements described in Subsection

1623 [20A-4-304\(2\)\(h\)](#).

1624            Section 23. Section **20A-3a-402** is amended to read:

1625            **20A-3a-402. Custody of ballots voted at a polling place -- Disposition -- Counting**  
 1626 **ballots -- Release of tally.**

1627            (1) [~~(a)~~] For ballots voted at a polling place:

1628            [~~(b)~~] (a) the county election officer shall deliver all return envelopes containing valid  
 1629 ballots and valid provisional ballots that are in the county election officer's custody to the  
 1630 counting center before noon on the day of the official canvass following the election;

1631            [~~(c)~~] (b) valid ballots, including valid provisional ballots, may be processed and  
 1632 counted:

1633            (i) by the election officer responsible for counting the ballots, or poll workers acting  
 1634 under the supervision of [~~the~~] that election officer, before the date of the canvass; and

1635            (ii) at the canvass, by the election officer responsible for counting the ballots or poll  
 1636 workers for that election officer, acting under the supervision of the official canvassers of the  
 1637 election;

1638            [~~(d)~~] (c) when processing ballots, the responsible election officer and the poll workers  
 1639 for that election officer shall comply with the procedures and requirements of Section

1640 20A-3a-401 in opening envelopes, verifying signatures, confirming eligibility of the ballots,  
1641 and depositing ballots in preparation for counting; and

1642 [~~e~~] (d) all valid ballots, including valid provisional ballots have been deposited, [~~the~~  
1643 ballots] shall be counted in the usual manner.

1644 (2) (a) After the polls close on the date of the election, the election officer responsible  
1645 for counting the ballots shall publicly release the results of all ballots, including provisional  
1646 ballots, that have been counted on or before the date of the election.

1647 (b) Except as provided in Subsection (2)(c), on each day, beginning on the day after the  
1648 date of the election and ending on the day before the date of the canvass, the election officer  
1649 responsible for counting the ballots shall publicly release the results of all ballots, including  
1650 provisional ballots, counted on that day.

1651 (c) (i) If complying with Subsection (2)(b) on a particular day will likely result in  
1652 disclosing a vote cast by an individual voter, the election officer responsible for counting the  
1653 ballots shall request permission from the lieutenant governor to delay compliance for the  
1654 minimum number of days necessary to protect against disclosure of the voter's vote.

1655 (ii) The lieutenant governor shall grant a request made under Subsection (2)(c)(i) if the  
1656 lieutenant governor finds that the delay is necessary to protect against disclosure of a voter's  
1657 vote.

1658 (d) On the date of the canvass, the election officer responsible for counting the ballots  
1659 shall provide a tally of all ballots, including provisional ballots, counted, and the resulting tally  
1660 shall be added to the official canvass of the election.

1661 Section 24. Section **20A-3a-402.5** is amended to read:

1662 **20A-3a-402.5. Signature verification audits.**

1663 (1) [~~An~~] A county election officer shall, in accordance with this section and rules made  
1664 under Section 20A-3a-106, conduct regular audits of signature comparisons made between  
1665 signatures on envelopes and voter signatures maintained by the county election officer.

1666 (2) An individual who conducts an audit of signature comparisons may not audit the  
1667 individual's own work.

1668 (3) Before separating ballots from return envelopes, the county election officer shall:

1669 (a) audit 1% of all signature comparisons of the envelopes to be separated to determine  
1670 the accuracy of the comparisons made; and

1671 (b) provide additional training or staff reassignments, as needed, based on the results of  
1672 the audit.

1673 (4) An election officer shall submit to the lieutenant governor and the board of  
1674 canvassers a record of:

- 1675 (a) the audits performed under this section;
- 1676 (b) the results of the audits; and
- 1677 (c) any remedial action taken.

1678 Section 25. Section **20A-3a-405** is amended to read:

1679 **20A-3a-405. Ballot statistics.**

1680 (1) Except as provided in Subsection (5)(a), an election officer shall post and update  
1681 the data described in Subsection (2) on the election officer's website, on the following days,  
1682 after the election officer finishes processing ballots on that day:

- 1683 (a) the day on which the election officer begins mailing ballots;
- 1684 (b) each Monday, Wednesday, and Friday after the day described in Subsection (1)(a),  
1685 until the final posting described in Subsection (1)(c); and
- 1686 (c) the Wednesday after the day of the election.

1687 (2) The data that an election officer is required to post under Subsection (1) includes:

- 1688 (a) the number of ballots in the ~~[county clerk's]~~ election officer's possession; and
- 1689 (b) of the number of ballots described in Subsection (2)(a):
  - 1690 (i) the number of ballots that ~~[have]~~ the election officer has not yet begun processing;
  - 1691 (ii) the number of ballots in process by the election officer; and
  - 1692 (iii) the number of ballots processed by the election officer.

1693 (3) Except as provided in Subsection (5)(b), an election officer shall post and update  
1694 the data described in Subsection (4) on the election officer's website on the following days:

- 1695 (a) the Friday after the day of the election;
- 1696 (b) each Monday, Wednesday, and Friday after the day described in Subsection (3)(a),  
1697 until the final posting described in Subsection (3)(c); and
- 1698 (c) on the last day of the canvass.

1699 (4) The data that an election officer is required to post under Subsection (3) includes  
1700 the following, in relation to the ballots in the election officer's possession:

- 1701 (a) a best estimate of the number of ballots received, to date, by the election officer;

- 1702 (b) if the election officer is a county election officer:
- 1703 (i) the number of ballots in possession of the county election officer that have been
- 1704 rejected and are not yet cured;
- 1705 (ii) the number of ballots delivered to a municipal election officer or special district
- 1706 election officer for counting and tabulation; and
- 1707 ~~[(c)]~~ (iii) the number of provisional ballots in the possession of the county election
- 1708 officer that have not been processed;
- 1709 (c) if the election officer receives ballots under Subsection (4)(b)(ii), the number of
- 1710 ballots received;
- 1711 (d) the number of ballots in the election officer's possession that need to be
- 1712 adjudicated, but have not yet been adjudicated;
- 1713 (e) the number of ballots awaiting replication; and
- 1714 (f) the number of ballots that have been replicated.
- 1715 (5) (a) An election officer is not required to update the data described in Subsection (2)
- 1716 on a Monday if the election officer does not process any ballots the preceding Saturday or
- 1717 Sunday.
- 1718 (b) An election officer is not required to update the data described in Subsection (4) on
- 1719 a Monday if the election officer does not process any ballots the preceding Saturday or Sunday.
- 1720 Section 26. Section **20A-3a-601** is amended to read:
- 1721 **20A-3a-601. Early voting.**
- 1722 (1) Except as provided in Section [20A-7-609.5](#):
- 1723 (a) an individual who is registered to vote may vote at a polling place before the
- 1724 election date in accordance with this section; and
- 1725 (b) ~~[except as provided in Subsection [20A-2-207](#)(6),]~~ an individual who is not
- 1726 registered to vote may register to vote and vote at a polling place before the election date in
- 1727 accordance with this section if the individual:
- 1728 (i) is otherwise legally entitled to vote the ballot; and
- 1729 (ii) casts a provisional ballot in accordance with Section [20A-2-207](#).
- 1730 (2) Except as provided in Section [20A-1-308](#) or Subsection (3), the early voting period:
- 1731 (a) begins on the date that is 14 days before the date of the election; and
- 1732 (b) continues through the Friday before the election if the election date is a Tuesday.



1733 (3) (a) ~~[An]~~ A county election officer may extend the end of the early voting period to  
1734 the day before the election date if the county election officer provides notice of the extension in  
1735 accordance with Section [20A-3a-604](#).

1736 (b) For a municipal election, the ~~[municipal clerk]~~ county election officer may reduce  
1737 the early voting period described in this section if:

1738 (i) the ~~[municipal clerk]~~ county election officer conducts early voting on at least four  
1739 days;

1740 (ii) the early voting days are within the period beginning on the date that is 14 days  
1741 before the date of the election and ending on the day before the election; and

1742 (iii) the ~~[municipal clerk]~~ county election officer provides notice of the reduced early  
1743 voting period in accordance with Section [20A-3a-604](#).

1744 (c) For a county election, the county ~~[clerk]~~ election officer may reduce the early  
1745 voting period described in this section if:

1746 (i) the county ~~[clerk]~~ election officer conducts early voting on at least four days;

1747 (ii) the early voting days are within the period beginning on the date that is 14 days  
1748 before the date of the election and ending on the day before the election; and

1749 (iii) the county ~~[clerk]~~ election officer provides notice of the reduced early voting  
1750 period in accordance with Section [20A-3a-604](#).

1751 (4) Except as provided in Section [20A-1-308](#), during the early voting period, the  
1752 county election officer:

1753 (a) for a local special election, a municipal primary election, and a municipal general  
1754 election:

1755 (i) shall conduct early voting on a minimum of four days during each week of the early  
1756 voting period; and

1757 (ii) shall conduct early voting on the last day of the early voting period; and

1758 (b) for all other elections:

1759 (i) shall conduct early voting on each weekday; and

1760 (ii) may elect to conduct early voting on a Saturday, Sunday, or holiday.

1761 (5) Except as specifically provided in this Part 6, Early Voting, or Section [20A-1-308](#),  
1762 early voting shall be administered in accordance with the requirements of this title.

1763 Section 27. Section [20A-3a-602](#) is amended to read:

1764           **20A-3a-602. Hours for early voting.**

1765           (1) Except as provided in Section 20A-1-308, the county election officer shall  
1766 determine the times for opening and closing the polls for each day of early voting provided that  
1767 voting is open for a minimum of four hours during each day that polls are open during the early  
1768 voting period.

1769           (2) Except as provided in Section 20A-1-308, each registered voter who arrives at the  
1770 polls before the time scheduled for closing of the polls shall be allowed to vote.

1771           Section 28. Section 20A-3a-603 is amended to read:

1772           **20A-3a-603. Early voting polling places.**

1773           (1) Except as provided in Section 20A-1-308 or 20A-7-609.5, the county election  
1774 officer shall designate one or more polling places for early voting, as follows:

1775           (a) at least one polling place shall be open on each day that polls are open during the  
1776 early voting period;

1777           (b) each polling place shall comply with the requirements for polling places under  
1778 Chapter 5, Election Administration;

1779           (c) for all elections other than local special elections, municipal primary elections, and  
1780 municipal general elections, at least 10% of the voting devices at a polling place shall be  
1781 accessible for individuals with disabilities in accordance with Public Law 107-252, the Help  
1782 America Vote Act of 2002; and

1783           (d) each polling place shall be located in a government building or office, unless the  
1784 county election officer determines that, in the area designated by the county election officer,  
1785 there is no government building or office available that:

1786           (i) can be scheduled for use during early voting hours;

1787           (ii) has the physical facilities necessary to accommodate early voting requirements;

1788           (iii) has adequate space for voting equipment, poll workers, and voters; and

1789           (iv) has adequate security, public accessibility, and parking.

1790           (2) (a) Except as provided in Section 20A-1-308, the county election officer may, after  
1791 the deadline described in Section 20A-3a-604:

1792           (i) if necessary, change the location of an early voting place; or

1793           (ii) if the county election officer determines that the number of early voting polling  
1794 places is insufficient due to the number of registered voters who are voting, designate

1795 additional polling places during the early voting period.

1796 (b) Except as provided in Section 20A-1-308, if ~~an~~ a county election officer changes  
1797 the location of an early voting polling place or designates an additional early voting polling  
1798 place, the county election officer shall, as soon as is reasonably possible, give notice of the  
1799 dates, times, and location of the changed early voting polling place or the additional early  
1800 voting polling place:

1801 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

1802 (ii) by posting the information on the website of the election officer, if available; and

1803 (iii) by posting notice:

1804 (A) for a change in the location of an early voting polling place, at the new location  
1805 and, if possible, the old location; and

1806 (B) for an additional early voting polling place, at the additional early voting polling  
1807 place.

1808 (3) Except as provided in Section 20A-1-308, for each regular general election and  
1809 regular primary election, counties of the first class shall ensure that the early voting polling  
1810 places are approximately proportionately distributed based on population within the county.

1811 Section 29. Section 20A-3a-604 is amended to read:

1812 **20A-3a-604. Notice of time and place of early voting.**

1813 (1) Except as provided in Section 20A-1-308 or Subsection 20A-3a-603(2), the county  
1814 election officer shall, for at least 28 days before the date of the election, provide notice of the  
1815 dates, times, and locations of early voting by publishing notice for the county, as a class A  
1816 notice under Section 63G-30-102.

1817 (2) Instead of specifying all dates, times, and locations of early voting, a notice  
1818 required under Subsection (1) may specify the following sources where a voter may view or  
1819 obtain a copy of all dates, times, and locations of early voting:

1820 (a) the county's website;

1821 (b) the physical address of the county's offices; and

1822 (c) a mailing address and telephone number.

1823 (3) The county election officer shall include in the notice described in Subsection (1):

1824 (a) the address of the Statewide Electronic Voter Information Website and, if available,  
1825 the address of the election officer's website, with a statement indicating that the county election

1826 officer will post on the website the location of each early voting polling place, including any  
1827 changes to the location of an early voting polling place and the location of additional early  
1828 voting polling places; and

1829 (b) a phone number that a voter may call to obtain information regarding the location  
1830 of an early voting polling place.

1831 Section 30. Section **20A-3a-605** is amended to read:

1832 **20A-3a-605. Exemptions from early voting.**

1833 (1) (a) This part does not apply to an election of a board member of a special district.

1834 (b) Notwithstanding Subsection (1)(a), [~~a special district may, in the special district's~~  
1835 ~~discretion~~] a county election officer may, in the county election officer's discretion, provide  
1836 early voting in accordance with this part for election of a board member.

1837 (2) Notwithstanding the requirements of Section **20A-3a-601**, a county election officer  
1838 may, for a municipality of the fifth class or a town as described in Section **10-2-301** [~~may~~],  
1839 provide early voting as provided under this part for:

1840 (a) a municipal primary election; or

1841 (b) a municipal general election.

1842 [~~(3) A municipality is not required to conduct early voting for the election.~~]

1843 Section 31. Section **20A-3a-701** is amended to read:

1844 **20A-3a-701. Definitions.**

1845 As used in this part:

1846 (1) "Election day voting center" means a polling place designated by [~~an~~] a county  
1847 election officer to provide for voting on election day for an individual who:

1848 (a) is eligible to vote; and

1849 (b) resides within the political subdivision holding the election.

1850 (2) "Voting center ballot" means a regular ballot that:

1851 (a) is provided at an election day voting center; and

1852 (b) may be retrieved by the county election official during the canvass if the voter cast  
1853 a ballot at another location or before election day.

1854 Section 32. Section **20A-3a-702** is amended to read:

1855 **20A-3a-702. Election day voting center -- Hours of operation -- Compliance with**  
1856 **Election Code.**

- 1857 (1) Except as provided in Section 20A-7-609.5, ~~an~~ a county election officer may  
1858 operate an election day voting center in one or more locations designated under Section  
1859 20A-3a-703.
- 1860 (2) ~~An~~ A county election officer shall provide for voting at an election day voting  
1861 center by:
- 1862 (a) regular ballot if:
- 1863 (i) (A) the election day voting center is designated under Section 20A-5-403 as the  
1864 polling place for the voting precinct in which the voter resides; and
- 1865 (B) the voter is eligible to vote a regular ballot at the election day voting center in  
1866 accordance with this title; or
- 1867 (ii) (A) the voter resides within the political subdivision holding the election;  
1868 (B) the voter is otherwise eligible to vote a regular ballot in accordance with this title;
- 1869 and
- 1870 (C) the jurisdiction holding the election uses a method that confirms that the voter has  
1871 not voted previously in the election;
- 1872 (b) voting center ballot if:
- 1873 (i) the election day voting center is not designated under Section 20A-5-403 as the  
1874 polling place for the voting precinct in which the voter resides;
- 1875 (ii) the voter resides within the political subdivision holding the election; and  
1876 (iii) the voter is otherwise eligible to vote a regular ballot in accordance with this title;
- 1877 or
- 1878 (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in  
1879 accordance with this title.
- 1880 (3) ~~An~~ A county election officer shall ensure that an election day voting center:
- 1881 (a) is open on election day during the time period specified under Section 20A-1-302;
- 1882 (b) allows an eligible voter to vote if the voter:
- 1883 (i) resides within the political subdivision holding an election; and  
1884 (ii) arrives at the election day voting center by the designated closing time in  
1885 accordance with Section 20A-1-302; and
- 1886 (c) is administered according to the requirements of this title.
- 1887 (4) An individual may submit a completed manual ballot at an election day voting

1888 center for the political subdivision in which the individual resides.

1889 Section 33. Section **20A-3a-703** is amended to read:

1890 **20A-3a-703. Election day voting centers as polling places -- Location --**

1891 **Notification.**

1892 (1) The county election officer may designate one or more polling places as an election  
1893 day voting center if:

1894 (a) except as provided in Subsection (2), the county election officer notifies the  
1895 lieutenant governor of the designation and location of the election day voting center at least 15  
1896 days before the election;

1897 (b) the polling place meets the requirements for a polling place under Chapter 5,  
1898 Election Administration; and

1899 (c) the polling place is located in a government building or office, unless the county  
1900 election officer determines that there is no government building or office available, in the area  
1901 designated by the county election officer, that:

1902 (i) can be scheduled for use during election day voting hours;

1903 (ii) has the physical facilities necessary to accommodate election day voting  
1904 requirements;

1905 (iii) has adequate space for voting equipment, poll workers, and voters; and

1906 (iv) has adequate security, public accessibility, and parking.

1907 (2) (a) The county election officer may, after the deadline described in Subsection

1908 (1)(a):

1909 (i) if necessary, change the location of an election day voting center; or

1910 (ii) if the county election officer determines that the number of election day voting  
1911 centers is insufficient due to the number of registered voters who are voting, designate  
1912 additional election day voting centers.

1913 (b) Except as provided in Section **20A-1-308**, if [~~an~~] a county election officer changes  
1914 the location of an election day voting center or designates an additional election day voting  
1915 center, the county election officer shall, as soon as is reasonably possible, give notice of the  
1916 dates, times, and location of the changed election day voting center or the additional election  
1917 day voting center:

1918 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter

1919 Information Website;

1920 (ii) by posting the information on the website of the county election officer~~[-if~~  
1921 ~~available]~~; and

1922 (iii) by posting notice:

1923 (A) of a change in the location of an election day voting center, at the new location  
1924 and, if possible, the old location; and

1925 (B) of an additional election day voting center, at the additional election day voting  
1926 center.

1927 Section 34. Section **20A-3a-801** is amended to read:

1928 **20A-3a-801. Watchers.**

1929 (1) As used in this section, "administering election officer" means~~[-(a)]~~ the election  
1930 officer~~[-or]~~ responsible for the ballot process observed by the watcher.

1931 ~~[(b) if the election officer is the lieutenant governor, the county clerk of the county in~~  
1932 ~~which an individual will act as a watcher.]~~

1933 (2) (a) Any individual who is registered or preregistered to vote in Utah may become a  
1934 watcher in an election at any time by registering as a watcher with the administering election  
1935 officer.

1936 (b) An individual who registers under Subsection (2)(a) is not required to be certified  
1937 by a person under Subsection (3) in order to act as a watcher.

1938 (c) An individual who registers as a watcher shall notify the administering election  
1939 officer of the dates, times, and locations that the individual intends to act as a watcher.

1940 (d) An election official may not prohibit a watcher from performing a function  
1941 described in Subsection (4) because the watcher did not provide the notice described in  
1942 Subsection (2)(c).

1943 (e) An administering election officer shall provide a copy of this section, or  
1944 instructions on how to access an electronic copy of this section, to a watcher at the time the  
1945 watcher registers under this Subsection (2).

1946 (3) (a) A person that is a candidate whose name will appear on the ballot, a qualified  
1947 write-in candidate for the election, a registered political party, or a political issues committee  
1948 may certify an individual as an official watcher for the person:

1949 (i) by filing an affidavit with the administering election officer responsible to designate

1950 an individual as an official watcher for the certifying person; and  
1951 (ii) if the individual registers as a watcher under Subsection (2)(a).  
1952 (b) A watcher who is certified by a person under Subsection (3)(a) may not perform the  
1953 same function described in Subsection (4) at the same time and in the same location as another  
1954 watcher who is certified by that person.  
1955 (c) A watcher who is certified by a person under Subsection (3)(a) may designate  
1956 another individual to serve in the watcher's stead during the watcher's temporary absence by  
1957 filing with a poll worker an affidavit that designates the individual as a temporary replacement.  
1958 (4) A watcher may:  
1959 (a) observe the setup or takedown of a polling place;  
1960 (b) observe a voter checking in at a polling place;  
1961 (c) observe the collection, receipt, and processing of a ballot, including a provisional  
1962 ballot or a ballot cast by a covered voter as defined in Section 20A-16-102;  
1963 (d) observe the transport or transmission of a ballot that is in an election official's  
1964 custody;  
1965 (e) observe the opening and inspection of a manual ballot;  
1966 (f) observe ballot replication;  
1967 (g) observe the conduct of logic and accuracy testing described in Section 20A-5-802;  
1968 (h) observe ballot tabulation;  
1969 (i) observe the process of storing and securing a ballot;  
1970 (j) observe a post-election audit;  
1971 (k) observe a canvassing board meeting described in [~~Title 20A, Chapter 4, Part 3,~~  
1972 ~~Canvassing Returns~~] Chapter 4, Part 3, Canvassing Returns;  
1973 (l) observe the certification of the results of an election;  
1974 (m) observe a recount; or  
1975 (n) observe signature verification.  
1976 (5) An administering election officer shall:  
1977 (a) permit uniform, nondiscriminatory access for a watcher to observe each stage of an  
1978 election process;  
1979 (b) establish locations for a watcher to observe an event described in Subsection (4),  
1980 other than an event described in Subsection (4)(d) or (k), from no further than six feet away;



1981 and

1982 (c) except for a county of the fourth, fifth, or sixth class, for any ballot adjudication, or  
 1983 upload of votes from a voting machine or scanner, that is conducted on a computer screen,  
 1984 project the activity onto a screen that is large enough to be viewed by each watcher.

1985 (6) (a) A watcher may not:

1986 (i) record an activity described in Subsection (4) if the recording would reveal a vote or  
 1987 otherwise violate a voter's privacy or a voter's right to cast a secret ballot;

1988 (ii) interfere with an activity described in Subsection (4), except to challenge an  
 1989 individual's eligibility to vote under Section [20A-3a-803](#); or

1990 (iii) divulge information related to the number of votes counted, tabulated, or cast for a  
 1991 candidate or ballot proposition until after the administering election officer makes the  
 1992 information public.

1993 (b) A person who violates Subsection (6)(a)(iii) is guilty of a third degree felony.

1994 (7) (a) Notwithstanding Subsection (2)(a) or (4), in order to maintain a safe working  
 1995 environment for an election official or to protect the safety or security of a ballot, an  
 1996 administering election officer may take reasonable action to:

1997 (i) limit the number of watchers at a single location;

1998 (ii) remove a watcher for violating a provision of this section;

1999 (iii) remove a watcher for interfering with an activity described in Subsection (4);

2000 (iv) designate areas for a watcher to reasonably observe the activities described in  
 2001 Subsection (4); or

2002 (v) ensure that a voter's ballot secrecy is protected throughout the watching process.

2003 (b) If an administering election officer limits the number of watchers at a single  
 2004 location under Subsection (6)(a)(i), the administering election officer shall give preferential  
 2005 access to the location to a watcher designated under Subsection (3).

2006 (c) An administering election officer may provide a watcher a badge that identifies the  
 2007 watcher and require the watcher to wear the badge while acting as a watcher.

2008 Section 35. Section **20A-3a-804** is amended to read:

2009 **20A-3a-804. Pre-election challenges to a voter's eligibility in writing -- Procedure**  
 2010 **-- Form of challenge.**

2011 (1) (a) An individual may challenge an individual's eligibility to vote by filing a written

2012 statement with the county election officer in accordance with Subsection (1)(b) that:

2013 (i) lists the name and address of the individual filing the challenge;

2014 (ii) for each individual who is challenged:

2015 (A) identifies the name of the challenged individual;

2016 (B) lists the last known address or telephone number of the challenged individual;

2017 (C) provides the basis for the challenge, as provided under Section 20A-3a-803;

2018 (D) provides facts and circumstances supporting the basis provided; and

2019 (E) may include supporting documents, affidavits, or other evidence; and

2020 (iii) includes a signed affidavit, which is subject to penalties of perjury, swearing that:

2021 (A) the filer exercised due diligence to personally verify the facts and circumstances

2022 establishing the basis for the challenge; and

2023 (B) according to the filer's personal knowledge and belief, the basis for the challenge

2024 under Section 20A-3a-803 for each challenged individual is valid.

2025 (b) An individual who files a written statement under Subsection (1)(a) shall file the

2026 written statement during the election officer's regular business hours:

2027 (i) at least 45 days before the day of the election; or

2028 (ii) if the challenge is to an individual who registered to vote between the day that is 45

2029 days before the election and the day of the election:

2030 (A) on or before the day of the election; and

2031 (B) before the individual's ballot is removed from a ballot envelope or otherwise

2032 separated from any information that could be used to identify the ballot as the individual's

2033 ballot.

2034 (c) The challenge may not be based on unsupported allegations or allegations by an

2035 anonymous individual.

2036 (d) ~~Art~~ A county election officer may require an individual who files a challenge

2037 under this section to file the challenge on a form provided by the county election officer that

2038 meets the requirements of this section.

2039 (2) If the challenge is not in the proper form, is incomplete, or if the basis for the

2040 challenge does not meet the requirements of this part, the county election officer shall dismiss

2041 the challenge and notify the filer in writing of the reasons for the dismissal.

2042 (3) (a) Upon receipt of a challenge that meets the requirements for filing under this

2043 section, the county election officer shall attempt to notify each challenged individual in  
2044 accordance with Subsection (3)(b):

2045 (i) at least 28 days before the date of the election, if the county election officer receives  
2046 the challenge under Subsection (1)(b)(i); or

2047 (ii) within one business day, if the county election officer receives the challenge under  
2048 Subsection (1)(b)(ii).

2049 (b) The county election officer shall attempt to notify each challenged individual:

2050 (i) that a challenge has been filed against the challenged individual;

2051 (ii) that the challenged individual may be required to cast a provisional ballot at the  
2052 time the individual votes if the individual votes in person;

2053 (iii) that if the individual votes by mail, the individual's ballot will be treated as a  
2054 provisional ballot unless the challenge is resolved;

2055 (iv) of the basis for the challenge, which may include providing a copy of the challenge  
2056 the filer filed with the county election officer; and

2057 (v) that the challenged individual may submit information, a sworn statement,  
2058 supporting documents, affidavits, or other evidence supporting the challenged individual's  
2059 eligibility to vote in the election to the county election officer no later than:

2060 (A) 21 days before the date of the election, if the county election officer receives the  
2061 challenge under Subsection (1)(b)(i); or

2062 (B) five days before the day on which the canvass is held, if the county election officer  
2063 receives the challenge under Subsection (1)(b)(ii).

2064 (4) (a) The county election officer shall determine whether each challenged individual  
2065 is eligible to vote before the day on which:

2066 (i) early voting commences, if the county election officer receives the challenge under  
2067 Subsection (1)(b)(i); or

2068 (ii) the canvass is held, if the county election officer receives the challenge under  
2069 Subsection (1)(b)(ii).

2070 (b) (i) The filer has the burden to prove, by clear and convincing evidence, that the  
2071 basis for challenging the individual's eligibility to vote is valid.

2072 (ii) The county election officer shall resolve the challenge based on the available facts  
2073 and information submitted, which may include voter registration records and other documents

2074 or information available to the county election officer.

2075 (5) An individual who files a challenge in accordance with the requirements of this  
 2076 section is subject to criminal penalties for false statements as provided under Sections 76-8-503  
 2077 and 76-8-504 and any other applicable criminal provision.

2078 (6) (a) A challenged individual may appeal [~~an~~] a county election officer's decision  
 2079 regarding the individual's eligibility to vote to the district court having jurisdiction over the  
 2080 location where the challenge was filed.

2081 (b) The district court shall uphold the decision of the county election officer unless the  
 2082 district court determines that the decision was arbitrary, capricious, or unlawful.

2083 (c) In making the district court's determination, the district court's review is limited to:

2084 (i) the information filed under Subsection (1)(a) by the filer;

2085 (ii) the information submitted under Subsection (3)(b)(v) by the challenged individual;

2086 and

2087 (iii) any additional facts and information used by the county election [~~official~~] officer  
 2088 to determine whether the challenged individual is eligible to vote, as indicated by the county  
 2089 election [~~official~~] officer.

2090 (7) A challenged individual may register to vote or change the location of the  
 2091 individual's voter registration if otherwise permitted by law.

2092 (8) A document pertaining to a challenge filed under this section is a public record.  
 2093 Section 36. Section 20A-4-101 is amended to read:

2094 **20A-4-101. Manual ballots cast at a polling place -- Counting manual ballots at**  
 2095 **polling place on day of election before polls close.**

2096 (1) Each county legislative body, municipal legislative body, and each poll worker  
 2097 shall comply with the requirements of this section when counting manual ballots on the day of  
 2098 an election, if:

2099 (a) the ballots are cast at a polling place; and

2100 (b) the ballots are counted at the polling place before the polls close.

2101 (2) (a) Each county legislative body or municipal legislative body shall provide[~~-(i)~~]  
 2102 two sets of ballot boxes for all voting precincts where both receiving and counting judges have  
 2103 been appointed[~~;-and~~].

2104 [(i)] (b) The county legislative body or the municipal legislative body of the election

2105 officer responsible for counting and tabulating ballots shall provide a counting room for the use  
2106 of the poll workers counting the ballots during the day.

2107 ~~[(b)]~~ (c) At any election in any voting precinct in which both receiving and counting  
2108 judges have been appointed, when at least 20 votes have been cast, the receiving judges shall:

2109 (i) close the first ballot box and deliver it to the counting judges; and

2110 (ii) prepare and use another ballot box to receive voted ballots.

2111 ~~[(e)]~~ (d) Except as provided in Subsection ~~[(2)(f)]~~ (2)(g), upon receipt of the ballot box,  
2112 the counting judges shall:

2113 (i) take the ballot box to the counting room;

2114 (ii) count the votes on the regular ballots in the ballot box;

2115 (iii) place the provisional ballot envelopes in the envelope or container provided for  
2116 them for return to the election officer; and

2117 (iv) when they have finished counting the votes in the ballot box, return the emptied  
2118 box to the receiving judges.

2119 ~~[(d)]~~ (e) (i) During the course of election day, whenever there are at least 20 ballots  
2120 contained in a ballot box, the receiving judges shall deliver that ballot box to the counting  
2121 judges for counting; and

2122 (ii) the counting judges shall immediately count the regular ballots and segregate the  
2123 provisional ballots contained in that box.

2124 ~~[(e)]~~ (f) The counting judges shall continue to exchange the ballot boxes and count  
2125 ballots until the polls close.

2126 ~~[(f)]~~ (g) (i) The director of elections within the Office of the Lieutenant Governor shall  
2127 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
2128 describing the procedures that a counting judge is required to follow for counting ballots in an  
2129 instant runoff voting race under Part 6, Municipal Alternate Voting Methods Pilot Project.

2130 (ii) When counting ballots in an instant runoff voting race described in Part 6,  
2131 Municipal Alternate Voting Methods Pilot Project, a counting judge shall comply with the  
2132 procedures established under Subsection ~~[(2)(f)(i)]~~ (2)(g)(i) and Part 6, Municipal Alternate  
2133 Voting Methods Pilot Project.

2134 (3) To resolve questions that arise during the counting of ballots, a counting judge shall  
2135 apply the standards and requirements of:

2136 (a) to the extent applicable, Section 20A-4-105; and  
2137 (b) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate  
2138 Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).

2139 Section 37. Section 20A-4-102 is amended to read:

2140 **20A-4-102. Manual ballots cast at a polling place -- Counting manual ballots at**  
2141 **polling place on day of election after polls close.**

2142 (1) (a) This section governs counting manual ballots on the day of an election, if:

2143 (i) the ballots are cast at a polling place; and

2144 (ii) the ballots are counted at the polling place after the polls close.

2145 (b) Except as provided in Subsection (2) or a rule made under Subsection

2146 [~~20A-4-101(2)(f)(i)~~] 20A-4-101(2)(g)(i), as soon as the polls have been closed and the last  
2147 qualified voter has voted, the election judges shall count the ballots by performing the tasks  
2148 specified in this section in the order that they are specified.

2149 (c) To resolve questions that arise during the counting of ballots, a counting judge shall  
2150 apply the standards and requirements of:

2151 (i) to the extent applicable, Section 20A-4-105; and

2152 (ii) as applicable, for an instant runoff voting race under Part 6, Municipal Alternate  
2153 Voting Methods Pilot Project, Subsections 20A-4-603(3) through (5).

2154 (2) (a) First, the election judges shall count the number of ballots in the ballot box.

2155 (b) (i) If there are more ballots in the ballot box than there are names entered in the  
2156 pollbook, the judges shall examine the official endorsements on the ballots.

2157 (ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper  
2158 official endorsement, the judges shall put those ballots in an excess ballot file and not count  
2159 them.

2160 (c) (i) If, after examining the official endorsements, there are still more ballots in the  
2161 ballot box than there are names entered in the pollbook, the judges shall place the remaining  
2162 ballots back in the ballot box.

2163 (ii) One of the judges, without looking, shall draw a number of ballots equal to the  
2164 excess from the ballot box.

2165 (iii) The judges shall put those excess ballots into the excess ballot envelope and not  
2166 count them.

- 2167 (d) When the ballots in the ballot box equal the number of names entered in the  
2168 pollbook, the judges shall count the votes.
- 2169 (3) The judges shall:
- 2170 (a) place all unused ballots in the envelope or container provided for return to the  
2171 county clerk or city recorder; and
- 2172 (b) seal that envelope or container.
- 2173 (4) The judges shall:
- 2174 (a) place all of the provisional ballot envelopes in the envelope provided for them for  
2175 return to the county election officer; and
- 2176 (b) seal that envelope or container.
- 2177 (5) (a) In counting the votes, the election judges shall read and count each ballot  
2178 separately.
- 2179 (b) In regular primary elections the judges shall:
- 2180 (i) count the number of ballots cast for each party;
- 2181 (ii) place the ballots cast for each party in separate piles; and
- 2182 (iii) count all the ballots for one party before beginning to count the ballots cast for  
2183 other parties.
- 2184 (6) (a) In all elections, the counting judges shall, except as provided in Part 6,  
2185 Municipal Alternate Voting Methods Pilot Project, or a rule made under Subsection  
2186 ~~[20A-4-101(2)(f)(i)]~~ 20A-4-101(2)(g)(i):
- 2187 (i) count one vote for each candidate designated by the marks in the squares next to the  
2188 candidate's name;
- 2189 (ii) count each vote for each write-in candidate who has qualified by filing a  
2190 declaration of candidacy under Section 20A-9-601;
- 2191 (iii) read every name marked on the ballot and mark every name upon the tally sheets  
2192 before another ballot is counted;
- 2193 (iv) evaluate each ballot and each vote based on the standards and requirements of  
2194 Section 20A-4-105;
- 2195 (v) write the word "spoiled" on the back of each ballot that lacks the official  
2196 endorsement and deposit it in the spoiled ballot envelope; and
- 2197 (vi) read, count, and record upon the tally sheets the votes that each candidate and

2198 ballot proposition received from all ballots, except excess or spoiled ballots.

2199 (b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or  
2200 persons clearly not eligible to qualify for office.

2201 (c) The judges shall certify to the accuracy and completeness of the tally list in the  
2202 space provided on the tally list.

2203 (d) When the judges have counted all of the voted ballots, they shall record the results  
2204 on the total votes cast form.

2205 (7) (a) Except as provided in Subsection (7)(b), only an election judge and a watcher  
2206 may be present at the place where counting is conducted until the count is completed.

2207 (b) (i) An auditor conducting an audit described in Section 36-12-15.2 may be present  
2208 at the place where counting is conducted, regardless of whether the count is completed.

2209 (ii) The lieutenant governor may be present at the place where counting is conducted,  
2210 regardless of whether the count is completed.

2211 Section 38. Section 20A-4-103 is amended to read:

2212 **20A-4-103. Preparing ballots cast at a polling place for the county election**  
2213 **officer.**

2214 (1) This section governs the preparation of ballots for the counting center when the  
2215 ballots are cast at a polling place.

2216 (2) (a) As soon as the polls have been closed and the last qualified voter has voted, the  
2217 poll workers shall prepare the ballots for delivery to the [~~counting center~~] county election  
2218 officer as provided in this section.

2219 (b) The poll workers, election officers, and other persons may not manually count any  
2220 votes before delivering the ballots to the [~~counting center~~] county election officer.

2221 (3) The poll workers shall:

2222 (a) complete the statement of disposition of ballots and all other forms required by the  
2223 county election officer;

2224 (b) place a copy of the forms described in Subsection (3)(a) and the voted ballots in a  
2225 sealed container;

2226 (c) place all provisional ballots in the container provided for returning provisional  
2227 ballots to the [~~counting center~~] county election officer and seal the container; and

2228 (d) deliver to the [~~counting center~~] county election officer:



2229 (i) the items described in Subsections (3)(a) through (c); and  
2230 (ii) any other items required by the election officer.

2231 Section 39. Section **20A-4-104** is amended to read:

2232 **20A-4-104. Counting ballots electronically -- Notice of testing tabulating**  
2233 **equipment.**

2234 (1) ~~[(a)]~~ Before beginning to count ballots using automatic tabulating equipment, the  
2235 election officer responsible for counting and tabulating the ballots shall:

2236 (a) test the automatic tabulating equipment to ensure that it will accurately count the  
2237 votes cast for all offices and all measures~~[-]~~;

2238 ~~[(b) [The election officer shall]]~~ provide public notice of the time and place of the test by  
2239 publishing the notice, as a class A notice under Section [63G-30-102](#), for the county,  
2240 municipality, or jurisdiction where the equipment is used, for at least 10 days before the day of  
2241 the test~~[-]~~;

2242 ~~[(c) [The election officer shall]]~~ conduct the test by processing a preaudited group of  
2243 ballots~~[-]~~;

2244 ~~[(d) [The election officer shall]]~~ ensure that:

2245 (i) a predetermined number of valid votes for each candidate and measure are recorded  
2246 on the ballots;

2247 (ii) for each office, one or more ballots have votes in excess of the number allowed by  
2248 law in order to test the ability of the automatic tabulating equipment to reject those votes; and

2249 (iii) a different number of valid votes are assigned to each candidate for an office, and  
2250 for and against each measure~~[-]~~; and

2251 ~~[(e) [If]]~~ if any error is detected, ~~[the election officer shall]~~ determine the cause of the  
2252 error and correct it.

2253 ~~[(f)]~~ (2) The election officer responsible for counting and tabulating the ballots shall  
2254 ensure that:

2255 ~~[(i)]~~ (a) the automatic tabulating equipment produces an errorless count before  
2256 beginning the actual counting; and

2257 ~~[(ii)]~~ (b) before the election returns are approved as official, the automatic ~~[tabulating]~~  
2258 tabulating equipment passes a post election audit conducted in accordance with the rules  
2259 described in Subsection [20A-1-108\(1\)](#).

2260            [~~(2)~~] (3) (a) The election officer responsible for counting and tabulating the ballots, or  
2261 the election officer's designee, shall supervise and direct all proceedings at the counting center.

2262            (b) (i) Proceedings at the counting center are public and may be observed by interested  
2263 persons.

2264            (ii) Only those persons authorized to participate in the count may touch any ballot or  
2265 return.

2266            (c) The election officer responsible for counting and tabulating the ballots shall  
2267 deputize and administer an oath or affirmation to all persons who are engaged in processing  
2268 and counting the ballots that they will faithfully perform their assigned duties.

2269            [~~(3)~~] (4) (a) If any ballot is damaged or defective so that it cannot properly be counted  
2270 by the automatic tabulating equipment, the election officer responsible for counting and  
2271 tabulating the ballots shall ensure that two counting judges jointly:

- 2272            (i) make a true replication of the ballot with an identifying serial number;
- 2273            (ii) substitute the replicated ballot for the damaged or defective ballot;
- 2274            (iii) label the replicated ballot "replicated"; and
- 2275            (iv) record the replicated ballot's serial number on the damaged or defective ballot.

2276            (b) The lieutenant governor shall provide to each election officer responsible for  
2277 counting and tabulating ballots a standard form on which the election officer shall maintain a  
2278 log of all replicated ballots, that includes, for each ballot:

- 2279            (i) the serial number described in Subsection [~~(3)(a)~~] (4)(a);
- 2280            (ii) the identification of the individuals who replicated the ballot;
- 2281            (iii) the reason for the replication; and
- 2282            (iv) any other information required by the lieutenant governor.

2283            (c) An election officer responsible for counting and tabulating ballots shall:

2284            (i) maintain the log described in Subsection [~~(3)(b)~~] (4)(b) in a complete and legible  
2285 manner, as ballots are replicated;

2286            (ii) at the end of each day during which one or more ballots are replicated, make an  
2287 electronic copy of the log; and

2288            (iii) keep each electronic copy made under Subsection [~~(3)(c)(ii)~~] (4)(b)(ii) for at least  
2289 22 months.

2290            [~~(4)~~] (5) The election officer responsible for counting and tabulating the ballots may:

2291 (a) conduct an unofficial count before conducting the official count in order to provide  
2292 early unofficial returns to the public;

2293 (b) release unofficial returns from time to time after the polls close; and

2294 (c) report the progress of the count for each candidate during the actual counting of  
2295 ballots.

2296 ~~[(5)]~~ (6) Beginning on the day after the date of the election, if an election officer  
2297 responsible for counting and tabulating the ballots releases early unofficial returns or reports  
2298 the progress of the count for each candidate under Subsection ~~[(4)]~~ (5), the election officer  
2299 shall, with each release or report, disclose an estimate of the total number of voted ballots in  
2300 the election officer's custody that have not yet been counted.

2301 ~~[(6)]~~ (7) The county election officer shall review and evaluate the provisional ballot  
2302 envelopes and prepare any valid provisional ballots for counting as provided in Section  
2303 [20A-4-107](#).

2304 ~~[(7)]~~ (8) (a) The election officer responsible for counting and tabulating the ballots, or  
2305 the election officer's designee, shall:

2306 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

2307 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

2308 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast  
2309 more votes for an office than that voter is entitled to vote for that office, the poll workers shall  
2310 count the valid write-in vote as being the obvious intent of the voter.

2311 ~~[(8)]~~ (9) (a) The election officer responsible for counting and tabulating the ballots  
2312 shall certify the return printed by the automatic tabulating equipment, to which have been  
2313 added write-in and absentee votes, as the official return of each voting precinct.

2314 (b) Upon completion of the count, the election officer responsible for counting and  
2315 tabulating the ballots shall make official returns open to the public.

2316 ~~[(9)]~~ (10) If for any reason it becomes impracticable to count all or a part of the ballots  
2317 with tabulating equipment, the election officer responsible for counting and tabulating the  
2318 ballots may, upon approval of the lieutenant governor, direct that they be counted manually  
2319 according to the procedures and requirements of this part.

2320 ~~[(10)]~~ (11) After the count is completed, the election officer responsible for counting  
2321 and tabulating the ballots shall seal and retain the programs, test materials, and ballots as

2322 provided in Section [20A-4-202](#).

2323 Section 40. Section **20A-4-105** is amended to read:

2324 **20A-4-105. Standards and requirements for evaluating voter's ballot choice.**

2325 (1) (a) [~~Am~~] The election officer responsible for counting and tabulating the ballots  
2326 shall ensure that when a question arises regarding a vote recorded on a manual ballot, two  
2327 counting judges jointly adjudicate the ballot, except as otherwise provided in Part 6, Municipal  
2328 Alternate Voting Methods Pilot Project, in accordance with the requirements of this section.

2329 (b) If the counting judges disagree on the disposition of a vote recorded on a ballot that  
2330 is adjudicated under this section, the counting judges may not count the vote.

2331 (c) [~~Am~~] The election officer responsible for counting and tabulating the ballots shall  
2332 store adjudicated ballots separately from other ballots to enable a court to review the ballots if  
2333 the election is challenged in court.

2334 (2) Except as provided in Subsection (10), Subsection [20A-3a-204\(6\)](#), or Part 6,  
2335 Municipal Alternate Voting Methods Pilot Project, if a voter marks more names than there are  
2336 individuals to be elected to an office, or if the counting judges cannot determine a voter's  
2337 choice for an office, the counting judges may not count the voter's vote for that office.

2338 (3) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot  
2339 Project, the counting judges shall count a defective or incomplete mark on a manual ballot if:

2340 (a) the defective or incomplete mark is in the proper place; and

2341 (b) there is no other mark or cross on the ballot indicating the voter's intent to vote  
2342 other than as indicated by the incomplete or defective mark.

2343 (4) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot  
2344 Project, the counting judges may not reject a ballot marked by the voter because of marks on  
2345 the ballot other than those marks allowed by this section unless the extraneous marks on a  
2346 ballot show an intent by an individual to mark the individual's ballot so that the individual's  
2347 ballot can be identified.

2348 (5) (a) In counting the ballots, the counting judges shall give full consideration to the  
2349 intent of the voter.

2350 (b) The counting judges may not invalidate a ballot because of mechanical or technical  
2351 defects in voting or failure on the part of the voter to follow strictly the rules for balloting  
2352 required by Chapter 3a, Voting.

2353 (6) The counting judges may not reject a ballot because of an error in:  
2354 (a) stamping or writing an official endorsement; or  
2355 (b) delivering the wrong ballots to a polling place.

2356 (7) The counting judges may not count a manual ballot that does not have the official  
2357 endorsement by an election officer.

2358 (8) The counting judges may not count a ballot proposition vote or candidate vote for  
2359 which the voter is not legally entitled to vote, as defined in Section 20A-4-107.

2360 (9) If the counting judges discover that the name of a candidate is misspelled on a  
2361 ballot, or that the initial letters of a candidate's given name are transposed or omitted in whole  
2362 or in part on a ballot, the counting judges shall count a voter's vote for the candidate if it is  
2363 apparent that the voter intended to vote for the candidate.

2364 (10) The counting judges shall count a vote for the president and the vice president of  
2365 any political party as a vote for the presidential electors selected by the political party.

2366 (11) Except as otherwise provided in Part 6, Municipal Alternate Voting Methods Pilot  
2367 Project, in counting the valid write-in votes, if, by casting a valid write-in vote, a voter has cast  
2368 more votes for an office than that voter is entitled to vote for that office, the counting judges  
2369 shall count the valid write-in vote as being the obvious intent of the voter.

2370 Section 41. Section 20A-4-106 is amended to read:

2371 **20A-4-106. Manual ballots -- Sealing.**

2372 (1) After the official canvas of an election, the election officer responsible for counting  
2373 and tabulating the ballots shall store all election returns in containers that identify the  
2374 containers' contents.

2375 (2) After the ballots are stored under Subsection (1), the ballots may not be examined  
2376 by anyone, except as follows:

2377 (a) when examined during a recount conducted under the authority of Section  
2378 20A-4-401 or [~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project~~]  
2379 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project;

2380 (b) an auditor conducting an audit described in Section 36-12-15.2 may examine the  
2381 ballots:

2382 (i) if the audit uncovers evidence that raises a substantial doubt regarding the accuracy  
2383 of the results of an election, the auditor may examine the ballots until the later of:

2384 (A) the end of the calendar year in which the election was held; or

2385 (B) if the election is contested, when the contest is resolved; or

2386 (ii) at any time via a subpoena or other legal process; or

2387 (c) the lieutenant governor may examine the ballots:

2388 (i) until the later of:

2389 (A) the end of the calendar year in which the election was held; or

2390 (B) if the election is contested, when the contest is resolved; or

2391 (ii) at any time via a subpoena or other legal process.

2392 Section 42. Section **20A-4-107** is amended to read:

2393 **20A-4-107. Review and disposition of provisional ballot envelopes.**

2394 (1) As used in this section, an individual is "legally entitled to vote" if:

2395 (a) the individual:

2396 (i) is registered to vote in the state;

2397 (ii) votes the ballot for the voting precinct in which the individual resides; and

2398 (iii) provides valid voter identification to the poll worker;

2399 (b) the individual:

2400 (i) is registered to vote in the state;

2401 (ii) (A) provided valid voter identification to the poll worker; or

2402 (B) either failed to provide valid voter identification or the documents provided as

2403 valid voter identification were inadequate and the poll worker recorded that fact in the official

2404 register but the county clerk verifies the individual's identity and residence through some other

2405 means; and

2406 (iii) did not vote in the individual's precinct of residence, but the ballot that the

2407 individual voted was from the individual's county of residence and includes one or more

2408 candidates or ballot propositions on the ballot voted in the individual's precinct of residence; or

2409 (c) the individual:

2410 (i) is registered to vote in the state;

2411 (ii) either failed to provide valid voter identification or the documents provided as

2412 valid voter identification were inadequate and the poll worker recorded that fact in the official

2413 register; and

2414 (iii) (A) the county clerk verifies the individual's identity and residence through some

2415 other means as reliable as photo identification; or

2416 (B) the individual provides valid voter identification to the county [~~clerk or an~~] election  
2417 officer [~~who is administering the election by~~] before the close of normal office hours on  
2418 Monday after the date of the election.

2419 (2) (a) Upon receipt of a provisional ballot form, the county election officer shall  
2420 review the affirmation on the provisional ballot form and determine if the individual signing  
2421 the affirmation is:

2422 (i) registered to vote in this state; and

2423 (ii) legally entitled to vote:

2424 (A) the ballot that the individual voted; or

2425 (B) if the ballot is from the individual's county of residence, for at least one ballot  
2426 proposition or candidate on the ballot that the individual voted.

2427 (b) Except as provided in Section 20A-2-207, if the county election officer determines  
2428 that the individual is not registered to vote in this state or is not legally entitled to vote in the  
2429 county or for any of the ballot propositions or candidates on the ballot that the individual voted,  
2430 the county election officer shall retain the ballot form, uncounted, for the period specified in  
2431 Section 20A-4-202 unless ordered by a court to produce or count it.

2432 (c) If the county election officer determines that the individual is registered to vote in  
2433 this state and is legally entitled to vote in the county and for at least one of the ballot  
2434 propositions or candidates on the ballot that the individual voted, the county election officer  
2435 shall place the provisional ballot with the regular ballots to be counted with those ballots at the  
2436 canvass.

2437 (d) [~~The~~] An election officer may not count, or allow to be counted, a provisional  
2438 ballot unless the county election officer determines that the individual's identity and residence  
2439 is established by a preponderance of the evidence.

2440 (3) If the county election officer determines that the individual is registered to vote in  
2441 this state, or if the voter registers to vote in accordance with Section 20A-2-207, the county  
2442 election officer shall ensure that the voter registration records are updated to reflect the  
2443 information provided on the provisional ballot form.

2444 (4) Except as provided in Section 20A-2-207, if the county election officer determines  
2445 that the individual is not registered to vote in this state and the information on the provisional

2446 ballot form is complete, the county election officer shall:

2447 (a) consider the provisional ballot form a voter registration form for the individual's  
2448 county of residence; and

2449 (b) (i) register the individual if the individual's county of residence is within the  
2450 county; or

2451 (ii) forward the voter registration form to the election officer of the individual's county  
2452 of residence, which election officer shall register the individual.

2453 (5) Notwithstanding any provision of this section, the county election officer shall  
2454 place a provisional ballot with the regular ballots to be counted with those ballots at the  
2455 canvass, if:

2456 (a) (i) the county election officer determines, in accordance with the provisions of this  
2457 section, that the sole reason a provisional ballot may not otherwise be counted is because the  
2458 voter registration was filed less than 11 days before the election;

2459 (ii) 11 or more days before the election, the individual who cast the provisional ballot:

2460 (A) completed and signed the voter registration; and

2461 (B) provided the voter registration to another person to file;

2462 (iii) the late filing was made due to the individual described in Subsection (5)(a)(ii)(B)  
2463 filing the voter registration late; and

2464 (iv) the county election officer receives the voter registration before 5 p.m. no later  
2465 than one day before the day of the election; or

2466 (b) the provisional ballot is cast on or before election day and is not otherwise  
2467 prohibited from being counted under the provisions of this chapter.

2468 Section 43. Section **20A-4-201** is amended to read:

2469 **20A-4-201. Delivery of election returns.**

2470 (1) At least two poll workers shall deliver the ballots and other items described in  
2471 Subsection [20A-4-103\(3\)\(d\)](#) to:

2472 (a) the election officer responsible for counting and tabulating the ballots; or

2473 (b) the location directed by the election officer responsible for counting and tabulating  
2474 the ballots.

2475 (2) (a) Before they adjourn, the poll workers shall choose two or more of their number  
2476 to deliver the election returns to the appropriate election officer.



2477 (b) The poll workers shall:

2478 (i) deliver the unopened envelopes to the appropriate election officer [~~or counting~~  
2479 ~~center~~] immediately but no later than 24 hours after the polls close; or

2480 (ii) if the polling place is 15 miles or more from the county seat, mail the election  
2481 returns to the election officer responsible for counting and tabulating the ballots by registered  
2482 mail from the post office most convenient to the polling place within 24 hours after the polls  
2483 close.

2484 (3) The election officer shall pay each poll worker reasonable compensation for travel  
2485 that is necessary to deliver the election returns and to return to the polling place.

2486 (4) The requirements of this section do not prohibit transmission of the unofficial vote  
2487 count to the counting center via electronic means, provided that reasonable security measures  
2488 are taken to preserve the integrity and privacy of the transmission.

2489 Section 44. Section **20A-4-202** is amended to read:

2490 **20A-4-202. Election officers -- Disposition of ballots -- Release of number of**  
2491 **provisional ballots cast.**

2492 (1) Upon receipt of the election returns from the poll workers, the election officer shall:

2493 (a) ensure that the poll workers have provided all of the ballots and election returns;

2494 (b) inspect the ballots and election returns to ensure that they are sealed;

2495 (c) for manual ballots, deposit and lock the ballots and election returns in a safe and  
2496 secure place;

2497 (d) for mechanical ballots:

2498 (i) count the ballots; and

2499 (ii) deposit and lock the ballots and election returns in a safe and secure place; and

2500 (e) for bond elections, provide a copy of the election results to the board of canvassers  
2501 of the local political subdivision that called the bond election.

2502 (2) Each election officer responsible for counting and tabulating the ballots shall:

2503 (a) before 5 p.m. on the day after the date of the election, determine the number of  
2504 provisional ballots cast within the election officer's jurisdiction and make that number available  
2505 to the public;

2506 (b) preserve ballots for 22 months after the election or until the time has expired during  
2507 which the ballots could be used in an election contest;

- 2508 (c) preserve all ballots and other official election returns in the election officer's  
2509 possession for at least 22 months after an election; and
- 2510 (d) after that time, destroy them without opening or examining them.
- 2511 (3) (a) The election officer responsible for counting and tabulating the ballots shall  
2512 package and retain all tabulating cards and other materials used in the programming of the  
2513 automatic tabulating equipment.
- 2514 (b) The election officer responsible for counting and tabulating the ballots:
- 2515 (i) may access these tabulating cards and other materials;
- 2516 (ii) may make copies of these materials and make changes to the copies;
- 2517 (iii) may not alter or make changes to the materials themselves; and
- 2518 (iv) within 22 months after the election in which they were used, may dispose of those  
2519 materials or retain them.
- 2520 (4) (a) If an election contest is begun within 12 months, the election officer responsible  
2521 for counting and tabulating the ballots shall, except as provided in Subsection (4)(c):
- 2522 (i) keep the ballots and election returns unopened and unaltered until the contest is  
2523 complete; or
- 2524 (ii) surrender the ballots and election returns to the custody of the court having  
2525 jurisdiction of the contest when ordered or subpoenaed to do so by that court.
- 2526 (b) Except as provided in Subsection (4)(c), when all election contests arising from an  
2527 election are complete, the election officer responsible for counting and tabulating the ballots  
2528 shall either:
- 2529 (i) retain the ballots and election returns until the time for preserving them under this  
2530 section has run; or
- 2531 (ii) destroy the ballots and election returns remaining in the election officer's custody  
2532 without opening or examining them if the time for preserving them under this section has run.
- 2533 (c) (i) An auditor conducting an audit described in Section [36-12-15.2](#) may examine  
2534 the ballots and election returns described in this Subsection (4).
- 2535 (ii) The lieutenant governor may examine the ballots and election returns described in  
2536 this Subsection (4).
- 2537 (5) (a) Notwithstanding the provisions of this section, the legislative auditor general:
- 2538 (i) may make and keep copies of ballots or election returns as part of a legislative audit;

2539 and

2540 (ii) may not examine, make copies, or keep copies, of a ballot in a manner that  
2541 identifies a ballot with the voter who casts the ballot.

2542 (b) A copy described in Subsection (5)(a) is not a record, and not subject to disclosure,  
2543 under Title 63G, Chapter 2, Government Records Access and Management Act.

2544 Section 45. Section **20A-4-302** is amended to read:

2545 **20A-4-302. Duties of the board of canvassers -- Receiving returns.**

2546 (1) If the election returns from each voting precinct in which polls were opened have  
2547 been received at the time the board of canvassers convenes, the board of canvassers shall  
2548 canvass the election returns as provided in this part.

2549 (2) If all of the election returns have not been received, the board shall postpone the  
2550 canvass from day to day, Sundays and legal holidays excepted, until:

2551 (a) all of the election returns are received; or

2552 (b) the board has postponed the canvass seven times.

2553 (3) (a) If the election officer responsible for counting and tabulating the ballots has not  
2554 received the election returns from any voting precinct within seven days after the election, the  
2555 election officer shall send a messenger to the judges to obtain the missing election returns.

2556 (b) The messenger shall obtain the election returns from the judges and return the  
2557 election returns to the election officer described in Subsection (3)(a).

2558 (c) The election officer described in Subsection (3)(a) shall pay the messenger 10 cents  
2559 per mile for the distance necessarily traveled.

2560 (4) If the board determines that election returns were not received from a voting  
2561 precinct because the polls did not open in that precinct, the board shall:

2562 (a) sign a certificate attesting to that fact; and

2563 (b) file the certificate with the election officer responsible for counting and tabulating  
2564 the ballots.

2565 Section 46. Section **20A-4-303** is amended to read:

2566 **20A-4-303. Duties of the board of canvassers -- Canvassing the returns.**

2567 (1) (a) Before the board of canvassers convenes, the election officer responsible for  
2568 counting and tabulating the ballots shall:

2569 (i) count the ballots;

- 2570 (ii) with the assistance of the county election officer, as needed, prepare a certified  
2571 summary of:
- 2572 (A) all ballots counted; and  
2573 (B) all ballots not counted, with an explanation regarding the reason the ballots were  
2574 not counted; and
- 2575 (iii) with the assistance of the county election officer, as needed, make available to the  
2576 board of canvassers for inspection, all ballots, registers, books, and forms related to the  
2577 election.
- 2578 (b) The board of canvassers shall canvass the election returns by publicly:
- 2579 (i) reviewing the summary reports prepared by the election officer responsible for  
2580 counting and tabulating the ballots and any ballots, registers, books, or forms requested by the  
2581 board of canvassers; and
- 2582 (ii) certifying the votes cast:
- 2583 (A) each person voted for; and  
2584 (B) for and against each ballot proposition voted upon at the election.
- 2585 (c) The board of canvassers shall, once having begun the canvass, continue until it is  
2586 completed.
- 2587 (2) In canvassing returns, the board of canvassers may not:
- 2588 (a) reject any election returns if the board can determine the number of votes cast for  
2589 each person from it;
- 2590 (b) reject any election returns if the election returns:
- 2591 (i) do not show who administered the oath to the judges of election;  
2592 (ii) show that the election judges failed to fill out all the certificates in the pollbooks; or  
2593 (iii) show that the election judges failed to do or perform any other act in preparing the  
2594 returns that is not essential to determine for whom the votes were cast; or
- 2595 (c) reject any returns from any voting precinct that do not conform with the  
2596 requirements for making, certifying, and returning the returns if those returns are sufficiently  
2597 explicit to enable the board of canvassers to determine the number of votes cast for each person  
2598 and for and against each ballot proposition.
- 2599 (3) (a) If it clearly appears to the election officer responsible for counting and  
2600 tabulating the ballots and board of canvassers that certain matters are omitted or that clerical

2601 mistakes exist in election returns received, the election officer shall correct the omissions and  
2602 mistakes.

2603 (b) The clerk and the board of canvassers may adjourn from day to day to await receipt  
2604 of corrected election material.

2605 (4) If a recount is conducted as authorized by Section 20A-4-401, the board of  
2606 canvassers shall canvass the results of that recount as provided in this section and Section  
2607 20A-4-401.

2608 Section 47. Section 20A-4-304 is amended to read:

2609 **20A-4-304. Declaration of results -- Canvassers' report.**

2610 (1) Each board of canvassers shall:

2611 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,  
2612 declare "elected" or "nominated" those persons who:

2613 (i) had the highest number of votes; and

2614 (ii) sought election or nomination to an office completely within the board's  
2615 jurisdiction;

2616 (b) declare:

2617 (i) "approved" those ballot propositions that:

2618 (A) had more "yes" votes than "no" votes; and

2619 (B) were submitted only to the voters within the board's jurisdiction; or

2620 (ii) "rejected" those ballot propositions that:

2621 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"  
2622 votes; and

2623 (B) were submitted only to the voters within the board's jurisdiction;

2624 (c) certify the vote totals for persons and for and against ballot propositions that were  
2625 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to  
2626 the lieutenant governor; and

2627 (d) if applicable, certify the results of each special district election to the special district  
2628 clerk.

2629 (2) The election officer responsible for counting and tabulating the ballots shall, with  
2630 the assistance of the county election officer, as needed, submit a report to the board of  
2631 canvassers that includes the following information:

- 2632 (a) the total number of votes cast in the board's jurisdiction;
- 2633 (b) the names of each candidate whose name appeared on the ballot;
- 2634 (c) the title of each ballot proposition that appeared on the ballot;
- 2635 (d) each office that appeared on the ballot;
- 2636 (e) from each voting precinct:
  - 2637 (i) the number of votes for each candidate;
  - 2638 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
  - 2639 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
  - 2640 potential ballot-counting phase and the name of the candidate excluded in each ballot-counting
  - 2641 phase; and
  - 2642 (iii) the number of votes for and against each ballot proposition;
- 2643 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
- 2644 and against each ballot proposition;
- 2645 (g) standardized statistics, on a form provided by the lieutenant governor, disclosing:
  - 2646 (i) the number of ballots counted;
  - 2647 (ii) provisional ballots; and
  - 2648 (iii) the number of ballots rejected;
- 2649 (h) a final ballot reconciliation report;
- 2650 (i) other information required by law to be provided to the board of canvassers; and
- 2651 (j) a statement certifying that the information contained in the report is accurate.
- 2652 (3) The election officer responsible for counting and tabulating the ballots and the
- 2653 board of canvassers shall:
  - 2654 (a) review the report to ensure that the report is correct; and
  - 2655 (b) sign the report.
- 2656 (4) The election officer responsible for counting and tabulating the ballots shall:
  - 2657 (a) record or file the certified report in a book kept for that purpose;
  - 2658 (b) prepare and transmit a certificate of nomination or election under the officer's seal
  - 2659 to each nominated or elected candidate;
  - 2660 (c) publish a copy of the certified report in accordance with Subsection (5); and
  - 2661 (d) file a copy of the certified report with the lieutenant governor.
  - 2662 (5) Except as provided in Subsection (6), the election officer responsible for counting

2663 and tabulating the ballots shall, no later than seven days after the day on which the board of  
2664 canvassers declares the election results, publicize the certified report described in Subsection  
2665 (2) for the jurisdiction, as a class A notice under Section 63G-30-102, for at least seven days.

2666 (6) Instead of including a copy of the entire certified report, a notice required under  
2667 Subsection (5) may contain a statement that:

2668 (a) includes the following: "The Board of Canvassers for [indicate name of  
2669 jurisdiction] has prepared a report of the election results for the [indicate type and date of  
2670 election]."; and

2671 (b) specifies the following sources where an individual may view or obtain a copy of  
2672 the entire certified report:

2673 (i) if the jurisdiction has a website, the jurisdiction's website;

2674 (ii) the physical address for the jurisdiction; and

2675 (iii) a mailing address and telephone number.

2676 (7) When there has been a regular general or a statewide special election for statewide  
2677 officers, for officers that appear on the ballot in more than one county, or for a statewide or two  
2678 or more county ballot proposition, each board of canvassers shall:

2679 (a) prepare a separate report detailing the number of votes for each candidate and the  
2680 number of votes for and against each ballot proposition; and

2681 (b) transmit the separate report by registered mail to the lieutenant governor.

2682 (8) In each county election, municipal election, school election, special district  
2683 election, and local special election, the election officer responsible for counting and tabulating  
2684 the ballots shall transmit the reports to the lieutenant governor within 14 days after the date of  
2685 the election.

2686 (9) In a regular primary election and in a presidential primary election, the board shall  
2687 transmit to the lieutenant governor:

2688 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant  
2689 governor not later than the second Tuesday after the election; and

2690 (b) a complete tabulation showing voting totals for all primary races, precinct by  
2691 precinct, to be mailed to the lieutenant governor on or before the third Friday following the  
2692 primary election.

2693 Section 48. Section **20A-4-401** is amended to read:

2694 **20A-4-401. Recounts -- Procedure.**

2695 (1) (a) This section does not apply to a race conducted by instant runoff voting under  
2696 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

2697 (b) Except as provided in Subsection (1)(c), for a race between candidates, if the  
2698 difference between the number of votes cast for a winning candidate in the race and a losing  
2699 candidate in the race is equal to or less than .25% of the total number of votes cast for all  
2700 candidates in the race, that losing candidate may file a request for a recount in accordance with  
2701 Subsection (1)(d).

2702 (c) For a race between candidates where the total of all votes cast in the race is 400 or  
2703 less, if the difference between the number of votes cast for a winning candidate in the race and  
2704 a losing candidate in the race is one vote, that losing candidate may file a request for a recount  
2705 in accordance with Subsection (1)(d).

2706 (d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall  
2707 file the request:

2708 (i) for a municipal primary election, with the [~~municipal clerk~~] election officer who  
2709 counted the ballots, before 5 p.m. within three days after the canvass; or

2710 (ii) for all other elections, before 5 p.m. within seven days after the canvass with:

2711 [~~(A) the municipal clerk, if the election is a municipal general election;~~]

2712 [~~(B) the special district clerk, if the election is a special district election;~~]

2713 [~~(C) the county clerk, for races voted on entirely within a single county; or~~]

2714 [~~(D)~~] (A) for a statewide race or a multi-county race, the lieutenant governor[~~, for~~  
2715 ~~statewide races and multicounty races.~~]; or

2716 (B) for a race other than a statewide race or a multi-county race, the election officer  
2717 who counted the ballots.

2718 (e) The election officer described in Subsection (1)(d) shall:

2719 (i) supervise the recount;

2720 (ii) recount all ballots cast for that race;

2721 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,  
2722 Disposition of Ballots;

2723 (iv) for a race where only one candidate may win, declare elected the candidate who  
2724 receives the highest number of votes on the recount; and



2725 (v) for a race where multiple candidates may win, declare elected the applicable  
2726 number of candidates who receive the highest number of votes on the recount.

2727 (2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond  
2728 proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of  
2729 the total votes cast for or against the proposition, any 10 voters who voted in the election where  
2730 the proposition was on the ballot may file a request for a recount before 5 p.m. within seven  
2731 days after the day of the canvass with the person described in Subsection (2)(c).

2732 (b) For a ballot proposition or a bond proposition where the total of all votes cast for or  
2733 against the proposition is 400 or less, if the difference between the number of votes cast for the  
2734 proposition and the number of votes cast against the proposition is one vote, any 10 voters who  
2735 voted in the election where the proposition was on the ballot may file a request for a recount  
2736 before 5 p.m. within seven days after the day of the canvass with the person described in  
2737 Subsection (2)(c).

2738 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall  
2739 file the request with:

2740 [~~(i) the municipal clerk, if the election is a municipal election;~~]

2741 [~~(ii) the special district clerk, if the election is a special district election;~~]

2742 [~~(iii) the county clerk, for propositions voted on entirely within a single county; or]~~

2743 [~~(iv)~~] (i) for a statewide proposition or a multicounty proposition, the lieutenant  
2744 governor[~~, for statewide propositions and multicounty propositions.]; or~~

2745 (ii) for a proposition other than a statewide proposition or a multicounty proposition,  
2746 the election officer who counted the ballots.

2747 (d) The election officer described in Subsection (2)(c) shall:

2748 (i) supervise the recount;

2749 (ii) recount all ballots cast for that ballot proposition or bond proposition;

2750 (iii) reexamine all uncounted ballots to ensure compliance with Chapter 3a, Part 4,  
2751 Disposition of Ballots; and

2752 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"  
2753 based upon the results of the recount.

2754 (e) Proponents and opponents of the ballot proposition or bond proposition may  
2755 designate representatives to witness the recount.

- 2756 (f) The voters requesting the recount shall pay the costs of the recount.
- 2757 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
- 2758 person requesting the recount.
- 2759 (4) (a) Upon completion of the recount, the election officer shall immediately convene
- 2760 the board of canvassers.
- 2761 (b) The board of canvassers shall:
- 2762 (i) canvass the election returns for the race or proposition that was the subject of the
- 2763 recount; and
- 2764 (ii) with the assistance of the election officer, prepare and sign the report required by
- 2765 Section [20A-4-304](#) or [20A-4-306](#).
- 2766 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
- 2767 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
- 2768 governor as required by Subsection [20A-4-304](#)(7).
- 2769 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
- 2770 result of the race or proposition that is the subject of the recount.

2771 Section 49. Section **20A-4-602** is amended to read:

2772 **20A-4-602. Municipal Alternate Voting Methods Pilot Project -- Creation --**  
2773 **Participation.**

- 2774 (1) There is created the Municipal Alternate Voting Methods Pilot Project.
- 2775 (2) The pilot project begins on January 1, 2019, and ends on January 1, 2026.
- 2776 (3) (a) A municipality may participate in the pilot project, in accordance with the
- 2777 requirements of this section and all other applicable provisions of law, during any
- 2778 odd-numbered year that the pilot project is in effect, if, before May 1 of the odd-numbered
- 2779 year, the legislative body of the municipality:
- 2780 (i) votes to participate; and
- 2781 (ii) provides written notice to the lieutenant governor and the county clerk stating that
- 2782 the municipality intends to participate in the pilot project for the year specified in the notice.
- 2783 (b) The legislative body of a municipality that provides the notice of intent described in
- 2784 Subsection (3)(a) may withdraw the notice of intent, and not participate in the pilot project, if
- 2785 the legislative body of the municipality provides written notice of withdrawal to the lieutenant
- 2786 governor and the county clerk before May 1.

2787 (4) The lieutenant governor shall maintain, in a prominent place on the lieutenant  
2788 governor's website, a current list of the municipalities that are participating in the pilot project.

2789 (5) (a) ~~[An]~~ A county election officer of a participating municipality and the election  
2790 officer responsible for counting and tabulating the ballots for the applicable election shall, in  
2791 accordance with the provisions of this part, conduct a multi-candidate race during the  
2792 municipal general election using instant runoff voting.

2793 (b) Except as provided in Subsection 20A-4-603(9), an election officer ~~[of a~~  
2794 ~~participating municipality that will conduct a multi-candidate race under]~~ described in  
2795 Subsection (5)(a) may not conduct a municipal primary election relating to that race.

2796 (c) A municipality that has in effect an ordinance described in Subsection  
2797 20A-9-404(3) or (4) may not participate in the pilot project.

2798 (6) Except for an election described in Subsection 20A-4-603(9), an individual who  
2799 files a declaration of candidacy or a nomination petition, for a candidate who will run in an  
2800 election described in this part, shall file the declaration of candidacy or nomination petition  
2801 during the office hours described in Section 10-3-301 and not later than the close of those  
2802 office hours, no sooner than the second Tuesday in August and no later than the third Tuesday  
2803 in August of an odd-numbered year.

2804 Section 50. Section 20A-4-603 is amended to read:

2805 **20A-4-603. Instant runoff voting.**

2806 (1) In a multi-candidate race, the election officer responsible for counting and  
2807 tabulating the ballots for a participating municipality shall:

2808 (a) (i) conduct the first ballot-counting phase by counting the valid first preference  
2809 rankings for each candidate; and

2810 (ii) if one of the candidates receives more than 50% of the valid first preference  
2811 rankings counted, declare that candidate elected;

2812 (b) if, after counting the valid first preference rankings for each candidate, no candidate  
2813 receives more than 50% of the valid first preference rankings counted, conduct the second  
2814 ballot-counting phase by:

2815 (i) excluding from the multi-candidate race:

2816 (A) the candidate who received the fewest valid first preference rankings counted; or

2817 (B) in the event of a tie for the fewest valid first preference rankings counted, one of

2818 the tied candidates, determined by the election officer responsible for counting and tabulating  
2819 the ballots, by lot, in accordance with Subsection (6);

2820 (ii) adding, to the valid first preference rankings counted for the remaining candidates,  
2821 the next valid preference rankings cast for the remaining candidates by the voters who cast a  
2822 valid first preference ranking for the excluded candidate; and

2823 (iii) if, after adding the rankings in accordance with Subsection (1)(b)(ii), one  
2824 candidate receives more than 50% of the valid rankings counted, declaring that candidate  
2825 elected; and

2826 (c) if, after adding the next valid preference rankings in accordance with Subsection  
2827 (1)(b)(ii), no candidate receives more than 50% of the valid rankings counted, conduct  
2828 subsequent ballot-counting phases by continuing the process described in Subsection (1)(b)  
2829 until a candidate receives more than 50% of the valid rankings counted, as follows:

2830 (i) excluding from consideration the candidate who has the fewest valid rankings  
2831 counted or, in the event of a tie for the fewest valid rankings counted, excluding one of the tied  
2832 candidates, by lot, in accordance with Subsection (6); and

2833 (ii) adding the next valid preference ranking cast by each voter whose ranking was  
2834 counted for the last excluded candidate to one of the remaining candidates, in the order of the  
2835 next preference indicated by the voter.

2836 (2) The election officer responsible for counting and tabulating the ballots shall declare  
2837 elected the first candidate who receives more than 50% of the valid rankings counted under the  
2838 process described in Subsection (1).

2839 (3) A ranking is valid for a particular ballot-counting phase of a multi-candidate race if:

2840 (a) the voter indicates the voter's preference for that ballot-counting phase and all  
2841 previous ballot-counting phases; or

2842 (b) in the event that the voter skips a number in filling out the rankings on a ballot:

2843 (i) the voter clearly indicates an order of preference for the candidates;

2844 (ii) the voter does not skip two or more consecutive numbers at any point before the  
2845 preference ranking that would otherwise be counted for the current ballot-counting phase;

2846 (iii) the candidate next preferred by the voter is clearly indicated by a subsequent  
2847 number that most closely follows the number assigned by the voter for the previously-ranked  
2848 candidate; and

2849 (iv) the voter did not give the same rank to more than one candidate for the applicable  
2850 ballot-counting phase or a previous ballot-counting phase.

2851 (4) A ranking is not valid for a particular ballot-counting phase of a multi-candidate  
2852 race, and for all subsequent ballot-counting phases, if:

2853 (a) the voter indicates the same rank for more than one candidate for that  
2854 ballot-counting phase; or

2855 (b) the voter skips two or more consecutive numbers before ranking another candidate.

2856 (5) If, for a ballot-counting phase, a voter ranks a candidate who has withdrawn from  
2857 the race, the next-ranked candidate who has not withdrawn from the race will be counted for  
2858 that ballot-counting phase.

2859 (6) For each ballot-counting phase after the first phase, if two or more candidates tie as  
2860 having received the fewest valid rankings counted at that point in the ballot count, the election  
2861 officer responsible for counting and tabulating the ballots shall eliminate one of those  
2862 candidates from consideration, by lot, in the following manner:

2863 (a) determine the names of the candidates who tie as having received the fewest valid  
2864 rankings for that ballot-counting phase;

2865 (b) cast the lot in the presence of at least two election officials and any counting poll  
2866 watchers who are present and desire to witness the casting of the lot; and

2867 (c) sign a public document that:

2868 (i) certifies the method used for casting the lot and the result of the lot; and

2869 (ii) includes the name of each individual who witnessed the casting of the lot.

2870 (7) In a multi-candidate race for an at-large office, where the number of candidates  
2871 who qualify for the race exceeds the total number of at-large seats to be filled for the office, the  
2872 election officer shall count the rankings by:

2873 (a) except as provided in Subsection (8), counting rankings in the same manner as  
2874 described in Subsections (1) through (6), until a candidate is declared elected;

2875 (b) repeating the process described in Subsection (7)(a) for all candidates that are not  
2876 declared elected until another candidate is declared elected; and

2877 (c) continuing the process described in Subsection (7)(b) until all at-large seats in the  
2878 race are filled.

2879 (8) After a candidate is declared elected under Subsection (7), the election officer

2880 responsible for counting and tabulating the ballots shall, in repeating the process described in  
2881 Subsections (1) through (6) to declare the next candidate elected, add to the ranking totals the  
2882 next valid preference vote of each voter whose ranking was counted for a candidate already  
2883 declared elected.

2884 (9) An election officer for a participating municipality may choose to conduct a  
2885 primary election by using instant runoff voting in the manner described in Subsections (1)  
2886 through (6), except that:

2887 (a) instead of determining whether a candidate receives more than 50% of the valid  
2888 preference rankings for a particular ballot-counting phase, the election officer responsible for  
2889 counting and tabulating the ballots shall proceed to a subsequent ballot-counting stage, and  
2890 exclude the candidate who receives the fewest valid preference rankings in that phase, until  
2891 twice the number of seats to be filled in the race remain; and

2892 (b) after complying with Subsection (9)(a), the election officer responsible for counting  
2893 and tabulating the ballots shall declare the remaining candidates nominated to participate in the  
2894 municipal general election.

2895 (10) After completing all ballot-counting phases in a multi-candidate race, the election  
2896 officer responsible for counting and tabulating the ballots shall order a full recount of the  
2897 ballots cast for that race if, in one or more of the ballot-counting phases:

2898 (a) the difference between the number of rankings counted for a candidate who is  
2899 declared elected and the number of rankings counted for any other candidate in the same  
2900 ballot-counting phase is equal to or less than the product of the following, rounded up to the  
2901 nearest whole number:

2902 (i) the total number of voters who cast a valid ranking counted in that ballot-counting  
2903 phase; and

2904 (ii) the recount threshold; or

2905 (b) the difference between the number of rankings counted for the candidate who  
2906 received the fewest valid rankings in a ballot-counting phase and the number of rankings  
2907 counted for any other candidate in the same ballot-counting phase is equal to or less than the  
2908 product of the following, rounded up to the nearest whole number:

2909 (i) the total number of voters who cast a valid ranking counted in that ballot-counting  
2910 phase; and

2911 (ii) the recount threshold.

2912 (11) A recount described in Subsection (10):

2913 (a) requires rescanning and tabulating all valid ballots; and

2914 (b) provides for only one recount.

2915 (12) Notwithstanding Section [20A-4-301](#), a board of municipal canvassers may extend  
2916 the canvass deadline by up to seven additional days, if necessary, to conduct a recount required  
2917 under Subsection (10).

2918 Section 51. Section [20A-4-604](#) is amended to read:

2919 **20A-4-604. Batch elimination.**

2920 In any ballot count conducted under Section [20A-4-603](#), the election officer responsible  
2921 for counting and tabulating the ballots may exclude candidates through batch elimination by,  
2922 instead of excluding only one candidate in a ballot-counting phase, excluding each candidate:

2923 (1) for which the number of remaining candidates with more valid rankings than that  
2924 candidate is greater than or equal to the number of offices to be filled; and

2925 (2) (a) for which the number of valid rankings counted for the candidate in the  
2926 ballot-counting phase plus the number of rankings counted for all candidates with fewer valid  
2927 rankings in the ballot-counting phase is less than the number of valid rankings for the candidate  
2928 with the next highest amount of valid rankings in the ballot-counting phase; or

2929 (b) who has fewer valid rankings in the ballot-counting phase than a candidate who is  
2930 excluded under Subsection (2)(a).

2931 Section 52. Section [20A-5-101](#) is amended to read:

2932 **20A-5-101. Notice of election.**

2933 (1) On or before November 15 in the year before each regular general election year, the  
2934 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

2935 (a) designates the offices to be filled at the next year's regular general election;

2936 (b) identifies the dates for filing a declaration of candidacy, and for submitting and  
2937 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),  
2938 and [20A-9-408](#) for those offices; and

2939 (c) contains a description of any ballot propositions to be decided by the voters that  
2940 have qualified for the ballot as of that date.

2941 (2) (a) No later than seven business days after the day on which the lieutenant governor

2942 transmits the written notice described in Subsection (1), each county clerk shall provide notice  
2943 for the county, as a class A notice under Section 63G-30-102, for seven days before the day of  
2944 the election and in accordance with Subsection (3).

2945 (b) The county clerk shall prepare an affidavit of the posting under Subsection (2)(a),  
2946 showing a copy of the notice and the places where the notice was posted.

2947 (3) The notice described in Subsection (2) shall:

2948 (a) designate the offices to be voted on in that election; and

2949 (b) identify the dates for filing a declaration of candidacy for those offices.

2950 (4) Except as provided in Subsection (6), before each election, the county election  
2951 officer shall give printed notice of the following information:

2952 (a) the date of election;

2953 (b) the hours during which the polls will be open;

2954 (c) the polling places for each voting precinct, early voting polling place, and election  
2955 day voting center;

2956 (d) the address of the Statewide Electronic Voter Information Website and, if available,  
2957 the address of the county election officer's website, with a statement indicating that the election  
2958 officer will post on the website any changes to the location of a polling place and the location  
2959 of any additional polling place;

2960 (e) a phone number that a voter may call to obtain information regarding the location of  
2961 a polling place;

2962 (f) the qualifications for persons to vote in the election: and

2963 (g) instructions regarding how an individual with a disability, who is not able to vote a  
2964 manual ballot by mail, may obtain information on voting in an accessible manner.

2965 (5) The county election officer shall provide the notice described in Subsection (4) for  
2966 the jurisdiction, as a class A notice under Section 63G-30-102, for at least seven days before  
2967 the day of the election.

2968 (6) Instead of including the information described in Subsection (4) in the notice, the  
2969 county election officer may give printed notice that:

2970 (a) is entitled "Notice of Election";

2971 (b) includes the following: "A [indicate election type] will be held in [indicate the  
2972 jurisdiction] on [indicate date of election]. Information relating to the election, including



2973 polling places, polling place hours, and qualifications of voters may be obtained from the  
2974 following sources:"; and

2975 (c) specifies the following sources where an individual may view or obtain the  
2976 information described in Subsection (4):

2977 (i) if the jurisdiction has a website, the jurisdiction's website;

2978 (ii) the physical address of the jurisdiction offices; and

2979 (iii) a mailing address and telephone number.

2980 Section 53. Section **20A-5-102** is amended to read:

2981 **20A-5-102. Voting instructions.**

2982 (1) [~~Each~~] A county election officer shall:

2983 (a) print instructions for voters;

2984 (b) ensure that the instructions are printed in English, and any other language required  
2985 under the Voting Rights Act of 1965, as amended, in large clear type; and

2986 (c) ensure that the instructions inform voters:

2987 (i) about how to obtain ballots for voting;

2988 (ii) about special political party affiliation requirements for voting in a regular primary  
2989 election or presidential primary election;

2990 (iii) about how to prepare ballots for deposit in the ballot box;

2991 (iv) about how to record write-in votes;

2992 (v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;

2993 (vi) about how to obtain assistance in marking ballots;

2994 (vii) about obtaining a new ballot if the voter's ballot is defaced;

2995 (viii) that identification marks or the spoiling or defacing of a ballot will make it  
2996 invalid;

2997 (ix) about how to obtain and vote a provisional ballot;

2998 (x) about whom to contact to report election fraud;

2999 (xi) about applicable federal and state laws regarding:

3000 (A) voting rights and the appropriate official to contact if the voter alleges that the  
3001 voter's rights have been violated; and

3002 (B) prohibitions on acts of fraud and misrepresentation;

3003 (xii) about procedures governing mail-in registrants and first-time voters; and

3004 (xiii) about the date of the election and the hours that the polls are open on election  
3005 day.

3006 (2) ~~[Each]~~ A county election officer shall:

3007 (a) provide the election judges of each voting precinct with sufficient instruction cards  
3008 to instruct voters in the preparation of the voters' ballots; and

3009 (b) direct the election judges to post:

3010 (i) general voting instructions in each voting booth;

3011 (ii) at least three instruction cards at other locations in the polling place; and

3012 (iii) at least one sample ballot at the polling place.

3013 Section 54. Section **20A-5-301** is amended to read:

3014 **20A-5-301. Combined voting precincts -- Municipalities.**

3015 (1) (a) The ~~[municipal legislative body of]~~ county election officer for a city of the first  
3016 or second class may combine up to four regular county voting precincts into one municipal  
3017 voting precinct for purposes of a municipal election if ~~[they designate]~~ the county election  
3018 officer designates the location and address of each of ~~[those]~~ the combined voting precincts.

3019 (b) The polling place shall be within the combined voting precinct or within 1/2 mile  
3020 of the boundaries of the voting precinct.

3021 (2) (a) The ~~[municipal legislative body of]~~ county election officer for a city of the third,  
3022 fourth, or fifth class, a town, or a metro township may combine two or more regular county  
3023 voting precincts into one municipal voting precinct for purposes of an election if ~~[it]~~ the county  
3024 election officer designates the location and address of ~~[that]~~ the combined voting precinct.

3025 (b) If only two precincts are combined, the polling place shall be within the combined  
3026 precinct or within 1/2 mile of the boundaries of the combined voting precinct.

3027 (c) If more than two precincts are combined, the polling place should be as near as  
3028 practical to the middle of the combined precinct.

3029 Section 55. Section **20A-5-302** is amended to read:

3030 **20A-5-302. Automated voting system.**

3031 (1) ~~[(a) Any county or municipal]~~ A county legislative body ~~[or special district board]~~  
3032 may:

3033 ~~[(i)]~~ (a) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon  
3034 any automated voting system that meets the requirements of this section; and

3035            [(f)] (b) use that system in any election, in all or a part of the voting precincts within  
3036 its boundaries, or in combination with manual ballots.

3037            [~~(b) Nothing in this title shall be construed to~~] (2) Except to the extent expressly  
3038 provided otherwise, this title does not require the use of electronic voting devices in local  
3039 special elections, municipal primary elections, or municipal general elections.

3040            [(2)] (3) Each automated voting system shall:

3041            (a) provide for voting in secrecy, except in the case of voters who have received  
3042 assistance as authorized by Section 20A-3a-208;

3043            (b) permit each voter at any election to:

3044            (i) vote for all persons and offices for whom and for which that voter is lawfully  
3045 entitled to vote;

3046            (ii) vote for as many persons for an office as that voter is entitled to vote; and

3047            (iii) vote for or against any ballot proposition upon which that voter is entitled to vote;

3048            (c) permit each voter, at presidential elections, by one mark, to vote for the candidates  
3049 of that party for president, vice president, and for their presidential electors;

3050            (d) at elections other than primary elections, permit each voter to vote for the nominees  
3051 of one or more parties and for independent candidates;

3052            (e) at primary elections:

3053            (i) permit each voter to vote for candidates of the political party of the voter's choice;

3054 and

3055            (ii) reject any votes cast for candidates of another party;

3056            (f) prevent the voter from voting for the same person more than once for the same  
3057 office;

3058            (g) provide the opportunity for each voter to change the ballot and to correct any error  
3059 before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub.  
3060 L. No. 107-252;

3061            (h) include automatic tabulating equipment that rejects choices recorded on a voter's  
3062 ballot if the number of the voter's recorded choices is greater than the number which the voter  
3063 is entitled to vote for the office or on the measure;

3064            (i) be of durable construction, suitably designed so that it may be used safely,  
3065 efficiently, and accurately in the conduct of elections and counting ballots;

3066 (j) when properly operated, record correctly and count accurately each vote cast;

3067 (k) for voting equipment certified after January 1, 2005, produce a permanent paper  
3068 record that:

3069 (i) shall be available as an official record for any recount or election contest conducted  
3070 with respect to an election where the voting equipment is used;

3071 (ii) (A) shall be available for the voter's inspection prior to the voter leaving the polling  
3072 place; and

3073 (B) shall permit the voter to inspect the record of the voter's selections independently  
3074 only if reasonably practicable commercial methods permitting independent inspection are  
3075 available at the time of certification of the voting equipment by the lieutenant governor;

3076 (iii) shall include, at a minimum, human readable printing that shows a record of the  
3077 voter's selections;

3078 (iv) may also include machine readable printing which may be the same as the human  
3079 readable printing; and

3080 (v) allows a watcher to observe the election process to ensure the integrity of the  
3081 election process; and

3082 (l) meet the requirements of Section [20A-5-802](#).

3083 ~~[(3)]~~ (4) For the purposes of a recount or an election contest, if the permanent paper  
3084 record contains a conflict or inconsistency between the human readable printing and the  
3085 machine readable printing, the human readable printing shall supercede the machine readable  
3086 printing when determining the intent of the voter.

3087 ~~[(4)]~~ (5) Notwithstanding any other provisions of this section, the election officers shall  
3088 ensure that the ballots to be counted by means of electronic or electromechanical devices are of  
3089 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable  
3090 for use in the counting devices in which they are intended to be placed.

3091 Section 56. Section **20A-5-400.5** is amended to read:

3092 **20A-5-400.5. Election officer for bond and leeway elections.**

3093 ~~[(1) When]~~ Except to the extent otherwise permitted under Section 20A-1-301.5, a  
3094 county election officer shall conduct an election for a voted leeway or bond election ~~[is held on~~  
3095 ~~the regular general election date, the county clerk shall serve as the provider election officer to~~  
3096 ~~conduct that election].~~

3097           ~~[(2) (a) When a voted leeway or bond election is held on the municipal general election~~  
3098 ~~date or any other election date permitted for special elections under Section 20A-1-204, and the~~  
3099 ~~local political subdivision calling the election is entirely within the boundaries of the~~  
3100 ~~unincorporated county, the county clerk shall serve as the provider election officer to conduct~~  
3101 ~~that election subject to Subsection (3).]~~

3102           ~~[(b) When a voted leeway or bond election is held on the municipal general election~~  
3103 ~~date or any other election date permitted for special elections under Section 20A-1-204, and the~~  
3104 ~~local political subdivision calling the election is entirely within the boundaries of a~~  
3105 ~~municipality, the municipal clerk for that municipality shall, except as provided in Subsection~~  
3106 ~~(3), serve as the provider election officer to conduct that election.]~~

3107           ~~[(c) When a voted leeway or bond election is held on the municipal general election~~  
3108 ~~date or any other election date permitted for special elections under Section 20A-1-204, and the~~  
3109 ~~local political subdivision calling the election extends beyond the boundaries of a single~~  
3110 ~~municipality:]~~

3111           ~~[(i) except as provided in Subsection (3), the municipal clerk shall serve as the~~  
3112 ~~provider election officer to conduct the election for those portions of the local political~~  
3113 ~~subdivision where the municipal general election or other election is being held; and]~~

3114           ~~[(ii) except as provided in Subsection (3), the county clerk shall serve as the provider~~  
3115 ~~election officer to conduct the election for the unincorporated county and for those portions of~~  
3116 ~~any municipality where no municipal general election or other election is being held.]~~

3117           ~~[(3) When a voted leeway or bond election is held on a date when no other election,~~  
3118 ~~other than another voted leeway or bond election, is being held in the entire area comprising~~  
3119 ~~the local political subdivision calling the voted leeway or bond election:]~~

3120           ~~[(a) the clerk or chief executive officer of a special district or the business~~  
3121 ~~administrator or superintendent of the school district, as applicable, shall serve as the election~~  
3122 ~~officer to conduct the bond election for those portions of the local political subdivision in~~  
3123 ~~which no other election, other than another voted leeway or bond election, is being held, unless~~  
3124 ~~the special district or school district has contracted with a provider election officer; and]~~

3125           ~~[(b) the county clerk, municipal clerk, or both, as determined by the local political~~  
3126 ~~subdivision holding the bond election, shall serve as the provider election officer to conduct the~~  
3127 ~~bond election for those portions of the local political subdivision in which another election,~~

3128 ~~other than another voted leeway or bond election, is being held.]~~

3129 ~~[(4) A provider election officer required by this section to conduct an election for a~~

3130 ~~local political subdivision shall comply with Section 20A-5-400.1.]~~

3131 Section 57. Section **20A-5-401** is amended to read:

3132 **20A-5-401. Official register -- Preparation -- Contents.**

3133 (1) (a) Before the registration days for each regular general, municipal general, regular  
3134 primary, municipal primary, or presidential primary election, each county ~~[clerk shall prepare~~  
3135 ~~an] election officer shall maintain the official register of all voters that will participate in the~~  
3136 election.

3137 (b) The county ~~[clerk] election officer~~ shall ensure that the official register ~~[is prepared~~  
3138 ~~and]~~ contains the following for each registered voter:

3139 (i) name;

3140 (ii) party affiliation;

3141 (iii) an entry field for a voter challenge, including the name of the individual making  
3142 the challenge and the grounds for the challenge;

3143 (iv) election name and date;

3144 (v) date of birth;

3145 (vi) place of current residence;

3146 (vii) street address of current residence;

3147 (viii) zip code;

3148 (ix) identification and provisional ballot information as required under Subsection

3149 (1)(d); and

3150 (x) space for the voter to sign the voter's name for the election.

3151 (c) ~~[When preparing]~~ For the official register for the presidential primary election, the  
3152 county ~~[clerk] election officer~~ shall include:

3153 (i) an entry field to record the name of the political party whose ballot the voter voted;

3154 and

3155 (ii) an entry field for the poll worker to record changes in the voter's party affiliation.

3156 (d) ~~[When preparing]~~ For the official register for any regular general election,

3157 municipal general election, statewide special election, local special election, regular primary

3158 election, municipal primary election, special district election, or election for federal office, the

3159 county ~~clerk~~ election officer shall include:

3160 (i) an entry field for the poll worker to record the type of identification provided by the  
3161 voter;

3162 (ii) a space for the poll worker to record the provisional envelope ballot number for  
3163 voters who receive a provisional ballot; and

3164 (iii) a space for the poll worker to record the type of identification that was provided by  
3165 voters who receive a provisional ballot.

3166 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal  
3167 elections, special district elections, and bond elections, the county ~~clerk~~ election officer shall  
3168 make an official register only for voting precincts affected by the primary, municipal, special  
3169 district, or bond election.

3170 (ii) If a polling place to be used in a bond election serves both voters residing in the  
3171 local political subdivision calling the bond election and voters residing outside of that local  
3172 political subdivision, the official register shall designate whether each voter resides in or  
3173 outside of the local political subdivision.

3174 (iii) Each county ~~clerk~~ election officer, with the assistance of the clerk of each  
3175 affected special district, shall provide a detailed map or an indication on the registration list or  
3176 other means to enable a poll worker to determine the voters entitled to vote at an election of  
3177 special district officers.

3178 (b) Municipalities shall pay the costs of making the official register for municipal  
3179 elections.

3180 Section 58. Section **20A-5-403** is amended to read:

3181 **20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections --**

3182 **Arrangements.**

3183 (1) Except as provided in Section [20A-7-609.5](#), ~~each~~ a county election officer shall:

3184 (a) designate polling places for each voting precinct in the jurisdiction; and

3185 (b) obtain the approval of the county or municipal legislative body or special district  
3186 governing board for those polling places.

3187 (2) (a) For each polling place, the county election officer shall provide:

3188 (i) an American flag;

3189 (ii) a sufficient number of voting booths or compartments;

3190 (iii) the voting devices, voting booths, ballots, ballot boxes, and any other records and  
3191 supplies necessary to enable a voter to vote;

3192 (iv) the constitutional amendment cards required by Part 1, Election Notices and  
3193 Instructions;

3194 (v) the instructions required by Section 20A-5-102; and

3195 (vi) a sign, to be prominently displayed in the polling place, indicating that valid voter  
3196 identification is required for every voter before the voter may vote and listing the forms of  
3197 identification that constitute valid voter identification.

3198 (b) ~~Each~~ A county election officer shall ensure that:

3199 (i) each voting booth is at a convenient height for writing, and is arranged so that the  
3200 voter can prepare the voter's ballot screened from observation;

3201 (ii) there are a sufficient number of voting booths or voting devices to accommodate  
3202 the voters at that polling place; and

3203 (iii) there is at least one voting booth or voting device that is configured to  
3204 accommodate persons with disabilities.

3205 (c) ~~Each~~ A county ~~clerk~~ election officer shall provide a ballot box for each polling  
3206 place that is large enough to properly receive and hold the ballots to be cast.

3207 (3) (a) All polling places shall be physically inspected by ~~each~~ the county ~~clerk~~  
3208 election officer to ensure access by a person with a disability.

3209 (b) Any issues concerning inaccessibility to polling places by a person with a disability  
3210 discovered during the inspections referred to in Subsection (3)(a) or reported to the county  
3211 ~~clerk~~ election officer shall be:

3212 (i) forwarded to the Office of the Lieutenant Governor; and

3213 (ii) within six months of the time of the complaint, the issue of inaccessibility shall be  
3214 either:

3215 (A) remedied at the particular location by the county ~~clerk~~ election officer;

3216 (B) the county ~~clerk~~ election officer shall designate an alternative accessible location  
3217 for the particular precinct; or

3218 (C) if no practical solution can be identified, file with the Office of the Lieutenant  
3219 Governor a written explanation identifying the reasons compliance cannot reasonably be met.

3220 (4) (a) The municipality in which the election is held shall pay the cost of conducting



3221 each municipal election, including the cost of printing and supplies.

3222 (b) (i) Costs assessed by a county [~~clerk~~] election officer to a municipality under this  
3223 section may not exceed the actual costs incurred by the county [~~clerk~~] election officer.

3224 (ii) The actual costs shall include:

3225 (A) costs of or rental fees associated with the use of election equipment and supplies;  
3226 and

3227 (B) reasonable and necessary administrative costs.

3228 (5) The county [~~clerk~~] election officer shall make detailed entries of all proceedings  
3229 had under this chapter.

3230 (6) (a) [~~Each county clerk~~] A county election officer shall, to the extent possible,  
3231 ensure that the amount of time that an individual waits in line before the individual can vote at  
3232 a polling place in the county does not exceed 30 minutes.

3233 (b) The lieutenant governor may require a county [~~clerk~~] election officer to submit a  
3234 line management plan before the next election if an individual waits in line at a polling place in  
3235 the county longer than 30 minutes before the individual can vote.

3236 (c) The lieutenant governor may consider extenuating circumstances in deciding  
3237 whether to require the county [~~clerk~~] election officer to submit a plan described in Subsection  
3238 (6)(b).

3239 (d) The lieutenant governor shall review each plan submitted under Subsection (6)(b)  
3240 and consult with the county [~~clerk~~] election officer submitting the plan to ensure, to the extent  
3241 possible, that the amount of time an individual waits in line before the individual can vote at a  
3242 polling place in the county does not exceed 30 minutes.

3243 Section 59. Section **20A-5-403.5** is amended to read:

3244 **20A-5-403.5. Ballot drop boxes -- Notice.**

3245 (1) (a) An election officer:

3246 (i) shall designate at least one ballot drop box in each municipality and reservation  
3247 located in the jurisdiction to which the election relates;

3248 (ii) may designate additional ballot drop boxes for the [~~election officer's~~] jurisdiction to  
3249 which the election relates;

3250 (iii) shall clearly mark each ballot drop box as an official ballot drop box for the  
3251 [~~election officer's~~] jurisdiction to which the election relates;

3252 (iv) shall provide 24-hour recorded video surveillance, without audio, of each  
3253 unattended ballot drop box;

3254 (v) shall post a sign on or near each unattended ballot drop box indicating that the  
3255 ballot drop box is under 24-hour video surveillance; and

3256 (vi) shall ensure that a camera, a video, or a recording of a video described in  
3257 Subsection (1)(a)(iv) may only be accessed:

3258 (A) by the county election officer;

3259 (B) by a custodian of the camera, video, or recording;

3260 (C) by the lieutenant governor;

3261 (D) by the legislative auditor general, when performing an audit; or

3262 (E) by, or pursuant to an order of, a court of competent jurisdiction.

3263 (b) An individual may not view a video, or a recording of a video, described in  
3264 Subsection (1)(a)(iv), unless the individual:

3265 (i) is an individual described in Subsection (1)(a)(vi); and

3266 (ii) views the video to the extent necessary to:

3267 (A) ensure compliance with Subsection (1)(a)(iv), (1)(a)(vi), or (1)(c); or

3268 (B) investigate a concern relating to ballots or the ballot box.

3269 (c) The county election officer, or the custodian of the recording, shall keep a recording  
3270 described in Subsection (1)(a)(iv) until the later of:

3271 (i) the end of the calendar year in which the election was held; or

3272 (ii) if the election is contested, when the contest is resolved.

3273 (2) Except as provided in Section [20A-1-308](#) or Subsection (5), the county election  
3274 officer shall, at least 28 days before the date of the election, provide notice of the location of  
3275 each ballot drop box designated under Subsection (1), by publishing notice for the jurisdiction  
3276 holding the election, as a class A notice under Section [63G-30-102](#), for at least 28 days before  
3277 the day of the election.

3278 (3) Instead of including the location of ballot drop boxes, a notice required under  
3279 Subsection (2) may specify the following sources where a voter may view or obtain a copy of  
3280 all ballot drop box locations:

3281 (a) the jurisdiction's website;

3282 (b) the physical address of the jurisdiction's offices; and

3283 (c) a mailing address and telephone number.

3284 (4) The county election officer shall include in the notice described in Subsection (2):

3285 (a) the address of the Statewide Electronic Voter Information Website and, if available,  
3286 the address of the county election officer's website, with a statement indicating that the county  
3287 election officer will post on the website the location of each ballot drop box, including any  
3288 changes to the location of a ballot drop box and the location of additional ballot drop boxes;  
3289 and

3290 (b) a phone number that a voter may call to obtain information regarding the location  
3291 of a ballot drop box.

3292 (5) (a) Except as provided in Section 20A-1-308, the county election officer may, after  
3293 the deadline described in Subsection (2):

3294 (i) if necessary, change the location of a ballot drop box; or

3295 (ii) if the county election officer determines that the number of ballot drop boxes is  
3296 insufficient due to the number of registered voters who are voting, designate additional ballot  
3297 drop boxes.

3298 (b) Except as provided in Section 20A-1-308, if [~~an~~] a county election officer changes  
3299 the location of a ballot box or designates an additional ballot drop box location, the county  
3300 election officer shall, as soon as is reasonably possible, give notice of the changed ballot drop  
3301 box location or the additional ballot drop box location:

3302 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

3303 (ii) by posting the information on the website of the county election officer, if  
3304 available; and

3305 (iii) by posting notice:

3306 (A) for a change in the location of a ballot drop box, at the new location and, if  
3307 possible, the old location; and

3308 (B) for an additional ballot drop box location, at the additional ballot drop box  
3309 location.

3310 (6) [~~Any~~] A county election officer may, at any time, authorize two or more poll  
3311 workers to remove a ballot drop box from a location, or to remove ballots from a ballot drop  
3312 box for processing.

3313 (7) (a) At least two poll workers must be present when a poll worker:

3314 (i) collects ballots from a ballot drop box and delivers the ballots to the location where  
 3315 the ~~[ballots will be opened and counted.]~~ county election officer will process the ballots; or

3316 (ii) delivers ballots for local tabulation under Subsection 20A-3a-401(4)(b)(i)(B).

3317 (b) ~~[An]~~ A county election officer shall ensure that the chain of custody of ballots  
 3318 placed in a ballot box are recorded and tracked from the time the ballots are removed from the  
 3319 ballot box until the ballots are delivered to the location where the ~~[ballots will be opened and~~  
 3320 ~~counted.]~~ county election officer will process the ballots.

3321 (c) A county election officer who delivers ballots for local tabulation under Subsection  
 3322 20A-3a-401(4)(b)(i)(B) shall ensure that the chain of custody of the ballots are recorded and  
 3323 tracked from the time the ballots leave the place where the county election officer processes the  
 3324 ballots until the ballots are recorded as received by the municipal election officer or special  
 3325 district election officer.

3326 Section 60. Section **20A-5-404** is amended to read:

3327 **20A-5-404. Election forms -- Preparation and contents.**

3328 (1) (a) For each election, the county election officer shall prepare, for each polling  
 3329 place:

3330 (i) forms for poll workers to record and verify security seals, ballots cast, and the  
 3331 number of voters who voted; and

3332 (ii) an official register or pollbook.

3333 (b) For each election, the county election officer shall:

3334 (i) provide a copy of each form to each of those precincts using paper ballots; and

3335 (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting  
 3336 precincts using an automated voting system.

3337 (2) The county election officer shall ensure that the forms described in Subsection  
 3338 (1)(a)(i) include:

3339 (a) a space for the judges to identify:

3340 (i) the number of ballots voted;

3341 (ii) the number of registered voters listed in the official register or pollbook; and

3342 (iii) the total number of voters voting according to the official register or pollbook; and

3343 (b) a certification, in substantially the following form:

3344 "We, the undersigned, judges of an election held at \_\_\_\_\_ voting precinct, in \_\_\_\_\_

3345 County, state of Utah, on \_\_\_\_\_(month\day\year), having first been sworn according to  
3346 law, certify that the information in this form is a true statement of the number and names of the  
3347 individuals voting in the voting precinct at the election, and that the total number of individuals  
3348 voting at the election was \_\_\_\_.

3349 \_\_\_\_\_  
3350 \_\_\_\_\_  
3351 \_\_\_\_\_

3352 Judges of Election".

3353 (3) The county election officer shall ensure that the official register or pollbook:

3354 (a) identifies the voting precinct number on the face of the official register or pollbook;

3355 and

3356 (b) contains:

3357 (i) a section to record individuals voting on election day; and

3358 (ii) a section in which to record voters who are challenged.

3359 Section 61. Section **20A-5-405** is amended to read:

3360 **20A-5-405. Election officer to provide ballots -- Notice of sample ballot.**

3361 (1) ~~[An]~~ A county election officer shall:

3362 (a) provide ballots for every election of public officers in which the voters, or any of  
3363 the voters[;] within the ~~[election officer's]~~ jurisdiction to which the election relates, participate;

3364 (b) cause the name of every candidate whose nomination has been certified to or filed  
3365 with the county election officer in the manner provided by law to be included on each ballot;

3366 (c) cause any ballot proposition that has qualified for the ballot as provided by law to  
3367 be included on each ballot;

3368 (d) ensure that the ballots are prepared and in the possession of the county election  
3369 officer at least seven days before the commencement of early voting as described in Section  
3370 **20A-3a-601**;

3371 (e) allow candidates and their agents and the sponsors of ballot propositions that have  
3372 qualified for the official ballot to inspect the ballots;

3373 (f) no later than 45 days before the day of the election, make sample ballots available  
3374 for inspection, in the same form as official ballots and that contain the same information as  
3375 official ballots, by:

- 3376 (i) posting a copy of the sample ballot in the county election officer's office;
- 3377 (ii) sending a copy of the sample ballot to:
- 3378 (A) each candidate listed on the ballot; and
- 3379 (B) the lieutenant governor; and
- 3380 (iii) providing a copy of the sample ballot for the jurisdiction [~~holding~~] to which the
- 3381 election relates, as a class A notice under Section 63G-30-102, for at least seven days;
- 3382 (g) deliver a copy of the sample ballot to poll workers for each polling place and direct
- 3383 the poll workers to post the sample ballot as required by Section 20A-5-102; and
- 3384 (h) print and deliver, at the expense of the jurisdiction [~~conducting~~] to which the
- 3385 election relates, enough ballots, sample ballots, and instructions to meet the voting demands of
- 3386 the qualified voters in each voting precinct.
- 3387 (2) Instead of posting the entire sample ballot under Subsection (1)(f)(iii), the county
- 3388 election officer may post a statement that:
- 3389 (a) is entitled, "sample ballot";
- 3390 (b) includes the following: "A sample ballot for [indicate name of jurisdiction to which
- 3391 the election relates] for the upcoming [indicate type and date of election] may be obtained from
- 3392 the following sources:"; and
- 3393 (c) specifies the following sources where an individual may view or obtain a copy of
- 3394 the sample ballot:
- 3395 (i) [~~if the jurisdiction has a website, the jurisdiction's~~] the county election officer's
- 3396 website;
- 3397 (ii) the physical address of the [~~jurisdiction's~~] county election officer's offices; and
- 3398 (iii) a mailing address and telephone number.
- 3399 (3) (a) Each county election officer shall, without delay, correct any error discovered in
- 3400 any ballot, if the correction can be made without interfering with the timely distribution of the
- 3401 ballots.
- 3402 (b) (i) If the county election officer discovers an error or omission in a manual ballot,
- 3403 and it is not possible to correct the error or omission, the county election officer shall direct the
- 3404 poll workers to make the necessary corrections on the manual ballots before the ballots are
- 3405 distributed.
- 3406 (ii) If the county election officer discovers an error or omission in an electronic ballot

3407 and it is not possible to correct the error or omission by revising the electronic ballot, the  
3408 county election officer shall direct the poll workers to post notice of each error or omission  
3409 with instructions on how to correct each error or omission in a prominent position at each  
3410 polling booth.

3411 (4) (a) If the county election officer refuses or fails to correct an error or omission in a  
3412 ballot, a candidate or a candidate's agent may file a verified petition with the district court  
3413 asserting that:

3414 (i) an error or omission has occurred in:

3415 (A) the publication of the name or description of a candidate;

3416 (B) the preparation or display of an electronic ballot; or

3417 (C) the posting of sample ballots or the printing of official manual ballots; and

3418 (ii) the county election officer has failed to correct or provide for the correction of the  
3419 error or omission.

3420 (b) The district court shall issue an order requiring correction of any error in a ballot or  
3421 an order to show cause why the error should not be corrected if it appears to the court that the  
3422 error or omission has occurred and the county election officer has failed to correct or provide  
3423 for the correction of the error or omission.

3424 (c) A party aggrieved by the district court's decision may appeal the matter to the Utah  
3425 Supreme Court within five days after the day on which the district court enters the decision.

3426 Section 62. Section **20A-5-406** is amended to read:

3427 **20A-5-406. Delivery of ballots.**

3428 (1) ~~[An]~~ A county election officer shall deliver manual ballots to the poll workers of  
3429 each ~~[voting precinct]~~ polling place in the election officer's jurisdiction in an amount sufficient  
3430 to meet voting needs during the voting period.

3431 (2) For mechanical ballots, ~~[an]~~ a county election officer shall:

3432 (a) deliver the voting devices and mechanical ballots before voting commences at the  
3433 polling place;

3434 (b) ensure that the voting devices, equipment, and mechanical ballots are properly  
3435 secured before commencement of voting;

3436 (c) when mechanical ballots or voting devices containing mechanical ballots are  
3437 delivered to a polling place, ensure that security procedures, developed by the county election

3438 officer, are followed to document chain of custody and to prevent unauthorized access; and

3439 (d) repair or provide substitute voting devices, equipment, or electronic ballots, if

3440 available, if any poll worker reports that:

3441 (i) the voting devices or equipment were not delivered on time;

3442 (ii) the voting devices or equipment do not contain the appropriate electronic ballot  
3443 information;

3444 (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to  
3445 have been tampered with;

3446 (iv) the voting devices or equipment do not appear to be functioning properly; or

3447 (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed  
3448 or stolen.

3449 Section 63. Section **20A-5-407** is amended to read:

3450 **20A-5-407. County election officer to provide ballot boxes.**

3451 [~~(1) Except as provided in Subsection (3), an~~] A county election officer shall:

3452 [~~(a)~~] (1) provide one ballot box with a lock and key for each polling place; and

3453 [~~(b)~~] (2) deliver the ballot boxes, locks, and keys to the polling place before the polls  
3454 open.

3455 [~~(2) An election officer for a municipality or special district may obtain ballot boxes  
3456 from the county clerk's office.]~~

3457 [~~(3) If locks and keys are unavailable, the election officer shall ensure that the ballot  
3458 box lid is secured by tape.]~~

3459 Section 64. Section **20A-5-408** is amended to read:

3460 **20A-5-408. Disposition of election returns.**

3461 (1) Each election officer responsible for counting and tabulating the ballots shall  
3462 produce the packages containing the election returns before the board of canvassers.

3463 (2) As soon as the returns are canvassed, the election officer responsible for counting  
3464 and tabulating the ballots shall file the election returns and papers produced before the board as  
3465 required by Section [20A-4-202](#).

3466 Section 65. Section **20A-5-410** is amended to read:

3467 **20A-5-410. County election officer to provide voting history information and  
3468 status.**



3469 (1) As used in this section, "voting history record" means the information about the  
3470 existence and status of absentee ballot requests required by this section.

3471 (2) (a) [~~Each~~] A county election officer shall maintain, in the county election officer's  
3472 office, a voting history record of those voters registered to vote in the county election officer's  
3473 jurisdiction.

3474 (b) Except as it relates to a voter whose voter registration record is classified as private  
3475 under Subsection 63G-2-302(1)(k), the voting history record is a public record under Title 63G,  
3476 Chapter 2, Government Records Access and Management Act.

3477 (3) (a) When [~~an~~] a county election officer reports voting history for an election, the  
3478 county election officer shall, for each voter whose voter registration is classified as private  
3479 under Subsection 20A-2-104(4)(h), report the following, for that election only, without  
3480 disclosing the identity of the voter:

3481 (i) for voting by mail, the information described in Subsection (4)(a);

3482 (ii) for early voting, the date the individual voted; and

3483 (iii) for voting on election day, the date the individual voted.

3484 (b) In relation to the information of a voter whose voter registration is classified as  
3485 private under Subsection 20A-2-104(4)(h), a report described in Subsection (3)(a) may not  
3486 disclose, by itself or in conjunction with any other public information, the identity or any other  
3487 personal identifying information of the voter.

3488 (4) [~~The~~] A county election officer shall ensure that the voting history record for each  
3489 voting precinct contains:

3490 (a) for voting by mail:

3491 (i) the date that the manual ballot was mailed to the voter; and

3492 (ii) the date that the voted manual ballot was received by the county election officer;

3493 (b) for early voting:

3494 (i) the name and address of each individual who participated in early voting; and

3495 (ii) the date the individual voted; and

3496 (c) for voting on election day, the name and address of each individual who voted on  
3497 election day.

3498 (5) (a) Notwithstanding the time limits for response to a request for records under  
3499 Section 63G-2-204 or the time limits for a request for records established in any ordinance, the

3500 county election officer shall ensure that the information required by this section is recorded and  
3501 made available to the public no later than one business day after its receipt in the county  
3502 election officer's office.

3503 (b) Notwithstanding the fee requirements of Section 63G-2-203 or the fee requirements  
3504 established in any ordinance, the county election officer shall make copies of the voting history  
3505 record available to the public for the actual cost of production or copying.

3506 Section 66. Section 20A-5-601 is amended to read:

3507 **20A-5-601. Appointment of poll workers in elections where candidates are**  
3508 **distinguished by registered political parties.**

3509 (1) (a) This section governs appointment of poll workers in elections where candidates  
3510 are distinguished by registered political parties.

3511 (b) On or before March 1 of each even-numbered year, [~~an~~] a county election officer  
3512 shall provide to the county chair of each registered political party a list of the number of poll  
3513 workers that the party must nominate for each polling place.

3514 (c) On or before April 1 of each even-numbered year, the county chair and secretary of  
3515 each registered political party shall file a list with the county election officer containing the  
3516 names of individuals in the county who are willing to serve as poll workers, who are qualified  
3517 to serve as poll workers in accordance with this section, and who are competent and  
3518 trustworthy.

3519 (d) The county chair and secretary shall submit names equal in number to the number  
3520 required by the county election officer, plus one.

3521 (2) [~~Each~~] A county election officer shall provide for the appointment of individuals to  
3522 serve as poll workers at each election.

3523 (3) (a) For each election, [~~each~~] a county election officer shall provide for the  
3524 appointment of at least three registered voters, or one individual who is 16 or 17 years old and  
3525 two registered voters, one of whom is at least 21 years old, from the list to serve as poll  
3526 workers.

3527 (b) [~~An~~] A county election officer may appoint additional poll workers, as needed.

3528 (4) For each set of three poll workers appointed for a polling place for an election, the  
3529 county election officer shall ensure that:

3530 (a) two poll workers are appointed from the political party that cast the highest number

3531 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,  
3532 excluding votes for unopposed candidates, in the jurisdiction holding the election at the last  
3533 regular general election before the appointment of the poll workers; and

3534 (b) one poll worker is appointed from the political party that cast the second highest  
3535 number of votes for governor, lieutenant governor, attorney general, state auditor, and state  
3536 treasurer, excluding votes for unopposed candidates, in the county, city, or special district, as  
3537 applicable, at the last regular general election before the appointment of the poll workers.

3538 (5) The county election officer shall provide for the appointment of any qualified  
3539 county voter as a poll worker when:

3540 (a) a political party fails to file the poll worker list by the filing deadline; or

3541 (b) the list is incomplete.

3542 (6) A registered voter of the county may serve as a poll worker at any polling place in  
3543 the county, municipality, or district, as applicable.

3544 (7) ~~[An]~~ A county election officer may not appoint a candidate's parent, sibling,  
3545 spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or  
3546 son-in-law to serve as a poll worker in a polling place where the candidate appears on the  
3547 ballot.

3548 (8) The county election officer shall fill all poll worker vacancies.

3549 (9) If a conflict arises over the right to certify the poll worker lists for any political  
3550 party, the county election officer may decide between conflicting lists, but may only select  
3551 names from a properly submitted list.

3552 (10) The ~~[clerk]~~ county election officer shall establish compensation for poll workers.

3553 (11) The county election officer may appoint additional poll workers to serve in the  
3554 polling place as needed.

3555 Section 67. Section **20A-5-602** is amended to read:

3556 **20A-5-602. Appointment of poll workers in elections where candidates are not**  
3557 **distinguished by registered political parties.**

3558 (1) (a) This section governs appointment of poll workers in elections where candidates  
3559 are not distinguished by registered political parties.

3560 (b) The election officer who processes ballots shall appoint the poll workers who will  
3561 assist the election officer with each portion of the processing for which the election officer is

3562 responsible.

3563           ~~[(b)]~~ (c) An election officer shall appoint the poll worker at least 15 days before the  
3564 date of the local election.

3565           (2) (a) The election officer shall appoint, or provide for the appointment of, at least  
3566 three poll workers as follows:

3567           (i) three registered voters; or

3568           (ii) two registered voters, one of whom is at least 21 years old, and one individual who  
3569 is 16 or 17 years old.

3570           (b) The election officer may appoint additional poll workers to serve in the polling  
3571 place as needed.

3572           (3) The election officer may not appoint any candidate's parent, sibling, spouse, child,  
3573 mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to  
3574 serve as a poll worker at a polling place where the candidate appears on the ballot.

3575           (4) (a) The clerk of the jurisdiction to which the election relates shall compensate poll  
3576 workers for their services.

3577           (b) The clerk of a municipality or special district may not compensate poll workers at a  
3578 rate higher than that paid by the county to ~~[the county's]~~ poll workers for regular primary  
3579 elections or regular general elections.

3580           Section 68. Section **20A-5-603** is amended to read:

3581           **20A-5-603. Vacancies -- Removal of poll workers.**

3582           (1) (a) If a poll worker or alternate is unable to serve, that poll worker or alternate shall  
3583 immediately notify the county election officer, who shall fill the vacancy as provided in this  
3584 section.

3585           (b) The county election officer may fill a vacancy occurring under this section by  
3586 appointing the alternate to serve or, if that is impossible, by appointing some other qualified  
3587 person to fill the vacancy.

3588           (2) The county election officer shall summarily remove any poll worker who:

3589           (a) neglects the poll worker's duty;

3590           (b) commits or encourages fraud in connection with any election;

3591           (c) violates any election law;

3592           (d) knowingly permits any person to violate any election law;

- 3593 (e) has been convicted of a felony;  
3594 (f) commits any act that interferes or tends to interfere with a fair and honest election;  
3595 or  
3596 (g) is incapable of performing the duties of a poll worker.

3597 Section 69. Section **20A-5-605** is amended to read:

3598 **20A-5-605. Duties of poll workers.**

3599 (1) Poll workers shall:

3600 (a) arrive at the polling place at a time determined by the county election officer; and

3601 (b) remain until the official election returns are prepared for delivery.

3602 (2) The county election officer may designate the title and duties of each poll worker.

3603 (3) Upon arriving to open the polls, the poll workers shall:

3604 (a) display the United States flag;

3605 (b) examine the voting devices to see that they are in proper working order and that  
3606 security devices have not been tampered with;

3607 (c) place the voting devices, voting booths, and the ballot box in plain view of those  
3608 poll workers and watchers that are present;

3609 (d) check the ballots, supplies, records, and forms;

3610 (e) if directed by the county election officer:

3611 (i) make any necessary corrections to the official ballots before the ballots are  
3612 distributed at the polls;

3613 (ii) post any necessary notice of errors in ballots before voting commences; and

3614 (iii) post a sample ballot, instructions to voters, and constitutional amendments, if any;

3615 (f) open the ballot box in the presence of those assembled, turn the ballot box upside  
3616 down to empty the ballot box of anything; and

3617 (g) immediately before the polls open, lock the ballot box or, if locks and keys are not  
3618 available, tape the ballot box securely.

3619 (4) (a) If any poll worker fails to appear on the morning of the election, or fails or  
3620 refuses to act:

3621 (i) at least six qualified electors who are present at the polling place at the hour

3622 designated by law for the opening of the polls shall fill the vacancy by appointing another

3623 qualified individual from the voting precinct who is a member of the same political party as the

3624 poll worker who is being replaced to act as a poll worker; or

3625 (ii) the county election officer shall appoint a qualified individual to act as a poll  
3626 worker.

3627 (b) If a majority of the poll workers are present, the poll workers shall open the polls,  
3628 even though a poll worker has not arrived.

3629 (5) (a) If it is impossible or inconvenient to hold an election at the polling place  
3630 designated, the poll workers, after having assembled at or as near as practicable to the  
3631 designated place, and before receiving any vote, may move to the nearest convenient place for  
3632 holding the election.

3633 (b) If the poll workers move to a new polling place, the poll workers shall display a  
3634 proclamation of the change and station a peace officer or some other proper individual at the  
3635 original polling place to notify voters of the location of the new polling place.

3636 (6) If, for any reason, the official ballots are not ready for distribution at a polling place  
3637 or, if the supply of ballots is exhausted before the polls are closed, the poll workers may use  
3638 unofficial ballots, made as nearly as possible in the form of the official ballot, until the county  
3639 election officer provides additional ballots.

3640 (7) When it is time to open the polls, one of the poll workers shall announce that the  
3641 polls are open as required by Section [20A-1-302](#), or in the case of early voting, Section  
3642 [20A-3a-602](#).

3643 (8) (a) The poll workers shall comply with the voting procedures and requirements of  
3644 Chapter 3a, Voting, in allowing people to vote.

3645 (b) The poll workers may not allow an individual, other than election officials and  
3646 those admitted to vote, within six feet of voting devices, voting booths, or the ballot box.

3647 (c) Besides the poll workers and watchers, the poll workers may not allow more than  
3648 four voters in excess of the number of voting booths provided within six feet of voting devices,  
3649 voting booths, or the ballot box.

3650 (d) If necessary, the poll workers shall instruct each voter permitted to use a voting  
3651 device how to operate the voting device before the voter enters the voting booth.

3652 (e) (i) If the voter requests additional instructions after entering the voting booth, two  
3653 poll workers may, if necessary, enter the booth and give the voter additional instructions.

3654 (ii) In regular general elections and regular primary elections, the two poll workers who

3655 enter the voting booth to assist the voter shall be of different political parties.

3656 Section 70. Section **20A-5-802** is amended to read:

3657 **20A-5-802. Certification of voting equipment.**

3658 (1) For the voting equipment used in the jurisdiction [~~over which~~] by an election  
3659 officer [has authority] who uses the voting equipment to fulfill a responsibility of the election  
3660 officer, the election officer shall:

3661 (a) before each election, use logic and accuracy tests to ensure that the voting  
3662 equipment performs the voting equipment's functions accurately;

3663 (b) develop and implement a procedure to protect the physical security of the voting  
3664 equipment; and

3665 (c) ensure that the voting equipment is certified by the lieutenant governor under  
3666 Subsection (2) as having met the requirements of this section.

3667 (2) (a) Except as provided in Subsection (2)(b)(ii):

3668 (i) the lieutenant governor shall ensure that all voting equipment used in the state is  
3669 independently tested using security testing protocols and standards that:

3670 (A) are generally accepted in the industry at the time the lieutenant governor reviews  
3671 the voting equipment for certification; and

3672 (B) meet the requirements of Subsection (2)(a)(ii);

3673 (ii) the testing protocols and standards described in Subsection (2)(a)(i) shall require  
3674 that a voting system:

3675 (A) is accurate and reliable;

3676 (B) possesses established and maintained access controls;

3677 (C) has not been fraudulently manipulated or tampered with;

3678 (D) is able to identify fraudulent or erroneous changes to the voting equipment; and

3679 (E) protects the secrecy of a voter's ballot; and

3680 (iii) The lieutenant governor may comply with the requirements of Subsection (2)(a) by  
3681 certifying voting equipment that has been certified by:

3682 (A) the United States Election Assistance Commission; or

3683 (B) a laboratory that has been accredited by the United States Election Assistance  
3684 Commission to test voting equipment.

3685 (b) (i) Voting equipment used in the state may include technology that allows for

3686 ranked-choice voting.

3687 (ii) The lieutenant governor may, for voting equipment used for ranked-choice voting  
3688 under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, certify  
3689 voting equipment that has been successfully used within the United States or a territory of the  
3690 United States for ranked-choice voting for a race for federal office.

3691 Section 71. Section **20A-5-902** is amended to read:

3692 **20A-5-902. Security of election equipment.**

3693 (1) Except when divesting election equipment as surplus property or providing for  
3694 maintenance, an election officer responsible for the election equipment may not permit an  
3695 individual, other than an election official, access to election equipment.

3696 (2) An election officer responsible for the election equipment shall keep a record of  
3697 service work done on voting equipment, including:

- 3698 (a) a designation of the specific equipment serviced;  
3699 (b) the date of service;  
3700 (c) the names of all individuals who perform or supervise the service;  
3701 (d) the name of each vendor that performs the service; and  
3702 (e) a description of the service performed.

3703 Section 72. Section **20A-5-903** is amended to read:

3704 **20A-5-903. Cyber security.**

3705 (1) An election officer who is responsible for election equipment shall ensure that the  
3706 following election equipment is never connected to the Internet:

- 3707 (a) tabulation servers;  
3708 (b) tabulation equipment;  
3709 (c) ballot scanners, including central, precinct, and mobile scanners; and  
3710 (d) ballot marking devices.

3711 (2) This section does not prohibit Internet connection of equipment used for voting if  
3712 the equipment's use of voting is solely for the purpose of:

- 3713 (a) complying with [~~Title 20A, Chapter 16, Uniform Military and Overseas Voters Act~~]  
3714 Chapter 16, Uniform Military and Overseas Voters Act; or  
3715 (b) administering the Internet Voting Pilot Project, described in Section [20A-6-103](#).

3716 Section 73. Section **20A-5-904** is amended to read:



3717 **20A-5-904. Voter fraud.**

3718 [~~An~~] A county election officer shall:

3719 (1) check available resources to determine whether an individual registers to vote, or  
3720 votes, in more than one state or precinct; and

3721 (2) report the information to law enforcement or a prosecutor if the county election  
3722 officer has reason to believe that an individual [~~has~~] intentionally committed election fraud.

3723 Section 74. Section **20A-6-101** is amended to read:

3724 **20A-6-101. General requirements for manual ballots.**

3725 (1) [~~An~~] A county election officer shall ensure that manual ballots:

3726 (a) are printed using precisely the same quality and tint of plain white paper through  
3727 which the printing or writing cannot be seen;

3728 (b) are printed using precisely the same quality and kind of type;

3729 (c) are printed using precisely the same quality and tint of plain black ink;

3730 (d) are uniform in size for all the voting precincts within the election officer's  
3731 jurisdiction; and

3732 (e) include, on a ticket for a race in which a voter is authorized to cast a write-in vote  
3733 and in which a write-in candidate is qualified under Section **20A-9-601**, a space for a write-in  
3734 candidate immediately following the last candidate listed on that ticket.

3735 (2) Whenever the vote for candidates is to be limited to the voters of a particular  
3736 political division, the county election officer shall ensure that the names of those candidates are  
3737 printed only upon those ballots provided to that political division.

3738 Section 75. Section **20A-6-102** is amended to read:

3739 **20A-6-102. General requirements for machine counted ballots.**

3740 (1) [~~An~~] A county election officer shall ensure that ballots are printed:

3741 (a) to a size and arrangement that fits the construction of the ballot counting device;  
3742 and

3743 (b) in plain, clear type in black ink on clear white stock; or

3744 (c) in plain, clear type in black ink on stock of different colors if it is necessary to:

3745 (i) identify different ballots or parts of the ballot; or

3746 (ii) differentiate between political parties.

3747 (2) For a race in which a voter is authorized to cast a write-in vote and in which a

3748 write-in candidate is qualified under Section 20A-9-601, the county election officer shall  
3749 include a space on the ticket for a write-in candidate immediately following the last candidate  
3750 listed on that ticket.

3751 (3) Notwithstanding any other provisions of this section, the county election officer  
3752 may authorize any ballots that are to be counted by means of electronic or electromechanical  
3753 devices to be printed to a size, layout, texture, and in any type of ink or combination of inks  
3754 that will be suitable for use in the counting devices in which they are intended to be placed.

3755 Section 76. Section 20A-6-105 is amended to read:

3756 **20A-6-105. Provisional ballot envelopes.**

3757 (1) [~~Each~~] A county election officer shall ensure that provisional ballot envelopes are  
3758 printed in substantially the following form:

3759 "AFFIRMATION

3760 Are you a citizen of the United States of America? Yes No

3761 Will you be 18 years old on or before election day? Yes No

3762 If you checked "no" in response to either of the two above questions, do not complete  
3763 this form.

3764 Name of Voter \_\_\_\_\_

3765 First Middle Last

3766 Driver License or Identification Card Number \_\_\_\_\_

3767 State of Issuance of Driver License or Identification Card Number \_\_\_\_\_

3768 Date of Birth \_\_\_\_\_

3769 Street Address of Principal Place of Residence

3770 \_\_\_\_\_

3771 City County State Zip Code

3772 Telephone Number (optional) \_\_\_\_\_

3773 Email Address (optional) \_\_\_\_\_

3774 Last four digits of Social Security Number \_\_\_\_\_

3775 Last former address at which I was registered to vote (if known)

3776 \_\_\_\_\_

3777 City County State Zip Code

3778 Voting Precinct (if known)

3779 \_\_\_\_\_  
3780 I, (please print your full name) \_\_\_\_\_ do solemnly swear or  
3781 affirm:

3782 That I am eligible to vote in this election; that I have not voted in this election in any  
3783 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to  
3784 vote in this precinct; and

3785 Subject to penalty of law for false statements, that the information contained in this  
3786 form is true, and that I am a citizen of the United States and a resident of Utah, residing at the  
3787 above address; and that I am at least 18 years old and have resided in Utah for the 30 days  
3788 immediately before this election.

3789 Signed

3790 \_\_\_\_\_

3791 Dated

3792 \_\_\_\_\_

3793 In accordance with Section [20A-3a-506](#), wilfully providing false information above is a  
3794 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

3795 PRIVACY INFORMATION

3796 Voter registration records contain some information that is available to the public, such  
3797 as your name and address, some information that is available only to government entities, and  
3798 some information that is available only to certain third parties in accordance with the  
3799 requirements of law.

3800 Your driver license number, identification card number, social security number, email  
3801 address, full date of birth, and phone number are available only to government entities. Your  
3802 year of birth is available to political parties, candidates for public office, certain third parties,  
3803 and their contractors, employees, and volunteers, in accordance with the requirements of law.

3804 You may request that all information on your voter registration records be withheld  
3805 from all persons other than government entities, political parties, candidates for public office,  
3806 and their contractors, employees, and volunteers, by indicating here:

3807 \_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld  
3808 from all persons other than government entities, political parties, candidates for public office,  
3809 and their contractors, employees, and volunteers.

3810 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

3811 In addition to the protections provided above, you may request that identifying  
3812 information on your voter registration records be withheld from all political parties, candidates  
3813 for public office, and their contractors, employees, and volunteers, by submitting a withholding  
3814 request form, and any required verification, as described in the following paragraphs.

3815 A person may request that identifying information on the person's voter registration  
3816 records be withheld from all political parties, candidates for public office, and their contractors,  
3817 employees, and volunteers, by submitting a withholding request form with this registration  
3818 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or  
3819 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

3820 A person may request that identifying information on the person's voter registration  
3821 records be withheld from all political parties, candidates for public office, and their contractors,  
3822 employees, and volunteers, by submitting a withholding request form and any required  
3823 verification with this registration form, or to the lieutenant governor or a county clerk, if the  
3824 person is, or resides with a person who is, a law enforcement officer, a member of the armed  
3825 forces, a public figure, or protected by a protective order or a protection order.

3826 CITIZENSHIP AFFIDAVIT

3827 Name:

3828 Name at birth, if different:

3829 Place of birth:

3830 Date of birth:

3831 Date and place of naturalization (if applicable):

3832 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a  
3833 citizen and that to the best of my knowledge and belief the information above is true and  
3834 correct.

3835 \_\_\_\_\_  
3836 Signature of Applicant

3837 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or  
3838 allowing yourself to be registered to vote if you know you are not entitled to register to vote is  
3839 up to one year in jail and a fine of up to \$2,500."

3840 (2) The provisional ballot envelope shall include:

3841 (a) a unique number;  
3842 (b) a detachable part that includes the unique number;  
3843 (c) a telephone number, internet address, or other indicator of a means, in accordance  
3844 with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted;  
3845 and

3846 (d) an insert containing written instructions on how a voter may sign up to receive  
3847 ballot status notifications via the ballot tracking system described in Section 20A-3a-401.5.  
3848 Section 77. Section 20A-6-105.5 is amended to read:

3849 **20A-6-105.5. Voter access to provisional ballot information.**

3850 [~~Each county clerk~~] A county election officer shall implement, through an internet  
3851 website, toll-free telephone number, or other means, a system where an individual who voted a  
3852 provisional ballot may, free of charge, determine if the voter's vote was counted, and, if the  
3853 vote was not counted, the reason the vote was not counted.

3854 Section 78. Section 20A-6-106 is amended to read:

3855 **20A-6-106. Deadline for submission of ballot titles.**

3856 Unless otherwise specifically provided for by statute, the certified ballot title of each  
3857 ballot proposition, ballot question, or ballot issue shall be submitted to the county election  
3858 officer before 5 p.m. no later than 65 days before the date of the election at which the matter  
3859 will be submitted to the voters.

3860 Section 79. Section 20A-6-107 is amended to read:

3861 **20A-6-107. Numbering of ballot propositions and bond propositions -- Duties of**  
3862 **county election officer and lieutenant governor.**

3863 (1) (a) Except as provided in Subsections (1)(b) and (1)(c), each ballot proposition  
3864 shall be listed on the ballot under the heading "Proposition # \_\_\_", with the number of the ballot  
3865 proposition placed in the blank.

3866 (b) Each proposed amendment to the Utah Constitution shall be listed on the ballot  
3867 under the heading "Constitutional Amendment \_\_\_", with a letter placed in the blank.

3868 (c) Each bond proposition that has qualified for the ballot shall be listed on the ballot  
3869 under the title assigned to each bond proposition under Section 11-14-206.

3870 (2) (a) When [~~an~~] a county election officer or other person given authority to prepare or  
3871 number ballot propositions receives a ballot proposition that is eligible for inclusion on the

3872 ballot, they shall ask the lieutenant governor to assign a number to the ballot proposition.

3873 (b) (i) Upon request from [~~an~~] a county election officer or other person given authority  
3874 to prepare or number ballot propositions, the lieutenant governor shall assign each ballot  
3875 proposition a unique number, except as provided under Subsection (2)(b)(iii).

3876 (ii) Ballot proposition numbers shall be assigned sequentially, in the order requests for  
3877 ballot proposition numbers are received.

3878 (iii) The same ballot proposition number may be assigned to multiple ballot  
3879 propositions if:

3880 (A) the sponsors of each ballot proposition agree, in writing, to share the number; and

3881 (B) the ballot propositions sharing the same number are identical in their terms,  
3882 purpose, and effect, with jurisdiction being the only significant difference between the ballot  
3883 propositions.

3884 Section 80. Section **20A-6-108** is amended to read:

3885 **20A-6-108. Requirements for printing and mailing ballots.**

3886 (1) [~~Before January 2023, the~~] The director of elections within the Office of the  
3887 Lieutenant Governor shall, in consultation with county clerks, make rules, in accordance with  
3888 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing minimum  
3889 requirements that a vendor must meet to be eligible to print ballots to be used in an election.

3890 (2) [~~Beginning on the effective date of the rules described in Subsection (1), an~~] A  
3891 county election officer shall ensure that, when the bulk of ballots are initially mailed to voters,  
3892 the ballots are mailed from a location in Utah.

3893 Section 81. Section **20A-6-301** is amended to read:

3894 **20A-6-301. Manual ballots -- Regular general election.**

3895 (1) [~~Each~~] A county election officer shall ensure that:

3896 (a) all manual ballots furnished for use at the regular general election contain:

3897 (i) no captions or other endorsements except as provided in this section;

3898 (ii) no symbols, markings, or other descriptions of a political party or group, except for  
3899 a registered political party that has chosen to nominate its candidates in accordance with  
3900 Section **20A-9-403**; and

3901 (iii) no indication that a candidate for elective office has been nominated by, or has  
3902 been endorsed by, or is in any way affiliated with a political party or group, unless the

3903 candidate has been nominated by a registered political party in accordance with Subsection  
3904 20A-9-202(4) or Subsection 20A-9-403(5);

3905 (b) at the top of the ballot, the following endorsements are printed in 18 point bold  
3906 type:

3907 (i) "Official Ballot for \_\_\_\_ County, Utah";

3908 (ii) the date of the election; and

3909 (iii) the words "certified by the Clerk of \_\_\_\_\_ County" or, as applicable, the  
3910 name of a combined office that includes the duties of a county clerk;

3911 (c) unaffiliated candidates, candidates not affiliated with a registered political party,  
3912 and all other candidates for elective office who were not nominated by a registered political  
3913 party in accordance with Subsection 20A-9-202(4) or Subsection 20A-9-403(5), are listed with  
3914 the other candidates for the same office in accordance with Section 20A-6-305, without a party  
3915 name or title;

3916 (d) each ticket containing the lists of candidates, including the party name and device,  
3917 are separated by heavy parallel lines;

3918 (e) the offices to be filled are plainly printed immediately above the names of the  
3919 candidates for those offices;

3920 (f) the names of candidates are printed in capital letters, not less than one-eighth nor  
3921 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between  
3922 lines or rules three-eighths of an inch apart; and

3923 (g) on a ticket for a race in which a voter is authorized to cast a write-in vote and in  
3924 which a write-in candidate is qualified under Section 20A-9-601:

3925 (i) the ballot includes a space for a write-in candidate immediately following the last  
3926 candidate listed on that ticket; or

3927 (ii) for the offices of president and vice president and governor and lieutenant  
3928 governor, the ballot includes two spaces for write-in candidates immediately following the last  
3929 candidates on that ticket, one placed above the other, to enable the entry of two valid write-in  
3930 candidates.

3931 (2) ~~[An]~~ A county election officer shall ensure that:

3932 (a) each individual nominated by any registered political party under Subsection  
3933 20A-9-202(4) or Subsection 20A-9-403(5), and no other individual, is placed on the ballot:

- 3934 (i) under the registered political party's name, if any; or  
3935 (ii) under the title of the registered political party as designated by them in their  
3936 certificates of nomination or petition, or, if none is designated, then under some suitable title;
- 3937 (b) the names of all unaffiliated candidates that qualify as required in Chapter 9, Part 5,  
3938 Candidates not Affiliated with a Party, are placed on the ballot;
- 3939 (c) the names of the candidates for president and vice president are used on the ballot  
3940 instead of the names of the presidential electors; and
- 3941 (d) the ballots contain no other names.
- 3942 (3) When the ballot contains a nonpartisan section, the county election officer shall  
3943 ensure that:
- 3944 (a) the designation of the office to be filled in the election and the number of  
3945 candidates to be elected are printed in type not smaller than eight point;
- 3946 (b) the words designating the office are printed flush with the left-hand margin;
- 3947 (c) the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of candidates for  
3948 which the voter may vote)" extend to the extreme right of the column;
- 3949 (d) the nonpartisan candidates are grouped according to the office for which they are  
3950 candidates;
- 3951 (e) the names in each group are placed in the order specified under Section [20A-6-305](#)  
3952 with the surnames last; and
- 3953 (f) each group is preceded by the designation of the office for which the candidates  
3954 seek election, and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
3955 candidates for which the voter may vote)," according to the number to be elected.
- 3956 (4) ~~[Each]~~ A county election officer shall ensure that:
- 3957 (a) proposed amendments to the Utah Constitution are listed on the ballot in  
3958 accordance with Section [20A-6-107](#);
- 3959 (b) ballot propositions submitted to the voters are listed on the ballot in accordance  
3960 with Section [20A-6-107](#);
- 3961 (c) bond propositions that have qualified for the ballot are listed on the ballot under the  
3962 title assigned to each bond proposition under Section [11-14-206](#); and
- 3963 (d) the judicial retention section of the ballot includes a statement at the beginning  
3964 directing voters to the Judicial Performance Evaluation Commission's website in accordance



3965 with Subsection 20A-12-201(4).

3966 Section 82. Section 20A-6-302 is amended to read:

3967 **20A-6-302. Manual ballots -- Placement of candidates' names.**

3968 (1) ~~[An]~~ A county election officer shall ensure, for manual ballots in regular general  
3969 elections, that:

3970 (a) each candidate is listed by party, if nominated by a registered political party under  
3971 Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

3972 (b) candidates' surnames are listed in alphabetical order on the ballots when two or  
3973 more candidates' names are required to be listed on a ticket under the title of an office; and

3974 (c) the names of candidates are placed on the ballot in the order specified under Section  
3975 20A-6-305.

3976 (2) (a) When there is only one candidate for county attorney at the regular general  
3977 election in counties that have three or fewer registered voters of the county who are licensed  
3978 active members in good standing of the Utah State Bar, the county clerk shall cause that  
3979 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot  
3980 with the following question: "Shall (name of candidate) be elected to the office of county  
3981 attorney? Yes \_\_\_\_ No \_\_\_\_."

3982 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
3983 elected to the office of county attorney.

3984 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
3985 elected and may not take office, nor may the candidate continue in the office past the end of the  
3986 term resulting from any prior election or appointment.

3987 (d) When the name of only one candidate for county attorney is printed on the ballot  
3988 under authority of this Subsection (2), the county clerk may not count any write-in votes  
3989 received for the office of county attorney.

3990 (e) If no qualified individual files for the office of county attorney or if the candidate is  
3991 not elected by the voters, the county legislative body shall appoint the county attorney as  
3992 provided in Section 20A-1-509.2.

3993 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on  
3994 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the  
3995 two consecutive terms immediately preceding the term for which the candidate is seeking

3996 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an  
3997 unopposed candidate the same as any other unopposed candidate for another office, unless a  
3998 petition is filed with the county clerk before 5 p.m. no later than one day before that year's  
3999 primary election that:

4000 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and  
4001 (ii) contains the signatures of registered voters in the county representing in number at  
4002 least 25% of all votes cast in the county for all candidates for governor at the last election at  
4003 which a governor was elected.

4004 (3) (a) When there is only one candidate for district attorney at the regular general  
4005 election in a prosecution district that has three or fewer registered voters of the district who are  
4006 licensed active members in good standing of the Utah State Bar, the county clerk shall cause  
4007 that candidate's name and party affiliation, if any, to be placed on a separate section of the  
4008 ballot with the following question: "Shall (name of candidate) be elected to the office of district  
4009 attorney? Yes \_\_\_\_ No \_\_\_\_."

4010 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is  
4011 elected to the office of district attorney.

4012 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not  
4013 elected and may not take office, nor may the candidate continue in the office past the end of the  
4014 term resulting from any prior election or appointment.

4015 (d) When the name of only one candidate for district attorney is printed on the ballot  
4016 under authority of this Subsection (3), the county clerk may not count any write-in votes  
4017 received for the office of district attorney.

4018 (e) If no qualified individual files for the office of district attorney, or if the only  
4019 candidate is not elected by the voters under this subsection, the county legislative body shall  
4020 appoint a new district attorney for a four-year term as provided in Section [20A-1-509.2](#).

4021 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on  
4022 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the  
4023 two consecutive terms immediately preceding the term for which the candidate is seeking  
4024 election, Subsection (3)(a) does not apply and that candidate shall be considered to be an  
4025 unopposed candidate the same as any other unopposed candidate for another office, unless a  
4026 petition is filed with the county clerk before 5 p.m. no later than one day before that year's

4027 primary election that:

4028 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and

4029 (ii) contains the signatures of registered voters in the county representing in number at  
4030 least 25% of all votes cast in the county for all candidates for governor at the last election at  
4031 which a governor was elected.

4032 Section 83. Section **20A-6-304** is amended to read:

4033 **20A-6-304. Regular general election -- Mechanical ballots.**

4034 (1) [~~Each~~] A county election officer shall ensure that:

4035 (a) the format and content of a mechanical ballot is arranged in approximately the same  
4036 order as manual ballots;

4037 (b) the titles of offices and the names of candidates are displayed in vertical columns or  
4038 in a series of separate displays;

4039 (c) the mechanical ballot is of sufficient length to include, after the list of candidates:

4040 (i) the names of candidates for judicial offices and any other nonpartisan offices; and

4041 (ii) any ballot propositions submitted to the voters for their approval or rejection;

4042 (d) the office titles are displayed above or at the side of the names of candidates so as  
4043 to indicate clearly the candidates for each office and the number to be elected;

4044 (e) the party designation of each candidate who has been nominated by a registered  
4045 political party under Subsection **20A-9-202**(4) or Subsection **20A-9-403**(5) is displayed  
4046 adjacent to the candidate's name; and

4047 (f) if possible, all candidates for one office are grouped in one column or upon one  
4048 display screen.

4049 (2) [~~Each~~] A county election officer shall ensure that:

4050 (a) proposed amendments to the Utah Constitution are displayed in accordance with  
4051 Section **20A-6-107**;

4052 (b) ballot propositions submitted to the voters are displayed in accordance with Section  
4053 **20A-6-107**;

4054 (c) bond propositions that have qualified for the ballot are displayed under the title  
4055 assigned to each bond proposition under Section **11-14-206**; and

4056 (d) the judicial retention section of the ballot includes a statement at the beginning  
4057 directing voters to the Judicial Performance Evaluation Commission's website in accordance

4058 with Subsection 20A-12-201(4).

4059 Section 84. Section 20A-6-305 is amended to read:

4060 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**  
4061 **Publication -- Surname -- Exemptions -- Ballot order.**

4062 (1) As used in this section, "master ballot position list" means an official list of the 26  
4063 characters in the alphabet listed in random order and numbered from one to 26 as provided  
4064 under Subsection (2).

4065 (2) The lieutenant governor shall:

4066 (a) within 30 days after the candidate filing deadline in each even-numbered year,  
4067 conduct a random selection to create a master ballot position list for all elections in accordance  
4068 with procedures established under Subsection (2)(c);

4069 (b) publish the master ballot position list on the lieutenant governor's election website  
4070 no later than 15 days after creating the list; and

4071 (c) establish written procedures for:

4072 (i) the election official to use the master ballot position list; and

4073 (ii) the lieutenant governor in:

4074 (A) conducting the random selection in a fair manner; and

4075 (B) providing a record of the random selection process used.

4076 (3) In accordance with the written procedures established under Subsection (2)(c)(i),  
4077 ~~[an]~~ a county election officer shall use the master ballot position list for the current year to  
4078 determine the order in which to list candidates on the ballot for an election held during the  
4079 year.

4080 (4) To determine the order in which to list candidates on the ballot required under  
4081 Subsection (3), the county election officer shall apply the randomized alphabet using:

4082 (a) the candidate's surname;

4083 (b) for candidates with a surname that has the same spelling, the candidate's given  
4084 name; and

4085 (c) the surname of the president and the surname of the governor for an election for the  
4086 offices of president and vice president and governor and lieutenant governor.

4087 (5) Subsections (1) through (4) do not apply to:

4088 (a) an election for an office for which only one candidate is listed on the ballot; or

- 4089 (b) a judicial retention election under Section [20A-12-201](#).
- 4090 (6) Subject to Subsection (7), each ticket that appears on a ballot for an election shall
- 4091 appear separately, in the following order:
- 4092 (a) for federal office:
- 4093 (i) president and vice president of the United States;
- 4094 (ii) United States Senate office; and
- 4095 (iii) United States House of Representatives office;
- 4096 (b) for state office:
- 4097 (i) governor and lieutenant governor;
- 4098 (ii) attorney general;
- 4099 (iii) state auditor;
- 4100 (iv) state treasurer;
- 4101 (v) state Senate office;
- 4102 (vi) state House of Representatives office; and
- 4103 (vii) State Board of Education member;
- 4104 (c) for county office:
- 4105 (i) county executive office;
- 4106 (ii) county legislative body member;
- 4107 (iii) county assessor;
- 4108 (iv) county or district attorney;
- 4109 (v) county auditor;
- 4110 (vi) county clerk;
- 4111 (vii) county recorder;
- 4112 (viii) county sheriff;
- 4113 (ix) county surveyor;
- 4114 (x) county treasurer; and
- 4115 (xi) local school board member;
- 4116 (d) for municipal office:
- 4117 (i) mayor; and
- 4118 (ii) city or town council member;
- 4119 (e) elected planning and service district council member;

4120 (f) judicial retention questions; and

4121 (g) ballot propositions not described in Subsection (6)(f).

4122 (7) (a) A ticket for a race for a combined office shall appear on the ballot in the place  
4123 of the earliest ballot ticket position that is reserved for an office that is subsumed in the  
4124 combined office.

4125 (b) Each ticket, other than a ticket described in Subsection (6)(f), shall list:

4126 (i) each candidate in accordance with Subsections (1) through (4); and

4127 (ii) except as otherwise provided in this title, the party name, initials, or title following  
4128 each candidate's name.

4129 Section 85. Section **20A-6-401** is amended to read:

4130 **20A-6-401. Ballots for municipal primary elections.**

4131 (1) ~~[Each]~~ A county election officer shall ensure that:

4132 (a) the following endorsements are printed in ~~[18-point]~~ 18-point bold type:

4133 (i) "Official Primary Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";

4134 (ii) the date of the election; and

4135 (iii) ~~[a facsimile of the signature of the election officer and the election officer's title in~~  
4136 ~~eight point type]~~ the words "certified by the Clerk of [insert the name of the municipality]";

4137 (b) immediately below the municipal election officer's title, two one-point parallel  
4138 horizontal rules separate endorsements from the rest of the ballot;

4139 (c) immediately below the horizontal rules, an "Instructions to Voters" section is  
4140 printed in 10 point bold type that states: "To vote for a candidate, mark the space following the  
4141 name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by  
4142 two one-point parallel rules;

4143 (d) after the rules, the designation of the office for which the candidates seek  
4144 nomination is printed and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
4145 candidates for which the voter may vote)" are printed in 10-point bold type, followed by a  
4146 hair-line rule;

4147 (e) after the hair-line rule, the names of the candidates are printed in heavy face type  
4148 between lines or rules three-eighths inch apart, in the order specified under Section **20A-6-305**  
4149 with surnames last and grouped according to the office that they seek;

4150 (f) a square with sides not less than one-fourth inch long is printed immediately

4151 adjacent to the names of the candidates; and

4152 (g) the candidate groups are separated from each other by one light and one heavy line  
4153 or rule.

4154 (2) A municipal primary ballot may not contain any space for write-in votes.

4155 Section 86. Section **20A-6-401.1** is amended to read:

4156 **20A-6-401.1. Ballots for partisan municipal primary elections.**

4157 (1) ~~[An]~~ A county election officer shall ensure that:

4158 (a) all manual ballots furnished for use at the regular primary election:

4159 (i) separate the candidates of one political party from those of the other political  
4160 parties; and

4161 (ii) contain no captions or other endorsements except as provided in this section;

4162 (b) the names of all candidates from each party are listed on the same ballot in one or  
4163 more columns under their party name and emblem;

4164 (c) the political parties are printed on the ballot in the order specified under Section  
4165 [20A-6-305](#);

4166 (d) the following endorsements are printed in 18-point bold type:

4167 (i) "Official Primary Ballot for \_\_\_\_ (name of municipality), Utah";

4168 (ii) the date of the election; and

4169 (iii) ~~[a facsimile of the signature of the election officer and the election officer's title in~~  
4170 ~~eight point type]~~ the words "certified by the Clerk of [insert the name of the municipality]";

4171 (e) after the facsimile signature, the political party emblem and the name of the  
4172 political party are printed;

4173 (f) after the party name and emblem, the ballot contains the following printed in not  
4174 smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a  
4175 candidate, mark the space following the name of the person for whom you wish to vote and in  
4176 no other place. Do not vote for any candidate listed under more than one party or group  
4177 designation.", followed by two one-point parallel horizontal rules;

4178 (g) after the rules, the designation of the office for which the candidates seek  
4179 nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote  
4180 for up to \_\_\_\_ (the number of candidates for which the voter may vote)" are printed to extend  
4181 to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

4182 (h) after the hair-line rule, the names of the candidates are printed in heavy face type  
4183 between lines or rules three-eighths inch apart, in the order specified under Section [20A-6-305](#)  
4184 with surnames last and grouped according to the office that they seek;

4185 (i) a square with sides not less than one-fourth inch long is printed immediately  
4186 adjacent to the names of the candidates;

4187 (j) the candidate groups are separated from each other by one light and one heavy line  
4188 or rule; and

4189 (k) the nonpartisan candidates are listed as follows:

4190 (i) immediately below the listing of the party candidates, the word "NONPARTISAN"  
4191 is printed in reverse type in an ~~[18-point]~~ 18-point solid rule that extends the full width of the  
4192 type copy of the party listing above; and

4193 (ii) below "NONPARTISAN," the office, the number of candidates to vote for, the  
4194 candidate's name, the voting square, and any other necessary information is printed in the same  
4195 style and manner as for party candidates.

4196 (2) For mechanical ballots, the county election officer may require that:

4197 (a) the ballot for a regular primary election consist of several groups of pages or display  
4198 screens, so that a separate group can be used to list the names of candidates seeking nomination  
4199 of each qualified political party, with additional groups used to list candidates for other  
4200 nonpartisan offices;

4201 (b) the separate groups of pages or display screens are identified by color or other  
4202 suitable means; and

4203 (c) the ballot contains instructions that direct the voter how to vote the ballot.

4204 Section 87. Section **20A-6-402** is amended to read:

4205 **20A-6-402. Ballots for municipal general elections.**

4206 (1) Except as otherwise required for a race conducted by instant runoff voting under  
4207 ~~[Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project]~~ [Chapter 4,](#)  
4208 Part 6, Municipal Alternate Voting Methods Pilot Project, for a manual ballot at a municipal  
4209 general election, ~~[an]~~ a county election officer shall ensure that:

4210 (a) the names of the two candidates who received the highest number of votes for  
4211 mayor in the municipal primary are placed upon the ballot;

4212 (b) if no municipal primary election was held, the names of the candidates who filed



- 4213 declarations of candidacy for municipal offices are placed upon the ballot;
- 4214 (c) for other offices:
- 4215 (i) twice the number of candidates as there are positions to be filled are certified as
- 4216 eligible for election in the municipal general election from those candidates who received the
- 4217 greater number of votes in the primary election; and
- 4218 (ii) the names of those candidates are placed upon the municipal general election
- 4219 ballot;
- 4220 (d) the names of the candidates are placed on the ballot in the order specified under
- 4221 Section [20A-6-305](#);
- 4222 (e) in an election in which a voter is authorized to cast a write-in vote and where a
- 4223 write-in candidate is qualified under Section [20A-9-601](#), a write-in area is placed upon the
- 4224 ballot that contains, for each office in which there is a qualified write-in candidate:
- 4225 (i) a blank, horizontal line to enable a voter to submit a valid write-in candidate; and
- 4226 (ii) a square or other conforming area that is adjacent to or opposite the blank
- 4227 horizontal line to enable the voter to indicate the voter's vote;
- 4228 (f) ballot propositions that have qualified for the ballot, including propositions
- 4229 submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are
- 4230 listed on the ballot in accordance with Section [20A-6-107](#); and
- 4231 (g) bond propositions that have qualified for the ballot are listed on the ballot under the
- 4232 title assigned to each bond proposition under Section [11-14-206](#).
- 4233 (2) Except as otherwise required for a race conducted by instant runoff voting under
- 4234 [~~Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project~~] Chapter 4,
- 4235 Part 6, Municipal Alternate Voting Methods Pilot Project, when using a mechanical ballot at
- 4236 municipal general elections, ~~[each]~~ a county election officer shall ensure that:
- 4237 (a) the following endorsements are displayed on the first portion of the ballot:
- 4238 (i) "Official Ballot for \_\_\_\_ (City, Town, or Metro Township), Utah";
- 4239 (ii) the date of the election; and
- 4240 (iii) a facsimile of the signature of the election officer and the election officer's title;
- 4241 (b) immediately below the election officer's title, a distinct border or line separates the
- 4242 endorsements from the rest of the ballot;
- 4243 (c) immediately below the border or line, an "Instructions to Voters" section is

4244 displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as  
4245 the candidate(s) for each respective office." followed by another border or line;

4246 (d) after the border or line, the designation of the office for which the candidates seek  
4247 election is displayed, and the words, "Vote for one" or "Vote for up to \_\_\_\_ (the number of  
4248 candidates for which the voter may vote)" are displayed, followed by a line or border;

4249 (e) after the line or border, the names of the candidates are displayed in the order  
4250 specified under Section 20A-6-305 with surnames last and grouped according to the office that  
4251 they seek;

4252 (f) a voting square or position is located adjacent to the name of each candidate;

4253 (g) following the name of the last candidate for each office in which a write-in  
4254 candidate is qualified under Section 20A-9-601, the ballot contains a write-in space where the  
4255 voter may enter the name of and vote for a valid write-in candidate for the office; and

4256 (h) the candidate groups are separated from each other by a line or border.

4257 (3) When a municipality has chosen to nominate candidates by convention or  
4258 committee, the county election officer shall ensure that the party name is included with the  
4259 candidate's name on the ballot.

4260 Section 88. Section 20A-7-209 is amended to read:

4261 **20A-7-209. Short title and summary of initiative -- Duties of lieutenant governor**  
4262 **and Office of Legislative Research and General Counsel.**

4263 (1) On or before June 5 before the regular general election, the lieutenant governor  
4264 shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of  
4265 Legislative Research and General Counsel.

4266 (2) (a) The Office of Legislative Research and General Counsel shall:

4267 (i) entitle each statewide initiative that has qualified for the ballot "Proposition Number  
4268 \_\_" and give it a number as assigned under Section 20A-6-107;

4269 (ii) prepare for each initiative:

4270 (A) an impartial short title, not exceeding 25 words, that generally describes the subject  
4271 of the initiative; and

4272 (B) an impartial summary of the contents of the initiative, not exceeding 125 words;  
4273 and

4274 (iii) provide each short title, and summary to the lieutenant governor on or before June

4275 26.

4276 (b) The short title and summary may be distinct from the title of the proposed law.

4277 (c) If the initiative proposes a tax increase, the Office of Legislative Research and  
4278 General Counsel shall include the following statement, in bold, in the summary:

4279 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
4280 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
4281 increase in the current tax rate."

4282 (d) Subject to Subsection (4), for each statewide initiative, the official ballot shall  
4283 show, in the following order:

4284 (i) the number of the initiative, determined in accordance with Section [20A-6-107](#);

4285 (ii) the short title;

4286 (iii) except as provided in Subsection (2)(e):

4287 (A) the summary;

4288 (B) the text of the proposed law; and

4289 (C) a link to a location on the lieutenant governor's website where a voter may review  
4290 additional information relating to each initiative, including the information described in  
4291 Subsection [20A-7-202\(2\)](#), the initial fiscal impact statement described in Section [20A-7-202.5](#),  
4292 as updated under Section [20A-7-204.1](#), and the arguments relating to the initiative that are  
4293 included in the voter information pamphlet; and

4294 (iv) the initial fiscal impact statement prepared under Section [20A-7-202.5](#), as updated  
4295 under Section [20A-7-204.1](#).

4296 (e) Unless the information described in Subsection (2)(d)(iii) is shown on the official  
4297 ballot, the county election officer shall include with the ballot a separate ballot proposition  
4298 insert that includes the short title and summary for each initiative on the ballot and a link to a  
4299 location on the lieutenant governor's website where a voter may review the additional  
4300 information described in Subsection (2)(d)(iii)(C).

4301 (f) Unless the information described in Subsection (2)(d)(iii) for all initiatives on the  
4302 ballot, and the information described in Subsection [20A-7-308\(2\)\(c\)\(iii\)](#) for all referenda on the  
4303 ballot, is printed on the ballot, the ballot shall include the following statement at the beginning  
4304 of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included  
4305 with this ballot contains an impartial summary of each initiative and referendum on this ballot,

4306 unless the summary is printed directly on the ballot."

4307 (3) On or before June 27, the lieutenant governor shall mail a copy of the short title and  
4308 summary to any sponsor of the petition.

4309 (4) (a) (i) At least three of the sponsors of the petition may, on or before July 6,  
4310 challenge the wording of the short title and summary prepared by the Office of Legislative  
4311 Research and General Counsel to the appropriate court.

4312 (ii) After receipt of the challenge, the court shall direct the lieutenant governor to send  
4313 notice of the challenge to:

4314 (A) any person or group that has filed an argument for or against the initiative that is  
4315 the subject of the challenge; or

4316 (B) any political issues committee established under Section 20A-11-801 that has filed  
4317 written or electronic notice with the lieutenant governor that identifies the name, mailing or  
4318 email address, and telephone number of the individual designated to receive notice about any  
4319 issues relating to the initiative.

4320 (b) (i) There is a presumption that the short title prepared by the Office of Legislative  
4321 Research and General Counsel is an impartial description of the contents of the initiative.

4322 (ii) The court may not revise the wording of the short title unless the plaintiffs rebut the  
4323 presumption by clearly and convincingly establishing that the short title is false or biased.

4324 (iii) There is a presumption that the summary prepared by the Office of Legislative  
4325 Research and General Counsel is an impartial summary of the contents of the initiative.

4326 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut  
4327 the presumption by clearly and convincingly establishing that the summary is false or biased.

4328 (c) The court shall:

4329 (i) examine the short title and summary;

4330 (ii) hear arguments; and

4331 (iii) enter an order consistent with the requirements of this section.

4332 (d) The lieutenant governor shall, in accordance with the court's order, certify the short  
4333 title and summary to the county clerks for inclusion in the ballot or ballot proposition insert, as  
4334 required by this section.

4335 Section 89. Section 20A-7-308 is amended to read:

4336 **20A-7-308. Short title and summary of referendum -- Duties of lieutenant**

4337 **governor and Office of Legislative Research and General Counsel.**

4338 (1) Whenever a referendum petition is declared sufficient for submission to a vote of  
4339 the people, the lieutenant governor shall deliver a copy of the referendum petition and the law  
4340 to which the referendum relates to the Office of Legislative Research and General Counsel.

4341 (2) (a) The Office of Legislative Research and General Counsel shall:

4342 (i) entitle each statewide referendum that qualifies for the ballot "Proposition Number  
4343 \_\_\_" and assign a number to the referendum in accordance with Section [20A-6-107](#);

4344 (ii) prepare for each referendum:

4345 (A) an impartial short title, not exceeding 25 words, that generally describes the law to  
4346 which the referendum relates; and

4347 (B) an impartial summary of the contents of the law to which the referendum relates,  
4348 not exceeding 125 words; and

4349 (iii) submit the short title and summary to the lieutenant governor within 15 days after  
4350 the day on which the Office of Legislative Research and General Counsel receives the petition  
4351 under Subsection (1).

4352 (b) The short title and summary may be distinct from the title of the law that is the  
4353 subject of the referendum.

4354 (c) Subject to Subsection (4), for each statewide referendum, the official ballot shall  
4355 show, in the following order:

4356 (i) the number of the referendum, determined in accordance with Section [20A-6-107](#);

4357 (ii) the short title; and

4358 (iii) except as provided in Subsection (2)(d):

4359 (A) the summary;

4360 (B) a copy of the law; and

4361 (C) a link to a location on the lieutenant governor's website where a voter may review  
4362 additional information relating to each referendum, including the information described in  
4363 Subsection [20A-7-302](#)(2) and the arguments relating to the referendum that are included in the  
4364 voter information pamphlet.

4365 (d) Unless the information described in Subsection (2)(c)(iii) is shown on the official  
4366 ballot, the county election officer shall include with the ballot a separate ballot proposition  
4367 insert that includes the short title and summary for each referendum on the ballot and a link to a

4368 location on the lieutenant governor's website where a voter may review the additional  
4369 information described in Subsection (2)(c)(iii)(C).

4370 (e) Unless the information described in Subsection 20A-7-209(2)(d)(iii) for all  
4371 initiatives on the ballot, and the information described in Subsection (2)(c)(iii) for all referenda  
4372 on the ballot, is printed on the ballot, the ballot shall include the following statement at the  
4373 beginning of the portion of the ballot that includes ballot measures, "The ballot proposition  
4374 sheet included with this ballot contains an impartial summary of each initiative and referendum  
4375 on this ballot, unless the summary is printed directly on the ballot."

4376 (3) Immediately after the Office of Legislative Research and General Counsel submits  
4377 the short title and summary to the lieutenant governor, the lieutenant governor shall mail or  
4378 email a copy of the short title and summary to any of the sponsors of the referendum petition.

4379 (4) (a) (i) At least three of the sponsors of the referendum petition may, within 15 days  
4380 after the day on which the lieutenant governor mails the short title and summary, challenge the  
4381 wording of the short title and summary prepared by the Office of Legislative Research and  
4382 General Counsel to the appropriate court.

4383 (ii) After receipt of the appeal, the court shall direct the lieutenant governor to send  
4384 notice of the appeal to:

4385 (A) any person or group that has filed an argument for or against the law to which the  
4386 referendum relates; and

4387 (B) any political issues committee established under Section 20A-11-801 that has filed  
4388 written or electronic notice with the lieutenant governor that identifies the name, mailing or  
4389 email address, and telephone number of the person designated to receive notice about any  
4390 issues relating to the referendum.

4391 (b) (i) There is a presumption that the short title prepared by the Office of Legislative  
4392 Research and General Counsel is an impartial description of the contents of the referendum.

4393 (ii) The court may not revise the wording of the short title unless the plaintiffs rebut the  
4394 presumption by clearly and convincingly establishing that the short title is false or biased.

4395 (iii) There is a presumption that the summary prepared by the Office of Legislative  
4396 Research and General Counsel is an impartial summary of the contents of the law to which the  
4397 referendum relates.

4398 (iv) The court may not revise the wording of the summary unless the plaintiffs rebut

4399 the presumption by clearly and convincingly establishing that the summary is false or biased.

4400 (c) The court shall:

4401 (i) examine the short title and summary;

4402 (ii) hear arguments; and

4403 (iii) enter an order consistent with the requirements of this section.

4404 (d) The lieutenant governor shall, in accordance with the court's order, certify the short  
4405 title and summary to the county clerks for inclusion in the ballot or ballot proposition insert, as  
4406 required by this section.

4407 Section 90. Section **20A-7-401.5** is amended to read:

4408 **20A-7-401.5. Proposition information pamphlet.**

4409 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to  
4410 circulate an initiative petition under Section [20A-7-502](#) or an application to circulate a  
4411 referendum petition under Section [20A-7-602](#):

4412 (A) the sponsors of the proposed initiative or referendum may submit a written  
4413 argument in favor of the proposed initiative or referendum to the [~~election officer~~] clerk of the  
4414 county or municipality to which the petition relates; and

4415 (B) the county or municipality to which the application relates may submit a written  
4416 argument in favor of, or against, the proposed initiative or referendum to the county's or  
4417 municipality's [~~election officer~~] clerk.

4418 (ii) If a county or municipality submits more than one written argument under  
4419 Subsection (1)(a)(i)(B), the [~~election officer~~] clerk shall select one of the written arguments,  
4420 giving preference to a written argument submitted by a member of a local legislative body if a  
4421 majority of the local legislative body supports the written argument.

4422 (b) Within one business day after the day on which an [~~election officer~~] clerk receives  
4423 an argument under Subsection (1)(a)(i)(A), the [~~election officer~~] clerk shall provide a copy of  
4424 the argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as  
4425 applicable.

4426 (c) Within one business day after the date on which [~~an election officer~~] a clerk  
4427 receives an argument under Subsection (1)(a)(i)(B), the [~~election officer~~] clerk shall provide a  
4428 copy of the argument to the first three sponsors of the proposed initiative or referendum  
4429 described in Subsection (1)(a)(i)(A).

4430 (d) The sponsors of the proposed initiative or referendum may submit a revised version  
4431 of the written argument described in Subsection (1)(a)(i)(A) to the [~~election officer~~] clerk of  
4432 the county or municipality to which the petition relates within 20 days after the day on which  
4433 the eligible voter files an application to circulate an initiative petition under Section 20A-7-502  
4434 or an application to circulate a referendum petition under Section 20A-7-602.

4435 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by  
4436 a county or municipality may submit a revised version of the written argument to the county's  
4437 or municipality's [~~election officer~~] clerk within 20 days after the day on which the eligible voter  
4438 files an application to circulate an initiative petition under Section 20A-7-502 or an application  
4439 to circulate a referendum petition under Section 20A-7-602.

4440 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

4441 (b) Except as provided in Subsection (2)(c), a person may not modify a written  
4442 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the  
4443 [~~election officer~~] clerk.

4444 (c) The [~~election officer~~] clerk and the person that submits the written argument  
4445 described in Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

4446 (i) correct factual, grammatical, or spelling errors; or

4447 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

4448 (d) [~~An election officer~~] A clerk shall refuse to include a written argument in the  
4449 proposition information pamphlet described in this section if the person who submits the  
4450 argument:

4451 (i) fails to negotiate, in good faith, to modify the argument in accordance with  
4452 Subsection (2)(c); or

4453 (ii) does not timely submit the written argument to the [~~election officer~~] clerk.

4454 (e) [~~An election officer~~] A clerk shall make a good faith effort to negotiate a  
4455 modification described in Subsection (2)(c) in an expedited manner.

4456 (3) [~~An election officer~~] A clerk who receives a written argument described in  
4457 Subsection (1) shall prepare a proposition information pamphlet for publication that includes:

4458 (a) a copy of the application for the proposed initiative or referendum;

4459 (b) except as provided in Subsection (2)(d), immediately after the copy described in  
4460 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or



4461 referendum, if any;

4462 (c) except as provided in Subsection (2)(d), immediately after the argument described  
4463 in Subsection (3)(b), the argument prepared by the county or municipality, if any; and

4464 (d) a copy of the initial fiscal impact statement and legal impact statement described in  
4465 Section [20A-7-502.5](#) or [20A-7-602.5](#).

4466 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,  
4467 Chapter 2, Government Records Access and Management Act, until the earlier of when the  
4468 [~~election officer~~] clerk:

4469 (i) complies with Subsection (4)(b); or

4470 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).

4471 (b) Within 21 days after the day on which the eligible voter files an application to  
4472 circulate an initiative petition under Section [20A-7-502](#), or an application to circulate a  
4473 referendum petition under Section [20A-7-602](#), the [~~election officer~~] clerk shall provide a copy  
4474 of the proposition information pamphlet to the sponsors of the initiative or referendum and  
4475 each individual who submitted an argument included in the proposition information pamphlet.

4476 (5) [~~An election officer~~] A clerk for a municipality shall publish the proposition  
4477 information pamphlet as follows:

4478 (a) within the later of 10 days after the day on which the municipality or a court  
4479 determines that the proposed initiative or referendum is legally referable to voters, or, if the  
4480 [~~election officer~~] clerk modifies an argument under Subsection (2)(c), three days after the day  
4481 on which the [~~election officer~~] clerk and the person that submitted the argument agree on the  
4482 modification:

4483 (i) by sending the proposition information pamphlet electronically to each individual in  
4484 the municipality for whom the municipality has an email address, unless the individual has  
4485 indicated that the municipality is prohibited from using the individual's email address for that  
4486 purpose; and

4487 (ii) by posting the proposition information pamphlet on the Utah Public Notice  
4488 Website, created in Section [63A-16-601](#), and the home page of the municipality's website, if  
4489 the municipality has a website, until:

4490 (A) if the sponsors of the proposed initiative or referendum or an agent of the sponsors  
4491 do not timely deliver any verified initiative packets or any verified referendum packets under

4492 Section 20A-7-105, the day after the date of the deadline for delivery of the verified initiative  
4493 packets or verified referendum packets;

4494 (B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the  
4495 number of signatures necessary to qualify the proposed initiative or referendum for placement  
4496 on the ballot is insufficient and the determination is not timely appealed or is upheld after  
4497 appeal; or

4498 (C) the day after the date of the election at which the proposed initiative or referendum  
4499 appears on the ballot; and

4500 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the  
4501 municipality's residents, including an Internet address, where a resident may view the  
4502 proposition information pamphlet, in the next mailing, for which the municipality has not  
4503 begun preparation, that falls on or after the later of:

4504 (i) 10 days after the day on which the municipality or a court determines that the  
4505 proposed initiative or referendum is legally referable to voters; or

4506 (ii) if the ~~[election officer]~~ clerk modifies an argument under Subsection (2)(c), three  
4507 days after the day on which the ~~[election officer]~~ clerk and the person that submitted the  
4508 argument agree on the modification.

4509 (6) ~~[An election officer for a]~~ A county clerk shall, within the later of 10 days after the  
4510 day on which the county or a court determines that the proposed initiative or referendum is  
4511 legally referable to voters, or, if the ~~[election officer]~~ clerk modifies an argument under  
4512 Subsection (2)(c), three days after the day on which the ~~[election officer]~~ clerk and the person  
4513 that submitted the argument agree on the modification, publish the proposition information  
4514 pamphlet as follows:

4515 (a) by sending the proposition information pamphlet electronically to each individual  
4516 in the county for whom the county has an email address obtained via voter registration; and

4517 (b) by posting the proposition information pamphlet on the Utah Public Notice  
4518 Website, created in Section 63A-16-601, and the home page of the county's website, until:

4519 (i) if the sponsors of the proposed initiative or referendum or an agent of the sponsors  
4520 do not timely deliver any verified initiative packets or any verified referendum packets under  
4521 Section 20A-7-105, the day after the date of the deadline for delivery of the verified initiative  
4522 packets or verified referendum packets;

4523 (ii) the [local] clerk determines, under Section 20A-7-507 or 20A-7-607, that the  
4524 number of signatures necessary to qualify the proposed initiative or referendum for placement  
4525 on the ballot is insufficient and the determination is not timely appealed or is upheld after  
4526 appeal; or

4527 (iii) the day after the date of the election at which the proposed initiative or referendum  
4528 appears on the ballot.

4529 Section 91. Section 20A-7-402 is amended to read:

4530 **20A-7-402. Local voter information pamphlet -- Notice -- Contents -- Limitations**  
4531 **-- Preparation -- Statement on front cover.**

4532 (1) The county or municipality that is subject to a ballot proposition shall prepare a  
4533 local voter information pamphlet that complies with the requirements of this part.

4534 (2) (a) Within the time requirements described in Subsection (2)(c)(i), a municipality  
4535 that is subject to a special local ballot proposition shall provide a notice that complies with the  
4536 requirements of Subsection (2)(c)(ii) to the municipality's residents by publishing the notice for  
4537 the municipality, as a class A notice under Section 63G-30-102, for the time period set under  
4538 Subsection (2)(c)(i).

4539 (b) A county that is subject to a special local ballot proposition shall publish a notice  
4540 that complies with the requirements of Subsection (2)(c)(ii) for the county, as a class A notice  
4541 under Section 63G-30-102.

4542 (c) A municipality or county that publishes a notice under Subsection (2)(a) or (b)  
4543 shall:

4544 (i) publish the notice:

4545 (A) not less than 90 days before the date of the election at which a special local ballot  
4546 proposition will be voted upon; or

4547 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable  
4548 after the special local ballot proposition is approved to be voted upon in an election; and

4549 (ii) ensure that the notice contains:

4550 (A) the ballot title for the special local ballot proposition;

4551 (B) instructions on how to file a request under Subsection (2)(d); and

4552 (C) the deadline described in Subsection (2)(d).

4553 (d) To prepare a written argument for or against a special local ballot proposition, an

4554 eligible voter shall file a request with the [~~election officer~~] clerk before 5 p.m. no later than 64  
4555 days before the day of the election at which the special local ballot proposition is to be voted  
4556 on.

4557 (e) If more than one eligible voter requests the opportunity to prepare a written  
4558 argument for or against a special local ballot proposition, the [~~election officer~~] clerk shall make  
4559 the final designation in accordance with the following order of priority:

4560 (i) sponsors have priority in preparing an argument regarding a special local ballot  
4561 proposition; and

4562 (ii) members of the local legislative body have priority over others if a majority of the  
4563 local legislative body supports the written argument.

4564 (f) The [~~election officer~~] clerk shall grant a request described in Subsection (2)(d) or  
4565 (e) no later than 60 days before the day of the election at which the ballot proposition is to be  
4566 voted on.

4567 (g) (i) A sponsor of a special local ballot proposition may prepare a written argument in  
4568 favor of the special local ballot proposition.

4569 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot  
4570 proposition who submits a request under Subsection (2)(d) may prepare a written argument  
4571 against the special local ballot proposition.

4572 (h) An eligible voter who submits a written argument under this section in relation to a  
4573 special local ballot proposition shall:

4574 (i) ensure that the written argument does not exceed 500 words in length, not counting  
4575 the information described in Subsection (2)(h)(ii) or (iv);

4576 (ii) list, at the end of the argument, at least one, but no more than five, names as  
4577 sponsors;

4578 (iii) submit the written argument to the election officer before 5 p.m. no later than 55  
4579 days before the election day on which the ballot proposition will be submitted to the voters;

4580 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's  
4581 residential address; and

4582 (v) submit with the written argument the eligible voter's name, residential address,  
4583 postal address, email address if available, and phone number.

4584 (i) [~~An election officer~~] A clerk shall refuse to accept and publish an argument

4585 submitted after the deadline described in Subsection (2)(h)(iii).

4586 (3) (a) [~~An election officer~~] A clerk who timely receives the written arguments in favor  
4587 of and against a special local ballot proposition shall, within one business day after the day on  
4588 which the election office receives both written arguments, send, via mail or email:

4589 (i) a copy of the written argument in favor of the special local ballot proposition to the  
4590 eligible voter who submitted the written argument against the special local ballot proposition;  
4591 and

4592 (ii) a copy of the written argument against the special local ballot proposition to the  
4593 eligible voter who submitted the written argument in favor of the special local ballot  
4594 proposition.

4595 (b) The eligible voter who submitted a timely written argument in favor of the special  
4596 local ballot proposition:

4597 (i) may submit to the [~~election officer~~] clerk a written rebuttal argument of the written  
4598 argument against the special local ballot proposition;

4599 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
4600 not counting the information described in Subsection (2)(h)(ii) or (iv); and

4601 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days  
4602 before the election day on which the special local ballot proposition will be submitted to the  
4603 voters.

4604 (c) The eligible voter who submitted a timely written argument against the special local  
4605 ballot proposition:

4606 (i) may submit to the [~~election officer~~] clerk a written rebuttal argument of the written  
4607 argument in favor of the special local ballot proposition;

4608 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
4609 not counting the information described in Subsection (2)(h)(ii) or (iv); and

4610 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days  
4611 before the election day on which the special local ballot proposition will be submitted to the  
4612 voters.

4613 (d) [~~An election officer~~] A clerk shall refuse to accept and publish a written rebuttal  
4614 argument in relation to a special local ballot proposition that is submitted after the deadline  
4615 described in Subsection (3)(b)(iii) or (3)(c)(iii).

4616 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot  
4617 proposition:

4618 (i) an eligible voter may not modify a written argument or a written rebuttal argument  
4619 after the eligible voter submits the written argument or written rebuttal argument to the  
4620 [~~election officer~~] clerk; and

4621 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not  
4622 modify a written argument or a written rebuttal argument.

4623 (b) The [~~election officer~~] clerk, and the eligible voter who submits a written argument  
4624 or written rebuttal argument in relation to a special local ballot proposition, may jointly agree  
4625 to modify a written argument or written rebuttal argument in order to:

4626 (i) correct factual, grammatical, or spelling errors; and

4627 (ii) reduce the number of words to come into compliance with the requirements of this  
4628 section.

4629 (c) [~~An election officer~~] A clerk shall refuse to accept and publish a written argument  
4630 or written rebuttal argument in relation to a special local ballot proposition if the eligible voter  
4631 who submits the written argument or written rebuttal argument fails to negotiate, in good faith,  
4632 to modify the written argument or written rebuttal argument in accordance with Subsection  
4633 (4)(b).

4634 (5) In relation to a special local ballot proposition, [~~an election officer~~] a clerk may  
4635 designate another eligible voter to take the place of an eligible voter described in this section if  
4636 the original eligible voter is, due to injury, illness, death, or another circumstance, unable to  
4637 continue to fulfill the duties of an eligible voter described in this section.

4638 (6) Sponsors whose written argument in favor of a standard local ballot proposition is  
4639 included in a proposition information pamphlet under Section [20A-7-401.5](#):

4640 (a) may, if a written argument against the standard local ballot proposition is included  
4641 in the proposition information pamphlet, submit a written rebuttal argument to the [~~election  
4642 officer~~] clerk;

4643 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
4644 and

4645 (c) shall submit the written rebuttal argument no later than 45 days before the election  
4646 day on which the standard local ballot proposition will be submitted to the voters.

4647 (7) (a) A county or municipality that submitted a written argument against a standard  
4648 local ballot proposition that is included in a proposition information pamphlet under Section  
4649 [20A-7-401.5](#):

4650 (i) may, if a written argument in favor of the standard local ballot proposition is  
4651 included in the proposition information pamphlet, submit a written rebuttal argument to the  
4652 ~~[election officer]~~ clerk;

4653 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
4654 and

4655 (iii) shall submit the written rebuttal argument no later than 45 days before the election  
4656 day on which the ballot proposition will be submitted to the voters.

4657 (b) If a county or municipality submits more than one written rebuttal argument under  
4658 Subsection (7)(a)(i), the ~~[election officer]~~ clerk shall select one of the written rebuttal  
4659 arguments, giving preference to a written rebuttal argument submitted by a member of a local  
4660 legislative body.

4661 (8) (a) ~~[An election officer]~~ A clerk shall refuse to accept and publish a written rebuttal  
4662 argument that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

4663 (b) Before ~~[an election officer]~~ a clerk publishes a local voter information pamphlet  
4664 under this section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2,  
4665 Government Records Access and Management Act.

4666 (c) ~~[An election officer]~~ A clerk who receives a written rebuttal argument described in  
4667 this section may not, before publishing the local voter information pamphlet described in this  
4668 section, disclose the written rebuttal argument, or any information contained in the written  
4669 rebuttal argument, to any person who may in any way be involved in preparing an opposing  
4670 rebuttal argument.

4671 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written  
4672 rebuttal argument after the written rebuttal argument is submitted to the ~~[election officer]~~ clerk.

4673 (b) The ~~[election officer]~~ clerk, and the person who submits a written rebuttal  
4674 argument, may jointly agree to modify a written rebuttal argument in order to:

4675 (i) correct factual, grammatical, or spelling errors; or

4676 (ii) reduce the number of words to come into compliance with the requirements of this  
4677 section.

4678 (c) [~~An election officer~~] A clerk shall refuse to accept and publish a written rebuttal  
4679 argument if the person who submits the written rebuttal argument:

4680 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in  
4681 accordance with Subsection (9)(b); or

4682 (ii) does not timely submit the written rebuttal argument to the [~~election officer~~] clerk.

4683 (d) [~~An election officer~~] A clerk shall make a good faith effort to negotiate a  
4684 modification described in Subsection (9)(b) in an expedited manner.

4685 (10) [~~An election officer~~] A clerk may designate another person to take the place of a  
4686 person who submits a written rebuttal argument in relation to a standard local ballot  
4687 proposition if the person is, due to injury, illness, death, or another circumstance, unable to  
4688 continue to fulfill the person's duties.

4689 (11) (a) The local voter information pamphlet shall include a copy of the initial fiscal  
4690 impact estimate and the legal impact statement prepared for each initiative under Section  
4691 [20A-7-502.5](#).

4692 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall  
4693 include the following statement in bold type:

4694 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
4695 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
4696 increase in the current tax rate."

4697 (12) (a) In preparing the local voter information pamphlet, the [~~election officer~~] clerk  
4698 shall:

4699 (i) ensure that the written arguments are printed on the same sheet of paper upon which  
4700 the ballot proposition is also printed;

4701 (ii) ensure that the following statement is printed on the front cover or the heading of  
4702 the first page of the printed written arguments:

4703 "The arguments for or against a ballot proposition are the opinions of the authors.";

4704 (iii) pay for the printing and binding of the local voter information pamphlet; and

4705 (iv) not less than 15 days before, but not more than 45 days before, the election at  
4706 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered  
4707 voter entitled to vote on the ballot proposition:

4708 (A) a voter information pamphlet; or



4709 (B) the notice described in Subsection (12)(c).

4710 (b) (i) If the language of the ballot proposition exceeds 500 words in length, the  
4711 election officer may summarize the ballot proposition in 500 words or less.

4712 (ii) The summary shall state where a complete copy of the ballot proposition is  
4713 available for public review.

4714 (c) (i) The [~~election officer~~] clerk may distribute a notice printed on a postage prepaid,  
4715 preaddressed return form that a person may use to request delivery of a voter information  
4716 pamphlet by mail.

4717 (ii) The notice described in Subsection (12)(c)(i) shall include:

4718 (A) the address of the Statewide Electronic Voter Information Website authorized by  
4719 Section [20A-7-801](#); and

4720 (B) the phone number a voter may call to request delivery of a voter information  
4721 pamphlet by mail or carrier.

4722 Section 92. Section [20A-7-508](#) is amended to read:

4723 **[20A-7-508. Short title and summary of initiative -- Duties of local clerk and local](#)**  
4724 **[attorney.](#)**

4725 (1) Upon receipt of an initiative petition, the local clerk shall deliver a copy of the  
4726 initiative petition and the proposed law to the local attorney.

4727 (2) The local attorney shall:

4728 (a) entitle each county or municipal initiative that has qualified for the ballot

4729 "Proposition Number \_\_\_" and give it a number as assigned under Section [20A-6-107](#);

4730 (b) prepare for each initiative:

4731 (i) an impartial short title, not exceeding 25 words, that generally describes the subject  
4732 of the initiative; and

4733 (ii) an impartial summary of the contents of the initiative, not exceeding 125 words;

4734 (c) file the proposed short title, summary, and the numbered initiative titles with the  
4735 local clerk within 20 days after the day on which an eligible voter submits the initiative petition  
4736 to the local clerk; and

4737 (d) promptly provide notice of the filing of the proposed short title and summary to:

4738 (i) the sponsors of the initiative; and

4739 (ii) the local legislative body for the jurisdiction where the initiative petition was

4740 circulated.

4741 (3) (a) The short title and summary may be distinct from the title of the proposed law.

4742 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's  
4743 ability, give a true and impartial description of the subject of the initiative.

4744 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's  
4745 ability, give a true and impartial summary of the contents of the initiative.

4746 (d) The short title and summary may not intentionally be an argument, or likely to  
4747 create prejudice, for or against the initiative.

4748 (e) If the initiative proposes a tax increase, the local attorney shall include the  
4749 following statement, in bold, in the summary:

4750 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
4751 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
4752 increase in the current tax rate."

4753 (4) (a) Within five calendar days after the date the local attorney files a proposed short  
4754 title and summary under Subsection (2)(c), the local legislative body for the jurisdiction where  
4755 the initiative petition was circulated and the sponsors of the initiative may file written  
4756 comments in response to the proposed short title and summary with the local clerk.

4757 (b) Within five calendar days after the last date to submit written comments under  
4758 Subsection (4)(a), the local attorney shall:

4759 (i) review any written comments filed in accordance with Subsection (4)(a);

4760 (ii) prepare a final short title and summary that meets the requirements of Subsection  
4761 (3); and

4762 (iii) return the initiative petition and file the short title and summary with the local  
4763 clerk.

4764 (c) Subject to Subsection (6), for each county or municipal initiative, the following  
4765 shall be printed on the official ballot:

4766 (i) the short title; and

4767 (ii) except as provided in Subsection (4)(d):

4768 (A) the summary;

4769 (B) a copy of the proposed law; and

4770 (C) a link to a location on the election officer's website where a voter may review

4771 additional information relating to each initiative, including the information described in  
4772 Subsection 20A-7-502(2), the initial fiscal impact and legal statement described in Section  
4773 20A-7-502.5, as updated, and the arguments relating to the initiative that are included in the  
4774 local voter information pamphlet.

4775 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official  
4776 ballot, the county election officer shall include with the ballot a separate ballot proposition  
4777 insert that includes the short title and summary for each initiative on the ballot and a link to a  
4778 location on the election officer's website where a voter may review the additional information  
4779 described in Subsection (4)(c)(ii)(C).

4780 (e) Unless the information described in Subsection (4)(c)(ii) for all initiatives on the  
4781 ballot, and the information described in Subsection 20A-7-608(4)(c)(ii) for all referenda on the  
4782 ballot, is printed on the ballot, the ballot shall include the following statement at the beginning  
4783 of the portion of the ballot that includes ballot measures, "The ballot proposition sheet included  
4784 with this ballot contains an impartial summary of each initiative and referendum on this ballot,  
4785 unless the summary is printed directly on the ballot."

4786 (5) Immediately after the local attorney files a copy of the short title and summary with  
4787 the local clerk, the local clerk shall serve a copy of the short title and summary by mail upon  
4788 the sponsors of the initiative and the local legislative body for the jurisdiction where the  
4789 initiative petition was circulated.

4790 (6) (a) If the short title or summary furnished by the local attorney is unsatisfactory or  
4791 does not comply with the requirements of this section, the decision of the local attorney may be  
4792 appealed to the appropriate court by:

4793 (i) at least three sponsors of the initiative; or

4794 (ii) a majority of the local legislative body for the jurisdiction where the initiative  
4795 petition was circulated.

4796 (b) The court:

4797 (i) shall examine the short title and summary and consider arguments; and

4798 (ii) enter an order consistent with the requirements of this section.

4799 (c) The local clerk shall include the short title and summary in the ballot or ballot  
4800 proposition insert, as required by this section.

4801 Section 93. Section 20A-7-509 is amended to read:

4802           **20A-7-509. Form of ballot -- Manner of voting.**

4803           (1) The [~~local clerk~~] county election officer shall ensure that the number and ballot title  
4804 are presented upon the official ballot with, immediately adjacent to them, the words "For" and  
4805 "Against," each word presented with an adjacent square in which the voter may indicate the  
4806 voter's vote.

4807           (2) Voters desiring to vote in favor of enacting the law proposed by the initiative  
4808 petition shall mark the square adjacent to the word "For," and voters desiring to vote against  
4809 enacting the law proposed by the initiative petition shall mark the square adjacent to the word  
4810 "Against."

4811           Section 94. Section **20A-7-607** is amended to read:

4812           **20A-7-607. Evaluation by the local clerk -- Determination of election for vote on**  
4813 **referendum.**

4814           (1) In relation to the manual referendum process, when the local clerk receives a  
4815 referendum packet from a county clerk, the local clerk shall record the number of the  
4816 referendum packet received.

4817           (2) The county clerk shall:

4818           (a) in relation to the manual referendum process:

4819           (i) post the names, voter identification numbers, and dates of signatures described in  
4820 Subsection **20A-7-105(6)(a)(iii)** on the lieutenant governor's website, in a conspicuous location  
4821 designated by the lieutenant governor, for at least 45 days; and

4822           (ii) update on the local clerk's website the number of signatures certified as of the date  
4823 of the update; or

4824           (b) in relation to the electronic referendum process:

4825           (i) post the names, voter identification numbers, and dates of signatures described in  
4826 Subsection **20A-7-616(3)** on the lieutenant governor's website, in a conspicuous location  
4827 designated by the lieutenant governor, for at least 45 days; and

4828           (ii) update on the lieutenant governor's website the number of signatures certified as of  
4829 the date of the update.

4830           (3) The local clerk:

4831           (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be  
4832 sufficient or insufficient:

4833 (i) in relation to the manual referendum process, no later than 111 days after the day of  
4834 the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a referendum packet to  
4835 the county clerk; or

4836 (ii) in relation to the electronic referendum process, no later than 111 days after the day  
4837 of the deadline, described in Subsection 20A-7-616(2), to collect a signature; or

4838 (b) may declare the referendum petition to be insufficient before the day described in  
4839 Subsection (3)(a) if:

4840 (i) in relation to the manual referendum process, the total of all valid signatures on  
4841 timely and lawfully submitted referendum packets that have been certified by the county clerk,  
4842 plus the number of signatures on timely and lawfully submitted referendum packets that have  
4843 not yet been evaluated for certification, is less than the number of names required under  
4844 Section 20A-7-601;

4845 (ii) in relation to the electronic referendum process, the total of all timely and lawfully  
4846 submitted valid signatures that have been certified by the county clerks, plus the number of  
4847 timely and lawfully submitted valid signatures received under Subsection 20A-21-201(6)(b)  
4848 that have not yet been evaluated for certification, is less than the number of names required  
4849 under Section 20A-7-601; or

4850 (iii) a requirement of this part has not been met.

4851 (4) (a) If the total number of names certified under Subsection (3) equals or exceeds  
4852 the number of names required under Section 20A-7-601, and the requirements of this part are  
4853 met, the local clerk shall mark upon the front of the referendum petition the word "sufficient."

4854 (b) If the total number of names certified under Subsection (3) does not equal or  
4855 exceed the number of names required under Section 20A-7-601 or a requirement of this part is  
4856 not met, the local clerk shall mark upon the front of the referendum petition the word  
4857 "insufficient."

4858 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's  
4859 finding.

4860 (d) After a referendum petition is declared insufficient, a person may not submit  
4861 additional signatures to qualify the referendum for the ballot.

4862 (5) (a) If the local clerk refuses to declare a referendum petition sufficient, any voter  
4863 may, no later than 10 days after the day on which the local clerk declares the referendum

4864 petition insufficient, apply to the appropriate court for an order finding the referendum petition  
4865 legally sufficient.

4866 (b) If the court determines that the referendum petition is legally sufficient, the local  
4867 clerk shall mark the referendum petition "sufficient" and consider the declaration of sufficiency  
4868 effective as of the date on which the referendum petition should have been declared sufficient  
4869 by the local clerk's office.

4870 (c) If the court determines that a referendum petition filed is not legally sufficient, the  
4871 court may enjoin the local clerk and all other officers from:

4872 (i) certifying or printing the ballot title and numbers of that referendum on the official  
4873 ballot for the next election; or

4874 (ii) as it relates to a local tax law that is conducted entirely by mail, certifying, printing,  
4875 or mailing the ballot title and numbers of that referendum under Section [20A-7-609.5](#).

4876 (6) A referendum petition determined to be sufficient in accordance with this section is  
4877 qualified for the ballot.

4878 (7) (a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to  
4879 legislative action taken after April 15, the county election officer may not place the referendum  
4880 on an election ballot until a primary election, a general election, or a special election the  
4881 following year.

4882 (b) The county election officer may place a referendum described in Subsection (7)(a)  
4883 on the ballot for a special, primary, or general election held during the year that the legislative  
4884 action was taken if the following agree, in writing, on a timeline to place the referendum on  
4885 that ballot:

4886 (i) the local clerk;

4887 (ii) the county clerk; and

4888 (iii) the attorney for the county or municipality that took the legislative action.

4889 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court  
4890 determines that the total number of certified names equals or exceeds the number of signatures  
4891 required in Section [20A-7-601](#), the county election officer shall place the referendum on the  
4892 election ballot for:

4893 (i) the next general election; or

4894 (ii) another election, if the following agree, in writing, on a timeline to place the

4895 referendum on that ballot:

4896 (A) the affected owners, as defined in Section 10-9a-103 or 17-27a-103, as applicable;

4897 (B) the local clerk;

4898 (C) the county clerk; and

4899 (D) the attorney for the county or municipality that took the legislative action.

4900 Section 95. Section 20A-7-608 is amended to read:

4901 **20A-7-608. Short title and summary of referendum -- Duties of local clerk and**  
4902 **local attorney.**

4903 (1) Upon receipt of a referendum petition, the local clerk shall deliver a copy of the  
4904 referendum petition and the law to which the referendum relates to the local attorney.

4905 (2) The local attorney shall:

4906 (a) entitle each county or municipal referendum that qualifies for the ballot

4907 "Proposition Number \_\_\_" and give the referendum a number assigned in accordance with  
4908 Section 20A-6-107;

4909 (b) prepare for the referendum:

4910 (i) an impartial short title, not exceeding 25 words, that generally describes the subject  
4911 of the law to which the referendum relates; and

4912 (ii) an impartial summary of the contents of the law to which the referendum relates,  
4913 not exceeding 125 words;

4914 (c) file the proposed short title, summary, and the numbered referendum title with the  
4915 local clerk within 20 days after the day on which an eligible voter submits the referendum  
4916 petition to the local clerk; and

4917 (d) promptly provide notice of the filing of the proposed short title and summary to:

4918 (i) the sponsors of the petition; and

4919 (ii) the local legislative body for the jurisdiction where the referendum petition was  
4920 circulated.

4921 (3) (a) The short title and summary may be distinct from the title of the law that is the  
4922 subject of the referendum petition.

4923 (b) In preparing a short title, the local attorney shall, to the best of the local attorney's  
4924 ability, give a true and impartial description of the subject of the referendum.

4925 (c) In preparing a summary, the local attorney shall, to the best of the local attorney's

4926 ability, give a true and impartial summary of the contents of the referendum.

4927 (d) The short title and summary may not intentionally be an argument, or likely to  
4928 create prejudice, for or against the referendum.

4929 (4) (a) Within five calendar days after the day on which the local attorney files a  
4930 proposed short title and summary under Subsection (2)(c), the local legislative body for the  
4931 jurisdiction where the referendum petition was circulated and the sponsors of the referendum  
4932 petition may file written comments in response to the proposed short title and summary with  
4933 the local clerk.

4934 (b) Within five calendar days after the last date to submit written comments under  
4935 Subsection (4)(a), the local attorney shall:

4936 (i) review any written comments filed in accordance with Subsection (4)(a);

4937 (ii) prepare a final short title and summary that meets the requirements of Subsection  
4938 (3); and

4939 (iii) return the referendum petition and file the short title and summary with the local  
4940 clerk.

4941 (c) Subject to Subsection (6), for each county or municipal referendum, the ~~[following~~  
4942 ~~shall be]~~ county election officer shall ensure that the following are printed on the official ballot:

4943 (i) the short title; and

4944 (ii) except as provided in Subsection (4)(d):

4945 (A) the summary;

4946 (B) a copy of the ordinance, resolution, or written description of the local law; and

4947 (C) a link to a location on the ~~[election officer's]~~ local clerk's website where a voter  
4948 may review additional information relating to each referendum, including the information  
4949 described in Subsection [20A-7-602\(2\)](#) and the arguments relating to the referendum that are  
4950 included in the local voter information pamphlet.

4951 (d) Unless the information described in Subsection (4)(c)(ii) is printed on the official  
4952 ballot, the election officer shall include with the ballot a separate ballot proposition insert that  
4953 includes the short title and summary for each referendum on the ballot and a link to a location  
4954 on the ~~[election officer's]~~ local clerk's website where a voter may review the additional  
4955 information described in Subsection (4)(c)(ii)(C).

4956 (e) Unless the information described in Subsection [20A-7-508\(4\)\(c\)\(ii\)](#) for all



4957 initiatives on the ballot, and the information described in Subsection (4)(c)(ii) for all referenda  
4958 on the ballot, is printed on the ballot, the ballot shall include the following statement at the  
4959 beginning of the portion of the ballot that includes ballot measures, "The ballot proposition  
4960 sheet included with this ballot contains an impartial summary of each initiative and referendum  
4961 on this ballot, unless the summary is printed directly on the ballot."

4962 (5) Immediately after the local attorney files a copy of the short title and summary with  
4963 the local clerk, the local clerk shall serve a copy of the short title and summary by mail upon  
4964 the sponsors of the referendum petition and the local legislative body for the jurisdiction where  
4965 the referendum petition was circulated.

4966 (6) (a) If the short title or summary provided by the local attorney is unsatisfactory or  
4967 does not comply with the requirements of this section, the decision of the local attorney may be  
4968 appealed to the appropriate court by:

4969 (i) at least three sponsors of the referendum petition; or

4970 (ii) a majority of the local legislative body for the jurisdiction where the referendum  
4971 petition was circulated.

4972 (b) The court:

4973 (i) shall examine the short title and summary and consider the arguments; and

4974 (ii) enter an order consistent with the requirements of this section.

4975 (c) The [~~local clerk~~] county election officer shall include the short title and summary in  
4976 the ballot or ballot proposition insert, as required by this section.

4977 Section 96. Section **20A-7-609** is amended to read:

4978 **20A-7-609. Form of ballot -- Manner of voting.**

4979 (1) The [~~local clerk~~] county election officer shall ensure that the number and ballot title  
4980 are presented upon the official ballot with, immediately adjacent to them, the words "For" and  
4981 "Against," each word presented with an adjacent square in which the elector may indicate the  
4982 elector's vote.

4983 (2) (a) Except as provided in Subsection (2)(c)(i) or Section **20A-7-609.5**, and unless  
4984 the county legislative body calls a special election, the county clerk shall ensure that county  
4985 referenda that have qualified for the ballot appear on the next regular general election ballot.

4986 (b) Except as provided in Subsection (2)(c)(ii) or Section **20A-7-609.5**, and unless the  
4987 municipal legislative body calls a special election, the [~~municipal recorder or clerk~~] county

4988 election officer shall ensure that municipal referenda that have qualified for the ballot appear  
4989 on the next regular municipal election ballot.

4990 (c) (i) Except as provided in Section 20A-7-609.5, if a local law passes after January  
4991 30 of the year in which there is a regular general election, the county clerk shall ensure that a  
4992 county referendum that has qualified for the ballot appears on the ballot at the second regular  
4993 general election immediately following the passage of the local law unless the county  
4994 legislative body calls a special election.

4995 (ii) Except as provided in Section 20A-7-609.5, if a local law passes after January 30  
4996 of the year in which there is a municipal general election, the [~~municipal recorder or clerk~~]  
4997 county election officer shall ensure that a municipal referendum that has qualified for the ballot  
4998 appears on the ballot at the second municipal general election immediately following the  
4999 passage of the local law unless the municipal legislative body calls a special election.

5000 (3) (a) (i) A voter desiring to vote in favor of the law that is the subject of the  
5001 referendum shall mark the square adjacent to the word "For."

5002 (ii) The law that is the subject of the referendum is effective if a majority of voters  
5003 mark "For."

5004 (b) (i) A voter desiring to vote against the law that is the subject of the referendum  
5005 shall mark the square following the word "Against."

5006 (ii) The law that is the subject of the referendum is not effective if a majority of voters  
5007 mark "Against."

5008 Section 97. Section 20A-7-609.5 is amended to read:

5009 **20A-7-609.5. Election on referendum challenging local tax law conducted entirely**  
5010 **by mail.**

5011 (1) [~~At~~] A county election officer may administer an election on a referendum  
5012 challenging a local tax law entirely by mail.

5013 (2) For purposes of an election conducted under this section, the county election officer  
5014 shall:

5015 (a) designate as the election day the day that is 30 days after the day on which the  
5016 county election officer complies with Subsection (2)(b); and

5017 (b) within 30 days after the day on which the referendum described in Subsection (1)  
5018 qualifies for the ballot, mail to each registered voter within the voting precincts to which the

- 5019 local tax law applies:
- 5020 (i) a manual ballot;
- 5021 (ii) a statement that there will be no polling place for the election;
- 5022 (iii) a statement specifying the election day described in Subsection (2)(a);
- 5023 (iv) a business reply mail envelope;
- 5024 (v) instructions for returning the ballot that include an express notice about any
- 5025 relevant deadlines that the voter must meet in order for the voter's vote to be counted;
- 5026 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
- 5027 the voter fails to follow the instructions included with the manual ballot, the voter will be
- 5028 unable to vote in that election because there will be no polling place for the election; and
- 5029 (vii) (A) a copy of the proposition information pamphlet relating to the referendum if a
- 5030 proposition information pamphlet relating to the referendum was published under Section
- 5031 [20A-7-401.5](#); or
- 5032 (B) a website address where an individual may view a copy of the proposition
- 5033 information pamphlet described in Subsection (2)(b)(vii)(A).
- 5034 (3) ~~[An]~~ A county election officer who administers an election under this section shall:
- 5035 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
- 5036 the election; or
- 5037 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
- 5038 and
- 5039 (b) maintain the signatures on file in the election officer's office.
- 5040 (4) (a) Upon receiving a returned manual ballot under this section, the county election
- 5041 officer shall compare the signature on each return envelope with the voter's signature that is
- 5042 maintained on file and verify that the signatures are the same.
- 5043 (b) If the county election officer questions the authenticity of the signature on the
- 5044 return envelope, the county election officer shall immediately contact the voter to verify the
- 5045 signature.
- 5046 (c) If there is not a signature on the return envelope or if the county election officer
- 5047 determines that the signature on the return envelope does not match the voter's signature that is
- 5048 maintained on file, the county election officer shall:
- 5049 (i) disqualify the ballot; and

5050 (ii) notify the voter of the disqualification and the reason for the disqualification.

5051 Section 98. Section **20A-7-613** is amended to read:

5052 **20A-7-613. Property tax referendum petition.**

5053 (1) As used in this section, "certified tax rate" means the same as that term is defined in  
5054 Section [59-2-924](#).

5055 (2) Except as provided in this section, the requirements of this part apply to a  
5056 referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that  
5057 exceeds the certified tax rate.

5058 (3) Notwithstanding Subsection [20A-7-105\(5\)\(a\)\(iv\)](#), the sponsors or an agent of the  
5059 sponsors shall deliver a signed and verified referendum packet to the county clerk of the county  
5060 in which the packet was circulated before 5 p.m. no later than the earlier of:

5061 (a) 30 days after the day on which the first individual signs the packet; or

5062 (b) 40 days after the day on which the local clerk complies with Subsection  
5063 [20A-7-604\(3\)](#).

5064 (4) Notwithstanding Subsections [20A-7-105\(6\)\(a\)](#) and (9), the county clerk shall take  
5065 the actions required in Subsections [20A-7-105\(6\)\(a\)](#) and (9) within 10 working days after the  
5066 day on which the county clerk receives the signed and verified referendum packet as described  
5067 in Subsection (3).

5068 (5) The local clerk shall take the actions required by Section [20A-7-607](#) within two  
5069 working days after:

5070 (a) in relation to the manual referendum process, the day on which the local clerk  
5071 receives the referendum packets from the county clerk; or

5072 (b) in relation to the electronic referendum process, the deadline described in  
5073 Subsection [20A-7-616\(2\)](#).

5074 (6) Notwithstanding Subsection [20A-7-608\(2\)](#), the local attorney shall prepare the  
5075 ballot title within two working days after the day on which the referendum petition is declared  
5076 sufficient for submission to a vote of the people.

5077 (7) Notwithstanding Subsection [20A-7-609\(2\)\(c\)](#), a referendum that qualifies for the  
5078 ballot under this section shall appear on the ballot for the earlier of the next regular general  
5079 election or the next municipal general election unless a special election is called.

5080 (8) The county election officer shall mail manual ballots on a referendum under this

5081 section the later of:

5082 (a) the time provided in Section 20A-3a-202 or 20A-16-403; or

5083 (b) the time that ballots are prepared for mailing under this section.

5084 (9) Section 20A-7-402 does not apply to a referendum described in this section.

5085 (10) (a) If a majority of voters does not vote against imposing the tax at a rate  
5086 calculated to generate the increased revenue budgeted, adopted, and approved by the taxing  
5087 entity's legislative body:

5088 (i) the certified tax rate for the fiscal year during which the referendum petition is filed  
5089 is its most recent certified tax rate; and

5090 (ii) the proposed increased revenues for purposes of establishing the certified tax rate  
5091 for the fiscal year after the fiscal year described in Subsection (10)(a)(i) are the proposed  
5092 increased revenues budgeted, adopted, and approved by the taxing entity's legislative body  
5093 before the filing of the referendum petition.

5094 (b) If a majority of voters votes against imposing a tax at the rate established by the  
5095 vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the  
5096 taxing entity's most recent certified tax rate.

5097 (c) If the tax rate is set in accordance with Subsection (10)(a)(ii), a taxing entity is not  
5098 required to comply with the notice and public hearing requirements of Section 59-2-919 if the  
5099 taxing entity complies with those notice and public hearing requirements before the referendum  
5100 petition is filed.

5101 (11) The ballot title shall, at a minimum, include in substantially this form the  
5102 following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount  
5103 sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as  
5104 budgeted, adopted, and approved by the [name of the taxing entity].".

5105 (12) A taxing entity shall pay the county the costs incurred by the county that are  
5106 directly related to meeting the requirements of this section and that the county would not have  
5107 incurred but for compliance with this section.

5108 (13) (a) ~~Am~~ A county election officer shall include on a ballot a referendum that has  
5109 not yet qualified for placement on the ballot, if:

5110 (i) sponsors file an application for a referendum described in this section;

5111 (ii) the ballot will be used for the election for which the sponsors are attempting to

5112 qualify the referendum; and

5113 (iii) the deadline for qualifying the referendum for placement on the ballot occurs after  
5114 the day on which the ballot will be printed.

5115 (b) If [~~an~~] a county election officer includes on a ballot a referendum described in  
5116 Subsection (13)(a), the ballot title shall comply with Subsection (11).

5117 (c) If [~~an~~] a county election officer includes on a ballot a referendum described in  
5118 Subsection (13)(a) that does not qualify for placement on the ballot, the county election officer  
5119 shall inform the voters by any practicable method that the referendum has not qualified for the  
5120 ballot and that votes cast in relation to the referendum will not be counted.

5121 Section 99. Section **20A-7-702** is amended to read:

5122 **20A-7-702. Voter information pamphlet -- Form -- Contents.**

5123 The voter information pamphlet shall contain the following items in this order:

5124 (1) a cover title page;

5125 (2) an introduction to the pamphlet by the lieutenant governor;

5126 (3) a table of contents;

5127 (4) a list of all candidates for constitutional offices;

5128 (5) a list of candidates for each legislative district;

5129 (6) a 100-word statement of qualifications for each candidate for the office of  
5130 governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by  
5131 the candidate to the lieutenant governor's office before 5 p.m. on the first business day in  
5132 August before the date of the election;

5133 (7) information pertaining to all measures to be submitted to the voters, beginning a  
5134 new page for each measure and containing, in the following order for each measure:

5135 (a) a copy of the number and ballot title of the measure;

5136 (b) the final vote cast by the Legislature on the measure if it is a measure submitted by  
5137 the Legislature or by referendum;

5138 (c) the impartial analysis of the measure prepared by the Office of Legislative Research  
5139 and General Counsel;

5140 (d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the  
5141 measure, the arguments against the measure, and the rebuttal to the arguments against the  
5142 measure, with the name and title of the authors at the end of each argument or rebuttal;

- 5143 (e) for each constitutional amendment, a complete copy of the text of the constitutional  
5144 amendment, with all new language underlined, and all deleted language placed within brackets;
- 5145 (f) for each initiative qualified for the ballot:
- 5146 (i) a copy of the initiative as certified by the lieutenant governor and a copy of the  
5147 initial fiscal impact statement prepared according to Section [20A-7-202.5](#); and
- 5148 (ii) if the initiative proposes a tax increase, the following statement in bold type:  
5149 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
5150 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
5151 increase in the current tax rate."; and
- 5152 (g) for each referendum qualified for the ballot, a complete copy of the text of the law  
5153 being submitted to the voters for their approval or rejection, with all new language underlined  
5154 and all deleted language placed within brackets, as applicable;
- 5155 (8) a description provided by the Judicial Performance Evaluation Commission of the  
5156 selection and retention process for judges, including, in the following order:
- 5157 (a) a description of the judicial selection process;
- 5158 (b) a description of the judicial performance evaluation process;
- 5159 (c) a description of the judicial retention election process;
- 5160 (d) a list of the criteria of the judicial performance evaluation and the certification  
5161 standards;
- 5162 (e) the names of the judges standing for retention election; and
- 5163 (f) for each judge:
- 5164 (i) a list of the counties in which the judge is subject to retention election;
- 5165 (ii) a short biography of professional qualifications and a recent photograph;
- 5166 (iii) a narrative concerning the judge's performance;
- 5167 (iv) for each certification standard under Section [78A-12-205](#), a statement identifying  
5168 whether, under Section [78A-12-205](#), the judge met the standard and, if not, the manner in  
5169 which the judge failed to meet the standard;
- 5170 (v) a statement that the Judicial Performance Evaluation Commission:
- 5171 (A) has determined that the judge meets or exceeds minimum performance standards;
- 5172 (B) has determined that the judge does not meet or exceed minimum performance  
5173 standards; or

5174 (C) has not made a determination regarding whether the judge meets or exceeds  
5175 minimum performance standards;

5176 (vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge  
5177 whom the Judicial Performance Evaluation Commission determines does not meet or exceed  
5178 minimum performance standards;

5179 (vii) in a bar graph, the average of responses to each survey category, displayed with an  
5180 identification of the minimum acceptable score as set by Section 78A-12-205 and the average  
5181 score of all judges of the same court level; and

5182 (viii) a website address that contains the Judicial Performance Evaluation  
5183 Commission's report on the judge's performance evaluation;

5184 (9) for each judge, a statement provided by the Utah Supreme Court identifying the  
5185 cumulative number of informal reprimands, when consented to by the judge in accordance with  
5186 Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of  
5187 censure and suspension issued by the Utah Supreme Court under Utah Constitution, Article  
5188 VIII, Section 13, during the judge's current term and the immediately preceding term, and a  
5189 detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct  
5190 that the judge has received;

5191 (10) an explanation of ballot marking procedures prepared by the lieutenant governor,  
5192 indicating the ballot marking procedure used by each county and explaining how to mark the  
5193 ballot for each procedure;

5194 (11) voter registration information, including information on how to obtain a ballot;

5195 (12) a list of all county clerks' offices and phone numbers;

5196 (13) the address of the Statewide Electronic Voter Information Website, with a  
5197 statement indicating that the county election officer will post on the website any changes to the  
5198 location of a polling place and the location of any additional polling place;

5199 (14) a phone number that a voter may call to obtain information regarding the location  
5200 of a polling place; and

5201 (15) on the back cover page, a printed copy of the following statement signed by the  
5202 lieutenant governor:

5203 "I, \_\_\_\_\_ (print name), Lieutenant Governor of Utah, certify that the  
5204 measures contained in this pamphlet will be submitted to the voters of Utah at the election to



5205 be held throughout the state on \_\_\_\_ (date of election), and that this pamphlet is complete and  
5206 correct according to law.

5207 SEAL

5208 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this \_\_\_\_ day  
5209 of \_\_\_\_ (month), \_\_\_\_ (year)

5210 (signed) \_\_\_\_\_

5211 Lieutenant Governor".

5212 Section 100. Section 20A-7-801 is amended to read:

5213 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of**  
5214 **the lieutenant governor -- Content -- Duties of election officers -- Deadlines -- Frequently**  
5215 **asked voter questions -- Other elections.**

5216 (1) There is established the Statewide Electronic Voter Information Website Program  
5217 administered by the lieutenant governor in cooperation with the county clerks [~~for general~~  
5218 ~~elections~~] and municipal authorities [~~for municipal elections~~].

5219 (2) In accordance with this section, and as resources become available, the lieutenant  
5220 governor, in cooperation with county clerks, shall develop, establish, and maintain a  
5221 state-provided Internet website designed to help inform the voters of the state of:

5222 (a) the offices and candidates up for election;

5223 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments  
5224 of ballot propositions submitted to the voters; and

5225 (c) the status of a voter's trackable ballot, in accordance with Section 20A-3a-401.5,  
5226 accessible only by the voter.

5227 (3) Except as provided under Subsection (6), the website shall include:

5228 (a) all information currently provided in the Utah voter information pamphlet under  
5229 Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and  
5230 submitted by the Judicial Performance Evaluation Commission describing the judicial selection  
5231 and retention process;

5232 (b) on the homepage of the website, a link to the Judicial Performance Evaluation  
5233 Commission's website, judges.utah.gov;

5234 (c) a link to the retention recommendation made by the Judicial Performance  
5235 Evaluation Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial

5236 Performance Evaluation, for each judicial appointee to a court that is subject to a retention  
5237 election, in accordance with Section 20A-12-201, for the upcoming general election;

5238 (d) all information submitted by election officers under Subsection (4) on local office  
5239 races, local office candidates, and local ballot propositions;

5240 (e) a list that contains the name of a political subdivision that operates an election day  
5241 voting center under Section 20A-3a-703 and the location of the election day voting center;

5242 (f) other information determined appropriate by the lieutenant governor that is  
5243 currently being provided by law, rule, or ordinance in relation to candidates and ballot  
5244 questions;

5245 (g) any differences in voting method, time, or location designated by the lieutenant  
5246 governor under Subsection 20A-1-308(2); and

5247 (h) an online ballot tracking system by which a voter can view the status of the voter's  
5248 trackable ballot, in accordance with Section 20A-3a-401.5, including:

5249 (i) when a ballot has been mailed to the voter;

5250 (ii) when an election ~~[official has received]~~ officer receives the voter's ballot; and

5251 (iii) when the voter's ballot ~~[has been]~~ is counted.

5252 (4) (a) An election ~~[official]~~ officer shall submit the following information for each  
5253 ~~[ballot under the election official's direct responsibility under this title]~~ race or proposition that  
5254 will appear on the ballot for the election officer's jurisdiction:

5255 (i) a list of all candidates for each office;

5256 (ii) if submitted by the candidate to the election official's office before 5 p.m. no later  
5257 than 45 days before the primary election or before 5 p.m. no later than 60 days before the  
5258 general election:

5259 (A) a statement of qualifications, not exceeding 200 words in length, for each  
5260 candidate;

5261 (B) the following current biographical information if desired by the candidate, current:

5262 (I) age;

5263 (II) occupation;

5264 (III) city of residence;

5265 (IV) years of residence in current city; and

5266 (V) email address; and

5267 (C) a single web address where voters may access more information about the  
5268 candidate and the candidate's views; and

5269 (iii) factual information pertaining to all ballot propositions submitted to the voters,  
5270 including:

5271 (A) a copy of the number and ballot title of each ballot proposition;

5272 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the  
5273 vote was required to place the ballot proposition on the ballot;

5274 (C) a complete copy of the text of each ballot proposition, with all new language  
5275 underlined and all deleted language placed within brackets; and

5276 (D) other factual information determined helpful by the ~~[election official]~~ local clerk.

5277 (b) ~~[The information under Subsection (4)(a) shall be submitted]~~ The election officer  
5278 shall submit the information described in Subsection (4)(a) to the lieutenant governor no later  
5279 than one business day after the deadline under Subsection (4)(a) for each general election year  
5280 and each municipal election year.

5281 (c) The lieutenant governor shall:

5282 (i) review the information submitted under this section, to determine compliance under  
5283 this section, ~~[prior to placing it]~~ before placing the information on the website;

5284 (ii) refuse to post information submitted under this section on the website if ~~[it]~~ the  
5285 information is not in compliance with the provisions of this section; and

5286 (iii) organize, format, and arrange the information submitted under this section for the  
5287 website.

5288 (d) The lieutenant governor may refuse to include information the lieutenant governor  
5289 determines is not in keeping with:

5290 (i) Utah voter needs;

5291 (ii) public decency; or

5292 (iii) the purposes, organization, or uniformity of the website.

5293 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with  
5294 Subsection (5).

5295 (5) (a) A person whose information is refused under Subsection (4), and who is  
5296 aggrieved by the determination, may appeal by submitting a written notice of appeal to the  
5297 lieutenant governor before 5 p.m. within 10 business days after the date of the determination.

5298 (b) A notice of appeal submitted under [this] Subsection (5)(a) shall contain:

5299 (i) a listing of each objection to the lieutenant governor's determination; and

5300 (ii) the basis for each objection.

5301 ~~[(b)]~~ (c) The lieutenant governor shall review the notice of appeal and shall issue a  
5302 written response within 10 business days after the day on which the notice of appeal is  
5303 submitted.

5304 ~~[(c)]~~ (d) An appeal of the response of the lieutenant governor shall be made to the  
5305 district court, which shall review the matter de novo.

5306 (6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently  
5307 enter the voter's address information on the website to retrieve information on which offices,  
5308 candidates, and ballot propositions will be on the voter's ballot at the next general election or  
5309 municipal election.

5310 (b) The information on the website will anticipate and answer frequent voter questions  
5311 including the following:

5312 (i) what offices are up in the current year for which the voter may cast a vote;

5313 (ii) who is running for what office and who is the incumbent, if any;

5314 (iii) what address each candidate may be reached at and how the candidate may be  
5315 contacted;

5316 (iv) for partisan races only, what, if any, is each candidate's party affiliation;

5317 (v) what qualifications have been submitted by each candidate;

5318 (vi) where additional information on each candidate may be obtained;

5319 (vii) what ballot propositions will be on the ballot; and

5320 (viii) what judges are up for retention election.

5321 (7) The lieutenant governor shall ensure that each voter may conveniently enter the  
5322 voter's name, date of birth, and address information on the website to retrieve information on  
5323 the status of the voter's ballot if the voter's ballot is trackable under Section [20A-3a-401.5](#).

5324 (8) As resources are made available and in cooperation with the county clerks, the  
5325 lieutenant governor may expand the electronic voter information website program to include  
5326 the same information as provided under this section for special elections and primary elections.

5327 Section 101. Section **20A-9-101** is amended to read:

5328 **20A-9-101. Definitions.**

5329 As used in this chapter:

5330 (1) (a) "Candidates for elective office" means persons who file a declaration of  
5331 candidacy under Section 20A-9-202 to run in a regular general election for a federal office,  
5332 constitutional office, multicounty office, or county office.

5333 (b) "Candidates for elective office" does not mean candidates for:

5334 (i) justice or judge of court of record or not of record;

5335 (ii) presidential elector;

5336 (iii) any political party offices; and

5337 (iv) municipal or special district offices.

5338 (2) "Constitutional office" means the state offices of governor, lieutenant governor,  
5339 attorney general, state auditor, and state treasurer.

5340 (3) "Continuing political party" means the same as that term is defined in Section  
5341 20A-8-101.

5342 (4) (a) "County office" means an elective office where the officeholder is selected by  
5343 voters entirely within one county.

5344 (b) "County office" does not mean:

5345 (i) the office of justice or judge of any court of record or not of record;

5346 (ii) the office of presidential elector;

5347 (iii) any political party offices;

5348 (iv) any municipal or special district offices; and

5349 (v) the office of United States Senator and United States Representative.

5350 (5) "Electronic candidate qualification process" means:

5351 (a) as it relates to a registered political party that is not a qualified political party, the  
5352 process for gathering signatures electronically to seek the nomination of a registered political  
5353 party, described in:

5354 (i) Section 20A-9-403;

5355 (ii) Section 20A-9-405, except Subsections 20A-9-405(3) and (5); and

5356 (iii) Section 20A-21-201; and

5357 (b) as it relates to a qualified political party, the process, for gathering signatures  
5358 electronically to seek the nomination of a registered political party, described in:

5359 (i) Section 20A-9-405, except Subsections 20A-9-405(3) and (5);

- 5360 (ii) Section 20A-9-408; and  
5361 (iii) Section 20A-21-201.
- 5362 (6) "Federal office" means an elective office for United States Senator and United  
5363 States Representative.
- 5364 (7) "Filing officer" means:  
5365 (a) the lieutenant governor, for:  
5366 (i) the office of United States Senator and United States Representative; and  
5367 (ii) all constitutional offices;  
5368 (b) for the office of a state senator, state representative, or the state school board, the  
5369 lieutenant governor or the applicable clerk described in Subsection (7)(c) or (d);  
5370 (c) the county clerk, for county offices and local school district offices;  
5371 (d) the county clerk in the filer's county of residence, for multicounty offices;  
5372 (e) the county election officer, the city clerk, or the town clerk, for municipal offices;  
5373 or  
5374 (f) the county election officer or the special district clerk, for special district offices.
- 5375 (8) "Local government office" includes county offices, municipal offices, and special  
5376 district offices and other elective offices selected by the voters from a political division entirely  
5377 within one county.
- 5378 (9) "Manual candidate qualification process" means the process for gathering  
5379 signatures to seek the nomination of a registered political party, using paper signature packets  
5380 that a signer physically signs.
- 5381 (10) (a) "Multicounty office" means an elective office where the officeholder is  
5382 selected by the voters from more than one county.
- 5383 (b) "Multicounty office" does not mean:  
5384 (i) a county office;  
5385 (ii) a federal office;  
5386 (iii) the office of justice or judge of any court of record or not of record;  
5387 (iv) the office of presidential elector;  
5388 (v) any political party offices; or  
5389 (vi) any municipal or special district offices.
- 5390 (11) "Municipal office" means an elective office in a municipality.

5391 (12) (a) "Political division" means a geographic unit from which an officeholder is  
5392 elected and that an officeholder represents.

5393 (b) "Political division" includes a county, a city, a town, a special district, a school  
5394 district, a legislative district, and a county prosecution district.

5395 (13) "Qualified political party" means a registered political party that:

5396 (a) (i) permits a delegate for the registered political party to vote on a candidate  
5397 nomination in the registered political party's convention remotely; or

5398 (ii) provides a procedure for designating an alternate delegate if a delegate is not  
5399 present at the registered political party's convention;

5400 (b) does not hold the registered political party's convention before the fourth Saturday  
5401 in March of an even-numbered year;

5402 (c) permits a member of the registered political party to seek the registered political  
5403 party's nomination for any elective office by the member choosing to seek the nomination by  
5404 either or both of the following methods:

5405 (i) seeking the nomination through the registered political party's convention process,  
5406 in accordance with the provisions of Section 20A-9-407; or

5407 (ii) seeking the nomination by collecting signatures, in accordance with the provisions  
5408 of Section 20A-9-408; and

5409 (d) (i) if the registered political party is a continuing political party, no later than 5 p.m.  
5410 on the first Monday of October of an odd-numbered year, certifies to the lieutenant governor  
5411 that, for the election in the following year, the registered political party intends to nominate the  
5412 registered political party's candidates in accordance with the provisions of Section 20A-9-406;  
5413 or

5414 (ii) if the registered political party is not a continuing political party, certifies at the  
5415 time that the registered political party files the petition described in Section 20A-8-103 that, for  
5416 the next election, the registered political party intends to nominate the registered political  
5417 party's candidates in accordance with the provisions of Section 20A-9-406.

5418 (14) "Signature," as it relates to a petition for a candidate to seek the nomination of a  
5419 registered political party, means:

5420 (a) when using the manual candidate qualification process, a holographic signature  
5421 collected physically on a nomination petition described in Subsection 20A-9-405(3); or

- 5422 (b) when using the electronic candidate qualification process:
- 5423 (i) an electronic signature collected under Subsection 20A-21-201(6)(c)(ii)(A); or
- 5424 (ii) a holographic signature collected electronically under Subsection
- 5425 20A-21-201(6)(c)(ii)(B).

5426 (15) "Special district office" means an elected office in a special district.

5427 Section 102. Section 20A-9-203 is amended to read:

5428 **20A-9-203. Declarations of candidacy -- Municipal general elections --**  
5429 **Nomination petition -- Removal of signature.**

5430 (1) An individual may become a candidate for any municipal office if:

5431 (a) the individual is a registered voter; and

5432 (b) (i) the individual has resided within the municipality in which the individual seeks  
5433 to hold elective office for the 12 consecutive months immediately before the date of the  
5434 election; or

5435 (ii) the territory in which the individual resides was annexed into the municipality, the  
5436 individual has resided within the annexed territory or the municipality the 12 consecutive  
5437 months immediately before the date of the election.

5438 (2) (a) For purposes of determining whether an individual meets the residency  
5439 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months  
5440 before the election, the municipality is considered to have been incorporated 12 months before  
5441 the date of the election.

5442 (b) In addition to the requirements of Subsection (1), each candidate for a municipal  
5443 council position shall, if elected from a district, be a resident of the council district from which  
5444 the candidate is elected.

5445 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent  
5446 individual, an individual convicted of a felony, or an individual convicted of treason or a crime  
5447 against the elective franchise may not hold office in this state until the right to hold elective  
5448 office is restored under Section 20A-2-101.3 or 20A-2-101.5.

5449 (3) (a) An individual seeking to become a candidate for a municipal office shall,  
5450 regardless of the nomination method by which the individual is seeking to become a candidate:

5451 (i) except as provided in Subsection (3)(b) or Chapter 4, Part 6, Municipal Alternate  
5452 Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a declaration of



5453 candidacy, in person with the county election officer, the city recorder, or the town clerk,  
5454 during the office hours described in Section 10-3-301 and not later than the close of those  
5455 office hours, between June 1 and June 7 of any odd-numbered year; and  
5456 (ii) pay the filing fee, if one is required by municipal ordinance.

5457 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a  
5458 declaration of candidacy with the county election officer, the city recorder, or the town clerk if:  
5459 (i) the individual is located outside of the state during the entire filing period;  
5460 (ii) the designated agent appears in person before the county election officer, the city  
5461 recorder, or the town clerk;  
5462 (iii) the individual communicates with the county election officer, the city recorder, or  
5463 the town clerk using an electronic device that allows the individual and the county election  
5464 officer, city recorder, or town clerk to see and hear each other; and  
5465 (iv) the individual provides the county election officer, city recorder, or town clerk  
5466 with an email address to which the county election officer, city recorder, or town clerk may  
5467 send the individual the copies described in Subsection (4).

5468 (c) Any resident of a municipality may nominate a candidate for a municipal office by:  
5469 (i) except as provided in Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot  
5470 Project, filing a nomination petition with the county election officer, the city recorder, or the  
5471 town clerk during the office hours described in Section 10-3-301 and not later than the close of  
5472 those office hours, between June 1 and June 7 of any odd-numbered year that includes  
5473 signatures in support of the nomination petition of the lesser of at least:  
5474 (A) 25 registered voters who reside in the municipality; or  
5475 (B) 20% of the registered voters who reside in the municipality; and  
5476 (ii) paying the filing fee, if one is required by municipal ordinance.

5477 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination  
5478 petition, the filing officer shall:  
5479 (i) read to the prospective candidate or individual filing the petition the constitutional  
5480 and statutory qualification requirements for the office that the candidate is seeking;  
5481 (ii) require the candidate or individual filing the petition to state whether the candidate  
5482 meets the requirements described in Subsection (4)(a)(i); and  
5483 (iii) inform the candidate or the individual filing the petition that an individual who

5484 holds a municipal elected office may not, at the same time, hold a county elected office.

5485 (b) If the prospective candidate does not meet the qualification requirements for the  
5486 office, the filing officer may not accept the declaration of candidacy or nomination petition.

5487 (c) If it appears that the prospective candidate meets the requirements of candidacy, the  
5488 filing officer shall:

5489 (i) inform the candidate that the candidate's name will appear on the ballot as it is  
5490 written on the declaration of candidacy;

5491 (ii) provide the candidate with a copy of the current campaign financial disclosure laws  
5492 for the office the candidate is seeking and inform the candidate that failure to comply will  
5493 result in disqualification as a candidate and removal of the candidate's name from the ballot;

5494 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
5495 Electronic Voter Information Website Program and inform the candidate of the submission  
5496 deadline under Subsection 20A-7-801(4)(a);

5497 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
5498 described under Section 20A-9-206 and inform the candidate that:

5499 (A) signing the pledge is voluntary; and

5500 (B) signed pledges shall be filed with the filing officer; and

5501 (v) accept the declaration of candidacy or nomination petition.

5502 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
5503 officer shall:

5504 (i) accept the candidate's pledge; and

5505 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
5506 candidate's pledge to the chair of the county or state political party of which the candidate is a  
5507 member.

5508 (5) (a) The declaration of candidacy shall be in substantially the following form:

5509 "I, (print name) \_\_\_\_\_, being first sworn and under penalty of perjury, say that I reside at  
5510 \_\_\_\_\_ Street, City of \_\_\_\_\_, County of \_\_\_\_\_, state of Utah, Zip Code \_\_\_\_\_, Telephone Number  
5511 (if any) \_\_\_\_\_; that I am a registered voter; and that I am a candidate for the office of \_\_\_\_\_  
5512 (stating the term). I will meet the legal qualifications required of candidates for this office. If  
5513 filing via a designated agent, I attest that I will be out of the state of Utah during the entire  
5514 candidate filing period. I will file all campaign financial disclosure reports as required by law

5515 and I understand that failure to do so will result in my disqualification as a candidate for this  
5516 office and removal of my name from the ballot. I request that my name be printed upon the  
5517 applicable official ballots. (Signed) \_\_\_\_\_

5518 Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this  
5519 \_\_\_\_\_ (month\day\year).

5520 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)."

5521 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may  
5522 not sign the form described in Subsection (5)(a).

5523 (c) (i) A nomination petition shall be in substantially the following form:

5524 "NOMINATION PETITION

5525 The undersigned residents of (name of municipality), being registered voters, nominate  
5526 (name of nominee) for the office of (name of office) for the (length of term of office)."

5527 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
5528 individuals signing the petition and each individual's address and phone number.

5529 (6) If the declaration of candidacy or nomination petition fails to state whether the  
5530 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be  
5531 for the four-year term.

5532 (7) (a) (i) The clerk shall verify with the county clerk that all candidates are registered  
5533 voters.

5534 (b) With the assistance of the county clerk, and using the procedures described in  
5535 Section [20A-1-1002](#), the municipal clerk shall determine whether the required number of  
5536 signatures of registered voters appears on a nomination petition.

5537 (8) Immediately after expiration of the period for filing a declaration of candidacy, the  
5538 clerk shall:

5539 (a) publicize a list of the names of the candidates as they will appear on the ballot by  
5540 publishing the list for the municipality, as a class A notice under Section [63G-30-102](#), for  
5541 seven days; and

5542 (b) notify the lieutenant governor of the names of the candidates as they will appear on  
5543 the ballot.

5544 (9) Except as provided in Subsection (10)(c), an individual may not amend a  
5545 declaration of candidacy or nomination petition filed under this section after the candidate

5546 filing period ends.

5547 (10) (a) A declaration of candidacy or nomination petition that an individual files under  
5548 this section is valid unless a person files a written objection with the clerk with whom the  
5549 declaration of candidacy or nomination petition was filed before 5 p.m. within 10 days after the  
5550 last day for filing.

5551 (b) If a person files an objection, the clerk shall:

5552 (i) mail or personally deliver notice of the objection to the affected candidate  
5553 immediately; and

5554 (ii) decide any objection within 48 hours after the objection is filed.

5555 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three  
5556 days after the day on which the election officer or clerk sustains the objection, correct the  
5557 problem for which the objection is sustained by amending the candidate's declaration of  
5558 candidacy or nomination petition, or by filing a new declaration of candidacy.

5559 (d) (i) The clerk's decision upon objections to form is final.

5560 (ii) The clerk's decision upon substantive matters is reviewable by a district court if  
5561 prompt application is made to the district court.

5562 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
5563 of its discretion, agrees to review the lower court decision.

5564 (11) A candidate who qualifies for the ballot under this section may withdraw as a  
5565 candidate by filing a written affidavit with the [~~municipal~~] election officer or clerk.

5566 (12) (a) A voter who signs a nomination petition under this section may have the  
5567 voter's signature removed from the petition by, no later than three business days after the day  
5568 on which the petition is filed with the city recorder or municipal clerk, submitting to the  
5569 [~~municipal~~] clerk with whom the nomination petition was filed a statement requesting that the  
5570 voter's signature be removed.

5571 (b) A statement described in Subsection (12)(a) shall comply with the requirements  
5572 described in Subsection 20A-1-1003(2).

5573 (c) [~~With~~] The clerk, with the assistance of the county [~~clerk~~] election officer, and  
5574 using the procedures described in Subsection 20A-1-1003(3), [~~the municipal clerk~~] shall  
5575 determine whether to remove an individual's signature from a petition after receiving a timely,  
5576 valid statement requesting removal of the signature.

5577 Section 103. Section **20A-9-203.5** is amended to read:

5578 **20A-9-203.5. Requirement to post candidate information on website.**

5579 (1) The clerk of a county or a municipality shall, within three business days after the  
5580 day on which the clerk accepts a declaration of candidacy or receives information from a  
5581 county election officer under Subsection (2), post the following information on the website of  
5582 the county or municipality:

5583 [~~1~~] (a) the name and campaign contact information of the candidate; and

5584 [~~2~~] (b) the office that the candidate is seeking.

5585 (2) If a county election officer accepts a declaration of candidacy for a municipal  
5586 election, the county election officer shall, within one business day after the day on which the  
5587 election officer accepts the declaration of candidacy, provide the information described in  
5588 Subsections (1)(a) and (b) to the applicable municipal clerk.

5589 Section 104. Section **20A-9-207** is amended to read:

5590 **20A-9-207. Withdrawal of candidacy -- Notice.**

5591 As used in this section:

5592 (1) "Public office" means the offices of governor, lieutenant governor, attorney general,  
5593 state auditor, state treasurer, state senator, state representative, state school board, or an elective  
5594 office of a local political subdivision.

5595 (2) "Public office candidate" means a person who files a declaration of candidacy for a  
5596 public office.

5597 (3) If a public office candidate withdraws as a candidate, the county election officer  
5598 shall:

5599 (a) notify every opposing candidate for the public office that the public office candidate  
5600 has withdrawn;

5601 (b) send an email notification to each voter who is eligible to vote in the public office  
5602 race for whom the county election officer has an email address informing the voter that the  
5603 public office candidate has withdrawn and that votes cast for the public office candidate will  
5604 not be counted;

5605 (c) post notice of the withdrawal on a public website; and

5606 (d) if practicable, remove the public office candidate's name from the ballot.

5607 (4) [~~Am~~] A county election officer may fulfill the requirement described in Subsection

5608 (3) in relation to a mailed ballot, including a military or overseas ballot, by including with the  
5609 ballot a written notice:

5610 (a) informing the voter that the candidate has withdraw; or

5611 (b) directing the voter to a public website to inform the voter whether a candidate on  
5612 the ballot has withdrawn.

5613 Section 105. Section **20A-9-404** is amended to read:

5614 **20A-9-404. Municipal primary elections.**

5615 (1) (a) Except as otherwise provided in this section or Chapter 4, Part 6, Municipal  
5616 Alternate Voting Methods Pilot Project, candidates for municipal office in all municipalities  
5617 shall be nominated at a municipal primary election.

5618 (b) Municipal primary elections shall be held:

5619 (i) consistent with Section [20A-1-201.5](#), on the second Tuesday following the first  
5620 Monday in the August before the regular municipal election; and

5621 (ii) whenever possible, at the same polling places as the regular municipal election.

5622 (2) Except as otherwise provided in Chapter 4, Part 6, Municipal Alternate Voting  
5623 Methods Pilot Project, if the number of candidates for a particular municipal office does not  
5624 exceed twice the number of individuals needed to fill that office, a primary election for that  
5625 office may not be held and the candidates are considered nominated.

5626 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly  
5627 of voters or delegates.

5628 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal  
5629 election, any third, fourth, or fifth class city or town may exempt itself from a primary election  
5630 by providing that the nomination of candidates for municipal office to be voted upon at a  
5631 municipal election be nominated by a municipal party convention or committee.

5632 (ii) The municipal party convention or committee described in Subsection (3)(b)(i)  
5633 shall be held on or before May 30 of an odd-numbered year.

5634 (iii) Any primary election exemption ordinance adopted under this Subsection (3)  
5635 remains in effect until repealed by ordinance.

5636 (c) (i) A convention or committee may not nominate more than one candidate for each  
5637 of the municipal offices to be voted upon at the municipal election.

5638 (ii) A convention or committee may not nominate an individual who has accepted the

5639 nomination of a different convention or committee.

5640 (iii) A municipal party may not have more than one group of candidates placed upon  
5641 the ballot and may not group the same candidates on different tickets by the same party under a  
5642 different name or emblem.

5643 (d) (i) On or before May 31 of an odd-numbered year, a convention or committee shall  
5644 prepare and submit to the filing officer a certificate of nomination for each individual  
5645 nominated.

5646 (ii) The certificate of nomination shall:

5647 (A) contain the name of the office for which each individual is nominated, the name,  
5648 post office address, and, if in a city, the street number of residence and place of business, if  
5649 any, of each individual nominated;

5650 (B) designate in not more than five words the party that the convention or committee  
5651 represents;

5652 (C) contain a copy of the resolution passed at the convention that authorized the  
5653 committee to make the nomination;

5654 (D) contain a statement certifying that the name of the candidate nominated by the  
5655 political party will not appear on the ballot as a candidate for any other political party;

5656 (E) be signed by the presiding officer and secretary of the convention or committee;  
5657 and

5658 (F) contain a statement identifying the residence and post office address of the  
5659 presiding officer and secretary and certifying that the presiding officer and secretary were  
5660 officers of the convention or committee and that the certificates are true to the best of their  
5661 knowledge and belief.

5662 (iii) A candidate nominated by a municipal party convention or committee shall file a  
5663 declaration with the ~~[filing]~~ county election officer or the municipal clerk in accordance with  
5664 Subsection [20A-9-203\(3\)](#) that includes:

5665 (A) the name of the municipal party or convention that nominated the candidate; and

5666 (B) the office for which the convention or committee nominated the candidate.

5667 (e) A committee appointed at a convention, if authorized by an enabling resolution,  
5668 may also make nominations or fill vacancies in nominations made at a convention if the  
5669 committee makes the nomination before the deadline for a write-in candidate to file a

5670 declaration of candidacy under Section [20A-9-601](#).

5671 (f) The election ballot shall substantially comply with the form prescribed in Chapter 6,  
5672 Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall be included  
5673 with the candidate's name.

5674 (4) (a) Any third, fourth, or fifth class city or a town may adopt an ordinance before the  
5675 May 1 that falls before the regular municipal election that:

5676 (i) exempts the city or town from the other methods of nominating candidates to  
5677 municipal office provided in this section; and

5678 (ii) provides for a municipal partisan convention method of nominating candidates as  
5679 provided in this Subsection (4).

5680 (b) (i) Any party that was a registered political party at the last regular general election  
5681 or regular municipal election is a municipal political party under this section.

5682 (ii) Any political party may qualify as a municipal political party by presenting a  
5683 petition to the city recorder that:

5684 (A) is signed, with a holographic signature, by registered voters within the municipality  
5685 equal to at least 20% of the number of votes cast for all candidates for mayor in the last  
5686 municipal election at which a mayor was elected;

5687 (B) is filed with the city recorder or town clerk before 5 p.m. no later than the day  
5688 before the day on which the municipal party holds a convention to nominate a candidate under  
5689 this Subsection (4);

5690 (C) is substantially similar to the form of the signature sheets described in Section  
5691 [20A-7-303](#); and

5692 (D) contains the name of the municipal political party using not more than five words.

5693 (iii) With the assistance of the county clerk, the city recorder or town clerk shall use the  
5694 procedures described in Section [20A-1-1002](#) to determine whether each signer is a registered  
5695 voter who is qualified to sign the petition.

5696 (c) (i) If the number of candidates for a particular office does not exceed twice the  
5697 number of offices to be filled at the regular municipal election, no primary election for that  
5698 office shall be held and the candidates are considered to be nominated.

5699 (ii) If the number of candidates for a particular office exceeds twice the number of  
5700 offices to be filled at the regular municipal election, those candidates for municipal office shall



5701 be nominated at a municipal primary election.

5702 (d) The [clerk] county election officer shall ensure that the partisan municipal primary  
5703 ballot is similar to the ballot forms required by Section 20A-6-401 and, as applicable, Section  
5704 20A-6-401.1.

5705 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the  
5706 blank ballot box.

5707 (f) Immediately after the canvass, the election judges shall, without examination,  
5708 destroy the tickets deposited in the blank ballot box.

5709 (5) (a) A voter who signs a petition under Subsection (4)(b)(ii) may have the voter's  
5710 signature removed from the petition by, no later than three business days after the day on which  
5711 the petition is filed with the city recorder or town clerk, submitting to the city recorder or town  
5712 clerk a statement requesting that the voter's signature be removed.

5713 (b) A statement described in Subsection (5)(a) shall comply with the requirements  
5714 described in Subsection 20A-1-1003(2).

5715 (c) With the assistance of the county clerk and using the procedures described in  
5716 Subsection 20A-1-1003(3), the city recorder or town clerk shall determine whether to remove  
5717 an individual's signature from a petition after receiving a timely, valid statement requesting  
5718 removal of the signature.

5719 Section 106. Section 20A-9-406 is amended to read:

5720 **20A-9-406. Qualified political party -- Requirements and exemptions.**

5721 The following provisions apply to a qualified political party:

5722 (1) the qualified political party shall, no later than 5 p.m. on the first Monday of  
5723 October of each odd-numbered year, certify to the lieutenant governor the identity of one or  
5724 more registered political parties whose members may vote for the qualified political party's  
5725 candidates and whether unaffiliated voters may vote for the qualified political party's  
5726 candidates;

5727 (2) the following provisions do not apply to a nomination for the qualified political  
5728 party:

5729 (a) Subsections 20A-9-403(1) through (3)(b) and (3)(d) through (4)(a);

5730 (b) Subsection 20A-9-403(5)(c); and

5731 (c) Section 20A-9-405;

5732 (3) an individual may only seek the nomination of the qualified political party by using  
5733 a method described in Section 20A-9-407, Section 20A-9-408, or both;

5734 (4) the qualified political party shall comply with the provisions of Sections  
5735 20A-9-407, 20A-9-408, and 20A-9-409;

5736 (5) notwithstanding Subsection 20A-6-301(1)(a), (1)(e), or (2)(a), [~~each~~] a county  
5737 election officer shall ensure that a ballot described in Section 20A-6-301 includes each  
5738 individual nominated by a qualified political party:

5739 (a) under the qualified political party's name, if any; or

5740 (b) under the title of the qualified registered political party as designated by the  
5741 qualified political party in the certification described in Subsection (1), or, if none is  
5742 designated, then under some suitable title;

5743 (6) notwithstanding Subsection 20A-6-302(1)(a), [~~each~~] a county election officer shall  
5744 ensure, for ballots in regular general elections, that each candidate who is nominated by the  
5745 qualified political party is listed by party;

5746 (7) notwithstanding Subsection 20A-6-304(1)(e), [~~each~~] a county election officer shall  
5747 ensure that the party designation of each candidate who is nominated by the qualified political  
5748 party is displayed adjacent to the candidate's name on a mechanical ballot;

5749 (8) "candidates for elective office," defined in Subsection 20A-9-101(1)(a), also  
5750 includes an individual who files a declaration of candidacy under Section 20A-9-407 or  
5751 20A-9-408 to run in a regular general election for a federal office, constitutional office,  
5752 multicounty office, or county office;

5753 (9) an individual who is nominated by, or seeking the nomination of, the qualified  
5754 political party is not required to comply with Subsection 20A-9-201(1)(c);

5755 (10) notwithstanding Subsection 20A-9-403(3), the qualified political party is entitled  
5756 to have each of the qualified political party's candidates for elective office appear on the  
5757 primary ballot of the qualified political party with an indication that each candidate is a  
5758 candidate for the qualified political party;

5759 (11) notwithstanding Subsection 20A-9-403(4)(a), the lieutenant governor shall include  
5760 on the list provided by the lieutenant governor to the county clerks:

5761 (a) the names of all candidates of the qualified political party for federal, constitutional,  
5762 multicounty, and county offices; and

5763 (b) the names of unopposed candidates for elective office who have been nominated by  
5764 the qualified political party and instruct the county clerks to exclude such candidates from the  
5765 primary-election ballot;

5766 (12) notwithstanding Subsection 20A-9-403(5)(c), a candidate who is unopposed for an  
5767 elective office in the regular primary election of the qualified political party is nominated by  
5768 the party for that office without appearing on the primary ballot; and

5769 (13) notwithstanding the provisions of Subsections 20A-9-403(1) and (2) and Section  
5770 20A-9-405, the qualified political party is entitled to have the names of its candidates for  
5771 elective office featured with party affiliation on the ballot at a regular general election.

5772 Section 107. Section 20A-9-408 is amended to read:

5773 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**  
5774 **political party -- Removal of signature.**

5775 (1) This section describes the requirements for a member of a qualified political party  
5776 who is seeking the nomination of the qualified political party for an elective office through the  
5777 signature-gathering process described in this section.

5778 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of  
5779 candidacy for a member of a qualified political party who is nominated by, or who is seeking  
5780 the nomination of, the qualified political party under this section shall be substantially as  
5781 described in Section 20A-9-408.5.

5782 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection  
5783 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the  
5784 nomination of the qualified political party for an elective office that is to be filled at the next  
5785 general election shall:

5786 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,  
5787 and before gathering signatures under this section, file with the filing officer on a form  
5788 approved by the lieutenant governor a notice of intent to gather signatures for candidacy that  
5789 includes:

5790 (i) the name of the member who will attempt to become a candidate for a registered  
5791 political party under this section;

5792 (ii) the name of the registered political party for which the member is seeking  
5793 nomination;

5794 (iii) the office for which the member is seeking to become a candidate;  
5795 (iv) the address and telephone number of the member; and  
5796 (v) other information required by the lieutenant governor;  
5797 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,  
5798 in person, with the filing officer during the declaration of candidacy filing period described in  
5799 Section 20A-9-201.5; and  
5800 (c) pay the filing fee.  
5801 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political  
5802 party who, under this section, is seeking the nomination of the qualified political party for the  
5803 office of district attorney within a multicounty prosecution district that is to be filled at the next  
5804 general election shall:  
5805 (a) during the declaration of candidacy filing period described in Section 20A-9-201.5,  
5806 and before gathering signatures under this section, file with the filing officer on a form  
5807 approved by the lieutenant governor a notice of intent to gather signatures for candidacy that  
5808 includes:  
5809 (i) the name of the member who will attempt to become a candidate for a registered  
5810 political party under this section;  
5811 (ii) the name of the registered political party for which the member is seeking  
5812 nomination;  
5813 (iii) the office for which the member is seeking to become a candidate;  
5814 (iv) the address and telephone number of the member; and  
5815 (v) other information required by the lieutenant governor;  
5816 (b) except as provided in Subsection 20A-9-202(1)(c), file a declaration of candidacy,  
5817 in person, with the filing officer during the declaration of candidacy filing period described in  
5818 Section 20A-9-201.5; and  
5819 (c) pay the filing fee.  
5820 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate  
5821 who files as the joint-ticket running mate of an individual who is nominated by a qualified  
5822 political party, under this section, for the office of governor shall, during the declaration of  
5823 candidacy filing period described in Section 20A-9-201.5, file a declaration of candidacy and  
5824 submit a letter from the candidate for governor that names the lieutenant governor candidate as

5825 a joint-ticket running mate.

5826 (6) The lieutenant governor shall ensure that the certification described in Subsection  
5827 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party  
5828 under this section.

5829 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who  
5830 is nominated by a qualified political party under this section, designate the qualified political  
5831 party that nominated the candidate.

5832 (8) A member of a qualified political party may seek the nomination of the qualified  
5833 political party for an elective office by:

5834 (a) complying with the requirements described in this section; and

5835 (b) collecting signatures, on a form approved by the lieutenant governor that complies  
5836 with Subsection 20A-9-405(3), during the period beginning on the day on which the member  
5837 files a notice of intent to gather signatures and ending at 5 p.m. 14 days before the day on  
5838 which the qualified political party's convention for the office is held, in the following amounts:

5839 (i) for a statewide race, 28,000 signatures of registered voters in the state who are  
5840 permitted by the qualified political party to vote for the qualified political party's candidates in  
5841 a primary election;

5842 (ii) for a congressional district race, 7,000 signatures of registered voters who are  
5843 residents of the congressional district and are permitted by the qualified political party to vote  
5844 for the qualified political party's candidates in a primary election;

5845 (iii) for a state Senate district race, 2,000 signatures of registered voters who are  
5846 residents of the state Senate district and are permitted by the qualified political party to vote for  
5847 the qualified political party's candidates in a primary election;

5848 (iv) for a state House district race, 1,000 signatures of registered voters who are  
5849 residents of the state House district and are permitted by the qualified political party to vote for  
5850 the qualified political party's candidates in a primary election;

5851 (v) for a State Board of Education race, the lesser of:

5852 (A) 2,000 signatures of registered voters who are residents of the State Board of  
5853 Education district and are permitted by the qualified political party to vote for the qualified  
5854 political party's candidates in a primary election; or

5855 (B) 3% of the registered voters of the qualified political party who are residents of the

5856 applicable State Board of Education district; and

5857 (vi) for a county office race, signatures of 3% of the registered voters who are residents  
5858 of the area permitted to vote for the county office and are permitted by the qualified political  
5859 party to vote for the qualified political party's candidates in a primary election.

5860 (9) (a) This Subsection (9) applies only to the manual candidate qualification process.

5861 (b) In order for a member of the qualified political party to qualify as a candidate for  
5862 the qualified political party's nomination for an elective office under this section, using the  
5863 manual candidate qualification process, the member shall:

5864 (i) collect the signatures on a form approved by the lieutenant governor, using the same  
5865 circulation and verification requirements described in Sections [20A-7-105](#) and [20A-7-204](#); and

5866 (ii) submit the signatures to the county election officer before 5 p.m. no later than 14  
5867 days before the day on which the qualified political party holds the party's convention to select  
5868 candidates, for the elective office, for the qualified political party's nomination.

5869 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the  
5870 county election officer shall, no later than the earlier of 14 days after the day on which the  
5871 county election officer receives the signatures, or one day before the day on which the qualified  
5872 political party holds the convention to select a nominee for the elective office to which the  
5873 signature packets relate:

5874 (i) check the name of each individual who completes the verification for a signature  
5875 packet to determine whether each individual is a resident of Utah and is at least 18 years old;

5876 (ii) submit the name of each individual described in Subsection (9)(c)(i) who is not a  
5877 Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

5878 (iii) with the assistance of the county clerk as applicable, determine whether each  
5879 signer is a registered voter who is qualified to sign the petition, using the same method,  
5880 described in Section [20A-1-1002](#), used to verify a signature on a petition; and

5881 (iv) certify whether each name is that of a registered voter who is qualified to sign the  
5882 signature packet.

5883 (d) (i) A registered voter who physically signs a form under Subsections (8) and (9)(b)  
5884 may have the voter's signature removed from the form by, no later than three business days  
5885 after the day on which the member submits the signature form to the county election officer,  
5886 submitting to the county election officer a statement requesting that the voter's signature be

5887 removed.

5888 (ii) A statement described in Subsection (9)(d)(i) shall comply with the requirements  
5889 described in Subsection 20A-1-1003(2).

5890 (iii) [~~With the assistance of the county clerk as applicable, the~~] The county election  
5891 officer shall use the procedures described in Subsection 20A-1-1003(3) to determine whether  
5892 to remove an individual's signature after receiving a timely, valid statement requesting removal  
5893 of the signature.

5894 (10) (a) This Subsection (10) applies only to the electronic candidate qualification  
5895 process.

5896 (b) In order for a member of the qualified political party to qualify as a candidate for  
5897 the qualified political party's nomination for an elective office under this section, the member  
5898 shall, before 5 p.m. no later than 14 days before the day on which the qualified political party  
5899 holds the party's convention to select candidates, for the elective office, for the qualified  
5900 political party's nomination, collect signatures electronically:

5901 (i) in accordance with Section 20A-21-201; and

5902 (ii) using progressive screens, in a format approved by the lieutenant governor, that  
5903 complies with Subsection 20A-9-405(4).

5904 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), the  
5905 county election officer shall, no later than the earlier of 14 days after the day on which the  
5906 county election officer receives the signatures, or one day before the day on which the qualified  
5907 political party holds the convention to select a nominee for the elective office to which the  
5908 signature packets relate:

5909 (i) check the name of each individual who completes the verification for a signature to  
5910 determine whether each individual is a resident of Utah and is at least 18 years old; and

5911 (ii) submit the name of each individual described in Subsection (10)(c)(i) who is not a  
5912 Utah resident or who is not at least 18 years old to the attorney general and the county attorney.

5913 (11) (a) An individual may not gather signatures under this section until after the  
5914 individual files a notice of intent to gather signatures for candidacy described in this section.

5915 (b) An individual who files a notice of intent to gather signatures for candidacy,  
5916 described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files  
5917 the notice of intent to gather signatures for candidacy:

5918 (i) required to comply with the reporting requirements that a candidate for office is  
5919 required to comply with; and

5920 (ii) subject to the same enforcement provisions, and civil and criminal penalties, that  
5921 apply to a candidate for office in relation to the reporting requirements described in Subsection  
5922 (11)(b)(i).

5923 (c) Upon timely receipt of the signatures described in Subsections (8) and (9)(b), or  
5924 Subsections (8) and (10)(b), the county election officer shall, no later than one day before the  
5925 day on which the qualified political party holds the convention to select a nominee for the  
5926 elective office to which the signature packets relate, notify the qualified political party and the  
5927 lieutenant governor of the name of each member of the qualified political party who qualifies  
5928 as a nominee of the qualified political party, under this section, for the elective office to which  
5929 the convention relates.

5930 (d) Upon receipt of a notice of intent to gather signatures for candidacy described in  
5931 this section, the lieutenant governor shall post the notice of intent to gather signatures for  
5932 candidacy on the lieutenant governor's website in the same location that the lieutenant governor  
5933 posts a declaration of candidacy.

5934 Section 108. Section **20A-9-411** is amended to read:

5935 **20A-9-411. Signing multiple nomination petitions.**

5936 (1) An individual who signs a petition, described in Section [20A-9-403](#) or [20A-9-408](#),  
5937 to nominate a candidate may not sign a petition to nominate another candidate for the same  
5938 office.

5939 (2) If an individual signs more than one petition in violation of Subsection (1), the  
5940 county election officer may only count the signature on the first petition that the county  
5941 election officer reviews for that office.

5942 Section 109. Section **20A-11-206** is amended to read:

5943 **20A-11-206. State office candidate -- Failure to file reports -- Penalties.**

5944 (1) A state office candidate who fails to file a financial statement before the deadline is  
5945 subject to a fine imposed in accordance with Section [20A-11-1005](#).

5946 (2) If a state office candidate fails to file an interim report described in Subsections  
5947 [20A-11-204](#)(2)(b) through (d), the lieutenant governor may send an electronic notice to the  
5948 state office candidate and the political party of which the state office candidate is a member, if



5949 any, that states:

5950 (a) that the state office candidate failed to timely file the report; and

5951 (b) that, if the state office candidate fails to file the report within 24 hours after the  
5952 deadline for filing the report, the state office candidate will be disqualified and the political  
5953 party will not be permitted to replace the candidate.

5954 (3) (a) The lieutenant governor shall disqualify a state office candidate and inform the  
5955 county clerk and other appropriate election officials that the state office candidate is  
5956 disqualified if the state office candidate fails to file an interim report described in Subsections  
5957 [20A-11-204\(2\)\(b\)](#) through (d) within 24 hours after the deadline for filing the report.

5958 (b) The political party of a state office candidate who is disqualified under Subsection  
5959 (3)(a) may not replace the state office candidate.

5960 (4) If a state office candidate is disqualified under Subsection (3)(a), the [election  
5961 officer] lieutenant governor shall:

5962 (a) notify every opposing candidate for the state office that the state office candidate is  
5963 disqualified;

5964 (b) send an email notification to each voter who is eligible to vote in the state office  
5965 race for whom the lieutenant governor has an email address informing the voter that the state  
5966 office candidate is disqualified and that votes cast for the state office candidate will not be  
5967 counted;

5968 (c) post notice of the disqualification on the lieutenant governor's website; and

5969 (d) if practicable, direct the county election officers to remove the state office  
5970 candidate's name from the ballot.

5971 (5) An election officer may fulfill the requirement described in Subsection (4) in  
5972 relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a  
5973 written notice directing the voter to the lieutenant governor's website to inform the voter  
5974 whether a candidate on the ballot is disqualified.

5975 (6) A state office candidate is not disqualified if:

5976 (a) the state office candidate timely files the reports described in Subsections  
5977 [20A-11-204\(2\)\(b\)](#) through (d) no later than 24 hours after the applicable deadlines for filing the  
5978 reports;

5979 (b) the reports are completed, detailing accurately and completely the information

5980 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
5981 and

5982 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in  
5983 an amended report or the next scheduled report.

5984 (7) (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant  
5985 governor shall review each filed summary report to ensure that:

5986 (i) each state office candidate that is required to file a summary report has filed one;  
5987 and

5988 (ii) each summary report contains the information required by this part.

5989 (b) If it appears that any state office candidate has failed to file the summary report  
5990 required by law, if it appears that a filed summary report does not conform to the law, or if the  
5991 lieutenant governor has received a written complaint alleging a violation of the law or the  
5992 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
5993 violation or receipt of a written complaint, notify the state office candidate of the violation or  
5994 written complaint and direct the state office candidate to file a summary report correcting the  
5995 problem.

5996 (c) (i) It is unlawful for a state office candidate to fail to file or amend a summary  
5997 report within seven days after receiving notice from the lieutenant governor described in this  
5998 Subsection (7).

5999 (ii) Each state office candidate who violates Subsection (7)(c)(i) is guilty of a class B  
6000 misdemeanor.

6001 (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the  
6002 attorney general.

6003 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the lieutenant  
6004 governor shall impose a civil fine of \$100 against a state office candidate who violates  
6005 Subsection (7)(c)(i).

6006 Section 110. Section **20A-11-305** is amended to read:

6007 **20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.**

6008 (1) A legislative office candidate who fails to file a financial statement before the  
6009 deadline is subject to a fine imposed in accordance with Section [20A-11-1005](#).

6010 (2) If a legislative office candidate fails to file an interim report described in

6011 Subsections 20A-11-303(2)(b) through (d), the lieutenant governor may send an electronic  
6012 notice to the legislative office candidate and the political party of which the legislative office  
6013 candidate is a member, if any, that states:

6014 (a) that the legislative office candidate failed to timely file the report; and

6015 (b) that, if the legislative office candidate fails to file the report within 24 hours after  
6016 the deadline for filing the report, the legislative office candidate will be disqualified and the  
6017 political party will not be permitted to replace the candidate.

6018 (3) (a) The lieutenant governor shall disqualify a legislative office candidate and  
6019 inform the county clerk and other appropriate election officials that the legislative office  
6020 candidate is disqualified if the legislative office candidate fails to file an interim report  
6021 described in Subsections 20A-11-303(2)(b) through (d) within 24 hours after the deadline for  
6022 filing the report.

6023 (b) The political party of a legislative office candidate who is disqualified under  
6024 Subsection (3)(a) may not replace the legislative office candidate.

6025 (4) If a legislative office candidate is disqualified under Subsection (3)(a), the county  
6026 election officer shall:

6027 (a) notify every opposing candidate for the legislative office that the legislative office  
6028 candidate is disqualified;

6029 (b) send an email notification to each voter who is eligible to vote in the legislative  
6030 office race for whom the county election officer has an email address informing the voter that  
6031 the legislative office candidate is disqualified and that votes cast for the legislative office  
6032 candidate will not be counted;

6033 (c) post notice of the disqualification on the county election officer's website; and

6034 (d) if practicable, remove the legislative office candidate's name from the ballot.

6035 (5) ~~At~~ A county election officer may fulfill the requirement described in Subsection  
6036 (4) in relation to a mailed ballot, including a military or overseas ballot, by including with the  
6037 ballot a written notice directing the voter to the election officer's website to inform the voter  
6038 whether a candidate on the ballot is disqualified.

6039 (6) A legislative office candidate is not disqualified if:

6040 (a) the legislative office candidate files the reports described in Subsections

6041 20A-11-303(2)(b) through (d) no later than 24 hours after the applicable deadlines for filing the

6042 reports;

6043 (b) the reports are completed, detailing accurately and completely the information  
6044 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;  
6045 and

6046 (c) the omissions, errors, or inaccuracies described in Subsection (6)(b) are corrected in  
6047 an amended report or the next scheduled report.

6048 (7) (a) Within 60 days after a deadline for the filing of a summary report, the lieutenant  
6049 governor shall review each filed summary report to ensure that:

6050 (i) each legislative office candidate that is required to file a summary report has filed  
6051 one; and

6052 (ii) each summary report contains the information required by this part.

6053 (b) If it appears that any legislative office candidate has failed to file the summary  
6054 report required by law, if it appears that a filed summary report does not conform to the law, or  
6055 if the lieutenant governor has received a written complaint alleging a violation of the law or the  
6056 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a  
6057 violation or receipt of a written complaint, notify the legislative office candidate of the  
6058 violation or written complaint and direct the legislative office candidate to file a summary  
6059 report correcting the problem.

6060 (c) (i) It is unlawful for a legislative office candidate to fail to file or amend a summary  
6061 report within seven days after receiving notice from the lieutenant governor described in this  
6062 Subsection (7).

6063 (ii) Each legislative office candidate who violates Subsection (7)(c)(i) is guilty of a  
6064 class B misdemeanor.

6065 (iii) The lieutenant governor shall report all violations of Subsection (7)(c)(i) to the  
6066 attorney general.

6067 (iv) In addition to the criminal penalty described in Subsection (7)(c)(ii), the lieutenant  
6068 governor shall impose a civil fine of \$100 against a legislative office candidate who violates  
6069 Subsection (7)(c)(i).

6070 Section 111. Section **20A-12-201 (Effective 07/01/24)** is amended to read:

6071 **20A-12-201 (Effective 07/01/24). Judicial appointees -- Retention elections.**

6072 (1) (a) Each judicial appointee to a court is subject to an unopposed retention election

6073 at the first general election held more than three years after the judge or justice was appointed.

6074 (b) After the first retention election:

6075 (i) each Supreme Court justice shall be on the regular general election ballot for an  
6076 unopposed retention election every tenth year; and

6077 (ii) each judge of other courts shall be on the regular general election ballot for an  
6078 unopposed retention election every sixth year.

6079 (2) (a) Each justice or judge of a court of record who wishes to retain office shall, in  
6080 the year the justice or judge is subject to a retention election:

6081 (i) file a declaration of candidacy with the lieutenant governor, or with the county clerk  
6082 in the candidate's county of residence, within the period beginning on July 1 and ending at 5  
6083 p.m. on July 15 in the year of a regular general election; and

6084 (ii) pay a filing fee of \$50.

6085 (b) (i) Each justice court judge who wishes to retain office shall, in the year the justice  
6086 court judge is subject to a retention election:

6087 (A) file a declaration of candidacy with the lieutenant governor, or with the county  
6088 clerk in the candidate's county of residence, within the period beginning on July 1 and ending  
6089 at 5 p.m. on July 15 in the year of a regular general election; and

6090 (B) pay a filing fee of \$25 for each judicial office.

6091 (ii) If a justice court judge is appointed or elected to more than one judicial office, the  
6092 declaration of candidacy shall identify all of the courts included in the same general election.

6093 (iii) If a justice court judge is appointed or elected to more than one judicial office,  
6094 filing a declaration of candidacy in one county in which one of those courts is located is valid  
6095 for the courts in any other county.

6096 (3) (a) The lieutenant governor shall, no later than August 31 of each regular general  
6097 election year:

6098 (i) transmit a certified list containing the names of the justices of the Supreme Court,  
6099 judges of the Court of Appeals, and judges of the Business and Chancery Court declaring their  
6100 candidacy to the county clerk of each county; and

6101 (ii) transmit a certified list containing the names of judges of other courts declaring  
6102 their candidacy to the county clerk of each county in the geographic division in which the judge  
6103 filing the declaration holds office.

6104 (b) Each county clerk shall place the names of justices and judges standing for  
6105 retention election in the nonpartisan section of the ballot.

6106 (4) (a) At the general election, the ballots shall contain:

6107 (i) at the beginning of the judicial retention section of the ballot, the following  
6108 statement:

6109 "Visit [judges.utah.gov](http://judges.utah.gov) to learn about the Judicial Performance Evaluation  
6110 Commission's recommendations for each judge"; and

6111 (ii) as to each justice or judge of any court to be voted on in the county, the following  
6112 question:

6113 "Shall \_\_\_\_\_ (name of justice or judge) be retained in the  
6114 office of \_\_\_\_\_? (name of office, such as "Justice of the Supreme  
6115 Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the Business and Chancery  
6116 Court of Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the  
6117 Juvenile Court of the Fourth Juvenile Court District"; "Justice Court Judge of (name of county)  
6118 County or (name of municipality)")

6119 Yes ()

6120 No ()."

6121 (b) If a justice court exists by means of an interlocal agreement under Section  
6122 [78A-7-102](#), the ballot question for the judge shall include the name of that court.

6123 (5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge  
6124 is retained for the term of office provided by law.

6125 (b) If the justice or judge does not receive more yes votes than no votes, the justice or  
6126 judge is not retained, and a vacancy exists in the office on the first Monday in January after the  
6127 regular general election.

6128 (6) A justice or judge not retained is ineligible for appointment to the office for which  
6129 the justice or judge was defeated until after the expiration of that term of office.

6130 (7) (a) If a justice court judge is standing for retention for one or more judicial offices  
6131 in a county in which the judge is a county justice court judge or a municipal justice court judge  
6132 in a town or municipality of the fourth or fifth class, as described in Section [10-2-301](#), or any  
6133 combination thereof, the county election officer shall place the judge's name on the county  
6134 ballot only once for all judicial offices for which the judge seeks to be retained.

6135 (b) If a justice court judge is standing for retention for one or more judicial offices in a  
6136 municipality of the first, second, or third class, as described in Section 10-2-301, the county  
6137 election officer shall place the judge's name only on the municipal ballot for the voters of the  
6138 municipality that the judge serves.

6139 Section 112. Section 20A-16-404 is amended to read:

6140 **20A-16-404. Timely casting of ballot.**

6141 Except as provided by Section 20A-1-308, to be valid, a military-overseas ballot shall  
6142 be:

6143 (1) received by the appropriate county election officer not later than the close of the  
6144 polls; or

6145 (2) submitted for mailing, electronic transmission, or other authorized means of  
6146 delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the date  
6147 of the election.

6148 Section 113. Section 20A-16-501 is amended to read:

6149 **20A-16-501. Use of voter's email address.**

6150 (1) ~~[An]~~ A county election officer shall request an email address from each covered  
6151 voter who registers to vote.

6152 (2) An email address provided by a covered voter:

6153 (a) is a private record under Section 63G-2-302; and

6154 (b) may be used only for official communication with the covered voter about the  
6155 voting process, including transmitting military-overseas ballots and election materials if the  
6156 voter has requested electronic transmission, verifying the voter's mailing address and physical  
6157 location, and informing the voter of the status of the voter's ballot in accordance with Section  
6158 20A-3a-401.5.

6159 (3) The request for an email address shall:

6160 (a) describe the purposes for which the email address may be used;

6161 (b) include a statement that any other use or disclosure of the email address is  
6162 prohibited; and

6163 (c) describe how a voter may sign up to receive ballot status notifications via the ballot  
6164 tracking system described in Section 20A-3a-401.5.

6165 (4) (a) A covered voter who provides an email address may request that the covered

6166 voter's application for a military-overseas ballot be considered a standing request for electronic  
6167 delivery of a ballot for all elections held through December 31 of the year following the  
6168 calendar year of the date of the application or another shorter period the covered voter  
6169 specifies.

6170 (b) An election official shall provide a military-overseas ballot to a covered voter who  
6171 makes a standing request for each election to which the request is applicable.

6172 (c) A covered voter who is entitled to receive a military-overseas ballot for a primary  
6173 election under this Subsection (4) is entitled to receive a military-overseas ballot for the general  
6174 election.

6175 Section 114. Section **20A-16-502** is amended to read:

6176 **20A-16-502. Publication of election notice.**

6177 (1) At least 100 days before the day of an election, other than a statewide special  
6178 election or local special election, and as soon as practicable before a statewide special election  
6179 or local special election, the county election officer shall prepare an election notice for the  
6180 [~~election officer's~~] applicable jurisdiction, to be used in conjunction with a federal write-in  
6181 absentee ballot.

6182 (2) The election notice must contain:

6183 (a) a list of all of the ballot propositions and federal, state, and local offices that as of  
6184 that date the county election officer expects to be on the ballot on the date of the election; and

6185 (b) specific instructions for how a covered voter is to indicate on the federal write-in  
6186 absentee ballot the covered voter's choice for each office to be filled and for each ballot  
6187 proposition to be contested.

6188 (3) (a) A covered voter may request a copy of an election notice.

6189 (b) The county election officer shall send the notice to the covered voter by facsimile,  
6190 email, or regular mail, as the covered voter requests.

6191 (4) As soon as the ballot is certified, and not later than the date ballots are required to  
6192 be transmitted to voters under Chapter 3a, Voting, the county election officer charged with  
6193 preparing the election notice under Subsection (1) shall update the notice with the certified  
6194 candidates for each office and ballot propositions and make the updated notice publicly  
6195 available.

6196 (5) A political subdivision that maintains a website shall make the election notice



6197 prepared under this section and updated versions of the election notice regularly available on  
6198 the website.

6199 Section 115. Section **20A-21-201** is amended to read:

6200 **20A-21-201. Electronic signature gathering for an initiative, a referendum, or**  
6201 **candidate qualification.**

6202 (1) (a) After filing a petition for a statewide initiative or a statewide referendum, and  
6203 before gathering signatures, the sponsors shall, after consulting with the Office of the  
6204 Lieutenant Governor, sign a form provided by the Office of the Lieutenant Governor indicating  
6205 whether the sponsors will gather signatures manually or electronically.

6206 (b) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather  
6207 signatures electronically:

6208 (i) in relation to a statewide initiative, signatures for that initiative:

6209 (A) may only be gathered and submitted electronically, in accordance with this section  
6210 and Sections [20A-7-215](#), [20A-7-216](#), and [20A-7-217](#); and

6211 (B) may not be gathered or submitted using the manual signature-gathering process  
6212 described in Sections [20A-7-105](#) and [20A-7-204](#); and

6213 (ii) in relation to a statewide referendum, signatures for that referendum:

6214 (A) may only be gathered and submitted electronically, in accordance with this section  
6215 and Sections [20A-7-313](#), [20A-7-314](#), and [20A-7-315](#); and

6216 (B) may not be gathered or submitted using the manual signature-gathering process  
6217 described in Sections [20A-7-105](#) and [20A-7-304](#).

6218 (c) If the sponsors indicate, under Subsection (1)(a), that the sponsors will gather  
6219 signatures manually:

6220 (i) in relation to a statewide initiative, signatures for that initiative:

6221 (A) may only be gathered and submitted using the manual signature-gathering process  
6222 described in Sections [20A-7-105](#) and [20A-7-204](#); and

6223 (B) may not be gathered or submitted electronically, as described in this section and  
6224 Sections [20A-7-215](#), [20A-7-216](#), and [20A-7-217](#); and

6225 (ii) in relation to a statewide referendum, signatures for that referendum:

6226 (A) may only be gathered and submitted using the manual signature-gathering process  
6227 described in Sections [20A-7-105](#) and [20A-7-304](#); and

6228 (B) may not be gathered or submitted electronically, as described in this section and  
6229 Sections [20A-7-313](#), [20A-7-314](#), and [20A-7-315](#).

6230 (2) (a) After filing a petition for a local initiative or a local referendum, and before  
6231 gathering signatures, the sponsors shall, after consulting with the local clerk's office, sign a  
6232 form provided by the local clerk's office indicating whether the sponsors will gather signatures  
6233 manually or electronically.

6234 (b) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather  
6235 signatures electronically:

6236 (i) in relation to a local initiative, signatures for that initiative:

6237 (A) may only be gathered and submitted electronically, in accordance with this section  
6238 and Sections [20A-7-514](#), [20A-7-515](#), and [20A-7-516](#); and

6239 (B) may not be gathered or submitted using the manual signature-gathering process  
6240 described in Sections [20A-7-105](#) and [20A-7-504](#); and

6241 (ii) in relation to a local referendum, signatures for that referendum:

6242 (A) may only be gathered and submitted electronically, in accordance with this section  
6243 and Sections [20A-7-614](#), [20A-7-615](#), and [20A-7-616](#); and

6244 (B) may not be gathered or submitted using the manual signature-gathering process  
6245 described in Sections [20A-7-105](#) and [20A-7-604](#).

6246 (c) If the sponsors indicate, under Subsection (2)(a), that the sponsors will gather  
6247 signatures manually:

6248 (i) in relation to a local initiative, signatures for that initiative:

6249 (A) may only be gathered and submitted using the manual signature-gathering process  
6250 described in Sections [20A-7-105](#) and [20A-7-504](#); and

6251 (B) may not be gathered or submitted electronically, as described in this section and  
6252 Sections [20A-7-514](#), [20A-7-515](#), and [20A-7-516](#); and

6253 (ii) in relation to a local referendum, signatures for that referendum:

6254 (A) may only be gathered and submitted using the manual signature-gathering process  
6255 described in Sections [20A-7-105](#) and [20A-7-604](#); and

6256 (B) may not be gathered or submitted electronically, as described in this section and  
6257 Sections [20A-7-614](#), [20A-7-615](#), and [20A-7-616](#).

6258 (3) (a) After a candidate files a notice of intent to gather signatures to qualify for a

6259 ballot, and before gathering signatures, the candidate shall, after consulting with the county  
6260 election officer, sign a form provided by the county election officer indicating whether the  
6261 candidate will gather signatures manually or electronically.

6262 (b) If a candidate indicates, under Subsection (3)(a), that the candidate will gather  
6263 signatures electronically, signatures for the candidate:

6264 (i) may only be gathered and submitted using the electronic candidate qualification  
6265 process; and

6266 (ii) may not be gathered or submitted using the manual candidate qualification process.

6267 (c) If a candidate indicates, under Subsection (3)(a), that the candidate will gather  
6268 signatures manually, signatures for the candidate:

6269 (i) may only be gathered and submitted using the manual candidate qualification  
6270 process; and

6271 (ii) may not be gathered or submitted using the electronic candidate qualification  
6272 process.

6273 (4) To gather a signature electronically, a signature-gatherer shall:

6274 (a) use a device provided by the signature-gatherer or a sponsor of the petition that:

6275 (i) is approved by the lieutenant governor;

6276 (ii) except as provided in Subsection (4)(a)(iii), does not store a signature or any other  
6277 information relating to an individual signing the petition in any location other than the location  
6278 used by the website to store the information;

6279 (iii) does not, on the device, store a signature or any other information relating to an  
6280 individual signing the petition except for the minimum time necessary to upload information to  
6281 the website;

6282 (iv) does not contain any applications, software, or data other than those approved by  
6283 the lieutenant governor; and

6284 (v) complies with cyber-security and other security protocols required by the lieutenant  
6285 governor;

6286 (b) use the approved device to securely access a website designated by the lieutenant  
6287 governor, directly, or via an application designated by the lieutenant governor; and

6288 (c) while connected to the website, present the approved device to an individual  
6289 considering signing the petition and, while the signature-gatherer is in the physical presence of

6290 the individual:

6291 (i) wait for the individual to reach each screen presented to the individual on the  
6292 approved device; and

6293 (ii) wait for the individual to advance to each subsequent screen by clicking on the  
6294 acknowledgement at the bottom of the screen.

6295 (5) Each screen shown on an approved device as part of the signature-gathering process  
6296 shall appear as a continuous electronic document that, if the entire document does not appear  
6297 on the screen at once, requires the individual viewing the screen to, before advancing to the  
6298 next screen, scroll through the document until the individual reaches the end of the document.

6299 (6) After advancing through each screen required for the petition, the signature process  
6300 shall proceed as follows:

6301 (a) except as provided in Subsection (6)(b):

6302 (i) the individual desiring to sign the petition shall present the individual's driver  
6303 license or state identification card to the signature-gatherer;

6304 (ii) the signature-gatherer shall verify that the individual pictured on the driver license  
6305 or state identification card is the individual signing the petition;

6306 (iii) the signature-gatherer shall scan or enter the driver license number or state  
6307 identification card number through the approved device; and

6308 (iv) immediately after the signature-gatherer complies with Subsection (6)(a)(iii), the  
6309 website shall determine whether the individual desiring to sign the petition is eligible to sign  
6310 the petition;

6311 (b) if the individual desiring to sign the petition is unable to provide a driver license or  
6312 state identification card to the signature gatherer:

6313 (i) the individual may present other valid voter identification;

6314 (ii) if the valid voter identification contains a picture of the individual, the  
6315 signature-gatherer shall verify that the individual pictured is the individual signing the petition;

6316 (iii) if the valid voter identification does not contain a picture of the individual, the  
6317 signature-gatherer shall, to the extent reasonably practicable, use the individual's address or  
6318 other available means to determine whether the identification relates to the individual  
6319 presenting the identification;

6320 (iv) the signature-gatherer shall scan an image of the valid voter identification and

6321 immediately upload the image to the website; and

6322 (v) the individual:

6323 (A) shall enter the individual's address; and

6324 (B) may, at the discretion of the individual, enter the individual's date of birth or age

6325 after the individual clicks on the screen acknowledging that they have read and understand the

6326 following statement, "Birth date or age information is not required, but may be used to verify

6327 your identity with voter registration records. If you choose not to provide it, your signature may

6328 not be verified as a valid signature if you change your address before your signature is verified

6329 or if the information you provide does not match your voter registration records."; and

6330 (c) after completing the process described in Subsection (6)(a) or (b), the screen shall:

6331 (i) except for a petition to qualify a candidate for the ballot, give the individual signing

6332 the petition the opportunity to enter the individual's email address after the individual reads the

6333 following statement, "If you provide your email address, you may receive an email with

6334 additional information relating to the petition you are signing."; and

6335 (ii) (A) if the website determines, under Subsection (6)(a)(iv), that the individual is

6336 eligible to sign the petition, permit the individual to enter the individual's name as the

6337 individual's electronic signature and, immediately after the signature-gatherer timely complies

6338 with Subsection (10), certify the signature; or

6339 (B) if the individual provides valid voter identification under Subsection (6)(b), permit

6340 the individual to enter the individual's name as the individual's electronic signature.

6341 (7) If an individual provides valid voter identification under Subsection (6)(b), the

6342 county clerk shall, within seven days after the day on which the individual submits the valid

6343 voter identification, certify the signature if:

6344 (a) the individual is eligible to sign the petition;

6345 (b) the identification provided matches the information on file; and

6346 (c) the signature-gatherer timely complies with Subsection (10).

6347 (8) For each signature submitted under this section, the website shall record:

6348 (a) the information identifying the individual who signs;

6349 (b) the date the signature was collected; and

6350 (c) the name of the signature-gatherer.

6351 (9) An individual who is a signature-gatherer may not sign a petition unless another

6352 individual acts as the signature-gatherer when the individual signs the petition.

6353 (10) Except for a petition for a candidate to seek the nomination of a registered  
6354 political party, each individual who gathers a signature under this section shall, within one  
6355 business day after the day on which the individual gathers a signature, electronically sign and  
6356 submit the following statement to the website:

6357 "VERIFICATION OF SIGNATURE-GATHERER

6358 State of Utah, County of \_\_\_\_\_

6359 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state, under penalty of perjury, that:

6360 I am a resident of Utah and am at least 18 years old;

6361 All the signatures that I collected on [Date signatures were gathered] were signed by  
6362 individuals who professed to be the individuals whose signatures I gathered, and each of the  
6363 individuals signed the petition in my presence;

6364 I did not knowingly make a misrepresentation of fact concerning the law or proposed  
6365 law to which the petition relates;

6366 I believe that each individual has signed the individual's name and written the  
6367 individual's residence correctly, that each signer has read and understands the law to which the  
6368 petition relates, and that each signer is registered to vote in Utah;

6369 Each signature correctly reflects the date on which the individual signed the petition;  
6370 and

6371 I have not paid or given anything of value to any individual who signed this petition to  
6372 encourage that individual to sign it."

6373 (11) Except for a petition for a candidate to seek the nomination of a registered  
6374 political party:

6375 (a) the county clerk may not certify a signature that is not timely verified in accordance  
6376 with Subsection (10); and

6377 (b) if a signature certified by a county clerk under Subsection (6)(c)(ii)(A) is not timely  
6378 verified in accordance with Subsection (10), the county clerk shall:

6379 (i) revoke the certification;

6380 (ii) remove the signature from the posting described in Subsection 20A-7-217(4),  
6381 20A-7-315(3), 20A-7-516(4), or 20A-7-616(3); and

6382 (iii) update the totals described in Subsections 20A-7-217(5)(a)(ii),

6383 20A-7-315(5)(a)(ii), 20A-7-516(5)(a)(ii), and 20A-7-616(5)(a)(ii).

6384 (12) For a petition for a candidate to seek the nomination of a registered political party,  
6385 each individual who gathers a signature under this section shall, within one business day after  
6386 the day on which the individual gathers a signature, electronically sign and submit the  
6387 following statement to the lieutenant governor in the manner specified by the lieutenant  
6388 governor:

6389 "VERIFICATION OF SIGNATURE-GATHERER

6390 State of Utah, County of \_\_\_\_

6391 I, \_\_\_\_\_, of \_\_\_\_\_, hereby state that:

6392 I am a resident of Utah and am at least 18 years old;

6393 All the signatures that I collected on [Date signatures were gathered] were signed by  
6394 individuals who professed to be the individuals whose signatures I gathered, and each of the  
6395 individuals signed the petition in my presence;

6396 I believe that each individual has signed the individual's name and written the  
6397 individual's residence correctly and that each signer is registered to vote in Utah; and

6398 Each signature correctly reflects the date on which the individual signed the petition."

6399 (13) For a petition for a candidate to seek the nomination of a registered political party,  
6400 the county election officer may not certify a signature that is not timely verified in accordance  
6401 with Subsection (12).

6402 Section 116. **Repealer.**

6403 This bill repeals:

6404 Section 20A-5-400.1, **Contracting with an election officer to conduct elections --**  
6405 **Fees -- Contracts and interlocal agreements -- Private providers.**

6406 Section 117. **Effective date.**

6407 This bill takes effect on January 1, 2025.