20A-1-101. Title.

This title is known as the "Election Code."

Enacted by Chapter 1, 1993 General Session

20A-1-102. Definitions.

As used in this title:

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

(2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

(3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon which a voter records the voter's votes.

(b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy envelopes.

(4) "Ballot sheet":

(a) means a ballot that:

(i) consists of paper or a card where the voter's votes are marked or recorded; and

(ii) can be counted using automatic tabulating equipment; and

(b) includes punch card ballots and other ballots that are machine-countable.

(5) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

(a) contain the names of offices and candidates and statements of ballot propositions to be voted on; and

(b) are used in conjunction with ballot sheets that do not display that information.

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

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

(b) a constitutional amendment;

(c) an initiative;

(d) a referendum;

(e) a bond proposition;

(f) a judicial retention question;

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

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

(7) "Bind," "binding," or "bound" means securing more than one piece of paper together with a staple or stitch in at least three places across the top of the paper in the blank space reserved for securing the paper.

(8) "Board of canvassers" means the entities established by Sections 20A-4-301 and 20A-4-306 to canvass election returns.

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

(10) "Book voter registration form" means voter registration forms contained in a

bound book that are used by election officers and registration agents to register persons to vote.

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

(12) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer.

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

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

(15) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer.

(16) "Convention" means the political party convention at which party officers and delegates are selected.

(17) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots.

(18) "Counting judge" means a poll worker designated to count the ballots during election day.

(19) "Counting poll watcher" means a person selected as provided in Section 20A-3-201 to witness the counting of ballots.

(20) "Counting room" means a suitable and convenient private place or room, immediately adjoining the place where the election is being held, for use by the poll workers and counting judges to count ballots during election day.

(21) "County officers" means those county officers that are required by law to be elected.

(22) "Date of the election" or "election day" or "day of the election":

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

(b) does not include:

(i) deadlines established for absentee voting; or

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

(23) "Elected official" means:

(a) a person elected to an office under Section 20A-1-303;

(b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or

(c) a person who is considered to be elected to a local district office in accordance with Subsection 20A-1-206(3)(c)(ii).

(24) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a local district election.

(25) "Election Assistance Commission" means the commission established by Public Law 107-252, the Help America Vote Act of 2002.

(26) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(27) "Election judge" means a poll worker that is assigned to:

(a) preside over other poll workers at a polling place;
(b) act as the presiding election judge; or
(c) serve as a canvassing judge, counting judge, or receiving judge.
(28) "Election officer" means:
(a) the lieutenant governor, for all statewide ballots and elections;
(b) the county clerk for:
(i) a county ballot and election; and
(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
(c) the municipal clerk for:
(i) a municipal ballot and election; and
(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
(d) the local district clerk or chief executive officer for:
(i) a local district ballot and election; and
(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or
(e) the business administrator or superintendent of a school district for:
(i) a school district ballot and election; and
(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.
(29) "Election official" means any election officer, election judge, or poll worker.
(30) "Election results" means:
(a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or
(b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.
(31) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.
(32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting device or other voting device that records and stores ballot information by electronic means.
(33) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
(34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
(b) "Electronic voting device" includes a direct recording electronic voting device.
(35) "Inactive voter" means a registered voter who has:
(a) been sent the notice required by Section 20A-2-306; and
(b) failed to respond to that notice.
(36) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots.

(37) "Judicial office" means the office filled by any judicial officer.

(38) "Judicial officer" means any justice or judge of a court of record or any county court judge.

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

(40) "Local district officers" means those local district officers that are required by law to be elected.

(41) "Local election" means a regular municipal election, a local special election, a local district election, and a bond election.

(42) "Local political subdivision" means a county, a municipality, a local district, or a local school district.

(43) "Local special election" means a special election called by the governing body of a local political subdivision in which all registered voters of the local political subdivision may vote.

(44) "Municipal executive" means:

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

(b) the mayor in the council-manager form of government defined in Subsection 10-3b-103(6).

(45) "Municipal general election" means the election held in municipalities and local districts on the first Tuesday after the first Monday in November of each odd-numbered year for the purposes established in Section 20A-1-202.

(46) "Municipal legislative body" means the council of the city or town in any form of municipal government.

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

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

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

(50) "Official ballot" means the ballots distributed by the election officer to the poll workers to be given to voters to record their votes.

(51) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

(iii) the facsimile signature of the election officer; and

(b) the information on the ballot stub that identifies:

(i) the poll worker's initials; and

(ii) the ballot number.

(52) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

(53) "Paper ballot" means a paper that contains:

(a) the names of offices and candidates and statements of ballot propositions to be voted on; and

(b) spaces for the voter to record the voter's vote for each office and for or

against each ballot proposition.

(54) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

(55) (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

(b) "Poll worker" includes election judges.

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

(56) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

(57) "Polling place" means the building where voting is conducted.

(58) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

(59) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

(60) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

(61) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

(62) "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.

(63) "Protective counter" means a separate counter, which cannot be reset, that:

(a) is built into a voting machine; and

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

(64) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.

(65) "Receiving judge" means the poll worker that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.

(66) "Registration form" means a book voter registration form and a by-mail voter registration form.

(67) "Regular ballot" means a ballot that is not a provisional ballot.

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

(69) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, to nominate candidates of political parties and nonpolitical groups to advance to the regular general election.

(70) "Resident" means a person who resides within a specific voting precinct in Utah.

(71) "Sample ballot" means a mock ballot similar in form to the official ballot

printed and distributed as provided in Section 20A-5-405.

(72) "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties.

(73) "Secrecy envelope" means the envelope given to a voter along with the ballot into which the voter places the ballot after the voter has voted it in order to preserve the secrecy of the voter's vote.

(74) "Special election" means an election held as authorized by Section 20A-1-203.

(75) "Spoiled ballot" means each ballot that:

(a) is spoiled by the voter;

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

(c) lacks the official endorsement.

(76) "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

(77) "Stub" means the detachable part of each ballot.

(78) "Substitute ballots" means replacement ballots provided by an election officer to the poll workers when the official ballots are lost or stolen.

(79) "Ticket" means each list of candidates for each political party or for each group of petitioners.

(80) "Transfer case" means the sealed box used to transport voted ballots to the counting center.

(81) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

(82) "Valid voter identification" means:

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

(i) a currently valid Utah driver license;

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

(A) the state; or

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

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

(iv) a currently valid United States passport; or

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

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

(i) a valid tribal identification card;

(ii) a Bureau of Indian Affairs card; or

(iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection (82)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

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

(ii) a bank or other financial account statement, or a legible copy thereof;
(iii) a certified birth certificate;
(iv) a valid Social Security card;
(v) a check issued by the state or the federal government or a legible copy thereof;
(vi) a paycheck from the voter's employer, or a legible copy thereof;
(vii) a currently valid Utah hunting or fishing license;
(viii) certified naturalization documentation;
(ix) a currently valid license issued by an authorized agency of the United States;
(x) a certified copy of court records showing the voter's adoption or name change;
(xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
(xii) a currently valid identification card issued by:
(A) a local government within the state;
(B) an employer for an employee; or
(C) a college, university, technical school, or professional school located within the state; or
(xiii) a current Utah vehicle registration.
(83) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.
(84) "Voter" means a person who:
(a) meets the requirements for voting in an election;
(b) meets the requirements of election registration;
(c) is registered to vote; and
(d) is listed in the official register book.
(85) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.
(86) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.
(87) "Voting booth" means:
(a) the space or compartment within a polling place that is provided for the preparation of ballots, including the voting machine enclosure or curtain; or
(b) a voting device that is free standing.
(88) "Voting device" means:
(a) an apparatus in which ballot sheets are used in connection with a punch device for piercing the ballots by the voter;
(b) a device for marking the ballots with ink or another substance;
(c) an electronic voting device or other device used to make selections and cast a ballot electronically, or any component thereof;
(d) an automated voting system under Section 20A-5-302; or
(e) any other method for recording votes on ballots so that the ballot may be tabulated by means of automatic tabulating equipment.
(89) "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.
(90) "Voting poll watcher" means a person appointed as provided in this title to

witness the distribution of ballots and the voting process.

(91) "Voting precinct" means the smallest voting unit established as provided by law within which qualified voters vote at one polling place.

(92) "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting poll watcher, and a testing watcher.

(93) "Western States Presidential Primary" means the election established in Chapter 9, Part 8, Western States Presidential Primary.

(94) "Write-in ballot" means a ballot containing any write-in votes.

(95) "Write-in vote" means a vote cast for a person whose name is not printed on the ballot according to the procedures established in this title.

Amended by Chapter 320, 2013 General Session

20A-1-201. Date and purpose of regular general elections.

(1) A regular general election shall be held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year.

(2) At the regular general election, the voters shall:

(a) choose persons to serve the terms established by law for the following offices:

(i) electors of President and Vice President of the United States;

(ii) United States Senators;

(iii) Representatives to the United States Congress;

(iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;

(v) senators and representatives to the Utah Legislature;

(vi) county officers;

(vii) State School Board members;

(viii) local school board members; and

(ix) any elected judicial officers; and

(b) approve or reject:

(i) any proposed amendments to the Utah Constitution that have qualified for the ballot under procedures established in the Utah Code;

(ii) any proposed initiatives or referenda that have qualified for the ballot under procedures established in the Utah Code; and

(iii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.

Amended by Chapter 241, 2000 General Session

20A-1-201.5. Primary election dates.

(1) A regular primary election shall be held throughout the state on the fourth Tuesday of June of each even numbered year as provided in Section 20A-9-403, to nominate persons for national, state, school board, and county offices.

(2) A municipal primary election shall be held, if necessary, on the second Tuesday following the first Monday in August before the regular municipal election to nominate persons for municipal offices.

(3) If the Legislature makes an appropriation for a Western States Presidential Primary election, the Western States Presidential Primary election shall be held throughout the state on the first Tuesday in February in the year in which a presidential election will be held.

Amended by Chapter 320, 2013 General Session

20A-1-202. Date and purpose of municipal general election.

(1) Except as provided in Section 20A-1-206, a municipal general election shall be held in municipalities and local districts on the first Tuesday after the first Monday in November of each odd-numbered year.

(2) At the municipal general election, the voters shall:

(a) (i) choose persons to serve as municipal officers; and

(ii) choose persons to serve as local district officers; and

(b) approve or reject:

(i) any proposed initiatives or referenda that have qualified for the ballot as provided by law; and

(ii) any other ballot propositions submitted to the voters that are authorized by the Utah Code.

Amended by Chapter 40, 2011 General Session

20A-1-203. Calling and purpose of special elections -- Two-thirds vote limitations.

(1) Statewide and local special elections may be held for any purpose authorized by law.

(2) (a) Statewide special elections shall be conducted using the procedure for regular general elections.

(b) Except as otherwise provided in this title, local special elections shall be conducted using the procedures for regular municipal elections.

(3) The governor may call a statewide special election by issuing an executive order that designates:

(a) the date for the statewide special election; and

(b) the purpose for the statewide special election.

(4) The Legislature may call a statewide special election by passing a joint or concurrent resolution that designates:

(a) the date for the statewide special election; and

(b) the purpose for the statewide special election.

(5) (a) The legislative body of a local political subdivision may call a local special election only for:

(i) a vote on a bond or debt issue;

(ii) a vote on a voted local levy authorized by Section 53A-16-110 or 53A-17a-133;

(iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;

(iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

(v) if required or authorized by federal law, a vote to determine whether or not Utah's legal boundaries should be changed;

(vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

(vii) a vote to elect members to school district boards for a new school district and a remaining school district, as defined in Section 53A-2-117, following the creation of a new school district under Section 53A-2-118.1;

(viii) an election of town officers of a newly incorporated town under Section 10-2-128;

(ix) an election of officers for a new city under Section 10-2-116;

(x) a vote on a municipality providing cable television services or public telecommunications services under Section 10-18-204;

(xi) a vote to create a new county under Section 17-3-1;

(xii) a vote on the creation of a study committee under Sections 17-52-202 and 17-52-203.5; or

(xiii) a vote on a special property tax under Section 53A-16-110.

(b) The legislative body of a local political subdivision may call a local special election by adopting an ordinance or resolution that designates:

(i) the date for the local special election as authorized by Section 20A-1-204; and

(ii) the purpose for the local special election.

(c) A local political subdivision may not call a local special election unless the ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a two-thirds majority of all members of the legislative body, if the local special election is for:

(i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);

(ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or

(iii) a vote authorized or required for a sales tax issue as described in Subsection (5)(a)(vi).

Amended by Chapter 320, 2013 General Session
Amended by Chapter 415, 2013 General Session

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

(1) (a) Except as provided by Subsection (1)(d), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 shall schedule the special election to be held on:

(i) the fourth Tuesday in June;

(ii) the first Tuesday after the first Monday in November; or

(iii) for an election of town officers of a newly incorporated town under Section 10-2-128, on any date that complies with the requirements of that subsection.

(b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative body of a local political subdivision calling a statewide special election or local special election under Section 20A-1-203 may not schedule a special election to

be held on any other date.

(c) (i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative body of a local political subdivision may call a local special election on a date other than those specified in this section if the legislative body:

(A) determines and declares that there is a disaster, as defined in Section 53-2a-102, requiring that a special election be held on a date other than the ones authorized in statute;

(B) identifies specifically the nature of the disaster, as defined in Section 53-2a-102, and the reasons for holding the special election on that other date; and

(C) votes unanimously to hold the special election on that other date.

(ii) The legislative body of a local political subdivision may not call a local special election for the date established in Chapter 9, Part 8, Western States Presidential Primary, for Utah's Western States Presidential Primary.

(d) The legislative body of a local political subdivision may only call a special election for a ballot proposition related to a bond, debt, leeway, levy, or tax on the first Tuesday after the first Monday in November.

(e) Nothing in this section prohibits:

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

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

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

(i) another special election;

(ii) a regular general election; or

(iii) a municipal general election.

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

(i) polling places;

(ii) ballots;

(iii) election officials; and

(iv) other administrative and procedural matters connected with the election.

Amended by Chapter 295, 2013 General Session
Amended by Chapter 415, 2013 General Session

20A-1-206. Cancellation of local election -- Municipalities -- Local districts -- Notice.

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

(a) (i) (A) all municipal officers are elected in an at-large election under Subsection 10-3-205.5(1); and

(B) the number of municipal officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large municipal offices does not exceed the number of open at-large municipal offices for which the candidates have filed; or

(ii) (A) the municipality has adopted an ordinance under Subsection 10-3-205.5(2);

(B) the number of municipal officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large municipal offices, if any, does not exceed the number of open at-large municipal offices for which the candidates have filed; and

(C) each municipal officer candidate, including any eligible write-in candidates under Section 20A-9-601, in each district is unopposed;

(b) there are no other municipal ballot propositions; and

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

(i) each municipal officer candidate is:

(A) unopposed; or

(B) a candidate for an at-large municipal office for which the number of candidates does not exceed the number of open at-large municipal offices; and

(ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.

(2) A municipal legislative body that cancels a local election in accordance with Subsection (1) shall give notice that the election is cancelled by posting notice:

(a) subject to Subsection (5), on the Statewide Electronic Voter Information Website as described in Section 20A-7-801 for 15 consecutive days before the day of the scheduled election;

(b) if the municipality has a public website, on the municipality's public website for 15 days before the day of the scheduled election;

(c) if the municipality publishes a newsletter or other periodical, in the next scheduled newsletter or other periodical published before the day of the scheduled election; and

(d) (i) at least twice in a newspaper of general circulation within the municipality before the day of the scheduled election; or

(ii) if there is no newspaper of general circulation within the municipality, in at least three conspicuous places within the boundaries of the municipality at least 10 days before the day of the scheduled election.

(3) A local district board may cancel an election as described in Section 17B-1-306 if:

(a) (i) (A) any local district officers are elected in an at-large election; and

(B) the number of local district officer candidates for the at-large local district offices, including any eligible write-in candidates under Section 20A-9-601, does not exceed the number of open at-large local district offices for which the candidates have filed; or

(ii) (A) the local district has divided the local district into divisions under Section 17B-1-306.5;

(B) the number of local district officer candidates, including any eligible write-in candidates under Section 20A-9-601, for the at-large local district offices within the local district, if any, does not exceed the number of open at-large local district offices for which the candidates have filed; and

(C) each local district officer candidate, including any eligible write-in candidates under Section 20A-9-601, in each division of the local district is unopposed;

(b) there are no other local district ballot propositions; and

(c) the local district governing body, no later than 20 days before the day of the scheduled election, adopts a resolution that cancels the election and certifies that:

(i) each local district officer candidate is:

(A) unopposed; or

(B) a candidate for an at-large local district office for which the number of candidates does not exceed the number of open at-large local district offices; and

(ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.

(4) A local district that cancels a local election in accordance with Subsection (3) shall give notice that the election is cancelled by posting notice:

(a) subject to Subsection (5), on the Statewide Electronic Voter Information Website as described in Section 20A-7-801 for 15 consecutive days before the day of the scheduled election;

(b) if the local district has a public website, on the local district's public website for 15 days before the day of the scheduled election;

(c) if the local district publishes a newsletter or other periodical, in the next scheduled newsletter or other periodical published before the day of the scheduled election; and

(d) (i) at least twice in a newspaper of general circulation within the local district before the day of the scheduled election; or

(ii) if there is no newspaper of general circulation within the local district, in at least three conspicuous places within the boundaries of the local district at least 10 days before the day of the scheduled election.

(5) A municipal legislative body that posts a notice in accordance with Subsection (2)(a) or a local district that posts a notice in accordance with Subsection (4)(a) is not liable for a notice that fails to post due to technical or other error by the publisher of the Statewide Electronic Voter Information Website.

Amended by Chapter 97, 2012 General Session

20A-1-302. Opening and closing of polls on election day.

(1) Polls at all elections on the date of the election shall open at 7 a.m. and shall remain open until 8 p.m. of the same day.

(2) The election judges shall allow every voter who arrives at the polls by 8 p.m. to vote.

Amended by Chapter 264, 2006 General Session

20A-1-303. Determining results.

(1) (a) When one person is to be elected or nominated, the person receiving the highest number of votes at any:

(i) election for any office to be filled at that election is elected to that office; and

(ii) primary for nomination for any office is nominated for that office.

(b) When more than one person is to be elected or nominated, the persons receiving the highest number of votes at any:

(i) election for any office to filled at that election are elected to that office; and

(ii) primary for nomination for any office are nominated for that office.
(2) Any ballot proposition submitted to voters for their approval or rejection:
(a) passes if the number of "yes" votes is greater than the number of "no" votes; and
(b) fails if:
(i) the number of "yes" votes equal the number of "no" votes; or
(ii) the number of "no" votes is greater than the number of "yes" votes.

Enacted by Chapter 1, 1993 General Session

20A-1-304. Tie votes.

(1) Except as provided in Subsection (2), if two or more candidates for a position have an equal and the highest number of votes for any office, the election officer shall determine by lot which candidate is selected in a public meeting in the presence of each person subject to the tie within 30 days of the canvass or within 30 days of the recount if one is requested or held.
(2) For any municipal primary election, if two or more candidates for a position have an equal and the highest number of votes for any office, the election officer shall determine by lot which candidate is selected in a public meeting in the presence of each person subject to the tie within five days of the canvass or within five days of the recount if one is requested or held.

Amended by Chapter 20, 2001 General Session

20A-1-305. Publication and distribution of election laws.

(1) The lieutenant governor shall:
(a) publish a sufficient number of copies of Title 20A, Election Code, and any other provisions of law that govern elections; and
(b) transmit copies to each county clerk.
(2) Each county clerk shall:
(a) inform the lieutenant governor of the number of copies needed; and
(b) furnish each election officer in the county with one copy.

Enacted by Chapter 1, 1993 General Session

20A-1-306. Electronic signatures prohibited.

Notwithstanding Title 46, Chapter 4, Uniform Electronic Transactions Act, and Subsections 68-3-12(1)(e) and 68-3-12.5(24) and (33), an electronic signature may not be used to sign a petition to:
(1) qualify a ballot proposition for the ballot under Chapter 7, Issues Submitted to the Voters;
(2) organize and register a political party under Chapter 8, Political Party Formation and Procedures; or
(3) qualify a candidate for the ballot under Chapter 9, Candidate Qualifications and Nominating Procedures.

Enacted by Chapter 17, 2011 General Session

20A-1-307. Residency requirements for person who verifies a signature on a petition.

Notwithstanding any other provision in this title that requires a person who signs the verification on a petition to be a resident, a person who is not a resident may sign the verification on a petition if:

(1) the person signing the petition is a resident who is temporarily located outside the state at the time of signing; and

(2) the person signing the verification meets all the requirements in the verification, except for the residency requirement.

Enacted by Chapter 72, 2012 General Session

20A-1-308. Elections during declared emergencies.

(1) As used in this section, "declared emergency" means a state of emergency that:

(a) is declared by:

(i) the president of the United States;

(ii) the governor in an executive order under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; or

(iii) the chief executive officer of a political subdivision in a proclamation under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act; and

(b) affects an election in the state, including:

(i) voting on election day;

(ii) early voting;

(iii) the transmittal or voting of an absentee ballot or military-overseas ballot;

(iv) the counting of an absentee ballot or military-overseas ballot; or

(v) the canvassing of election returns.

(2) During a declared emergency, the lieutenant governor may designate a method, time, or location for, or relating to, an event described in Subsection (1)(b) that is different than the method, time, or location described in this title.

(3) The lieutenant governor shall notify a voter or potential voter of a different method, time, or location designated under Subsection (2) by:

(a) posting a notice on the Statewide Electronic Voter Information Website established under Section 20A-7-801;

(b) notifying each election officer affected by the designation; and

(c) notifying a newspaper of general circulation within the state or a local media correspondent.

Enacted by Chapter 182, 2013 General Session
Amended by Chapter 182, 2013 General Session, (Coordination Clause)
Enacted by Chapter 219, 2013 General Session

20A-1-401. Interpretation of election laws -- Computation of time.

(1) Courts and election officers shall construe the provisions of this title liberally

to carry out the intent of this title.

(2) Except as provided under Subsection (3), Saturdays, Sundays, and holidays shall be included in all computations of days made under the provisions of this title.

(3) Unless otherwise specifically provided for under this title:

(a) when computing any number of days before or after a specified date or event under this title, the specified date or day of the event is not included in the count; and

(b) (i) if the commencement date of a time period preceding a specified date or event falls on a Saturday, Sunday, or legal holiday, the following business day shall be used;

(ii) if the last day of a time period following a specified date or event falls on a Saturday, Sunday, or legal holiday, the time period shall be extended to the following business day; and

(iii) if a deadline that falls before or after a specified date or event falls on a Saturday, Sunday, or legal holiday, the deadline shall be considered to fall on the following business day.

Amended by Chapter 297, 2011 General Session

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

The election officer shall render all interpretations and make all initial decisions about controversies or other matters arising under this chapter.

Enacted by Chapter 1, 1993 General Session

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

(1) The election officer shall, without delay, correct any errors in paper ballots or ballot labels that he discovers, or that are brought to his attention, if those errors can be corrected without interfering with the timely distribution of the paper ballots or ballot labels.

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

(ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.

(b) The petition shall contain:

(i) an affidavit signed by the candidate or his agent identifying the error or omission; and

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

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

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

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

and

(iii) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.

(b) The court may assess costs, including a reasonable attorney's fee, against either party.

Enacted by Chapter 1, 1993 General Session

20A-1-404. Election controversies.

(1) (a) (i) Whenever any controversy occurs between any election officer or other person or entity charged with any duty or function under this title and any candidate, or the officers or representatives of any political party, or persons who have made nominations, either party to the controversy may file a verified petition with the district court.

(ii) If a petition is filed, the petitioner shall serve a copy of the petition on the respondents on the same day that the petition is filed with the court.

(b) The verified petition shall identify concisely the nature of the controversy and the relief sought.

(2) After reviewing the petition, the court shall:

(a) issue an order commanding the respondent named in the petition to appear before the court to answer, under oath, to the petition;

(b) summarily hear and dispose of any issues raised by the petition to obtain:

(i) strict compliance with all filing deadlines for financial disclosure reports under:

(A) Section 10-3-208, regarding campaign finance statements in municipal elections;

(B) Section 17-16-6.5, regarding campaign finance statements for county offices;

(C) Title 20A, Chapter 11, Part 2, State Office Candidates - Campaign Organization and Financial Reporting Requirements;

(D) Title 20A, Chapter 11, Part 3, Candidates for Legislative Office - Campaign Organization and Financial Reporting Requirements;

(E) Title 20A, Chapter 11, Part 4, Officeholder Financial Reporting Requirements;

(F) Title 20A, Chapter 11, Part 5, Political Party Registration and Financial Reporting Requirements;

(G) Title 20A, Chapter 11, Part 6, Political Action Committee Registration and Financial Reporting Requirements;

(H) Title 20A, Chapter 11, Part 7, Campaign Financial Reporting by Corporations;

(I) Title 20A, Chapter 11, Part 8, Political Issues Committees - Registration and Financial Reporting;

(J) Title 20A, Chapter 11, Part 13, State and Local School Board Candidates; and

(K) Title 20A, Chapter 12, Part 3, Campaign and Financial Reporting Requirements for Judicial Retention Elections; and

(ii) substantial compliance with all other provisions of this title by the parties to

the controversy; and

(c) make and enter orders and judgments, and issue the process of the court to enforce all of those orders and judgments.

Amended by Chapter 13, 2008 General Session

20A-1-501. Candidate vacancies -- Procedure for filling.

(1) The state central committee of a political party, for candidates for United States senator, United States representative, governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of a political party, for all other party candidates seeking an office elected at a regular general election, may certify the name of another candidate to the appropriate election officer if:

(a) for a registered political party that will have a candidate on a ballot in a primary election, after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Subsection 20A-9-403(2)(c):

(i) only one or two candidates from that party have filed a declaration of candidacy for that office; and

(ii) one or both:

(A) dies;

(B) resigns because of acquiring a physical or mental disability, certified by a physician, that prevents the candidate from continuing the candidacy; or

(C) is disqualified by an election officer for improper filing or nominating procedures;

(b) for a registered political party that does not have a candidate on the ballot in a primary, but that will have a candidate on the ballot for a general election, after the close of the period for filing a declaration of candidacy and continuing through the day before the day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate:

(i) dies;

(ii) resigns because of acquiring a physical or mental disability as certified by a physician;

(iii) is disqualified by an election officer for improper filing or nominating procedures; or

(iv) resigns to become a candidate for president or vice president of the United States; or

(c) for a registered political party with a candidate certified as winning a primary election, after the deadline described in Subsection (1)(a) and continuing through the day before that day on which the lieutenant governor makes the certification described in Section 20A-5-409, the party's candidate:

(i) dies;

(ii) resigns because of acquiring a physical or mental disability as certified by a physician;

(iii) is disqualified by an election officer for improper filing or nominating

procedures; or

(iv) resigns to become a candidate for president or vice president of the United States.

(2) If no more than two candidates from a political party have filed a declaration of candidacy for an office elected at a regular general election and one resigns to become the party candidate for another position, the state central committee of that political party, for candidates for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for legislative candidates whose legislative districts encompass more than one county, and the county central committee of that political party, for all other party candidates, may certify the name of another candidate to the appropriate election officer.

(3) Each replacement candidate shall file a declaration of candidacy as required by Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

(4) (a) The name of a candidate who is certified under Subsection (1)(a) after the deadline described in Subsection (1)(a) may not appear on the primary election ballot.

(b) The name of a candidate who is certified under Subsection (1)(b) after the deadline described in Subsection (1)(b) may not appear on the general election ballot.

(c) The name of a candidate who is certified under Subsection (1)(c) after the deadline described in Subsection (1)(c) may not appear on the general election ballot.

Amended by Chapter 317, 2013 General Session

20A-1-502. Midterm vacancies in office of United States representative or senator.

(1) When a vacancy occurs for any reason in the office of a representative in Congress, the governor shall issue a proclamation calling an election to fill the vacancy.

(2) (a) When a vacancy occurs in the office of U.S. senator, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall appoint a person to serve as U.S. senator until the vacancy is filled by election from one of three persons nominated by the state central committee of the same political party as the prior officeholder.

Enacted by Chapter 1, 1993 General Session

20A-1-503. Midterm vacancies in the Legislature.

(1) As used in this section:

(a) "Filing deadline" means the final date for filing:

(i) a declaration of candidacy as provided in Section 20A-9-202; and

(ii) a certificate of nomination as provided in Section 20A-9-503.

(b) "Party liaison" means the political party officer designated to serve as a liaison with the lieutenant governor on all matters relating to the political party's relationship with the state as required by Section 20A-8-401.

(2) When a vacancy occurs for any reason in the office of representative in the Legislature, the governor shall fill the vacancy by immediately appointing the person

whose name was submitted by the party liaison of the same political party as the prior representative.

(3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall fill the vacancy until the next regular general election by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

(4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but before August 31 of an even-numbered year in which the term of office does not expire, the lieutenant governor shall:

(i) establish a date, which is before the date for a candidate to be certified for the ballot under Section 20A-9-701 and no later than 21 days after the day on which the vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant office shall file:

(A) a declaration of candidacy; or

(B) a certificate of nomination; and

(ii) give notice of the vacancy and the date described in Subsection (4)(a)(i):

(A) on the lieutenant governor's website; and

(B) to each registered political party.

(b) A person intending to obtain a position on the ballot for the vacant office shall:

(i) by the date specified in Subsection (4)(a)(i), file a declaration of candidacy or certificate of nomination according to the procedures and requirements of Chapter 9, Candidate Qualifications and Nominating Procedures; and

(ii) run in the regular general election if:

(A) nominated as a party candidate; or

(B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.

(c) If a vacancy described in Subsection (3)(a) occurs on or after the first Monday after the third Saturday in April and before August 31 of an even-numbered year in which the term of office does not expire, a party liaison from each registered political party may submit a name of a person described in Subsection (4)(b) to the lieutenant governor by August 30 for placement on the regular general election ballot.

(5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered year in which a term does not expire, the governor shall fill the vacancy for the unexpired term by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

Amended by Chapter 327, 2011 General Session
Amended by Chapter 340, 2011 General Session

20A-1-504. Midterm vacancies in the offices of attorney general, state treasurer, state auditor, and lieutenant governor.

(1) (a) When a vacancy occurs for any reason in the office of attorney general, state treasurer, or state auditor, it shall be filled for the unexpired term at the next

regular general election.

(b) The governor shall fill the vacancy until the next regular general election by appointing a person who meets the qualifications for the office from three persons nominated by the state central committee of the same political party as the prior officeholder.

(2) If a vacancy occurs in the office of lieutenant governor, the governor shall, with the consent of the Senate, appoint a person to hold the office until the next regular general election at which the governor stands for election.

Amended by Chapter 197, 2010 General Session

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

(1) As used in this section:

(a) "Appointing authority" means:

(i) for a county:

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

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

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

(b) "Local legislative body" means:

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

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

(2) (a) If a vacancy occurs in the office of a municipal justice court judge before the completion of his term of office, the appointing authority may:

(i) fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78A-7-202; or

(ii) contract with a justice court judge of the county, an adjacent county, or another municipality within those counties for judicial services.

(b) When the appointing authority chooses to contract under Subsection (2)(a)(ii), it shall ensure that the contract is for the same term as the term of office of the judge whose services are replaced by the contract.

(c) The appointing authority shall notify the Office of the State Court Administrator in writing of the appointment, resignation, or the contractual agreement for services of a judge under this section within 30 days after filling the vacancy.

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

(b) The appointing authority shall notify the Office of the State Court Administrator in writing of any appointment of a county justice court judge under this section within 30 days after the appointment is made.

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

(i) advertise the vacancy and solicit applications for the vacancy;

(ii) appoint the best qualified candidate to office based solely upon fitness for

office;

(iii) comply with the procedures and requirements of Title 52, Chapter 3, prohibiting employment of relatives in making appointments to fill the vacancy; and

(iv) submit the name of the appointee to the local legislative body.

(b) If the local legislative body does not confirm the appointment within 30 days of submission, the appointing authority may either appoint another of the applicants or reopen the vacancy by advertisement and solicitations of applications.

Amended by Chapter 3, 2008 General Session
Amended by Chapter 19, 2008 General Session

20A-1-507. Midterm vacancies in the State Board of Education.

(1) If a vacancy occurs on the State Board of Education for any reason other than the expiration of a member's term, the governor, with the consent of the Senate, shall fill the vacancy by appointment of a qualified member to serve out the unexpired term.

(2) The lieutenant governor shall issue a certificate of appointment to the appointed member and certify the appointment to the board.

Enacted by Chapter 1, 1993 General Session

20A-1-508. Midterm vacancies in county elected offices.

(1) As used in this section:

(a) (i) "County offices" includes the county executive, members of the county legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county recorder, the county surveyor, and the county assessor.

(ii) "County offices" does not mean the offices of president and vice president of the United States, United States senators and representatives, members of the Utah Legislature, state constitutional officers, county attorneys, district attorneys, and judges.

(b) "Party liaison" means the political party officer designated to serve as a liaison with each county legislative body on all matters relating to the political party's relationship with a county as required by Section 20A-8-401.

(2) (a) Until a replacement is selected as provided in this section and has qualified, the county legislative body shall appoint an interim replacement to fill the vacant office by following the procedures and requirements of this Subsection (2).

(b) (i) To appoint an interim replacement, the county legislative body shall give notice of the vacancy to the party liaison of the same political party of the prior office holder and invite that party liaison to submit the name of a person to fill the vacancy.

(ii) That party liaison shall, within 30 days, submit the name of the person selected in accordance with the party constitution or bylaws as described in Section 20A-8-401 for the interim replacement to the county legislative body.

(iii) The county legislative body shall no later than five days after the day on which a party liaison submits the name of the person for the interim replacement appoint the person to serve out the unexpired term.

(c) (i) If the county legislative body fails to appoint an interim replacement to fill the vacancy in accordance with Subsection (2)(b)(iii), the county clerk shall send to the

governor a letter that:

(A) informs the governor that the county legislative body has failed to appoint a replacement within the statutory time period; and

(B) contains the name of the person to fill the vacancy submitted by the party liaison.

(ii) The governor shall appoint the person named by the party liaison as an interim replacement to fill the vacancy within 30 days after receipt of the letter.

(d) A person appointed as interim replacement under this Subsection (2) shall hold office until their successor is elected and has qualified.

(3) (a) The requirements of this Subsection (3) apply to all county offices that become vacant if:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs after the election at which the person was elected but before April 10 of the next even-numbered year.

(b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.

(ii) All persons intending to become candidates for the vacant office shall:

(A) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

(B) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter 8, Political Party Formation and Procedures, run in the regular general election.

(4) (a) The requirements of this Subsection (4) apply to all county offices that become vacant if:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs after April 9 of the next even-numbered year but more than 75 days before the regular primary election.

(b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk shall notify the public and each registered political party that:

(A) the vacancy exists; and

(B) identifies the date and time by which a person interested in becoming a candidate shall file a declaration of candidacy.

(ii) All persons intending to become candidates for the vacant offices shall, within five days after the date that the notice is made, ending at the close of normal office hours on the fifth day, file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

(iii) The county central committee of each party shall:

(A) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and

(B) certify the name of the candidate or candidates to the county clerk at least 60 days before the regular primary election.

(5) (a) The requirements of this Subsection (5) apply to all county offices that become vacant:

(i) if the vacant office has an unexpired term of two years or more; and

(ii) when 75 days or less remain before the regular primary election but more than 65 days remain before the regular general election.

(b) When the conditions established in Subsection (5)(a) are met, the county central committees of each political party registered under this title that wishes to submit a candidate for the office shall summarily certify the name of one candidate to the county clerk for placement on the regular general election ballot.

(6) (a) The requirements of this Subsection (6) apply to all county offices that become vacant:

(i) if the vacant office has an unexpired term of less than two years; or

(ii) if the vacant office has an unexpired term of two years or more but 65 days or less remain before the next regular general election.

(b) (i) When the conditions established in Subsection (6)(a) are met, the county legislative body shall give notice of the vacancy to the party liaison of the same political party as the prior office holder and invite that party liaison to submit the name of a person to fill the vacancy.

(ii) That party liaison shall, within 30 days, submit the name of the person to fill the vacancy to the county legislative body.

(iii) The county legislative body shall no later than five days after the day on which a party liaison submits the name of the person to fill the vacancy appoint the person to serve out the unexpired term.

(c) (i) If the county legislative body fails to appoint a person to fill the vacancy in accordance with Subsection (6)(b)(iii), the county clerk shall send to the governor a letter that:

(A) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and

(B) contains the name of the person to fill the vacancy submitted by the party liaison.

(ii) The governor shall appoint the person named by the party liaison to fill the vacancy within 30 days after receipt of the letter.

(d) A person appointed to fill the vacancy under this Subsection (6) shall hold office until their successor is elected and has qualified.

(7) Except as otherwise provided by law, the county legislative body may appoint replacements to fill all vacancies that occur in those offices filled by appointment of the county legislative body.

(8) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the same time limits.

(9) (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a county office shall serve for the remainder of the unexpired term of the person who created the vacancy and until a successor is elected and qualified.

(b) Nothing in this section may be construed to contradict or alter the provisions of Section 17-16-6.

Amended by Chapter 35, 2011 General Session
Amended by Chapter 297, 2011 General Session
Amended by Chapter 327, 2011 General Session

20A-1-509. Definitions applicable to Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3.

As used in Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3:

(1) "County clerk" means:

(a) for a single county, the county clerk of that county; and

(b) for a prosecution district, the county clerk of the most populous county within the prosecution district.

(2) "County legislative body" includes each legislative body with the power to participate in the selection of a district attorney as provided in the interlocal prosecution district agreement.

Repealed and Re-enacted by Chapter 139, 1997 General Session

20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15 or more attorneys.

(1) When a vacancy occurs in the office of county or district attorney in a county or district having 15 or more attorneys who are licensed active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

(2) (a) The requirements of this Subsection (2) apply when the office of county attorney or district attorney becomes vacant and:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs before the third Thursday in March of the even-numbered year.

(b) When the conditions established in Subsection (2)(a) are met, the county clerk shall notify the public and each registered political party that the vacancy exists.

(c) All persons intending to become candidates for the vacant office shall:

(i) file a declaration of candidacy according to the procedures and requirements of Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

(ii) if nominated as a party candidate or qualified as an independent or write-in candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the regular general election; and

(iii) if elected, complete the unexpired term of the person who created the vacancy.

(d) If the vacancy occurs after the second Friday in March and before the third Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202 shall be extended until seven days after the county clerk gives notice under Subsection (2)(b), but no later than the fourth Thursday in March.

(3) (a) The requirements of this Subsection (3) apply when the office of county attorney or district attorney becomes vacant and:

(i) the vacant office has an unexpired term of two years or more; and

(ii) the vacancy occurs after the third Thursday in March of the even-numbered year but more than 75 days before the regular primary election.

(b) When the conditions established in Subsection (3)(a) are met, the county clerk shall:

(i) notify the public and each registered political party that the vacancy exists; and

(ii) identify the date and time by which a person interested in becoming a

candidate shall file a declaration of candidacy.

(c) All persons intending to become candidates for the vacant office shall:

(i) within five days after the date that the notice is made, ending at the close of normal office hours on the fifth day, file a declaration of candidacy for the vacant office as required by Chapter 9, Part 2, Candidate Qualifications and Declaration of Candidacy; and

(ii) if elected, complete the unexpired term of the person who created the vacancy.

(d) The county central committee of each party shall:

(i) select a candidate or candidates from among those qualified candidates who have filed declarations of candidacy; and

(ii) certify the name of the candidate or candidates to the county clerk at least 60 days before the regular primary election.

(4) (a) The requirements of this Subsection (4) apply when the office of county attorney or district attorney becomes vacant and:

(i) the vacant office has an unexpired term of two years or more; and

(ii) 75 days or less remain before the regular primary election but more than 65 days remain before the regular general election.

(b) When the conditions established in Subsection (4)(a) are met, the county central committees of each registered political party that wish to submit a candidate for the office shall summarily certify the name of one candidate to the county clerk for placement on the regular general election ballot.

(c) The candidate elected shall complete the unexpired term of the person who created the vacancy.

(5) (a) The requirements of this Subsection (5) apply when the office of county attorney or district attorney becomes vacant and:

(i) the vacant office has an unexpired term of less than two years; or

(ii) the vacant office has an unexpired term of two years or more but 65 days or less remain before the next regular general election.

(b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall give notice of the vacancy to the county central committee of the same political party of the prior officeholder and invite that committee to submit the names of three nominees to fill the vacancy.

(c) That county central committee shall, within 30 days of receiving notice from the county legislative body, submit to the county legislative body the names of three nominees to fill the vacancy.

(d) The county legislative body shall, within 45 days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.

(e) If the county legislative body fails to appoint a person to fill the vacancy within 45 days, the county clerk shall send to the governor a letter that:

(i) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and

(ii) contains the list of nominees submitted by the party central committee.

(f) The governor shall appoint a person to fill the vacancy from that list of nominees within 30 days after receipt of the letter.

(g) A person appointed to fill the vacancy under Subsection (5) shall complete

the unexpired term of the person who created the vacancy.

(6) Nothing in this section prevents or prohibits independent candidates from filing a declaration of candidacy for the office within the required time limits.

Amended by Chapter 297, 2011 General Session
Amended by Chapter 327, 2011 General Session

20A-1-509.2. Procedure for filling vacancy in county or district with fewer than 15 attorneys.

(1) When a vacancy occurs in the office of county or district attorney, including a vacancy created by the failure of a person to file as a candidate for the office of county or district attorney in an election, in a county or district having fewer than 15 attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

(2) The county clerk shall send a letter to each attorney residing in the county or district who is a licensed, active member in good standing with the Utah State Bar and a registered voter that:

(a) informs the attorney of the vacancy;

(b) invites the attorney to apply for the vacancy; and

(c) informs the attorney that if the attorney has not responded within 10 calendar days from the date that the letter was mailed, the attorney's candidacy to fill the vacancy will not be considered.

(3) (a) (i) If, after 10 calendar days from the date the letter was mailed, more than three attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county clerk shall, except as provided in Subsection (3)(a)(ii), submit the applications to the county central committee of the same political party of the prior officeholder.

(ii) In multicounty prosecution districts, the clerk shall submit the applications to the county central committee of each county within the prosecution district.

(b) The central committee shall nominate three of the applicants and forward the applicants' names to the county legislative body within 20 days after the date the county clerk submitted the applicants' names.

(c) The county legislative body shall appoint one of the nominees to fill the vacant position.

(d) If the central committee of the political party fails to submit at least three names to the county legislative body within 20 days after the date the county clerk submitted the applicants' names, the county legislative body shall appoint one of the applicants to fill the vacant position.

(e) If the county legislative body fails to appoint a person to fill the vacancy within 120 days after the vacancy occurs, the county clerk shall mail to the governor:

(i) a letter informing the governor that the county legislative body has failed to appoint a person to fill the vacancy; and

(ii) (A) the list of nominees, if any, submitted by the central committee of the political party; or

(B) if the party central committee has not submitted a list of at least three

nominees within the required time, the names of the persons who submitted applications for the vacant position to the county clerk.

(f) The governor shall appoint, within 30 days after receipt of the letter, a person from the list to fill the vacancy.

(4) (a) If, after 10 calendar days from the date the letter was mailed, three or fewer attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county legislative body may:

(i) appoint one of them to be county or district attorney; or

(ii) solicit additional applicants and appoint a county or district attorney as provided in Subsection (4)(b).

(b) (i) If three or fewer attorneys who are licensed members in good standing of the Utah State Bar and registered voters in the county or district submit applications, the county legislative body may publicly solicit and accept additional applications for the position from licensed, active members in good standing of the Utah State Bar who are not residents of the county or prosecution district.

(ii) The county legislative body shall consider the applications submitted by the attorneys who are residents of and registered voters in the county or prosecution district and the applications submitted by the attorneys who are not residents of the county or prosecution district and shall appoint one of the applicants to be county attorney or district attorney.

(c) If the legislative body fails to appoint a person to fill the vacancy within 120 days after the vacancy occurs, the county clerk shall:

(i) notify the governor that the legislative body has failed to fill the vacancy within the required time period; and

(ii) provide the governor with a list of all the applicants.

(d) The governor shall appoint a person to fill the vacancy within 30 days after the governor receives the notification.

(5) The person appointed to fill the vacancy shall serve for the unexpired term of the person who created the vacancy.

Amended by Chapter 237, 2013 General Session

20A-1-509.3. Procedure for making interim replacement.

(1) Until the vacancy is filled as provided in Section 20A-1-509.1 or 20A-1-509.2 and the new county attorney or district attorney has qualified, the county legislative body may appoint an interim replacement to fill the vacant office by following the procedures and requirements of this subsection.

(a) The county legislative body shall appoint a deputy county or district attorney to serve as acting county or district attorney if there are at least three deputies in the office that has the vacancy.

(b) The county legislative body may contract with any member of the Utah State Bar in good standing to be acting county or district attorney if:

(i) there are not at least three deputies in the office that has the vacancy; or

(ii) there are three or more deputies in the office but none of the deputies is willing to serve.

(2) A person appointed as interim replacement under this section shall hold office until his successor is selected and has qualified.

Enacted by Chapter 139, 1997 General Session

20A-1-510. Midterm vacancies in municipal offices.

(1) (a) Except as otherwise provided in Subsection (2), if any vacancy occurs in the office of municipal executive or member of a municipal legislative body, the municipal legislative body shall appoint a registered voter in the municipality who meets the qualifications for office established in Section 10-3-301 to fill the unexpired term of the office vacated until the January following the next municipal election.

(b) Before acting to fill the vacancy, the municipal legislative body shall:

(i) give public notice of the vacancy at least two weeks before the municipal legislative body meets to fill the vacancy;

(ii) identify, in the notice:

(A) the date, time, and place of the meeting where the vacancy will be filled;

(B) the person to whom a person interested in being appointed to fill the vacancy may submit the interested person's name for consideration; and

(C) the deadline for submitting an interested person's name; and

(iii) in an open meeting, interview each person whose name was submitted for consideration and meets the qualifications for office regarding the person's qualifications.

(c) (i) If, for any reason, the municipal legislative body does not fill the vacancy within 30 days after the vacancy occurs, the municipal legislative body shall fill the vacancy from among the names that have been submitted.

(ii) The two persons having the highest number of votes of the municipal legislative body after a first vote is taken shall appear before the municipal legislative body and the municipal legislative body shall vote again.

(iii) If neither candidate receives a majority vote of the municipal legislative body at that time, the vacancy shall be filled by lot in the presence of the municipal legislative body.

(2) (a) A vacancy in the office of municipal executive or member of a municipal legislative body shall be filled by an interim appointment, followed by an election to fill a two-year term, if:

(i) the vacancy occurs, or a letter of resignation is received, by the municipal executive at least 14 days before the deadline for filing for election in an odd-numbered year; and

(ii) two years of the vacated term will remain after the first Monday of January following the next municipal election.

(b) In appointing an interim replacement, the municipal legislative body shall:

(i) comply with the notice requirements of this section; and

(ii) in an open meeting, interview each person whose name was submitted for consideration and meets the qualifications for office regarding the person's qualifications.

(3) (a) In a municipality operating under the council-mayor form of government, as defined in Section 10-3b-102:

(i) the council may appoint a person to fill a vacancy in the office of mayor before the effective date of the mayor's resignation by making the effective date of the appointment the same as the effective date of the mayor's resignation; and

(ii) if a vacancy in the office of mayor occurs before the effective date of an appointment under Subsection (1) or (2) to fill the vacancy, the council chair shall serve as acting mayor during the time between the creation of the vacancy and the effective date of the appointment to fill the vacancy.

(b) While serving as acting mayor under Subsection (3)(a)(ii), the council chair continues to:

(i) act as a council member; and

(ii) vote at council meetings.

Amended by Chapter 327, 2012 General Session

20A-1-511. Midterm vacancies on local school boards.

(1) (a) A local school board shall fill vacancies on the board by appointment, except as otherwise provided in Subsection (2).

(b) If the board fails to make an appointment within 30 days after a vacancy occurs, the county legislative body, or municipal legislative body in a city district, shall fill the vacancy by appointment.

(c) A member appointed and qualified under this subsection shall serve until a successor is elected or appointed and qualified.

(2) (a) A vacancy on the board shall be filled by an interim appointment, followed by an election to fill a two-year term if:

(i) the vacancy on the board occurs, or a letter of resignation is received by the board, at least 14 days before the deadline for filing a declaration of candidacy; and

(ii) two years of the vacated term will remain after the first Monday of January following the next school board election.

(b) Members elected under this subsection shall serve for the remaining two years of the vacated term and until a successor is elected and qualified.

(3) Before appointing a person to fill a vacancy under this section, the local school board shall:

(a) give public notice of the vacancy at least two weeks before the local school board meets to fill the vacancy;

(b) identify, in the notice:

(i) the date, time, and place of the meeting where the vacancy will be filled; and

(ii) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it; and

(c) in an open meeting, interview each person whose name was submitted for consideration and meets the qualifications for office regarding the person's qualifications.

Amended by Chapter 327, 2012 General Session

20A-1-512. Midterm vacancies on local district boards.

(1) (a) Whenever a vacancy occurs on any local district board for any reason, a

replacement to serve out the unexpired term shall be appointed as provided in this section by:

(i) the local district board, if the person vacating the position was elected; or

(ii) the appointing authority, as defined in Section 17B-1-102, if the person vacating the position was appointed.

(b) Except as provided in Subsection (1)(c), before acting to fill the vacancy, the local district board or appointing authority shall:

(i) give public notice of the vacancy at least two weeks before the local district board or appointing authority meets to fill the vacancy; and

(ii) identify, in the notice:

(A) the date, time, and place of the meeting where the vacancy will be filled; and

(B) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it.

(c) An appointing authority is not subject to Subsection (1)(b) if the appointing authority appoints one of its own members.

(2) If the local district board fails to appoint a person to complete an elected board member's term within 90 days, the legislative body of the county or municipality that created the local district shall fill the vacancy following the procedure set forth for a local district in Subsection (1)(b).

Amended by Chapter 448, 2013 General Session

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

(1) As used in this section:

(a) "Armed forces" means:

(i) the Army of the United States;

(ii) the United States Navy;

(iii) the United States Air Force;

(iv) the Marine Corps;

(v) the Coast Guard;

(vi) the National Guard; or

(vii) a reserve or auxiliary of an entity listed in Subsections (1)(a)(i) through (vi).

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

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

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

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

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

(ii) "Military leave" includes the time a person described in Subsection (1)(c)(i) spends for:

(A) out processing;

(B) an administrative delay;

(C) accrued leave; and

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

(d) "Political subdivision's governing body" means:

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

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

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

(iv) for a special service district:

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

(B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301; and

(v) for a political subdivision not listed in Subsections (1)(d)(i) through (iv), the body that governs the affairs of the political subdivision.

(e) "Temporary replacement" means the person appointed by the political subdivision's governing body in accordance with this section to exercise the powers and duties of the office of the elected official who takes military leave.

(2) Except as provided by Subsection (8), an elected official creates a vacancy in the elected official's office if the elected official is called to active, full-time duty in the armed forces unless the elected official takes military leave as provided by this section.

(3) Except as provided by Subsection (8), an elected official may take military leave if the elected official submits to the political subdivision's governing body written notice of the intent to take military leave and the expected duration of the military leave, by the later of:

(a) 21 days before the military leave begins; or

(b) the next business day after which the elected official receives an order from the armed forces calling the elected official to active, full-time duty.

(4) An elected official's military leave:

(a) begins the day on which the elected official begins active, full-time duty in the armed forces; and

(b) ends the sooner of:

(i) the expiration of the elected official's term of office; or

(ii) the day on which the elected official ends active, full-time duty in the armed forces.

(5) A temporary replacement shall:

(a) meet the qualifications required to hold the office; and

(b) be appointed:

(i) before the day on which the military leave begins; and

(ii) (A) in the same manner as provided by this part for a midterm vacancy if a registered political party nominated the elected official who takes military leave as a candidate for the office; or

(B) by the political subdivision's governing body after submitting an application in accordance with Subsection (7)(b) if a registered political party did not nominate the elected official who takes military leave as a candidate for office.

(6) (a) A temporary replacement shall exercise the powers and duties of the office for which the temporary replacement is appointed for the duration of the elected official's military leave.

(b) An elected official may not exercise the powers or duties of the office while

on military leave.

(c) If a temporary replacement is not appointed before the day on which the military leave begins as required by Subsection (5)(b)(i), no person may exercise the powers and duties of the elected official's office during the elected official's military leave.

(7) The political subdivision's governing body shall establish:

(a) the distribution of the emoluments of the office between the elected official and the temporary replacement; and

(b) an application form and the date by which a person shall submit the application to be considered by the political subdivision's governing body for appointment as a temporary replacement.

(8) An elected official who is called to active, full-time duty in the armed forces before March 16, 2011 is on military leave.

Enacted by Chapter 42, 2011 General Session

20A-1-601. Bribery in elections -- Paying for votes -- Penalties.

(1) A person may not, directly or indirectly, by himself or through any other person:

(a) pay, loan, or contribute, or offer or promise to pay, loan, or contribute any money or other valuable consideration to or for any voter or to or for any other person:

(i) to induce the voter to vote or refrain from voting at any election provided by law;

(ii) to induce any voter to vote or refrain from voting at an election for any particular person or measure;

(iii) to induce a voter to go to the polls or remain away from the polls at any election;

(iv) because a voter voted or refrained from voting for any particular person, or went to the polls or remained away from the polls; or

(v) to obtain the political support or aid of any person at an election;

(b) give, offer, or promise any office, place, or employment, or to promise or procure, or endeavor to procure, any office, place, or employment, to or for any voter, or to or for any other person, in order to:

(i) induce a voter to vote or refrain from voting at any election;

(ii) induce any voter to vote or refrain from voting at an election for any particular person or measure; or

(iii) obtain the political support or aid of any person;

(c) advance or pay, or cause to be paid, any money or other valuable thing to, or for the use of, any other person with the intent that the money or other valuable thing be used in bribery at any election provided by law; or

(d) knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money expended wholly or in part in bribery at any election.

(2) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (1) is guilty of a third degree felony.

Amended by Chapter 276, 2008 General Session

20A-1-602. Receiving bribe -- Receiving payments for votes -- Penalties.

(1) A person may not, for himself or for any other person, directly or indirectly, by himself or through any person, before, during, or after any election:

(a) receive, agree to receive, or contract for any money, gift, loan, or other valuable consideration, office, place, or employment for:

(i) voting or agreeing to vote;

(ii) going or agreeing to go to the polls;

(iii) remaining or agreeing to remain away from the polls; or

(iv) refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting, for any particular person or measure at any election provided by law; or

(b) receive any money or other valuable thing because the person induced any other person to:

(i) vote or refrain from voting; or

(ii) vote or refrain from voting for any particular person or measure at any election provided by law.

(2) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (1) is guilty of a third degree felony.

Amended by Chapter 276, 2008 General Session

20A-1-603. Fraud, interference, disturbance -- Tampering with ballots or records -- Penalties.

(1) (a) A person may not fraudulently vote on behalf of himself or another, by:

(i) voting more than once at any one election;

(ii) knowingly handing in two or more ballots folded together;

(iii) changing any ballot after it has been cast or deposited in the ballot box;

(iv) adding or attempting to add any ballot or vote to those legally polled at any election by fraudulently introducing the ballot or vote into the ballot box or vote tally, either before or after the ballots have been counted;

(v) adding to or mixing or attempting to add or mix, other ballots with the ballots lawfully polled while those ballots are being counted or canvassed, or at any other time; or

(vi) voting in a voting district or precinct when the person knew or should have known that the person was not eligible for voter registration in that district or precinct, unless the person is legally entitled to vote the ballot under Section 20A-4-107 or another provision of this title.

(b) A person may not fraudulently interfere with an election by:

(i) willfully detaining, mutilating, or destroying any election returns;

(ii) in any manner, interfering with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, so as to prevent the election or canvass from being fairly held or lawfully conducted;

(iii) engaging in riotous conduct at any election, or interfering in any manner with any election official in the discharge of the election official's duties;

(iv) inducing any election officer, or officer whose duty it is to ascertain, announce, or declare the result of any election or to give or make any certificate, document, or evidence in relation to any election, to violate or refuse to comply with the election officer's duty or any law regulating the election officer's duty;

(v) taking, carrying away, concealing, removing, or destroying any ballot, pollbook, or other thing from a polling place, or from the possession of the person authorized by law to have the custody of that thing; or

(vi) aiding, counseling, providing, procuring, advising, or assisting any person to do any of the acts specified in this section.

(2) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (1) is guilty of a class A misdemeanor.

Amended by Chapter 276, 2008 General Session

20A-1-604. Destroying instruction cards, sample ballots, or election paraphernalia -- Penalties.

(1) A person may not:

(a) willfully deface or destroy any list of candidates posted in accordance with the provisions of this title;

(b) willfully deface, tear down, remove or destroy any card of instruction or sample ballot, printed or posted for the instruction of voters during an election;

(c) willfully remove or destroy any of the supplies or conveniences furnished to enable a voter to prepare the voter's ballot during an election; or

(d) willfully hinder the voting of others.

(2) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (1) is guilty of a class C misdemeanor.

Amended by Chapter 276, 2008 General Session

20A-1-605. Mutilating certificate of nomination -- Forging declination or resignation -- Tampering with ballots.

(1) It is unlawful for any person to:

(a) falsely mark or willfully deface or destroy:

(i) any certificate of nomination or any part of a certificate of nomination; or

(ii) any letter of declination or resignation;

(b) file any certificate of nomination or letter of declination or resignation knowing it, or any part of it, to be falsely made;

(c) suppress any certificate of nomination, or letter of declination or resignation, or any part of a certificate of nomination or letter of declination or resignation that has been legally filed;

(d) forge any letter of declination or resignation;

(e) falsely make the official endorsement on any ballot;

(f) willfully destroy or deface any ballot;

(g) willfully delay the delivery of any ballots;

(h) examine any ballot offered or cast at the polls or found in any ballot box for any purpose other than to determine which candidate was elected; and

(i) make or place any mark or device on any ballot in order to determine the name of any person for whom the elector has voted.

(2) In addition to the penalties established in Section 20A-1-609, any person convicted of any of the offenses established by this section is guilty of a class A misdemeanor.

Enacted by Chapter 1, 1993 General Session

20A-1-606. Wagering on elections forbidden.

(1) (a) A candidate may not, before or during any primary or election campaign:

(i) make any bet or wager anything of pecuniary value on the result of the primary or election, or on any event or contingency relating to any pending primary or election;

(ii) become a party to any bet or wager on the result of a primary or election or on any event or contingency relating to any pending primary or election; and

(iii) provide money or any other valuable thing to be used by any other person in betting or wagering upon the results of any impending primary or election.

(b) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (1) is guilty of a third degree felony.

(2) (a) A person who is not a candidate may not make any bet or wager anything of pecuniary value on the result of any primary or election, or on any event or contingency relating to any primary or election.

(b) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (2)(a) is guilty of a class B misdemeanor.

(3) (a) A person may not directly or indirectly make a bet or wager with any voter that is dependent upon the outcome of any primary or election with the intent to subject that voter to the possibility of challenge at a primary or election or to prevent the voter from voting at a primary or election.

(b) In addition to the penalties established in Section 20A-1-609, a person who commits an offense under Subsection (3)(a) is guilty of a class B misdemeanor.

Amended by Chapter 276, 2008 General Session

20A-1-607. Inducing attendance at polls -- Payment of workers.

(1) (a) It is unlawful for any person to pay another for any loss due to attendance at the polls or to registering.

(b) This subsection does not permit an employer to make any deduction from the usual salary or wages of any employee who takes a leave of absence as authorized under Section 20A-3-103 for the purpose of voting.

(2) (a) A person may not pay for personal services performed or to be performed on the day of a caucus, primary, convention, or election, or for any purpose connected with a caucus, primary, convention, or election that directly or indirectly affect the result of the caucus, primary, convention, or election.

(b) Subsection (2) does not prohibit the hiring of persons whose sole duty it is to act as challengers and watch the count of official ballots.

Enacted by Chapter 1, 1993 General Session

20A-1-608. Promises of appointment to office forbidden.

(1) In order to aid or promote his nomination or election, a person may not directly or indirectly appoint or promise to appoint any person or secure or promise to secure, or aid in securing the appointment, nomination, or election of any person to any public or private position or employment, or to any position of honor, trust, or emolument.

(2) Nothing contained in this section prevents:

(a) a candidate from stating publicly his preference for, or support of, any other candidate for any office to be voted for at the same primary or election; or

(b) a candidate for any office in which the person elected will be charged with the duty of participating in the election or nomination of any person as a candidate for any office from publicly stating or pledging his preference for, or support of, any person for that office or nomination.

Enacted by Chapter 1, 1993 General Session

20A-1-609. Omnibus penalties.

(1) Unless another penalty is specifically provided, any person who violates any provision of this title is guilty of a class B misdemeanor.

(2) Except as provided by Section 20A-2-101.3 or 20A-2-101.5, a person convicted of any offense under this title may not:

(a) file a declaration of candidacy for any office or appear on the ballot as a candidate for any office during the election cycle in which the violation occurred;

(b) take or hold the office to which he was elected; and

(c) receive the emoluments of the office to which he was elected.

(3) (a) Any person convicted of any offense under this title forfeits the right to vote at any election unless the right to vote is restored as provided in Section 20A-2-101.3 or 20A-2-101.5.

(b) Any person may challenge the right to vote of a person described in Subsection (3)(a) by following the procedures and requirements of Section 20A-3-202.

Amended by Chapter 395, 2011 General Session

20A-1-610. Abetting violation of chapter -- Penalty.

In addition to the penalties established in Section 20A-1-609, any person who aids, abets, or advises a violation of any provision of this title is guilty of a class B misdemeanor, unless another penalty is specifically provided.

Enacted by Chapter 1, 1993 General Session

20A-1-611. Cost of defense of action.

Nothing contained in this chapter prevents any candidate from employing counsel to represent him in any action or proceeding affecting his rights as a candidate or from paying all costs and disbursements arising from that representation.

Amended by Chapter 396, 2011 General Session

20A-1-701. Prosecutions -- Venue.

Violations of the provisions of this title concerning expenditure of money or making contributions or providing services may be prosecuted in the county where the expenditure or contribution was made, or where the services were provided, or in any county where the money was paid or distributed.

Enacted by Chapter 1, 1993 General Session

20A-1-703. Proceedings by registered voter.

(1) Any registered voter who has information that any provisions of this title have been violated by any candidate for whom the registered voter had the right to vote, by any personal campaign committee of that candidate, by any member of that committee, or by any election official, may file a verified petition with the lieutenant governor.

(2) (a) The lieutenant governor shall gather information and determine if a special investigation is necessary.

(b) If the lieutenant governor determines that a special investigation is necessary, the lieutenant governor shall:

(i) except as provided in Subsection (2)(b)(ii), refer the information to the attorney general, who shall:

(A) bring a special proceeding to investigate and determine whether there has been a violation; and

(B) appoint special counsel to conduct that proceeding on behalf of the state; or

(ii) if the verified petition alleges that the attorney general violated a provision of this title, or if the lieutenant governor determines that the Office of the Attorney General has a conflict of interest in relation to the verified petition, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, appoint a person who is not an employee of the Office of the Attorney General as special counsel to:

(A) bring a special proceeding to investigate and determine whether there has been a violation; and

(B) conduct that proceeding on behalf of the state.

(3) If it appears from the petition or otherwise that sufficient evidence is obtainable to show that there is probable cause to believe that a violation has occurred:

(a) except as provided in Subsection (3)(b), the attorney general shall:

(i) grant leave to bring the proceeding; and

(ii) appoint special counsel to conduct the proceeding; or

(b) if the lieutenant governor has appointed special counsel under Subsection (2)(b)(ii), the lieutenant governor shall:

(i) grant leave to bring the proceeding; and

(ii) direct the special counsel to conduct the proceeding.

(4) (a) If leave is granted, the registered voter may, by a special proceeding brought in the district court in the name of the state upon the relation of the registered voter, investigate and determine whether or not the candidate, candidate's personal campaign committee, any member of the candidate's personal campaign committee, or

any election officer has violated any provision of this title.

(b) (i) In the proceeding, the complaint shall:

(A) be served with the summons; and

(B) set forth the name of the person or persons who have allegedly violated this title and the grounds of those violations in detail.

(ii) The complaint may not be amended except by leave of the court.

(iii) The summons and complaint in the proceeding shall be filed with the court no later than five days after they are served.

(c) (i) The answer to the complaint shall be served and filed within 10 days after the service of the summons and complaint.

(ii) Any allegation of new matters in the answer shall be considered controverted by the adverse party without reply, and the proceeding shall be considered at issue and stand ready for trial upon five days' notice of trial.

(d) (i) All proceedings initiated under this section have precedence over any other civil actions.

(ii) The court shall always be considered open for the trial of the issues raised in this proceeding.

(iii) The proceeding shall be tried and determined as a civil action without a jury, with the court determining all issues of fact and issues of law.

(iv) If more than one proceeding is pending or the election of more than one person is investigated and contested, the court may:

(A) order the proceedings consolidated and heard together; and

(B) equitably apportion costs and disbursements.

(e) (i) Either party may request a change of venue as provided by law in civil actions, but application for a change of venue shall be made within five days after service of summons and complaint.

(ii) The judge shall decide the request for a change of venue and issue any necessary orders within three days after the application is made.

(iii) If a party fails to request a change of venue within five days of service, that party has waived that party's right to a change of venue.

(f) (i) If judgment is in favor of the plaintiff, the relator may petition the judge to recover his taxable costs and disbursements against the person whose right to the office is contested.

(ii) The judge may not award costs to the defendant unless it appears that the proceeding was brought in bad faith.

(iii) Subject to the limitations contained in Subsection (4)(f), the judge may decide whether or not to award costs and disbursements.

(5) Nothing in this section may be construed to prohibit any other civil or criminal actions or remedies against alleged violators.

(6) In the event a witness asserts a privilege against self-incrimination, testimony and evidence from the witness may be compelled pursuant to Title 77, Chapter 22b, Grants of Immunity.

Amended by Chapter 174, 2013 General Session, (Coordination Clause)
Amended by Chapter 174, 2013 General Session

20A-1-704. Judgment and findings -- Appeal -- Criminal prosecution not affected by judgment.

(1) (a) If the court finds that the candidate whose right to any office is being investigated, or that the candidate, the candidate's personal campaign committee or any member of the candidate's personal campaign committee has violated any provision of this title in the conduct of the campaign for nomination or election, and if the candidate is not one mentioned in Subsection (2), the judge shall enter an order:

(i) declaring void the election of the candidate to that office;

(ii) ousting and excluding the candidate from office; and

(iii) declaring the office vacant.

(b) The vacancy created by that order shall be filled as provided in this chapter.

(2) (a) If a proceeding has been brought to investigate the right of a candidate for either house of the Legislature, and the court finds that the candidate, the candidate's personal campaign committee, or any member of the candidate's personal campaign committee has violated any provision of this title in the conduct of the campaign for nomination or election, the court shall:

(i) prepare and sign written findings of fact and conclusions of law relating to the violation; and

(ii) without issuing an order, transmit those findings and conclusions to the lieutenant governor.

(b) The lieutenant governor shall transmit the judge's findings and conclusions to the house of the Legislature for which the person is a candidate.

(3) (a) A party may appeal the determination of the court in the same manner as appeals may be taken in civil actions.

(b) A judge may not issue an injunction suspending or staying the proceeding unless:

(i) application is made to the court or to the presiding judge of the court;

(ii) all parties receive notice of the application and the time for the hearing; and

(iii) the judge conducts a hearing.

(4) Any judgment or findings and conclusions issued as provided in this section may not be construed to bar or affect in any way any criminal prosecution of any candidate or other person.

Enacted by Chapter 1, 1993 General Session

20A-1-705. Supplemental judgment after criminal conviction.

(1) (a) If any person, in a criminal action, is found guilty of any violation of this chapter while a candidate for the offices of governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court, after entering the finding of guilt, shall:

(i) enter a supplemental judgment declaring that person to have forfeited the office; and

(ii) transmit a transcript of the supplemental judgment to the state auditor.

(b) Upon issuance of the order, the office is vacant and shall be filled as provided by this chapter.

(2) (a) If any person, in a similar action, is found guilty of any violation of this chapter committed while a member of the personal campaign committee of any

candidate for the offices of governor, lieutenant governor, state auditor, state treasurer, or attorney general, the court before which the action is tried shall, immediately after entering the finding of guilt:

(i) enter a supplemental judgment declaring the candidate to have forfeited the office; and

(ii) transmit a transcript of the supplemental judgment to the state auditor.

(b) Upon issuance of the order, the office is vacant and shall be filled as provided by this chapter.

(3) If any person, in a criminal action, is found guilty of any violation of this chapter, committed while a candidate for the office of state senator or state representative, the court, after entering the finding of guilt, shall transmit a certificate setting forth the finding of guilt to the presiding officer of the legislative body for which the person is a candidate.

Enacted by Chapter 1, 1993 General Session

20A-1-706. Special counsel on appeal.

(1) If either party appeals the judgment of the trial court, the district judge, the attorney general, or the lieutenant governor who appointed special counsel for the trial court shall authorize that counsel, or some other person, to appear as special counsel in the appellate court in the matter.

(2) (a) The special counsel authorized by this chapter shall receive a reasonable compensation for his services.

(b) The compensation shall be audited by the lieutenant governor and paid out of the state treasury upon a voucher and upon the written statement of the officer appointing the counsel that:

(i) the appointment has been made;

(ii) the person appointed has faithfully performed the duties imposed upon him; and

(iii) that the special counsel's bill is accurate and correct.

(c) Compensation for special counsel shall be audited and paid in the same manner as other claims against the state are audited and paid.

Amended by Chapter 174, 2013 General Session

20A-1-707. Transition clause.

Any petition that is filed or pending under this part on or after March 1, 2013, shall be subject to the provisions of this part, including any amendments to this part made by Senate Bill 289, passed in the 2013 General Session.

Enacted by Chapter 174, 2013 General Session

20A-2-101. Eligibility for registration.

(1) Except as provided in Subsection (2), any person may apply to register to vote in an election who:

(a) is a citizen of the United States;

(b) has been a resident of Utah for at least the 30 days immediately before the election;

(c) will be at least 18 years old on the day of the election; and

(d) currently resides within the voting district or precinct in which the person applies to register to vote.

(2) (a) (i) A person who is involuntarily confined or incarcerated in a jail, prison, or other facility within a voting precinct is not a resident of that voting precinct and may not register to vote in that voting precinct unless the person was a resident of that voting precinct before the confinement or incarceration.

(ii) A person who is involuntarily confined or incarcerated in a jail or prison is resident of the voting precinct in which the person resided before the confinement or incarceration.

(b) A person who has been convicted of a felony or a misdemeanor for an offense under this title may not register to vote or remain registered to vote unless the person's right to vote has been restored as provided in Section 20A-2-101.3 or 20A-2-101.5.

(c) A person whose right to vote has been restored, as provided in Section 20A-2-101.3 or 20A-2-101.5, is eligible to register to vote.

(3) A person who is eligible to vote and who resides within the geographic boundaries of the entity in which the election is held may register to vote in a:

(a) regular general election;

(b) regular primary election;

(c) municipal general election;

(d) municipal primary election;

(e) statewide special election;

(f) local special election;

(g) local district election; and

(h) bond election.

Amended by Chapter 395, 2011 General Session

20A-2-101.3. Convicted misdemeanants -- Restoration of right to vote or hold office.

(1) As used in this section, "misdemeanant" means a person convicted of a misdemeanor for an offense under this title.

(2) A misdemeanant's right to register to vote and to vote in an election is restored when the misdemeanant:

(a) is sentenced to probation; or

(b) has successfully completed the term of incarceration to which the misdemeanant was sentenced.

(3) A misdemeanant's right to hold elective office is restored when:

(a) the misdemeanor for an offense under this title is expunged as provided in Title 77, Chapter 40, Utah Expungement Act; or

(b) (i) five years have passed since the date of the misdemeanant's most recent misdemeanor conviction of an offense under this title;

(ii) the misdemeanant has paid all court-ordered restitution and fines; and

(iii) for each misdemeanor conviction that has not been expunged, the misdemeanant has:
(A) completed probation in relation to the misdemeanor; or
(B) successfully completed the term of incarceration associated with the misdemeanor.

Enacted by Chapter 395, 2011 General Session

20A-2-101.5. Convicted felons -- Restoration of right to vote and right to hold office.

(1) As used in this section, "convicted felon" means a person convicted of a felony in any state or federal court of the United States.
(2) Each convicted felon's right to register to vote and to vote in an election is restored when:
(a) the felon is sentenced to probation;
(b) the felon is granted parole; or
(c) the felon has successfully completed the term of incarceration to which the felon was sentenced.
(3) Except as provided by Subsection (4), a convicted felon's right to hold elective office is restored when:
(a) all of the felon's felony convictions have been expunged; or
(b) (i) 10 years have passed since the date of the felon's most recent felony conviction;
(ii) the felon has paid all court-ordered restitution and fines; and
(iii) for each felony conviction that has not been expunged, the felon has:
(A) completed probation in relation to the felony;
(B) been granted parole in relation to the felony; or
(C) successfully completed the term of incarceration associated with the felony.
(4) An individual who has been convicted of a grievous sexual offense, as defined in Section 76-1-601, against a child, may not hold the office of State Board of Education member or local school board member.

Amended by Chapter 263, 2013 General Session

20A-2-102. Registration a prerequisite to voting.

(1) Except as provided in Subsection (2), a person may not vote at any election unless that person is registered to vote as required by this chapter.
(2) A person may vote a provisional ballot as provided in Section 20A-2-307 for:
(a) a regular general election;
(b) a regular primary election; or
(c) an election for federal office.

Amended by Chapter 34, 2003 General Session

20A-2-102.5. Voter registration deadline.

(1) Except as provided in Sections 20A-2-201 and 20A-2-206 and Chapter 16,

Uniform Military and Overseas Voters Act, a person who fails to submit a correctly completed voter registration form on or before the voter registration deadline may not be permitted to vote in the election.

(2) The voter registration deadline shall be the date that is 30 calendar days before the date of the election.

Amended by Chapter 17, 2011 General Session
Amended by Chapter 297, 2011 General Session
Amended by Chapter 327, 2011 General Session

20A-2-103. Special elections -- Lists of voters.

(1) (a) A special registration of voters is not required for a statewide or local special election.

(b) The last official or revised register is the register for the statewide or local special election.

(2) If a statewide or local special election is held at the same time and place as a regular general election, a municipal general election, or a primary, persons qualified to vote at those elections may also vote in the statewide or local special election.

(3) If a statewide or local special election is held on a date other than the date of a regular or municipal general election, the county clerk of each county in which the municipality or entity is wholly or partly located shall register persons to vote in that election during regular office hours in accordance with the requirements of this chapter.

(4) The county clerk of each county in which the entity holding the statewide or local special election is located shall make registration lists or copies of those lists available at each polling place for use by registered voters entitled to use those polling places.

Amended by Chapter 264, 2006 General Session

20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.

(1) Every person applying to be registered shall complete a registration form printed in substantially the following form:

UTAH ELECTION REGISTRATION FORM

Are you a citizen of the United States of America? Yes No
Will you be 18 years old on or before election day? Yes No
If you checked "no" to either of the above two questions, do not complete this form.
Name of Voter

_____
First Middle Last

Utah Driver License or Utah Identification Card Number_____

Date of Birth _____

Street Address of Principal Place of Residence

_____
City County State Zip Code
Telephone Number (optional) _____
Last four digits of Social Security Number _____
Last former address at which I was registered to vote (if known)_____
_____
City County State Zip Code
Political Party
(a listing of each registered political party, as defined in Section 20A-8-101 and maintained by the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)
□Unaffiliated (no political party preference) □Other (Please specify)_____

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

Signed and sworn

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

CITIZENSHIP AFFIDAVIT

Name:
Name at birth, if different:
Place of birth:
Date of birth:
Date and place of naturalization (if applicable):

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

_____
Signature of Applicant

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

NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND PHOTOGRAPH; OR
TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND CURRENT ADDRESS.

FOR OFFICIAL USE ONLY

Type of I.D.

_____

Voting Precinct

_____

Voting I.D. Number _____

---

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

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

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

(b) The lieutenant governor shall maintain a list of registered voters in electronic form.

(c) If there are any discrepancies between the two lists, the county clerk's list is the official list.

(d) The lieutenant governor and the county clerks may charge the fees established under the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy of the list of registered voters.

(4) When political parties not listed on the voter registration form qualify as registered political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the lieutenant governor shall inform the county clerks about the name of the new political party and direct the county clerks to ensure that the voter registration form is modified to include that political party.

(5) Upon receipt of a voter registration form from an applicant, the county clerk or the clerk's designee shall:

(a) review each voter registration form for completeness and accuracy; and

(b) if the county clerk believes, based upon a review of the form, that a person may be seeking to register to vote who is not legally entitled to register to vote, refer the form to the county attorney for investigation and possible prosecution.

Amended by Chapter 197, 2010 General Session

20A-2-105. Determining residency.

(1) Except as provided in Subsection (4), election officials and judges shall apply the standards and requirements of this section when determining whether or not a person is a resident for purposes of interpreting this title or the Utah Constitution.

(2) A "resident" is a person who resides within a specific voting precinct in Utah as provided in this section.

(3) (a) A person resides in Utah if:

(i) the person's principal place of residence is within Utah; and

(ii) the person has a present intention to continue residency within Utah permanently or indefinitely.

(b) A person resides within a particular voting precinct if, as of the date of registering to vote, the person has the person's principal place of residence in that voting precinct.

(4) (a) The principal place of residence of any person shall be determined by applying the provisions of this Subsection (4).

(b) A person's "principal place of residence" is that place in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.

(c) A person has not gained or lost a residence solely because the person is present in Utah or present in a voting precinct or absent from Utah or absent from the person's voting precinct because the person is:

(i) employed in the service of the United States or of Utah;

(ii) a student at any institution of learning;

(iii) incarcerated in prison or jail; or

(iv) residing upon any Indian or military reservation.

(d) (i) A member of the armed forces of the United States is not a resident of Utah merely because that member is stationed at any military facility within Utah.

(ii) In order to be a resident of Utah, that member shall meet the other requirements of this section.

(e) (i) Except as provided in Subsection (4)(e)(ii), a person has not lost the person's residence if that person leaves the person's home to go into a foreign country or into another state or into another voting precinct within Utah for temporary purposes with the intention of returning.

(ii) If that person has voted in that other state or voting precinct, the person is a resident of that other state or voting precinct.

(f) A person is not a resident of any county or voting precinct if that person comes for temporary purposes and does not intend to make that county or voting precinct the person's home.

(g) If a person removes to another state with the intention of making it the person's principal place of residence, the person loses the person's residence in Utah.

(h) If a person moves to another state with the intent of remaining there for an indefinite time as a place of permanent residence, the person loses the person's residence in Utah, even though the person intends to return at some future time.

(i) (i) Except as provided in Subsection (4)(i)(ii), the place where a person's family resides is presumed to be the person's place of residence.

(ii) A person may rebut the presumption established in Subsection (4)(i)(i) by proving the person's intent to remain at a place other than where the person's family resides.

(j) (i) A person has changed the person's residence if:

(A) the person has acted affirmatively to move from one geographic location; and

(B) the person has an intent to remain in another place.

(ii) There can only be one residence.

(iii) A residence cannot be lost until another is gained.

(5) In computing the period of residence, a person shall:

(a) include the day on which the person's residence begins; and

(b) exclude the day of the next election.

(6) (a) There is a presumption that a person is a resident of Utah and of a voting precinct and intends to remain in Utah permanently or indefinitely if the person makes

an oath or affirmation upon a registration application form that the person's residence address and place of residence is within a specific voting precinct in Utah.

(b) The election officers and election officials shall allow that person to register and vote unless, upon a challenge by a registrar or some other person, it is shown by law or by clear and convincing evidence that:

(i) the person does not intend to remain permanently or indefinitely in Utah; or

(ii) the person is incarcerated in prison or jail.

(7) (a) The rules set forth in this section for determining place of residence for voting purposes do not apply to a person incarcerated in prison or jail.

(b) For voting registration purposes, a person incarcerated in prison or jail is considered to reside in the voting precinct in which the person's place of residence was located before incarceration.

(8) If a person's principal place of residence is a residential parcel of one acre in size or smaller that is divided by the boundary line between two or more counties, that person shall be considered a resident of the county in which a majority of the residential parcel lies.

Amended by Chapter 297, 2011 General Session

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

(1) The county clerk shall:

(a) record the party affiliation designated by the voter on the voter registration form as the voter's party affiliation; or

(b) if no political party affiliation is designated by the voter on the voter registration form, record the voter's party affiliation as "unaffiliated."

(2) (a) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of this Subsection (2).

(b) A registered voter may designate or change the voter's political party affiliation by filing a signed form with the county clerk that identifies the registered political party with which the voter chooses to affiliate, during any period except the following:

(i) the period beginning on the day after the voter registration deadline and continuing through the date of the regular primary election; and

(ii) the period beginning on the day after the voter registration deadline and continuing through the date of the Western States Presidential Primary.

Amended by Chapter 329, 2008 General Session

20A-2-107.5. Designating or changing party affiliation -- Regular primary election and Western States Presidential Primary.

(1) At any regular primary election or the Western States Presidential Primary:

(a) each county clerk shall provide change of party affiliation forms to the poll workers for each voting precinct within the county; and

(b) any registered voter who is classified as "unaffiliated" may affiliate with a political party by completing the form and giving it to the poll worker.

(2) An unaffiliated voter who affiliates with a political party as provided in

Subsection (1)(b) may vote in that party's primary election.

Amended by Chapter 329, 2008 General Session

20A-2-108. Driver license registration form -- Transmittal of information.

(1) The lieutenant governor and the Driver License Division shall design the driver license application and renewal forms to include the question "if you are not registered to vote where you live now, would you like to register to vote today?"

(2) (a) The lieutenant governor and the Driver License Division shall design a motor voter registration form to be used in conjunction with driver license application and renewal forms.

(b) Each driver license application and renewal form shall contain:

(i) a place for the applicant to decline to register to vote;

(ii) an eligibility statement in substantially the following form:

"I do swear (or affirm), subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a resident of the state of Utah, residing at the above address. I will be at least 18 years old and will have resided in Utah for 30 days immediately before the next election.

Signed and sworn

_____

Voter's Signature

_____(month\day\year)";

(iii) a citizenship affidavit in substantially the following form:

"CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

_____

Signature of Applicant

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

(iv) a statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(v) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

(3) Upon receipt of a voter registration form from an applicant, the county clerk or the clerk's designee shall:

(a) review the voter registration form for completeness and accuracy; and

(b) if the county clerk believes, based upon a review of the form, that a person may be seeking to register to vote who is not legally entitled to register to vote, refer the form to the county attorney for investigation and possible prosecution.

Amended by Chapter 219, 2004 General Session

20A-2-109. Statewide voter registration database -- Lieutenant governor to create -- Counties to participate -- Maintenance of database -- Cooperation with governmental entities -- Record security -- List of incarcerated felons.

(1) (a) (i) The lieutenant governor shall develop a statewide voter registration database.

(ii) (A) The lieutenant governor may compare the information in the statewide voter registration database with information submitted by a registered voter to a state agency to identify a change in a registered voter's principal place of residence or name.

(B) The lieutenant governor shall establish matching criteria and security measures for identifying a change described in Subsection (1)(a)(ii)(A) to ensure the accuracy of a voter registration record.

(C) The lieutenant governor shall notify the county clerk of the county in which the voter's principal place of residence is located of the change in the registered voter's principal place of residence or name.

(b) Each county clerk shall utilize the statewide voter registration database when recording or modifying voter registration records.

(2) (a) The lieutenant governor shall establish and implement a procedure to maintain the accuracy of the statewide voter registration database by using information available from:

(i) a voter;

(ii) a governmental entity, as defined by Section 63G-2-103; or

(iii) another state.

(b) Subject to Subsection (2)(c), the lieutenant governor may cooperate or enter into an agreement with a governmental entity or another state to share information to implement the procedure established under Subsection (2)(a).

(c) For a record shared under Subsection (2)(b), the lieutenant governor shall ensure:

(i) that the record is only used to maintain the accuracy of a voter registration database;

(ii) compliance with Section 63G-2-206; and

(iii) that the record is secure from unauthorized use by employing data encryption or another similar technology security system.

(3) (a) The lieutenant governor shall maintain a current list of all incarcerated felons in Utah.

(b) (i) The Department of Corrections shall provide the lieutenant governor's office with a list of the name and last-known address of each person who:

(A) was convicted of a felony in a Utah state court; and

(B) is currently incarcerated for commission of a felony.

(ii) The lieutenant governor shall establish the frequency of receipt of the

information and the method of transmitting the information after consultation with the Department of Corrections.

(c) (i) The Department of Corrections shall provide the lieutenant governor's office with a list of the name of each convicted felon who is no longer subject to the jurisdiction of the department because the person has been released from incarceration.

(ii) The lieutenant governor shall establish the frequency of receipt of the information and the method of transmitting the information after consultation with the Department of Corrections.

Amended by Chapter 333, 2011 General Session

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

(1) Except as provided in Subsection (3), the county clerk shall register to vote all persons who present themselves for registration at the county clerk's office during designated office hours if those persons, on the date of the election, will be legally eligible to vote in a voting precinct in the county in accordance with Section 20A-2-101.

(2) If a registration form is submitted in person at the office of the county clerk during the period beginning on the date after the voter registration deadline and ending on the date that is 15 calendar days before the date of the election, the county clerk shall:

(a) accept registration forms from all persons who present themselves for registration at the clerk's office during designated office hours if those persons, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the county; and

(b) inform them that:

(i) they will be registered to vote in the pending election; and

(ii) for the pending election, they must vote on the day of the election and will not be eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because they registered too late.

(3) If a registration form is submitted to the county clerk on the date of the election or during the 14 calendar days before an election, the county clerk shall:

(a) accept registration forms from all persons who present themselves for registration at the clerk's office during designated office hours if those persons, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the county; and

(b) inform them that they will be registered to vote but may not vote in the pending election because they registered too late.

Amended by Chapter 225, 2008 General Session
Amended by Chapter 276, 2008 General Session

20A-2-202. Registration by mail.

(1) (a) A citizen who will be qualified to vote at the next election may register by mail.

(b) To register by mail, a citizen shall complete and sign the by-mail registration

form and mail or deliver it to the county clerk of the county in which the citizen resides.

(c) In order to register to vote in a particular election, the citizen shall:

(i) address the by-mail voter registration form to the county clerk; and

(ii) ensure that it is postmarked on or before the voter registration deadline.

(d) The citizen has effectively registered to vote under this section only when the county clerk's office has received a correctly completed by-mail voter registration form.

(2) Upon receipt of a correctly completed by-mail voter registration form, the county clerk shall:

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

(b) mail confirmation of registration to the newly registered voter after entering the applicant's voting precinct number on that copy.

(3) (a) If the county clerk receives a correctly completed by-mail voter registration form that is postmarked after the voter registration deadline, the county clerk shall:

(i) register the applicant after the next election; and

(ii) if possible, promptly phone or mail a notice to the applicant before the election, informing the applicant that his registration will not be effective until after the election.

(b) When the county clerk receives a correctly completed by-mail voter registration form at least seven days before an election that is postmarked on or before the date of the voter registration deadline, the county clerk shall:

(i) process the by-mail voter registration form; and

(ii) record the new voter in the official register.

(4) If the county clerk determines that a registration form received by mail or otherwise is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register, informing him that he has not been registered because of an error or because the form is incomplete.

Amended by Chapter 45, 2009 General Session

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

(1) As used in this section, "voter registration form" means the driver license application/voter registration form and the driver license renewal/voter registration form required by Section 20A-2-108.

(2) Any citizen who is qualified to vote may register to vote by completing the voter registration form.

(3) The Driver License Division shall:

(a) assist applicants in completing the voter registration form unless the applicant refuses assistance;

(b) accept completed forms for transmittal to the appropriate election official;

(c) transmit a copy of each voter registration form to the appropriate election official within five days after it is received by the division;

(d) transmit each address change within five days after it is received by the division; and

(e) transmit electronically to the lieutenant governor's office the name, address, birth date, and driver license number of each person who answers "yes" to the question on the driver license form about registering to vote.

(4) Upon receipt of a correctly completed voter registration form, the county clerk shall:

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

(b) notify the applicant of registration.

(5) (a) If the county clerk receives a correctly completed voter registration form that is dated after the voter registration deadline, the county clerk shall:

(i) register the applicant after the next election; and

(ii) if possible, promptly phone or mail a notice to the applicant before the election, informing the applicant that his registration will not be effective until after the election.

(b) When the county clerk receives a correctly completed voter registration form at least seven days before an election that is dated on or before the voter registration deadline, the county clerk shall:

(i) process the voter registration form; and

(ii) record the new voter in the official register.

(6) If the county clerk determines that a voter registration form received from the Driver License Division is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register, informing him that he has not been registered because of an error or because the form is incomplete.

Amended by Chapter 264, 2006 General Session
Amended by Chapter 326, 2006 General Session

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

(1) As used in this section:

(a) "Discretionary voter registration agency" means each office designated by the county clerk under Part 3, County Clerk's Voter Registration Responsibilities, to provide by-mail voter registration forms to the public.

(b) "Public assistance agency" means each office in Utah that provides:

(i) public assistance; or

(ii) state funded programs primarily engaged in providing services to people with disabilities.

(2) Any person may obtain and complete a by-mail registration form at a public assistance agency or discretionary voter registration agency.

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

"REGISTERING TO VOTE

If you are not registered to vote where you live now, would you like to apply to register to vote here today? (Applying to register to vote or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.)
Yes____ No____ IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE

CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME. If you would like help in filling out the voter registration application form, we will help you. The decision about whether or not to seek or accept help is yours. You may fill out the application form in private. If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether or not to register, or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Office of the Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number of the Office of the Lieutenant Governor)."

(4) Unless a person applying for service or assistance from a public assistance agency or discretionary voter registration agency declines, in writing, to register to vote, each public assistance agency and discretionary voter registration agency shall:

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

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

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

(d) transmit a copy of each voter registration form to the appropriate election official within five days after it is received by the division.

(5) A person in a public assistance agency or a discretionary voter registration agency that helps a person complete the voter registration form may not:

(a) seek to influence an applicant's political preference or party registration;

(b) display any political preference or party allegiance;

(c) make any statement to an applicant or take any action that has the purpose or effect of discouraging the applicant from registering to vote; or

(d) make any statement to an applicant or take any action that has the purpose or effect of leading the applicant to believe that a decision to register or not to register has any bearing upon the availability of services or benefits.

(6) Upon receipt of a correctly completed voter registration form, the county clerk shall:

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

(b) notify the applicant of registration.

(7) (a) If the county clerk receives a correctly completed voter registration form that is dated after the voter registration deadline, the county clerk shall:

(i) register the applicant after the next election; and

(ii) if possible, promptly phone or mail a notice to the applicant before the election, informing the applicant that his registration will not be effective until after the election.

(b) When the county clerk receives a correctly completed voter registration form at least seven days before an election that is dated on or before the voter registration deadline, the county clerk shall:

(i) process the voter registration form; and

(ii) record the new voter in the official register.

(8) If the county clerk determines that a voter registration form received from a

public assistance agency or discretionary voter registration agency is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the person attempting to register, informing him that he has not been registered because of an error or because the form is incomplete.

Amended by Chapter 251, 2012 General Session

20A-2-206. Electronic registration -- Requests for absentee ballot application.

(1) The lieutenant governor may create and maintain an electronic system for voter registration and requesting an absentee ballot that is publicly available on the Internet.

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

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

(b) that the applicant provide the information required by Section 20A-2-104, except that the applicant's signature may be obtained in the manner described in Subsections (2)(d) and (4);

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

(d) that the applicant authorize the lieutenant governor's and county clerk's use of the applicant's driver license or identification card signature, obtained under Title 53, Chapter 3, Uniform Driver License Act, for voter registration purposes.

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

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

(5) The lieutenant governor shall obtain a digital copy of the applicant's driver license or identification card signature from the Driver License Division.

(6) Upon receiving all information from an applicant and the Driver License Division, the lieutenant governor shall send the information to the county clerk for the county in which the applicant's principal place of residence is found for further action as required by Section 20A-2-304.

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

(8) (a) If an individual applies to register under this section during the period beginning on the date after the voter registration deadline and ending on the date that is 15 calendar days before the date of an election, the county clerk shall:

(i) accept the application for registration if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the state; and

(ii) inform the individual that:

(A) the individual is registered to vote in the pending election; and

(B) for the pending election, the individual must vote on the day of the election and is not eligible to vote using early voting under Chapter 3, Part 6, Early Voting,

because the individual registered too late.

(b) If an individual applies to register under this section during the 14 calendar days before an election, the county clerk shall:

(i) accept the application for registration if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the state; and

(ii) inform the individual that the individual is registered to vote but may not vote in the pending election because the individual registered too late.

(9) (a) A registered voter may file an application for an absentee ballot in accordance with Section 20A-3-304 on the electronic system for voter registration established under this section.

(b) The lieutenant governor shall provide a means by which a registered voter shall sign the application form as provided in Section 20A-3-304.

Amended by Chapter 17, 2011 General Session

20A-2-300.5. Definitions.

As used in this part:

(1) "Discretionary voter registration agency" means each office designated by the county clerk to provide by-mail voter registration forms to the public.

(2) "Public assistance agency" means each office in Utah that provides:

(a) public assistance; and

(b) state funded programs primarily engaged in providing services to people with disabilities.

Enacted by Chapter 311, 1994 General Session

20A-2-300.6. Chief elections officer.

(1) The lieutenant governor is Utah's chief elections officer.

(2) The lieutenant governor shall:

(a) oversee all of Utah's:

(i) voter registration activities; and

(ii) other responsibilities established by:

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

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

(b) coordinate with local, state, and federal officials to ensure compliance with state and federal election laws.

(3) The lieutenant governor, in cooperation with the county clerks, shall develop a general program to obtain change of address information in order to remove the names of ineligible voters from the official register.

Amended by Chapter 117, 2003 General Session

20A-2-301. County clerk responsibilities -- Voter registration forms.

(1) Each county clerk shall provide book voter registration forms and by-mail voter registration forms for use in the voter registration process.

(2) (a) Each county clerk shall:

(i) designate certain offices within the county to provide by-mail voter registration forms to the public; and

(ii) provide by-mail voter registration forms to each public assistance agency and discretionary voter registration agency.

(b) Each county clerk may provide copies of by-mail voter registration forms to public school districts and nonpublic schools as provided in Section 20A-2-302.

(3) Each regular general election year, the county clerk shall provide by-mail voter registration forms to the political parties in a quantity requested by the political parties, as needed.

(4) Candidates, parties, organizations, and interested persons may purchase by-mail voter registration forms from the county clerk or from the printer.

(5) (a) The clerk shall make book voter registration forms available to interested organizations in lots of 250, to be replaced when each lot of 200 is returned to the county clerk.

(b) Interested organizations that receive book voter registration forms from the county clerk shall return them to the county clerk on or before the voter registration deadline.

(6) The county clerk may not refuse to register any person to vote for failing to provide a telephone number on the voter registration form.

(7) (a) It is unlawful for any person to willfully fail or refuse to deliver completed voter registration forms, obtained as provided in this section, to the county clerk.

(b) A person who violates this Subsection (7) is guilty of a class B misdemeanor.

Amended by Chapter 335, 2011 General Session

20A-2-302. Voter registration forms for high school students.

(1) (a) The county clerk may:

(i) contact each high school and each accredited nonpublic high school in the county;

(ii) determine the number of high school seniors; and

(iii) distribute by-mail voter registration forms to each accredited public or private high school in an amount sufficient for distribution to each high school senior.

(b) The county clerk shall keep on file the returned high school student by-mail voter registration forms until the applicant turns 18 years old and then register the applicant to vote.

(2) Each public school and accredited nonpublic school may:

(a) include the by-mail voter registration form in the senior registration packet; and

(b) collect and forward completed by-mail voter registration forms to the county clerk.

Amended by Chapter 103, 2008 General Session

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

Each county clerk shall:

(1) register to vote each applicant for registration who meets the requirements

for registration and who:

(a) submits a completed voter registration form to the county clerk on or before the voter registration deadline;

(b) submits a completed voter registration form to the Driver License Division, a public assistance agency, or a discretionary voter registration agency on or before the voter registration deadline; or

(c) mails a completed by-mail voter registration form to the county clerk on or before the voter registration deadline; and

(2) send a notice to the voter informing the voter that:

(a) the voter's application for voter registration has been accepted and that the voter is registered to vote;

(b) the voter's application for voter registration has been rejected and the reason for the rejection; or

(c) the application for voter registration is being returned to the voter for further action because the application is incomplete and giving instructions to the voter about how to properly complete the application.

Amended by Chapter 264, 2006 General Session

20A-2-304.5. County clerk's responsibilities -- Updating voter registration.

(1) A county clerk who receives notification from the lieutenant governor, as provided in Subsection 20A-2-109(1), of a change in a registered voter's principal place of residence or name may verify the change with the registered voter.

(2) Unless the county clerk verifies that a change described in Subsection (1) is incorrect, the county clerk shall:

(a) change the voter registration record to show the registered voter's current name and address; and

(b) notify the registered voter of the change to the voter registration record.

(3) (a) If a voter does not vote in any election during the period beginning on the date of any regular general election and ending on the day after the date of the next regular general election and the county clerk has not sent the voter a notice described in Section 20A-2-306 during the period, the county clerk shall send to the voter a preaddressed return form in substantially the following form:

"VOTER REGISTRATION ADDRESS"

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

_____

Street City County State ZIP

_____

Signature of Voter

(b) The county clerk shall mail the form described in Subsection (3)(a) with a postal service that will notify the county clerk if the voter has changed the voter's address.

Amended by Chapter 52, 2012 General Session

20A-2-305. Removing names from the official register -- General requirements.

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

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

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

(b) the county clerk, after complying with the requirements of Section 20A-2-306, receives written confirmation from the voter that the voter no longer resides within the county clerk's county;

(c) the county clerk has:

(i) obtained evidence that the voter's residence has changed;

(ii) mailed notice to the voter as required by Section 20A-2-306;

(iii) (A) received no response from the voter; or

(B) not received information that confirms the voter's residence; and

(iv) the voter has failed to vote or appear to vote in an election during the period beginning on the date of the notice described in Section 20A-2-306 and ending on the day after the date of the second regular general election occurring after the date of the notice;

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

(e) the county clerk receives a returned voter identification card, determines that there was no clerical error causing the card to be returned, and has no further information to contact the voter;

(f) the county clerk receives notice that a voter has been convicted of any felony or a misdemeanor for an offense under this title and the voter's right to vote has not been restored as provided in Section 20A-2-101.3 or 20A-2-101.5; or

(g) the county clerk receives notice that a voter has registered to vote in another state after the day on which the voter registered to vote in this state.

(3) The county clerk shall remove a voter's name from the registration list within 21 days of receipt of confirmation from the Department of Health's Bureau of Vital Records that a voter is deceased.

Amended by Chapter 33, 2012 General Session
Amended by Chapter 52, 2012 General Session

20A-2-306. Removing names from the official register -- Determining and confirming change of residence.

(1) A county clerk may not remove a voter's name from the official register on the grounds that the voter has changed residence unless the voter:

(a) confirms in writing that the voter has changed residence to a place outside the county; or

(b) (i) has not voted in an election during the period beginning on the date of the notice required by Subsection (3), and ending on the day after the date of the second regular general election occurring after the date of the notice; and

(ii) has failed to respond to the notice required by Subsection (3).

(2) (a) When a county clerk obtains information that a voter's address has

changed and it appears that the voter still resides within the same county, the county clerk shall:

(i) change the official register to show the voter's new address; and

(ii) send to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.

(b) When a county clerk obtains information that a voter's address has changed and it appears that the voter now resides in a different county, the county clerk shall verify the changed residence by sending to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.

(3) Each county clerk shall use substantially the following form to notify voters whose addresses have changed:

"VOTER REGISTRATION NOTICE

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

_____

Street City County State Zip

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

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

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

_____

Signature of Voter"

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

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

(i) the voter requests, in writing, that the voter's name be removed; or

(ii) the voter has died.

(c) (i) After a county clerk mails a notice as required in this section, the clerk may list that voter as inactive.

(ii) An inactive voter shall be allowed to vote, sign petitions, and have all other privileges of a registered voter.

(iii) A county is not required to send routine mailings to inactive voters and is not required to count inactive voters when dividing precincts and preparing supplies.

Amended by Chapter 297, 2011 General Session

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

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

(a) the voter has moved from one address within a voting precinct to another address within the same voting precinct; and

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

(2) Each county clerk shall instruct election judges to allow a person to vote a provisional ballot if:

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

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

Amended by Chapter 34, 2003 General Session

20A-2-308. Lieutenant governor and county clerks to preserve records.

(1) As used in this section:

(a) "Voter registration records" means all records concerning the implementation of programs and activities conducted for the purpose of ensuring that the official register is accurate and current.

(b) "Voter registration records" does not mean records that:

(i) relate to a person's decision to decline to register to vote; and

(ii) identify the particular public assistance agency, discretionary voter registration agency, or Driver License Division through which a particular voter registered to vote.

(2) The lieutenant governor and each county clerk shall:

(a) preserve for at least two years all records relating to voter registration, including:

(i) the official register; and

(ii) the names and addresses of all persons to whom the notice required by Section 20A-2-306 was sent and a notation as to whether or not the person responded to the notice;

(b) make the records, except for the part of the voter registration record classified as private under Section 63G-2-302, available for public inspection; and

(c) allow the records described in Subsection (2)(b) to be photocopied for a reasonable cost.

Amended by Chapter 74, 2012 General Session

20A-2-401. Fraudulent registration -- Penalty.

(1) A person may not willfully cause, procure, or allow himself to be registered to vote, knowing that he is not eligible to register to vote under Section 20A-2-101.

(2) A person may not willfully cause, procure, advise, encourage, or assist any other person to be registered to vote, knowing or believing that the person is not eligible to register to vote.

(3) Any person who violates this section is guilty of a class A misdemeanor.

Amended by Chapter 276, 2008 General Session

20A-3-101. Residency and age requirements of voters.

(1) A person may vote in any regular general election or statewide special election if that person has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration.

(2) A person may vote in the Western States Presidential Primary election or a regular primary election if:

(a) that person has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration; and

(b) that person's political party affiliation, or unaffiliated status, allows the person to vote in the election.

(3) A person may vote in a municipal general election, municipal primary, in a local special election, in a local district election, and in a bond election if that person:

(a) has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration; and

(b) is a resident of a voting district or precinct within the local entity that is holding the election.

Amended by Chapter 276, 2008 General Session

20A-3-102. Voting by secret ballot.

All voting at each regular and municipal general election, at each statewide or local special election, at each primary election, at each local district election, and at each bond election shall be by secret ballot.

Amended by Chapter 329, 2007 General Session

20A-3-103. Employee's right to time off for election.

(1) (a) Each employer shall allow any voter to be absent from service or employment on election day for not more than two hours between the time the polls open and close.

(b) The voter shall apply for a leave of absence before election day.

(c) (i) The employer may specify the hours during which the employee may be absent.

(ii) If the employee requests the leave of absence at the beginning or end of the work shift, the employer shall grant that request.

(d) The employer may not deduct from an employee's usual salary or wages because of the absence.

(2) This section does not apply to an employee who has three or more hours between the time polls open and close during which the employee is not employed on the job.

(3) Any employer who violates this section is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1993 General Session

20A-3-104. Manner of voting.

(1) (a) Any registered voter desiring to vote shall give the voter's name, and, if requested, the voter's residence, to one of the poll workers.

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

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

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

(ii) issue the voter a provisional ballot;

(iii) notify the voter that the voter will have until the close of normal office hours on Monday after the day of the election to present valid voter identification:

(A) to the county clerk at the county clerk's office; or

(B) to an election officer who is administering the election; and

(iv) follow the procedures and requirements of Section 20A-3-105.5.

(d) If the person's right to vote is challenged as provided in Section 20A-3-202, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

(2) (a) The poll worker in charge of the official register shall check the official register to determine whether or not a person is registered to vote.

(b) If the voter's name is not found on the official register, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

(3) If the poll worker determines that the voter is registered and:

(a) if the ballot is a paper ballot or a ballot sheet:

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

(A) write the ballot number opposite the name of the voter in the official register; and

(B) direct the voter to sign the voter's name in the election column in the official register;

(ii) another poll worker shall list the ballot number and voter's name in the pollbook; and

(iii) the poll worker having charge of the ballots shall:

(A) endorse the poll worker's initials on the stub;

(B) check the name of the voter on the pollbook list with the number of the stub;

(C) hand the voter a ballot; and

(D) allow the voter to enter the voting booth; or

(b) if the ballot is an electronic ballot:

(i) the poll worker in charge of the official register shall direct the voter to sign the voter's name in the official register;

(ii) another poll worker shall list the voter's name in the pollbook; and

(iii) the poll worker having charge of the ballots shall:

(A) provide the voter access to the electronic ballot; and

(B) allow the voter to vote the electronic ballot.

(4) Whenever the election officer is required to furnish more than one kind of official ballot to the voting precinct, the poll workers of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Amended by Chapter 197, 2010 General Session

20A-3-104.5. Voting -- Regular primary election and Western States Presidential Primary.

(1) (a) Any registered voter desiring to vote at the regular primary election or Utah's Western States Presidential Primary shall give the voter's name, the name of the registered political party whose ballot the voter wishes to vote, and, if requested, the voter's residence, to one of the poll workers.

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

(c) (i) The poll worker shall follow the procedures and requirements of Section 20A-3-105.5 if:

(A) the poll worker is not satisfied that the voter presented valid voter identification; or

(B) the voter's right to vote is challenged under Section 20A-3-202.

(ii) The poll worker shall notify a voter casting a provisional ballot under Section 20A-3-105.5 because of failure to present valid voter identification that the voter has until the close of normal office hours on Monday after the day of the election to:

(A) present valid voter identification to the county clerk at the county clerk's office; or

(B) an election officer who is administering the election.

(2) (a) (i) If the voter is properly identified, the poll worker in charge of the official register shall check the official register to determine:

(A) whether or not the person is registered to vote; and

(B) whether or not the voter's party affiliation designation in the official register allows the voter to vote the ballot that the voter requested.

(ii) If the official register does not affirmatively identify the voter as being affiliated with a registered political party or if the official register identifies the voter as being "unaffiliated," the voter shall be considered to be "unaffiliated."

(b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on the official register, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

(ii) (A) If it is not unduly disruptive of the election process, the poll worker shall attempt to contact the county clerk's office to request oral verification of the voter's registration.

(B) If oral verification is received from the county clerk's office, the poll worker shall:

(I) record the verification on the official register;

(II) determine the voter's party affiliation and the ballot that the voter is qualified to vote; and

(III) perform the other administrative steps required by Subsection (3).

(c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party affiliation listed in the official register does not allow the voter to vote the ballot that the voter requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot or ballots that the voter's party affiliation does allow the voter to vote.

(ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a

registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or remain "unaffiliated."

(B) If the voter wishes to vote another registered political party ballot that the unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection (3).

(C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the voter may not vote.

(3) If the poll worker determines that the voter is registered and eligible, under Subsection (2), to vote the ballot that the voter requested and:

(a) if the ballot is a paper ballot or a ballot sheet:

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

(A) write the ballot number and the name of the registered political party whose ballot the voter voted opposite the name of the voter in the official register; and

(B) direct the voter to sign the voter's name in the election column in the official register;

(ii) another poll worker shall list the ballot number and voter's name in the pollbook; and

(iii) the poll worker having charge of the ballots shall:

(A) endorse the voter's initials on the stub;

(B) check the name of the voter on the pollbook list with the number of the stub;

(C) hand the voter the ballot for the registered political party that the voter requested and for which the voter is authorized to vote; and

(D) allow the voter to enter the voting booth; or

(b) if the ballot is an electronic ballot:

(i) the poll worker in charge of the official register shall direct the voter to sign the voter's name in the official register;

(ii) another poll worker shall list the voter's name in the pollbook; and

(iii) the poll worker having charge of the ballots shall:

(A) provide the voter access to the electronic ballot for the registered political party that the voter requested and for which the voter is authorized to vote; and

(B) allow the voter to vote the electronic ballot.

(4) Whenever the election officer is required to furnish more than one kind of official ballot to the voting precinct, the poll workers of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Amended by Chapter 335, 2011 General Session

20A-3-105. Marking and depositing ballots.

(1) (a) If a paper ballot is used, the voter, upon receipt of the ballot, shall go to a voting booth and prepare the voter's ballot by marking the appropriate position with a mark opposite the name of each candidate of the voter's choice for each office to be filled.

(b) A mark is not required opposite the name of a write-in candidate.

(c) If a ballot proposition is submitted to a vote of the people, the voter shall mark in the appropriate square with a mark opposite the answer the voter intends to make.

(d) Before leaving the booth, the voter shall:

(i) fold the ballot so that its contents are concealed and the stub can be removed; and

(ii) if the ballot is a provisional ballot, place the ballot in the provisional ballot envelope and complete the information printed on the envelope.

(2) (a) (i) If a punch card ballot is used, the voter shall insert the ballot sheet into the voting device and mark the ballot sheet according to the instructions provided on the device.

(ii) If the voter is issued a ballot sheet with a long stub without a secrecy envelope, the voter shall record any write-in votes on the long stub.

(iii) If the voter is issued a ballot sheet with a secrecy envelope, the voter shall record any write-in votes on the secrecy envelope.

(b) After the voter has marked the ballot sheet, the voter shall either:

(i) place the ballot sheet inside the secrecy envelope, if one is provided; or

(ii) fold the long stub over the face of the ballot sheet to maintain the secrecy of the vote if the voter is issued a ballot sheet with a long stub without a secrecy envelope.

(c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the provisional ballot envelope and complete the information printed on the envelope.

(3) (a) If a ballot sheet other than a punch card is used, the voter shall mark the ballot sheet according to the instructions provided on the voting device or ballot sheet.

(b) The voter shall record a write-in vote by:

(i) marking the position opposite the area for entering a write-in candidate; and

(ii) entering the name of the valid write-in candidate for whom the voter wishes to vote for by means of:

(A) writing;

(B) a label; or

(C) entering the name using the voting device.

(c) If the ballot is a provisional ballot, the voter shall place the ballot sheet in the provisional ballot envelope and complete the information printed on the envelope.

(4) (a) If an electronic ballot is used, the voter shall:

(i) insert the ballot access card into the voting device; and

(ii) make the selections according to the instructions provided on the device.

(b) The voter shall record a write-in vote by:

(i) marking the appropriate position opposite the area for entering a write-in candidate; and

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

(5) After preparation of the ballot:

(a) if a paper ballot or punch card ballot is used:

(i) the voter shall:

(A) leave the voting booth; and

(B) announce his name to the poll worker in charge of the ballot box;

(ii) the poll worker in charge of the ballot box shall:

(A) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot;

(B) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the poll worker, remove the stub from the ballot; and

(C) return the ballot to the voter;

(iii) the voter shall, in full view of the poll workers, cast his vote by depositing the ballot in the ballot box; and

(iv) if the stub has been detached from the ballot:

(A) the poll worker may not accept the ballot; and

(B) the poll worker shall:

(I) treat the ballot as a spoiled ballot;

(II) provide the voter with a new ballot; and

(III) dispose of the spoiled ballot as provided in Section 20A-3-107;

(b) if a ballot sheet other than a punch card is used:

(i) the voter shall:

(A) leave the voting booth; and

(B) announce his name to the poll worker in charge of the ballot box;

(ii) the poll worker in charge of the ballot box shall:

(A) clearly and audibly announce the name of the voter and the number on the stub of the voter's ballot; and

(B) if the stub number on the ballot corresponds with the number previously recorded in the official register, and bears the initials of the poll worker, return the ballot to the voter; and

(iii) the voter shall, in full view of the poll workers, cast his vote by depositing the ballot in the ballot box; and

(c) if an electronic ballot is used, the voter shall:

(i) cast the voter's ballot;

(ii) remove the ballot access card from the voting device; and

(iii) return the ballot access card to a designated poll worker.

(6) A voter voting a paper ballot in a regular primary election shall, after marking the ballot:

(a) (i) if the ballot is designed so that the names of all candidates for all political parties are on the same ballot, detach the part of the paper ballot containing the names of the candidates of the party he has voted from the remainder of the paper ballot;

(ii) fold that portion of the paper ballot so that its face is concealed; and

(iii) deposit it in the ballot box; and

(b) (i) fold the remainder of the paper ballot, containing the names of the candidates of the parties that the elector did not vote; and

(ii) deposit it in a separate ballot box that is marked and designated as a blank ballot box.

(7) (a) Each voter shall mark and cast or deposit the ballot without delay and shall leave the voting area after voting.

(b) A voter may not:

(i) occupy a voting booth occupied by another, except as provided in Section 20A-3-108;

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

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

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

(9) The poll workers may not allow more than four voters more than the number of voting booths into the voting area at one time unless those excess voters are:

(a) election officials;

(b) watchers; or

(c) assisting voters with a disability.

Amended by Chapter 75, 2007 General Session

20A-3-105.5. Manner of voting -- Provisional ballot.

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

(a) the person's right to vote is challenged as provided in Section 20A-3-202 or 20A-3-202.5;

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

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

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

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

(b) review the identification provided by the person.

(3) If the poll worker is satisfied that the person has provided valid voter identification that establishes the person's identity and residence in the voting precinct or within the county:

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

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

(ii) write the provisional ballot envelope number opposite the name of the voter in the official register; and

(iii) direct the voter to sign his name in the election column in the official register;

(b) another poll worker shall list the ballot number and voter's name in the pollbook; and

(c) the poll worker having charge of the ballots shall:

(i) endorse his initials on the stub;

(ii) check the name of the voter on the pollbook list with the number of the stub;

(iii) give the voter a ballot and a provisional ballot envelope; and

(iv) allow the voter to enter the voting booth.

(4) If the poll worker is not satisfied that the voter has provided valid voter identification that establishes the person's identity and residence in the voting precinct or within the county:

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

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

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

(iii) write the provisional ballot envelope number opposite the name of the voter in the official register; and

(iv) direct the voter to sign his name in the election column in the official register;

(b) another poll worker shall list the ballot number and voter's name in the pollbook; and

(c) the poll worker having charge of the ballots shall:

(i) endorse his initials on the stub;

(ii) check the name of the voter on the pollbook list with the number of the stub;

(iii) give the voter a ballot and a provisional ballot envelope; and

(iv) allow the voter to enter the voting booth.

(5) Whenever the election officer is required to furnish more than one kind of official ballot to a voting precinct, the poll workers of that voting precinct shall give the registered voter the kind of ballot that the voter is qualified to vote.

Amended by Chapter 390, 2013 General Session

20A-3-106. Voting straight ticket -- Splitting ballot -- Writing in names -- Effect of unnecessary marking of cross.

(1) When voting a paper ballot, any voter desiring to vote for all the candidates from any one registered political party may:

(a) mark in the circle or position above that political party;

(b) mark in the squares or position opposite the names of all candidates for that party ticket; or

(c) make both markings.

(2) (a) When voting a ballot sheet, any voter desiring to vote for all the candidates from any one registered political party may:

(i) mark the selected party on the straight party page or section; or

(ii) mark the name of each candidate from that party.

(b) To vote for candidates from two or more political parties, the voter may:

(i) mark in the squares or positions opposite the names of the candidates for whom the voter wishes to vote without marking in any circle; or

(ii) indicate his choice by marking in the circle or position above one political party and marking in the squares or positions opposite the names of desired candidates.

(3) (a) When voting an electronic ballot, any voter desiring to vote for all the candidates from any one registered political party may:

(i) select that party on the straight party selection area; or

(ii) select the name of each candidate from that party.

(b) To vote for candidates from two or more political parties, the voter may:

(i) select the names of the candidates for whom the voter wishes to vote without selecting a political party in the straight party selection area; or

(ii) select a political party in the straight party selection area and select the

names of the candidates for whom the voter wishes to vote.

(4) In any election other than a primary election, if a voter voting a ballot has selected or placed a mark next to a party name in order to vote a straight party ticket and wishes to vote for a person on another party ticket for an office, the voter shall select or mark the ballot next to the name of the candidate for whom the voter wishes to vote.

(5) (a) The voter may cast a write-in vote on a paper ballot or ballot sheet:

(i) by entering the name of a valid write-in candidate:

(A) by writing the name of a valid write-in candidate in the blank write-in section of the ballot; or

(B) by affixing a sticker with the office and name of the valid write-in name printed on it in the blank write-in part of the ballot; and

(ii) by placing a mark opposite the name of the write-in candidate to indicate the voter's vote.

(b) On a paper ballot or ballot sheet, a voter is considered to have voted for the person whose name is written or whose sticker appears in the blank write-in part of the ballot, if a mark is made opposite that name.

(c) On a paper ballot or ballot sheet, the unnecessary marking of a mark in a square on the ticket below the marked circle does not affect the validity of the vote.

(6) The voter may cast a write-in vote on an electronic ballot by:

(a) marking the appropriate position opposite the area for entering a write-in candidate for the office sought by the candidate for whom the voter wishes to vote; and

(b) entering the name of a valid write-in candidate in the write-in selection area.

Amended by Chapter 326, 2006 General Session

20A-3-107. No ballots may be taken away -- Spoiled ballots.

(1) A person may not take or remove any ballot from the polling place before the close of the polls.

(2) If any voter spoils a ballot, he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one.

(3) If any ballot is spoiled by the printer or a poll worker, the poll worker shall give the voter a new ballot.

(4) The poll worker shall:

(a) immediately write the word "spoiled" across the face of the ballot; and

(b) place the ballot in the envelope for spoiled ballots.

Amended by Chapter 75, 2007 General Session

20A-3-108. Assisting disabled, illiterate, or blind voters.

(1) Any voter who has a disability, or is blind, unable to read or write, unable to read or write the English language, or is physically unable to enter a polling place, may be given assistance by a person of the voter's choice.

(2) The person providing assistance may not be:

(a) the voter's employer;

(b) an agent of the employer;

(c) an officer or agent of the voter's union; or
(d) a candidate.
(3) The person providing assistance may not request, persuade, or otherwise induce the voter to vote for or vote against any particular candidate or issue or release any information regarding the voter's selection.
(4) Each time a voter is assisted, the poll worker shall note that fact in the official register and the pollbook.

Amended by Chapter 366, 2011 General Session

20A-3-109. Instructions to voters.
(1) If any voter, after entering the voting booth, asks for further instructions concerning the manner of voting, two poll workers, each from a different political party, shall instruct the voter.
(2) After instructing the voter, and before the voter has cast his vote, the poll worker shall leave the voting booth so that the voter may vote in secret.
(3) A poll worker instructing a voter about the voting process may not request, suggest, or seek to persuade or induce the voter to vote for or against any particular ticket, any particular candidate, or for or against any ballot proposition.

Amended by Chapter 75, 2007 General Session

20A-3-201. Watchers.
(1) (a) (i) For each regular general election or statewide special election, and for each regular primary and Western States Presidential Primary, each registered political party and any person interested in a ballot proposition appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.
(ii) Each party poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the county chair of each of the parties.
(iii) Each issue poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the individual appointing him.
(b) (i) For each municipal general election, municipal primary, local special election, or bond election that uses paper ballots, each candidate and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.
(ii) For each municipal general election, municipal primary, local special election, or bond election that uses ballot sheets, each candidate and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.

(iii) Each candidate poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the candidate appointing him.

(iv) Each issue poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the individual appointing him.

(2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise absent, that poll watcher may substitute some other watcher of similar political beliefs by informing the poll workers of the substitution by affidavit.

(3) Voting poll watchers may watch and observe the voting process, and may make a written memorandum, but they may not interfere in any way with the process of voting except to challenge a voter as provided in this part.

(4) The counting poll watcher shall remain in the counting room, except in the case of necessity, until the close of the polls and may not divulge the progress of the count until the count is completed.

(5) (a) It is unlawful for a counting poll watcher to communicate in any manner, directly or indirectly, by word or sign, the progress of the count, the result so far, or any other information about the count.

(b) Any person who violates this subsection is guilty of a third degree felony.

(6) The inspecting poll watcher may be present in the office of the clerk or recorder to whom ballots are delivered after elections to:

(a) inspect the condition of the packages containing the ballots upon their arrival; and

(b) observe the placement of these packages in a safe and secure place.

(7) (a) Prior to each election in which a ballot sheet or electronic ballot is used, any interested person may act as a testing watcher to observe a demonstration of logic and accuracy testing of the voting devices prior to the commencement of voting.

(b) The election officer shall give prior notice of the logic and accuracy testing demonstration at least two days prior to the date of the demonstration by publishing notice of the date, time, and location of the demonstration:

(i) in at least one newspaper of general circulation in the jurisdiction holding the election; and

(ii) as required in Section 45-1-101.

(c) An election official shall provide, upon request, a copy of testing results to a testing watcher.

Amended by Chapter 388, 2009 General Session

20A-3-201.5. Definitions.

As used in this part:

(1) "Challenged voter" means a person whose right to vote is challenged as provided in this part.

(2) "Filer" means a person who files a written statement challenging another person's right to vote as provided in Section 20A-3-202.3.

Enacted by Chapter 83, 2010 General Session

20A-3-202. Challenges to a voter's eligibility -- Basis for challenge --

Procedures.

(1) A person's right to vote may be challenged because:

(a) the voter is not the person whose name appears in the official register or under which name the right to vote is claimed;

(b) the voter is not a resident of Utah;

(c) the voter is not a citizen of the United States;

(d) the voter has not or will not have resided in Utah for 30 days immediately before the date of the election;

(e) the voter's principal place of residence is not in the voting precinct claimed;

(f) the voter's principal place of residence is not in the geographic boundaries of the election area;

(g) the voter has already voted in the election;

(h) the voter is not at least 18 years of age;

(i) the voter has been convicted of a misdemeanor for an offense under this title and the voter's right to vote in an election has not been restored under Section 20A-2-101.3;

(j) the voter is a convicted felon and the voter's right to vote in an election has not been restored under Section 20A-2-101.5; or

(k) in a regular primary election or in the Western States Presidential Primary, the voter does not meet the political party affiliation requirements for the ballot the voter seeks to vote.

(2) A person who challenges another person's right to vote at an election shall do so according to the procedures and requirements of:

(a) Section 20A-3-202.3, for challenges issued in writing more than 21 days before the day on which voting commences; or

(b) Section 20A-3-202.5, for challenges issued in person at the time of voting.

Amended by Chapter 251, 2012 General Session

20A-3-202.3. Pre-election challenges to a voter's eligibility in writing -- Procedure -- Form of challenge.

(1) (a) A person may challenge the right to vote of a person whose name appears on the official register by filing with the election officer, during regular business hours and not later than 21 days before the date that early voting commences, a written statement that:

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

(ii) for each voter who is challenged:

(A) identifies the name of the challenged voter;

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

(C) provides the basis for the challenge, as provided under Section 20A-3-202; and

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

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

(A) the filer exercised due diligence to personally verify the facts and circumstances establishing the basis for the challenge; and

(B) according to the filer's personal knowledge and belief, the basis for the challenge under Section 20A-3-202 for each challenged voter is valid.

(b) The challenge may not be based on unsupported allegations or allegations by an anonymous person.

(c) The election officer may provide a form that meets the requirements of this section for challenges filed under this section.

(2) (a) If the challenge is not in the proper form or if the basis for the challenge does not meet the requirements of this part, the election officer may dismiss the challenge and notify the filer in writing of the reasons for the dismissal.

(b) A challenge is not in the proper form if the challenge form is incomplete.

(3) Upon receipt of a challenge that meets the requirements for filing under this section, the election officer shall, at least 14 days before the day on which early voting commences, attempt to notify each challenged voter:

(a) that a challenge has been filed against the challenged voter and the challenged voter may be required to cast a provisional ballot at the time of voting;

(b) of the basis for the challenge, which may include providing a copy of the written statement to the challenged voter; and

(c) that the challenged voter may submit information, a sworn statement, or other evidence supporting the challenged voter's right to vote in the election to the election officer no later than seven days before the day on which early voting commences.

(4) (a) Before the day on which early voting commences, the election officer shall determine whether each challenged voter is eligible to vote.

(b) (i) The filer of the challenge has the burden to prove, by clear and convincing evidence, that the basis for challenging the voter's right to vote is valid.

(ii) The election officer shall resolve the challenge based on the available facts and information submitted, which may include voter registration records and other documents or information available to the election officer.

(5) A person who files a challenge under the requirements of this section is subject to criminal penalties for false statements as provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

(6) A decision of the election officer regarding a person's eligibility to vote may be appealed to the district court having jurisdiction over the location where the challenge was filed.

(7) A challenged voter may register to vote or change the location of the voter's voter registration if otherwise legally entitled to do so.

(8) All documents pertaining to a voter challenge are public records.

Enacted by Chapter 83, 2010 General Session

20A-3-202.5. Challenges to a voter's eligibility at time of voting -- Procedure.

(1) (a) A poll worker or a person who lives in the voting precinct may challenge a voter's right to vote in that voting precinct or in that election if:

(i) the person making the challenge and the challenged voter are both present at the polling place at the time the challenge is made; and

(ii) the challenge is made when the challenged voter applies for a ballot.

(b) A person may make a challenge by orally stating the challenged voter's name and the basis for the challenge, as provided under Section 20A-3-202.

(2) The poll worker shall record a challenge in the official register and on the challenge sheets in the pollbook, including:

(a) the name of the challenged voter;

(b) the name of the person making the challenge; and

(c) the basis asserted for the challenge.

(3) If a voter's right to vote is challenged under this section, the poll worker shall follow the procedures and requirements of Section 20A-3-105.5.

Enacted by Chapter 83, 2010 General Session

20A-3-203. Officer or watcher revealing vote.

(1) It is unlawful for any election official or watcher to reveal to any other person the name of any candidate for whom a voter has voted or to communicate to another his opinion, belief, or impression as to how or for whom a voter has voted.

(2) Any person who violates this section is guilty of a class A misdemeanor.

Enacted by Chapter 1, 1993 General Session

20A-3-301. Voting by absentee ballot.

(1) Any person who is registered to vote may vote by absentee ballot.

(2) Except as provided in Section 20A-3-702, a registered voter may not vote in person if the voter voted by absentee ballot.

Amended by Chapter 198, 2013 General Session

20A-3-302. Conducting entire election by absentee ballot.

(1) Notwithstanding Section 17B-1-306, an election officer may administer an election entirely by absentee ballot.

(2) If the election officer decides to administer an election entirely by absentee ballot, the election officer shall mail to each registered voter within that voting precinct:

(a) an absentee ballot;

(b) a statement that there will be no polling place in the voting precinct for the election;

(c) a business reply mail envelope;

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

(e) if the election officer does not operate an election day voting center, a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the absentee ballot, the voter will be unable to vote in that election because there will be no polling place in the voting precinct on the day of the election.

(3) Any voter who votes by absentee ballot under this section is not required to

apply for an absentee ballot as required by this part.

(4) An election officer who administers an election entirely by absentee ballot shall:

(a) (i) obtain, in person, the signatures of each voter within that voting precinct before the election; or

(ii) obtain the signature of each voter within the voting precinct from the county clerk; and

(b) maintain the signatures on file in the election officer's office.

(5) (a) Upon receiving the returned absentee ballots, the election officer shall compare the signature on each absentee ballot with the voter's signature that is maintained on file and verify that the signatures are the same.

(b) If the election officer questions the authenticity of the signature on the absentee ballot, the election officer shall immediately contact the voter to verify the signature.

(c) If the election official determines that the signature on the absentee ballot does not match the voter's signature that is maintained on file, the election officer shall:

(i) unless the absentee ballot application deadline described in Section 20A-3-304 has passed, immediately send another absentee ballot and other voting materials as required by this section to the voter; and

(ii) disqualify the initial absentee ballot.

Amended by Chapter 320, 2013 General Session

20A-3-303. Form of absentee ballot.

(1) For all elections, the election officer shall:

(a) cause a sufficient number of official ballots to be known as absentee ballots to be prepared and printed; and

(b) ensure that the absentee ballots are prepared and printed in the same form, are of the same size and texture, and contain the same information as the regular official ballot.

(2) The election officer may prepare absentee ballots as paper ballots or ballot sheets or may use both methods.

Amended by Chapter 193, 2008 General Session

20A-3-304. Application for absentee ballot -- Time for filing and voting.

(1) (a) Any registered voter who wishes to vote an absentee ballot may either:

(i) file an absentee ballot application:

(A) on the electronic system maintained by the lieutenant governor under Section 20A-2-206; or

(B) with the appropriate election officer for an official absentee ballot as provided in this section; or

(ii) vote in person at the office of the appropriate election officer as provided in Section 20A-3-306.

(b) A person that collects a completed absentee ballot application from a registered voter shall file the completed absentee ballot application with the appropriate

election official before the earlier of:

(i) 14 days after the day on which the registered voter signed the absentee ballot form; or

(ii) the Thursday before the next election.

(2) As it relates to an absentee ballot application to be filled out entirely by the voter:

(a) except as provided in Subsection (2)(b), the lieutenant governor or election officer shall approve an application form for absentee ballot applications in substantially the following form:

"I, ____, a qualified elector, residing at ____ Street, ____ City, ____ County, Utah apply for an official absentee ballot to be voted by me at the election.

Date _____ (month\day\year) Signed _____

Voter"; and

(b) the lieutenant governor or election officer shall approve an application form for regular primary elections and for the Western States Presidential Primary in substantially the following form:

"I, ____, a qualified elector, residing at ____ Street, ____ City, ____ County, Utah apply for an official absentee ballot for the _____ political party to be voted by me at the primary election.

I understand that I must be affiliated with or authorized to vote the political party's ballot that I request.

Dated _____ (month\day\year) ____ Signed _____

Voter"

(c) If requested by the applicant, the election officer shall:

(i) mail or fax the application form to the absentee voter; or

(ii) deliver the application form to any voter who personally applies for it at the office of the election officer.

(3) As it relates to an absentee ballot application to be filled out for, and finished and signed by, a voter:

(a) except as provided in Subsection (3)(b), the lieutenant governor or election officer shall approve an application form for absentee ballot applications in substantially the following form:

"I, ____, a qualified elector, residing at ____ Street, ____ City, ____ County, Utah apply for an official absentee ballot to be voted by me at the election.

I understand that a person that collects this absentee ballot application is required to file it with the appropriate election official before the earlier of fourteen days after the day on which I sign the application or the Thursday before the next election.

This form is provided by (insert name of person or organization).

I have verified that the information on this application is correct.

I understand that I will receive a ballot at the following address: (insert address and an adjacent check box);

OR

I request that the ballot be mailed to the following address: (insert blank space for an address and an adjacent check box).

Date _____ (month\day\year) Signed _____

Voter"; and

(b) the lieutenant governor or election officer shall approve an application form for regular primary elections and for the Western States Presidential Primary in substantially the following form:

"I, ____, a qualified elector, residing at ____ Street, ____ City, ____ County, Utah apply for an official absentee ballot for the _____ political party to be voted by me at the primary election.

I understand that I must be affiliated with or authorized to vote the political party's ballot that I request. I understand that a person that collects this absentee ballot application is required to file it with the appropriate election official before the earlier of fourteen days after the day on which I sign the application or the Thursday before the next primary election.

This form is provided by (insert name of person or organization).

I have verified that the information on this application is correct.

I understand that I will receive a ballot at the following address: (insert address and an adjacent check box);

OR

I request that the ballot be mailed to the following address: (insert blank space for an address and an adjacent check box).

Dated _____ (month\day\year) ____ Signed _____

Voter"

(4) The forms described in Subsections (2) and (3) shall contain instructions on how a voter may cancel an absentee ballot application.

(5) Except as provided in Subsection 20A-3-306(2)(a), a voter who wishes to vote by absentee ballot shall file the application for an absentee ballot with the lieutenant governor or appropriate election officer no later than the Thursday before election day.

(6) (a) A county clerk may establish a permanent absentee voter list.

(b) The clerk shall place on the list the name of any person who:

(i) requests permanent absentee voter status; and

(ii) meets the requirements of this section.

(c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on the absentee voter list.

(ii) The questionnaire shall allow the absentee person to verify the voter's residence.

(iii) The clerk may remove the names of any voter from the absentee voter registration list if:

(A) the voter is no longer listed in the official register; or

(B) the voter fails to verify the voter's residence and absentee status.

(d) The clerk shall provide a copy of the permanent absentee voter list to election officers for use in elections.

Amended by Chapter 198, 2013 General Session, (Coordination Clause)
Amended by Chapter 198, 2013 General Session
Amended by Chapter 218, 2013 General Session

20A-3-304.1. Election officer to provide voting history information and status.

(1) As used in this section:

(a) "Qualified absentee ballot application" means an absentee ballot application filed under Section 20A-3-304 from a voter who the election officer determines is eligible to receive an absentee ballot.

(b) "Voting history record" means the information about the existence and status of absentee ballot requests required by this section.

(2) (a) Each election officer shall maintain, in the election officer's office, a voting history record of those voters that have cast a vote by:

(i) absentee ballot; and

(ii) early voting.

(b) The voting history record is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.

(3) The election officer shall ensure that the voting history record for each voting precinct contains:

(a) for absentee voting:

(i) the name and address of each person who has filed a qualified absentee ballot application;

(ii) the date that the application was received; and

(iii) the current status of each qualified absentee ballot application including specifically:

(A) the date that the absentee ballot was mailed to the voter; and

(B) the date that the voted absentee ballot was received by the election officer; and

(b) for early voting:

(i) the name and address of each person who has voted during the early voting period; and

(ii) the date the person's vote was cast.

(4) (a) Notwithstanding the time limits for response to a request for records under Section 63G-2-204 or the time limits for a request for records established in any ordinance, the election officer shall ensure that the information required by this section is recorded and made available to the public no later than one business day after its receipt in the election officer's office.

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

Amended by Chapter 382, 2008 General Session

20A-3-305. Mailing of ballot to voter -- Enclose self-addressed envelope -- Affidavit.

(1) (a) Upon timely receipt of an absentee voter application properly filled out and signed less than 30 days before the election, the election officer shall either:

(i) give the applicant an official absentee ballot and envelope to vote in the office; or

(ii) mail an official absentee ballot, postage paid, to the absentee voter and enclose an envelope printed as required in Subsection (2).

(b) Twenty-eight days before election day, the election officer shall mail an official absentee ballot, postage paid, to all absentee voters, other than to a uniformed-service voter or an overseas voter, who have submitted a properly filled out and signed absentee voter application before the day on which the ballots are mailed and enclose an envelope printed as required by Subsection (2).

(2) The election officer shall ensure that:

(a) the name, official title, and post office address of the election officer is printed on the front of the envelope; and

(b) a printed affidavit in substantially the following form is printed on the back of the envelope:

"County of ____ State of ____

I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct in ____ County, Utah and that I am entitled to vote in that voting precinct at the next election. I am not a convicted felon currently incarcerated for commission of a felony.

_____

Signature of Absentee Voter"

(3) If the election officer determines that the absentee voter is required to show valid voter identification, the election officer shall:

(a) issue the voter a provisional ballot in accordance with Section 20A-3-105.5;

(b) instruct the voter to include a copy of the voter's valid voter identification with the return ballot;

(c) provide the voter clear instructions on how to vote a provisional ballot; and

(d) comply with the requirements of Subsection (2).

Amended by Chapter 309, 2012 General Session

20A-3-306. Voting ballot -- Returning ballot.

(1) (a) Except as provided by Section 20A-1-308, to vote a mail-in absentee ballot, the absentee voter shall:

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

(ii) mark the votes on the absentee ballot;

(iii) place the voted absentee ballot in the envelope;

(iv) securely seal the envelope; and

(v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit the envelope in the mail or deliver it in person to the election officer from whom the ballot was obtained.

(b) Except as provided by Section 20A-1-308, to vote an absentee ballot in person at the office of the election officer, the absent voter shall:

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

(ii) mark the votes on the absent-voter ballot;

(iii) place the voted absent-voter ballot in the envelope;

(iv) securely seal the envelope; and

(v) give the ballot and envelope to the election officer.

(2) Except as provided by Section 20A-1-308, an absentee ballot is not valid unless:

(a) in the case of an absentee ballot that is voted in person, the ballot is:

(i) applied for and cast in person at the office of the appropriate election officer no later than the Thursday before election day; or

(ii) submitted on election day at a polling location in the political subdivision where the absentee voter resides;

(b) in the case of an absentee ballot that is submitted by mail, the ballot is:

(i) clearly postmarked before election day; and

(ii) received in the office of the election officer before noon on the day of the official canvass following the election; or

(c) in the case of a military-overseas ballot, the ballot is submitted in accordance with Section 20A-16-404.

(3) An absentee voter may submit a completed absentee ballot at a polling location in a political subdivision holding the election, if the absentee voter resides in the political subdivision.

(4) An absentee voter may submit an incomplete absentee ballot at a polling location for the voting precinct where the voter resides, request that the ballot be declared spoiled, and vote in person.

Amended by Chapter 198, 2013 General Session
Amended by Chapter 198, 2013 General Session, (Coordination Clause)
Amended by Chapter 219, 2013 General Session
Amended by Chapter 320, 2013 General Session

20A-3-306.5. Emergency absentee ballots.

(1) As used in this section, "hospitalized voter" means a registered voter who is hospitalized or otherwise confined to a medical or long-term care institution after the deadline for filing an application for an absentee ballot established in Section 20A-3-304.

(2) Notwithstanding any other provision of this part, a hospitalized voter may obtain an absentee ballot and vote on election day by following the procedures and requirements of this section.

(3) (a) Any person may obtain an absentee ballot application, an absentee ballot, and an absentee ballot envelope from the election officer on behalf of a hospitalized voter by requesting a ballot and application in person at the election officer's office.

(b) The election officer shall require the person to sign a statement identifying himself and the hospitalized voter.

(4) To vote, the hospitalized voter shall complete the absentee ballot application, complete and sign the application on the absentee ballot envelope, mark his votes on the absentee ballot, place the absentee ballot into the envelope, and seal the envelope unless a different method is authorized under Section 20A-1-308.

(5) To be counted, the absentee voter application and the sealed absentee ballot envelope must be returned to the election officer's office before the polls close on election day unless a different time is authorized under Section 20A-1-308.

Amended by Chapter 219, 2013 General Session

20A-3-307. Receipt and processing of absentee ballot.

(1) Except as provided in Subsection (2), upon receipt of an envelope containing an absentee ballot, the election officer shall:

(a) enclose the unopened envelope containing the absentee ballot and the written application of the absentee voter in a larger envelope;

(b) seal that envelope and endorse it with:

(i) the name or number of the proper voting precinct;

(ii) the name and official title of the election officer; and

(iii) the words "This envelope contains an absentee ballot and may only be opened on election day at the polls while the polls are open."; and

(c) safely keep the envelope locked in a secure place in the election officer's office until it is delivered by the election officer to the proper election judges.

(2) If the election officer receives envelopes containing absentee ballots too late to transmit them to the election judges on election day, the election officer shall retain those absentee ballots in a safe and secure place until they can be processed as provided in Section 20A-3-309.

(3) (a) Except as provided in Subsection (3)(c), when reasonably possible, the election officer shall deliver or mail valid absentee ballots to the appropriate voting precinct election judges so that they may be processed at the voting precinct on election day.

(b) If the election officer is unable to determine the voting precinct to which an absentee ballot should be sent, or if a valid absentee ballot is received too late for delivery on election day to election judges, the election officer shall retain the absentee ballot in a safe place until it can be processed as required by Section 20A-3-309.

(c) When the absentee ballots will be centrally counted, the election officer shall deliver those absentee ballots to the counting center on election day for counting.

Amended by Chapter 309, 2012 General Session

20A-3-308. Absentee ballots in the custody of poll workers -- Disposition -- Notice.

(1) (a) Voting precinct poll workers shall open envelopes containing absentee ballots that are in their custody on election day at the polling places during the time the polls are open as provided in this Subsection (1).

(b) The poll workers shall:

(i) first, open the outer envelope only; and

(ii) compare the signature of the voter on the application with the signature on the affidavit.

(2) (a) The poll workers shall carefully open and remove the absentee voter envelope so as not to destroy the affidavit on the envelope if they find that:

(i) the affidavit is sufficient;

(ii) the signatures correspond; and

(iii) the applicant is registered to vote in that voting precinct and has not voted in

that election.

(b) If, after opening the absentee voter envelope, the poll worker finds that a provisional ballot envelope is enclosed, the poll worker shall:

(i) record, in the official register, whether:

(A) the voter included valid voter identification; or

(B) a covered voter, as defined in Section 20A-16-102, did not provide valid voter identification as permitted by Public Law 107-252, the Help America Vote Act of 2002;

(ii) if any type of identification was included, record the type of identification provided by the voter in the appropriate space in the official register;

(iii) record the provisional ballot number on the official register; and

(iv) place the provisional ballot envelope with the other provisional ballot envelopes to be transmitted to the county clerk.

(c) If the absentee ballot is not a provisional ballot, the poll workers shall:

(i) remove the absentee ballot from the envelope without unfolding it or permitting it to be opened or examined;

(ii) initial the stub in the same manner as for other ballots;

(iii) remove the stub from the ballot;

(iv) deposit the ballot in the ballot box; and

(v) mark the official register and pollbook to show that the voter has voted.

(3) If the poll workers determine that the affidavit is insufficient, or that the signatures do not correspond, or that the applicant is not a registered voter in the voting precinct, they shall:

(a) disallow the vote; and

(b) without opening the absentee voter envelope, mark across the face of the envelope:

(i) "Rejected as defective"; or

(ii) "Rejected as not a registered voter."

(4) The poll workers shall deposit the absentee voter envelope, when the absentee ballot is voted, and the absentee voter envelope with its contents unopened when the absent vote is rejected, in the ballot box containing the ballots.

(5) (a) An election officer shall notify a voter if a poll worker rejects the voter's ballot and specify the reason for the rejection.

(b) An election officer shall give the notice described in Subsection (5)(a) to a voter no later than seven days after:

(i) election day if the election officer receives the ballot before or on election day; and

(ii) the canvass if the election officer receives the ballot after election day and before the end of the canvass.

(6) The election officer shall retain and preserve the absentee voter envelopes in the manner provided by law for the retention and preservation of official ballots voted at that election.

Amended by Chapter 309, 2012 General Session

20A-3-309. Absentee ballots in the custody of the election officer --

Disposition -- Counting -- Release of number of absentee ballots cast.

(1) The election officer shall deliver all envelopes containing valid absentee ballots that are in the election officer's custody to the place of the official canvass of the election by noon on the day of the official canvass following the election.

(2) (a) Absentee ballots may be processed and counted:

(i) by the election officer before the date of the canvass; and

(ii) at the canvass, by the election officer or poll workers, acting under the supervision of the official canvassers of the election.

(b) When processing ballots, the election officer and poll workers shall comply with the procedures and requirements of Section 20A-3-308 in opening envelopes, verifying signatures, confirming eligibility of the ballots, and depositing them in a ballot box.

(3) (a) After all valid absentee ballots have been deposited, the absentee ballots shall be counted in the usual manner.

(b) After the polls close on the date of the election, the election officer shall publicly release the results of those absentee ballots that have been counted on or before the date of the election.

(c) The election officer may not release any results from those absentee ballots that are counted after the date of the election through the date of the canvass.

(d) On the date of the canvass, the election officer shall provide a tally of all absentee ballots counted, and the resulting tally shall be added to the official canvass of the election.

(4) (a) On the day after the date of the election, the election officer shall determine the number of absentee ballots received by the election officer at that time and shall make that number available to the public.

(b) The election officer may elect to publicly release updated totals for the number of absentee ballots received by the election officer up through the date of the canvass.

Amended by Chapter 97, 2007 General Session

20A-3-310. Frauds and malfeasance in absent voting -- Penalty.

(1) (a) It is unlawful for any person to willfully falsify the absentee voter affidavits required by this part.

(b) Any person violating this subsection is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5.

(2) (a) It is unlawful for any election officer to:

(i) refuse or neglect to perform any of the duties required by this part; or

(ii) violate any of the provisions of this part.

(b) Any person who violates this subsection is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1993 General Session

20A-3-501. Polling place -- Prohibited activities.

(1) As used in this section:

(a) "electioneering" includes any oral, printed, or written attempt to persuade

persons to refrain from voting or to vote for or vote against any candidate or issue; and

(b) "polling place" means the physical place where ballots and absentee ballots are cast and includes the county clerk's office or city hall during the period in which absentee ballots may be cast there.

(2) (a) A person may not, within a polling place or in any public area within 150 feet of the building where a polling place is located:

(i) do any electioneering;

(ii) circulate cards or handbills of any kind;

(iii) solicit signatures to any kind of petition; or

(iv) engage in any practice that interferes with the freedom of voters to vote or disrupts the administration of the polling place.

(b) A county, municipality, school district, or local district may not prohibit electioneering that occurs more than 150 feet from the building where a polling place is located, but may regulate the place and manner of that electioneering to protect the public safety.

(3) (a) A person may not obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.

(b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction of the entrance to a polling place and may arrest any person creating an obstruction.

(4) A person may not:

(a) remove any ballot from the polling place before the closing of the polls, except as provided in Section 20A-4-101; or

(b) solicit any voter to show his ballot.

(5) A person may not receive a voted ballot from any voter or deliver an unused ballot to a voter unless that person is a poll worker.

(6) Any person who violates any provision of this section is guilty of a class A misdemeanor.

(7) A political subdivision may not prohibit political signs that are located more than 150 feet away from a polling place, but may regulate their placement to protect public safety.

Amended by Chapter 75, 2007 General Session
Amended by Chapter 329, 2007 General Session

20A-3-502. Intimidation -- Undue influence.

(1) (a) It is unlawful for any person, directly or indirectly, by himself or by any other person on his behalf, to make use of any force, violence, or restraint, or to inflict or threaten the infliction of, by himself or through any other person, any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person in order to induce or compel that person to:

(i) vote or refrain from voting for any particular person or measure at any election provided by law; or

(ii) vote or refrain from voting at any election.

(b) It is unlawful for any person by abduction or duress, or any forcible or fraudulent device or contrivance whatever, to impede, prevent, or otherwise interfere

with the free exercise of the elective franchise of any voter, either in giving or refraining from giving his vote at any election, or in giving or refraining from giving his vote for any particular person at any election.

(c) It is unlawful for any employer, corporation, association, company, firm, or person to:

(i) enclose their employees' salary or wages in envelopes on which there is written or printed any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinion, views, or action of the employees; or

(ii) within 90 days of any election provided by law to put up, or otherwise exhibit, in its, their, or his factory, workshop, mine, mill, boarding house, office, or other establishment or place where employees may be working or be present in the course of employment, any handbill, notice, or placard containing any threat, notice, or information, that if any particular ticket or candidate is or is not elected:

(A) work in the establishment will cease in whole or in part;

(B) the establishment will be closed;

(C) wages of workmen be reduced; or

(D) other threats, express or implied, intended or calculated to influence the political opinions or actions of employees.

(2) Any person, whether acting in his individual capacity or as an officer or agent of any corporation, who violates any of the provisions of this section is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1993 General Session

20A-3-503. Influencing employee's vote.

(1) It is unlawful for any corporation, or any officer or agent of any corporation, to influence, or attempt to influence, induce, or compel by force, violence, or restraint, or by inflicting or threatening to inflict any injury, damage, harm, or loss, or by discharging from employment or promoting in employment, or by intimidation, or in any manner whatever, any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or measure at that election.

(2) (a) Any corporation or any officer or agent of that corporation who violates any of the provisions of this section is guilty of a class B misdemeanor.

(b) Any corporation violating any of the provisions of this section shall forfeit its charter and right to do business in this state in addition to any other penalties imposed by law.

Enacted by Chapter 1, 1993 General Session

20A-3-504. Violations -- Penalties.

(1) Except as allowed by Section 20A-3-108, a person is guilty of a class C misdemeanor if:

(a) he allows his ballot to be seen by any other person with an intent to reveal how he is about to vote;

(b) he states falsely that he is unable to mark his ballot;

(c) he interferes or attempts to interfere with any person who is inside the voting booth or who is marking a ballot; or

(d) he induces or attempts to induce any voter who is inside a voting booth or who is marking a ballot to vote to show how he marked his ballot.

(2) The election judges and clerks shall report any person violating this section to the county attorney or district attorney having state criminal jurisdiction for prosecution.

Amended by Chapter 38, 1993 General Session

20A-3-505. False impersonation -- Double voting.

(1) (a) A person may not apply for a ballot:

(i) in the name of some other person, whether it is that of a person living or dead, or of a fictitious person; or

(ii) after having voted once at an election, apply again at the same election for a ballot in the person's own name or any other name.

(b) Any person who violates Subsection (1)(a) is guilty of a third degree felony.

(2) (a) A person may not aid, assist, counsel, or procure another person to commit the felony prohibited in Subsection (1)(a).

(b) Any person who violates Subsection (2)(a) is guilty of a class A misdemeanor.

Amended by Chapter 276, 2008 General Session

20A-3-506. False information on provisional ballot envelope.

(1) A person may not wilfully falsify information on a provisional ballot envelope.

(2) A person who violates this section is guilty of a class B misdemeanor.

Enacted by Chapter 15, 2006 General Session

20A-3-601. Early voting.

(1) A person who is registered to vote may vote before the election date in accordance with this section.

(2) Except as provided in Section 20A-1-308, the early voting period shall:

(a) begin on the date that is 14 days before the date of the election; and

(b) continue through the Friday before the election if the election date is a Tuesday.

(3) Except as provided in Section 20A-1-308, during the early voting period, the election officer:

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

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

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

(b) for all other elections:

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

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

(4) Except as specifically provided in this Part 6, Early Voting, or Section 20A-1-308, early voting shall be administered according to the requirements of this title.

Amended by Chapter 182, 2013 General Session

20A-3-602. Hours for early voting.

(1) Except as provided in Section 20A-1-308, the election officer shall determine the times for opening and closing the polls for each day of early voting provided that:

(a) voting is open for a minimum of four hours during each day that polls are open during the early voting period; and

(b) polls shall close at 5 p.m. on the last day of the early voting period.

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

Amended by Chapter 182, 2013 General Session

20A-3-603. Early voting polling places.

(1) Except as provided in Section 20A-1-308, the election officer shall designate one or more polling places for early voting, provided that:

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

(b) each polling place meets the requirements for polling places under Chapter 5, Election Administration;

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

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

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

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

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

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

(2) (a) Except as provided in Section 20A-1-308, in the event the election officer determines that the number of early voting polling places is insufficient due to the number of registered voters who are voting, the election officer may designate additional polling places during the early voting period.

(b) Except as provided in Section 20A-1-308, if an additional early voting polling place is designated, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the additional polling place by:

(i) publishing the notice:

(A) in one issue of a newspaper of general circulation in the county; and

(B) as required in Section 45-1-101; and

(ii) posting the notice at the additional polling place.

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

Amended by Chapter 182, 2013 General Session

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

Except as provided in Section 20A-1-308, the election officer shall give notice of the dates, times, and locations of early voting by:

(1) publishing the notice:

(a) in one issue of a newspaper of general circulation in the county at least five calendar days before the date that early voting begins; and

(b) in accordance with Section 45-1-101, at least five calendar days before the date that early voting begins; and

(2) posting the notice at each early voting polling place at least five calendar days before the date early voting begins.

Amended by Chapter 182, 2013 General Session

20A-3-605. Exemptions from early voting.

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

(b) Notwithstanding Subsection (1)(a), a local district may, at its discretion, provide early voting in accordance with this part for an election of a board member.

(2) Notwithstanding the requirements of Section 20A-3-601, a municipality of the fifth class or a town as described in Section 10-2-301 may provide early voting as provided under this part for:

(a) a municipal primary election; or

(b) a municipal general election.

(3) A municipality or county that administers an election entirely by absentee ballot, in accordance with Section 20A-3-302, is not required to conduct early voting for the election.

Amended by Chapter 320, 2013 General Session

20A-3-701. Definitions.

As used in this part:

(1) "Election day voting center" means a polling place designated by an election officer to provide for voting on election day for a person who:

(a) is eligible to vote; and

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

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

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

(b) may be retrieved by the election official during the canvass if the voter cast a

ballot at another location or before election day.

Enacted by Chapter 291, 2011 General Session

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

(1) An election officer may operate an election day voting center in one or more locations designated under Section 20A-3-703.

(2) An election officer shall provide for voting at an election day voting center by:

(a) regular ballot if:

(i) the election day voting center is designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides; and

(ii) the voter is eligible to vote using a regular ballot in accordance with this title;

(b) voting center ballot if:

(i) the election day voting center is not designated under Section 20A-5-403 as the polling place for the voting precinct in which the voter resides;

(ii) the voter resides within the political subdivision holding the election; and

(iii) the voter is otherwise eligible to vote using a regular ballot in accordance with this title; or

(c) provisional ballot if the voter is only eligible to vote using a provisional ballot in accordance with this title.

(3) An election officer shall ensure that an election day voting center:

(a) is open on election day during the time period specified under Section 20A-1-302;

(b) allows an eligible voter to vote if the voter:

(i) resides within the political subdivision holding an election; and

(ii) arrives at the election day voting center by the designated closing time in accordance with Section 20A-1-302; and

(c) is administered according to the requirements of this title.

(4) A person may submit a completed absentee ballot at an election day voting center for the political subdivision in which the person resides.

(5) A person may submit an incomplete absentee ballot at an election day voting center for the political subdivision in which the person resides, request that the ballot be declared spoiled, and vote in person.

Amended by Chapter 198, 2013 General Session

20A-3-703. Election day voting centers as polling places -- Location -- Notification.

The election officer may designate one or more polling places as an election day voting center if:

(1) the election officer notifies the lieutenant governor of the designation and location of an election day voting center at least 15 days before the election;

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

(3) a polling place is located in a government building or office, unless the

election officer determines that there is no government building or office available, in the area designated by the election officer, that:

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

(b) has the physical facilities necessary to accommodate election day voting requirements;

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

(d) has adequate security, public accessibility, and parking.

Enacted by Chapter 291, 2011 General Session

20A-3-704. Report by election officer.

(1) An election officer who operates an election day voting center shall provide the lieutenant governor with the information described in Subsection (2) for the election officer's political subdivision.

(2) The lieutenant governor shall report to the Government Operations Interim Committee on:

(a) the number of election day voting centers available;

(b) the number of voting center ballots cast at an election day voting center;

(c) the number of voting center ballots not counted because the voter cast a ballot at another location or before election day; and

(d) any recommendations for amendments to this part.

(3) The lieutenant governor and an election officer described in this section shall report on the use of an election day voting center during the previous general election before:

(a) November 1, 2013; and

(b) November 1, 2015.

Enacted by Chapter 291, 2011 General Session

20A-4-101. Counting paper ballots during election day.

(1) Each county legislative body or municipal legislative body that has voting precincts that use paper ballots and each poll worker in those voting precincts shall comply with the requirements of this section.

(2) (a) Each county legislative body or municipal legislative body shall provide:

(i) two sets of ballot boxes for all voting precincts where both receiving and counting judges have been appointed; and

(ii) a counting room for the use of the poll workers counting the ballots during the day.

(b) At any election in any voting precinct in which both receiving and counting judges have been appointed, when at least 20 votes have been cast, the receiving judges shall:

(i) close the first ballot box and deliver it to the counting judges; and

(ii) prepare and use another ballot box to receive voted ballots.

(c) Upon receipt of the ballot box, the counting judges shall:

(i) take the ballot box to the counting room;

(ii) count the votes on the regular ballots in the ballot box;

(iii) place the provisional ballot envelopes in the envelope or container provided for them for return to the election officer; and

(iv) when they have finished counting the votes in the ballot box, return the emptied box to the receiving judges.

(d) (i) During the course of election day, whenever there are at least 20 ballots contained in a ballot box, the receiving judges shall deliver that ballot box to the counting judges for counting; and

(ii) the counting judges shall immediately count the regular ballots and segregate the provisional ballots contained in that box.

(e) The counting judges shall continue to exchange the ballot boxes and count ballots until the polls close.

(3) Counting poll watchers appointed as provided in Section 20A-3-201 may observe the count.

(4) The counting judges shall apply the standards and requirements of Section 20A-4-105 to resolve any questions that arise as they count the ballots.

Amended by Chapter 225, 2008 General Session

20A-4-102. Counting paper ballots after the polls close.

(1) (a) Except as provided in Subsection (2), as soon as the polls have been closed and the last qualified voter has voted, the election judges shall count the ballots by performing the tasks specified in this section in the order that they are specified.

(b) The election judges shall apply the standards and requirements of Section 20A-4-105 to resolve any questions that arise as they count the ballots.

(2) (a) First, the election judges shall count the number of ballots in the ballot box.

(b) (i) If there are more ballots in the ballot box than there are names entered in the pollbook, the judges shall examine the official endorsements on the ballots.

(ii) If, in the unanimous opinion of the judges, any of the ballots do not bear the proper official endorsement, the judges shall put those ballots in an excess ballot file and not count them.

(c) (i) If, after examining the official endorsements, there are still more ballots in the ballot box than there are names entered in the pollbook, the judges shall place the remaining ballots back in the ballot box.

(ii) One of the judges, without looking, shall draw a number of ballots equal to the excess from the ballot box.

(iii) The judges shall put those excess ballots into the excess ballot envelope and not count them.

(d) When the ballots in the ballot box equal the number of names entered in the pollbook, the judges shall count the votes.

(3) The judges shall:

(a) place all unused ballots in the envelope or container provided for return to the county clerk or city recorder; and

(b) seal that envelope or container.

(4) The judges shall:

(a) place all of the provisional ballot envelopes in the envelope provided for

them for return to the election officer; and

(b) seal that envelope or container.

(5) (a) In counting the votes, the election judges shall read and count each ballot separately.

(b) In regular primary elections the judges shall:

(i) count the number of ballots cast for each party;

(ii) place the ballots cast for each party in separate piles; and

(iii) count all the ballots for one party before beginning to count the ballots cast for other parties.

(6) (a) In all elections, the counting judges shall:

(i) count one vote for each candidate designated by the marks in the squares next to the candidate's name;

(ii) count one vote for each candidate on the ticket beneath a marked circle, excluding any candidate for an office for which a vote has been cast for a candidate for the same office upon another ticket by the placing of a mark in the square opposite the name of that candidate on the other ticket;

(iii) count each vote for each write-in candidate who has qualified by filing a declaration of candidacy under Section 20A-9-601;

(iv) read every name marked on the ballot and mark every name upon the tally sheets before another ballot is counted;

(v) evaluate each ballot and each vote based on the standards and requirements of Section 20A-4-105;

(vi) write the word "spoiled" on the back of each ballot that lacks the official endorsement and deposit it in the spoiled ballot envelope; and

(vii) read, count, and record upon the tally sheets the votes that each candidate and ballot proposition received from all ballots, except excess or spoiled ballots.

(b) Election judges need not tally write-in votes for fictitious persons, nonpersons, or persons clearly not eligible to qualify for office.

(c) The judges shall certify to the accuracy and completeness of the tally list in the space provided on the tally list.

(d) When the judges have counted all of the voted ballots, they shall record the results on the total votes cast form.

(7) Only election judges and counting poll watchers may be present at the place where counting is conducted until the count is completed.

Amended by Chapter 177, 2002 General Session

20A-4-103. Preparing ballot sheets for the counting center.

(1) (a) In voting precincts using ballot sheets, as soon as the polls have been closed and the last qualified voter has voted, the poll workers shall prepare the ballot sheets for delivery to the counting center as provided in this section.

(b) The poll workers, election officers, and other persons may not manually count any votes before delivering the ballots to the counting center.

(2) The poll workers shall:

(a) place all of the provisional ballot envelopes in the envelope or container provided for them for return to the counting center; and

(b) seal that envelope or container.

(3) (a) The poll workers shall check each secrecy envelope to see if either contains any write-in votes.

(b) If a secrecy envelope does not contain any write-in votes, the poll workers shall remove the ballot sheet from the secrecy envelope.

(c) If a secrecy envelope contains any write-in votes, the poll workers may not separate the ballot sheet from the secrecy envelope.

(4) The poll workers shall place:

(a) the voted ballot sheets and one copy of the statement of disposition of ballots in the transfer case;

(b) the other copy of the statement of disposition of ballots, the pollbook, any unprocessed absentee ballots, the poll workers' pay vouchers, the official register, and the spoiled ballot envelope in the carrier envelope provided; and

(c) the other election materials in the election supply box.

Amended by Chapter 326, 2006 General Session

20A-4-104. Counting ballots electronically.

(1) (a) Before beginning to count ballot sheets using automatic tabulating equipment, the election officer shall test the automatic tabulating equipment to ensure that it will accurately count the votes cast for all offices and all measures.

(b) The election officer shall publish public notice of the time and place of the test at least 48 hours before the test in one or more daily or weekly newspapers of general circulation published in the county, municipality, or jurisdiction where the equipment is used.

(c) The election officer shall conduct the test by processing a preaudited group of ballot sheets.

(d) The election officer shall ensure that:

(i) a predetermined number of valid votes for each candidate and measure are recorded on the ballot sheets;

(ii) for each office, one or more ballot sheets have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject those votes; and

(iii) a different number of valid votes are assigned to each candidate for an office, and for and against each measure.

(e) If any error is detected, the election officer shall determine the cause of the error and correct it.

(f) The election officer shall ensure that:

(i) the automatic tabulating equipment produces an errorless count before beginning the actual counting; and

(ii) the automatic tabulating equipment passes the same test at the end of the count before the election returns are approved as official.

(2) (a) The election officer or his designee shall supervise and direct all proceedings at the counting center.

(b) (i) Proceedings at the counting center are public and may be observed by interested persons.

(ii) Only those persons authorized to participate in the count may touch any ballot, ballot sheet, or return.

(c) The election officer shall deputize and administer an oath or affirmation to all persons who are engaged in processing and counting the ballots that they will faithfully perform their assigned duties.

(d) (i) Counting poll watchers appointed as provided in Section 20A-3-201 may observe the testing of equipment and actual counting of the ballot sheets.

(ii) Those counting poll watchers may make independent tests of the equipment before or after the vote count as long as the testing does not interfere in any way with the official tabulation of the ballot sheets.

(3) If any ballot sheet is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the election officer shall:

(a) cause a true duplicate copy of the ballot sheet to be made with an identifying serial number;

(b) substitute the duplicate for the damaged ballot sheet;

(c) label the duplicate ballot card "duplicate"; and

(d) record the duplicate ballot sheet's serial number on the damaged or defective ballot sheet.

(4) The election officer may:

(a) conduct an unofficial count before conducting the official count in order to provide early unofficial returns to the public;

(b) release unofficial returns from time to time after the polls close; and

(c) report the progress of the count for each candidate during the actual counting of ballots.

(5) The election officer shall review and evaluate the provisional ballot envelopes and prepare any valid provisional ballots for counting as provided in Section 20A-4-107.

(6) (a) The election officer or his designee shall:

(i) separate, count, and tabulate any ballots containing valid write-in votes; and

(ii) complete the standard form provided by the clerk for recording valid write-in votes.

(b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the poll workers shall count the valid write-in vote as being the obvious intent of the voter.

(7) (a) The election officer shall certify the return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, as the official return of each voting precinct.

(b) Upon completion of the count, the election officer shall make official returns open to the public.

(8) If for any reason it becomes impracticable to count all or a part of the ballot sheets with tabulating equipment, the election officer may direct that they be counted manually according to the procedures and requirements of this part.

(9) After the count is completed, the election officer shall seal and retain the programs, test materials, and ballots as provided in Section 20A-4-202.

Amended by Chapter 326, 2006 General Session

20A-4-105. Standards and requirements for evaluating voter's ballot choices.

(1) Each person counting ballots shall apply the standards and requirements of this section to resolve any questions that arise as ballots are counted.

(2) Except as provided in Subsection (11), if a voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the choice of any voter for any office to be filled, the counter may not count that voter's ballot for that office.

(3) The counter shall count a defective or incomplete mark on any paper ballot if:

(a) it is in the proper place; and

(b) there is no other mark or cross on the paper ballot indicating the voter's intent to vote other than as indicated by the defective mark.

(4) (a) When the voter has marked the ballot so that it appears that the voter has voted more than one straight ticket, the election judges may not count any votes for party candidates.

(b) The election judges shall count the remainder of the ballot if it is voted correctly.

(5) A counter may not reject a ballot marked by the voter because of marks on the ballot other than those marks allowed by this section unless the extraneous marks on a ballot or group of ballots show an intent by a person or group to mark their ballots so that their ballots can be identified.

(6) (a) In counting the ballots, the counters shall give full consideration to the intent of the voter.

(b) The counters may not invalidate a ballot because of mechanical and technical defects in voting or failure on the part of the voter to follow strictly the rules for balloting required by Chapter 3.

(7) The counters may not reject a ballot because of any error in:

(a) stamping or writing any official endorsement; or

(b) delivering the wrong ballots to any polling place.

(8) The counter may not count any paper ballot that does not have the official endorsement by an election officer.

(9) The counter may not count any ballot proposition vote or candidate vote for which the voter is not "legally entitled to vote" as used in Section 20A-4-107.

(10) If the counter discovers that the name of a candidate voted for is misspelled or that the initial letters of a candidate's given name are transposed or omitted in part or altogether, the counter shall count the voter's vote for that candidate if it is apparent that the voter intended to vote for that candidate.

(11) The counter shall count a vote for the president and the vice president of any political party as a vote for the presidential electors selected by the political party.

(12) In counting the valid write-in votes, if, by casting a valid write-in vote, a voter has cast more votes for an office than that voter is entitled to vote for that office, the judges shall count the valid write-in vote as being the obvious intent of the voter.

Amended by Chapter 390, 2013 General Session

20A-4-106. Paper ballots -- Sealing.

(1) (a) (i) At all elections using paper ballots, as soon as the counting judges have read and tallied the ballots, they shall string the counted, excess, and spoiled ballots on separate strings.

(ii) After the ballots are strung, they may not be examined by anyone, except when examined during a recount conducted under the authority of Section 20A-4-401.

(b) The judges shall carefully seal all of the strung ballots in a strong envelope.

(2) (a) For regular primary elections, after all the ballots have been counted, certified to, and strung by the judges, they shall seal the ballots cast for each of the parties in separate envelopes.

(b) The judges shall:

(i) seal each of the envelopes containing the votes of each of the political parties in one large envelope; and

(ii) return that envelope to the county clerk.

(c) The judges shall:

(i) destroy the ballots in the blank ballot box; or

(ii) if directed to do so by the election officer, return them to the election officer for destruction.

(3) As soon as the judges have counted all the votes and sealed the ballots they shall sign and certify the pollbooks.

(4) (a) The judges, before they adjourn, shall:

(i) enclose and seal the official register, the posting book, the pollbook, the ballot disposition form, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, and any unprocessed absentee ballots in a strong envelope or pouch;

(ii) ensure that all counted ballots, all excess ballots, and all spoiled ballots have been strung and placed in a separate envelope or pouch as required by Subsection (1);

(iii) place all unused ballots, all spoiled ballots, one tally list, and a copy of the ballot disposition form in a separate envelope or pouch;

(iv) place all provisional ballots in a separate envelope or pouch; and

(v) place the total votes cast form and the judges' vouchers requesting compensation for services rendered in a separate pouch.

(b) Before enclosing the official register in the envelope or pouch, the election judges shall certify it substantially as follows:

"We, the undersigned, judges of election for precinct _____, (jurisdiction) _____, Utah, certify that the required entries have been made for the election held _____(month\day\year), including:

a list of the ballot numbers for each voter;

the voters' signatures, except where a judge has signed for the absentee voters;

a list of information surrounding a voter who is challenged,

including any affidavits; and

a notation for each time a voter was assisted with a ballot."

(5) Each judge shall:

(a) write his name across the seal of each envelope or pouch;

(b) mark on the exterior of the envelope or pouch:

(i) the word "ballots" or "returns" or "unused ballots," or "provisional ballots" or

other words plainly indicating the contents of the packages; and
(ii) the number of the voting precinct.

Amended by Chapter 251, 2012 General Session

20A-4-107. Review and disposition of provisional ballot envelopes.
(1) As used in this section, a person is "legally entitled to vote" if:
(a) the person:
(i) is registered to vote in the state;
(ii) votes the ballot for the voting precinct in which the person resides; and
(iii) provided valid voter identification to the poll worker;
(b) the person:
(i) is registered to vote in the state;
(ii) (A) provided valid voter identification to the poll worker; or
(B) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register but the county clerk verifies the person's identity and residence through some other means; and
(iii) did not vote in the person's precinct of residence, but the ballot that the person voted was from the person's county of residence and includes one or more candidates or ballot propositions on the ballot voted in the person's precinct of residence; or
(c) the person:
(i) is registered to vote in the state;
(ii) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register; and
(iii) (A) the county clerk verifies the person's identity and residence through some other means as reliable as photo identification; or
(B) the person provides valid voter identification to the county clerk or an election officer who is administering the election by the close of normal office hours on Monday after the date of the election.
(2) (a) Upon receipt of provisional ballot envelopes, the election officer shall review the affirmation on the face of each provisional ballot envelope and determine if the person signing the affirmation is:
(i) registered to vote in this state; and
(ii) legally entitled to vote:
(A) the ballot that the person voted; or
(B) if the ballot is from the person's county of residence, for at least one ballot proposition or candidate on the ballot that the person voted.
(b) If the election officer determines that the person is not registered to vote in this state or is not legally entitled to vote in the county or for any of the ballot propositions or candidates on the ballot that the person voted, the election officer shall retain the ballot envelope, unopened, for the period specified in Section 20A-4-202 unless ordered by a court to produce or count it.
(c) If the election officer determines that the person is registered to vote in this

state and is legally entitled to vote in the county and for at least one of the ballot propositions or candidates on the ballot that the person voted, the election officer shall remove the ballot from the provisional ballot envelope and place the ballot with the absentee ballots to be counted with those ballots at the canvass.

(d) The election officer may not count, or allow to be counted a provisional ballot unless the person's identity and residence is established by a preponderance of the evidence.

(3) If the election officer determines that the person is registered to vote in this state, the election officer shall ensure that the voter registration records are updated to reflect the information provided on the provisional ballot envelope.

(4) If the election officer determines that the person is not registered to vote in this state and the information on the provisional ballot envelope is complete, the election officer shall:

(a) consider the provisional ballot envelope a voter registration form for the person's county of residence; and

(b) (i) register the person if the voter's county of residence is within the county; or

(ii) forward the voter registration form to the election officer of the person's county of residence, which election officer shall register the person.

Amended by Chapter 390, 2013 General Session

20A-4-201. Delivery of election returns.

(1) One poll worker shall deliver the ballot box, the lock, and the key to:

(a) the election officer; or

(b) the location directed by the election officer.

(2) (a) Before they adjourn, the poll workers shall choose one or more of their number to deliver the election returns to the election officer.

(b) That poll worker or those poll workers shall:

(i) deliver the unopened envelopes or pouches to the election officer or counting center immediately but no later than 24 hours after the polls close; or

(ii) if the polling place is 15 miles or more from the county seat, mail the election returns to the election officer by registered mail from the post office most convenient to the polling place within 24 hours after the polls close.

(3) The election officer shall pay each poll worker reasonable compensation for travel that is necessary to deliver the election returns and to return to the polling place.

(4) The requirements of this section do not prohibit transmission of the unofficial vote count to the counting center via electronic means, provided that reasonable security measures are taken to preserve the integrity and privacy of the transmission.

Amended by Chapter 297, 2011 General Session

20A-4-202. Election officers -- Disposition of ballots -- Release of number of provisional ballots cast.

(1) (a) Upon receipt of the election returns from a poll worker, the election officer shall:

(i) ensure that the poll worker has provided all of the ballots and election returns;
(ii) inspect the ballots and election returns to ensure that they are sealed;
(iii) (A) for paper ballots, deposit and lock the ballots and election returns in a safe and secure place; or
(B) for punch card ballots:
(I) count the ballots; and
(II) deposit and lock the ballots and election returns in a safe and secure place; and
(iv) for bond elections, provide a copy of the election results to the board of canvassers of the local political subdivision that called the bond election.
(b) Inspecting poll watchers appointed as provided in Section 20A-3-201 may be present and observe the election officer's receipt, inspection, and deposit of the ballots and election returns.
(2) Each election officer shall:
(a) no later than 5 p.m. on the day after the date of the election, determine the number of provisional ballots cast within the election officer's jurisdiction and make that number available to the public;
(b) preserve ballots for 22 months after the election or until the time has expired during which the ballots could be used in an election contest;
(c) package and seal a true copy of the ballot label used in each voting precinct;
(d) preserve all other official election returns for at least 22 months after an election; and
(e) after that time, destroy them without opening or examining them.
(3) (a) The election officer shall package and retain all tabulating cards and other materials used in the programming of the automatic tabulating equipment.
(b) The election officer:
(i) may access these tabulating cards and other materials;
(ii) may make copies of these materials and make changes to the copies;
(iii) may not alter or make changes to the materials themselves; and
(iv) within 22 months after the election in which they were used, may dispose of those materials or retain them.
(4) (a) If an election contest is begun within 12 months, the election officer shall:
(i) keep the ballots and election returns unopened and unaltered until the contest is complete; or
(ii) surrender the ballots and election returns to the custody of the court having jurisdiction of the contest when ordered or subpoenaed to do so by that court.
(b) When all election contests arising from an election are complete, the election officer shall either:
(i) retain the ballots and election returns until the time for preserving them under this section has run; or
(ii) destroy the ballots and election returns remaining in his custody without opening or examining them if the time for preserving them under this section has run.

Amended by Chapter 75, 2007 General Session
Amended by Chapter 97, 2007 General Session

20A-4-301. Board of canvassers.

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

(i) the county; and

(ii) each local district whose election is conducted by the county.

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

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

(i) the county treasurer;

(ii) the county assessor; or

(iii) the county sheriff.

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

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

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

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

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

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

(c) Attendance of a simple majority of the municipal legislative body shall constitute a quorum for conducting the canvass.

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

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

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

Amended by Chapter 197, 2010 General Session

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

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

(2) If all of the election returns have not been received, the board shall postpone the canvass from day to day, Sundays and legal holidays excepted, until:

(a) all of the election returns are received; or

(b) the board has postponed the canvass seven times.

(3) (a) If the election officer has not received the election returns from any voting

precinct within seven days after the election, the election officer shall send a messenger to the judges to obtain the missing election returns.

(b) The messenger shall obtain the election returns from the judges and return the election returns to the election officer.

(c) The election officer shall pay the messenger 10 cents per mile for the distance necessarily traveled.

(4) If the board determines that election returns were not received from a voting precinct because the polls did not open in that precinct, the board shall:

(a) sign a certificate attesting to that fact; and

(b) file the certificate with the election officer.

Enacted by Chapter 1, 1993 General Session

20A-4-303. Duties of the board of canvassers -- Canvassing the returns.

(1) (a) The board of canvassers shall canvass the election returns by publicly opening the returns and determining from them the votes of each voting precinct for:

(i) each person voted for; and

(ii) for and against each ballot proposition voted upon at the election.

(b) The board of canvassers shall, once having begun the canvass, continue until it is completed.

(2) In canvassing returns, the board of canvassers may not:

(a) reject any election returns if the board can determine the number of votes cast for each person from it;

(b) reject any election returns if the election returns:

(i) do not show who administered the oath to the judges of election;

(ii) show that the election judges failed to fill out all the certificates in the pollbooks; or

(iii) show that the election judges failed to do or perform any other act in preparing the returns that is not essential to determine for whom the votes were cast; or

(c) reject any returns from any voting precinct that do not conform with the requirements for making, certifying, and returning the returns if those returns are sufficiently explicit to enable the board of canvassers to determine the number of votes cast for each person and for and against each ballot proposition.

(3) (a) If it clearly appears to the election officer and board of canvassers that certain matters are omitted or that clerical mistakes exist in election returns received, they shall transmit the election returns to the election judges for correction.

(b) Upon receipt of the election returns for correction from the board of canvassers, the election judges shall correct the election returns as required by the facts.

(c) The clerk and the board of canvassers may adjourn from day to day to await receipt of corrected election material.

(4) If a recount is conducted as authorized by Section 20A-4-401, the board of canvassers shall canvass the results of that recount as provided in this section and Section 20A-4-401.

Amended by Chapter 133, 2002 General Session

20A-4-304. Declaration of results -- Canvassers' report.

(1) Each board of canvassers shall:

(a) declare "elected" or "nominated" those persons who:

(i) had the highest number of votes; and

(ii) sought election or nomination to an office completely within the board's jurisdiction;

(b) declare:

(i) "approved" those ballot propositions that:

(A) had more "yes" votes than "no" votes; and

(B) were submitted only to the voters within the board's jurisdiction;

(ii) "rejected" those ballot propositions that:

(A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and

(B) were submitted only to the voters within the board's jurisdiction;

(c) certify the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the lieutenant governor; and

(d) if applicable, certify the results of each local district election to the local district clerk.

(2) (a) As soon as the result is declared, the election officer shall prepare a report of the result, which shall contain:

(i) the total number of votes cast in the board's jurisdiction;

(ii) the names of each candidate whose name appeared on the ballot;

(iii) the title of each ballot proposition that appeared on the ballot;

(iv) each office that appeared on the ballot;

(v) from each voting precinct:

(A) the number of votes for each candidate; and

(B) the number of votes for and against each ballot proposition;

(vi) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition;

(vii) the number of ballots that were rejected; and

(viii) a statement certifying that the information contained in the report is accurate.

(b) The election officer and the board of canvassers shall:

(i) review the report to ensure that it is correct; and

(ii) sign the report.

(c) The election officer shall:

(i) record or file the certified report in a book kept for that purpose;

(ii) prepare and transmit a certificate of nomination or election under the officer's seal to each nominated or elected candidate;

(iii) publish a copy of the certified report:

(A) in one or more conspicuous places within the jurisdiction;

(B) in a conspicuous place on the county's website; and

(C) in a newspaper with general circulation in the board's jurisdiction; and

(iv) file a copy of the certified report with the lieutenant governor.

(3) When there has been a regular general or a statewide special election for

statewide officers, for officers that appear on the ballot in more than one county, or for a statewide or two or more county ballot proposition, each board of canvassers shall:

(a) prepare a separate report detailing the number of votes for each candidate and the number of votes for and against each ballot proposition; and

(b) transmit it by registered mail to the lieutenant governor.

(4) In each county election, municipal election, school election, local district election, and local special election, the election officer shall transmit the reports to the lieutenant governor within 14 days after the date of the election.

(5) In regular primary elections and in the Western States Presidential Primary, the board shall transmit to the lieutenant governor:

(a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant governor:

(i) not later than the second Tuesday after the primary election for the regular primary election; and

(ii) not later than the Tuesday following the election for the Western States Presidential Primary; and

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

Amended by Chapter 309, 2012 General Session

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

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

Amended by Chapter 228, 2008 General Session

20A-4-306. Statewide canvass.

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

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

(ii) at noon on the day following the receipt by the lieutenant governor of the last of the returns of a statewide special election.

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

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

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

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

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

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

(i) for each statewide officer and ballot proposition:

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

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

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

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

(E) the total number of votes cast statewide; and

(ii) for each officer or ballot proposition voted on in two or more counties:

(A) the name of each of those offices and ballot propositions that appeared on the ballot;

(B) the candidates for those offices, plus any recorded write-in candidates;

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

(D) the total number of votes cast for each candidate and for and against each ballot proposition.

(c) The lieutenant governor shall:

(i) prepare certificates of election for:

(A) each successful candidate; and

(B) each of the presidential electors of the candidate for president who received a majority of the votes;

(ii) authenticate each certificate with his seal; and

(iii) deliver a certificate of election to:

(A) each candidate who had the highest number of votes for each office; and

(B) each of the presidential electors of the candidate for president who received a majority of the votes.

(3) If the lieutenant governor has not received election returns from all counties on the fifth day before the day designated for the meeting of the state board of canvassers, the lieutenant governor shall:

(a) send a messenger to the clerk of the board of county canvassers of the delinquent county;

(b) instruct the messenger to demand a certified copy of the board of canvasser's report required by Section 20A-4-304 from the clerk; and

(c) pay the messenger the per diem provided by law as compensation.

(4) The state board of canvassers may not withhold the declaration of the result or any certificate of election because of any defect or informality in the returns of any election if the board can determine from the returns, with reasonable certainty, what office is intended and who is elected to it.

(5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant governor shall:

(i) canvass the returns for all multicounty candidates required to file with the office of the lieutenant governor; and

(ii) publish and file the results of the canvass in the lieutenant governor's office.

(b) Not later than the August 1 after the primary election, the lieutenant governor shall certify the results of:

(i) the primary canvass, except for the office of President of the United States, to the county clerks; and

(ii) the primary canvass for the office of President of the United States to each registered political party that participated in the primary.

(6) (a) At noon on the day that falls seven days after the last day on which a county canvass may occur under Section 20A-4-301 for the Western States Presidential Primary election, the lieutenant governor shall:

(i) canvass the returns; and

(ii) publish and file the results of the canvass in the lieutenant governor's office.

(b) The lieutenant governor shall certify the results of the Western States Presidential Primary canvass to each registered political party that participated in the primary not later than the April 15 after the primary election.

Amended by Chapter 2, 2011 Special Session 3

20A-4-401. Recounts -- Procedure.

(1) (a) Except as provided in Subsection (1)(b), for a race between candidates, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is equal to or less than .25% of the total number of votes cast for all candidates in the race, that losing candidate may file a request for a recount in accordance with Subsection (1)(c).

(b) For a race between candidates where the total of all votes cast in the race is 400 or less, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is one vote, that losing candidate may file a request for a recount in accordance with Subsection (1)(c).

(c) A candidate who files a request for a recount under Subsection (1)(a) or (b) shall file the request:

(i) for a municipal primary election, with the municipal clerk, within three days after the canvass; or

(ii) for all other elections, within seven days after the canvass with:

(A) the municipal clerk, if the election is a municipal general election;

(B) the local district clerk, if the election is a local district election;

(C) the county clerk, for races voted on entirely within a single county; or

(D) the lieutenant governor, for statewide races and multicounty races.

(d) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that race;

(iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part 3, Absentee Voting;

(iv) for a race where only one candidate may win, declare elected the candidate who receives the highest number of votes on the recount; and

(v) for a race where multiple candidates may win, declare elected the applicable number of candidates who receive the highest number of votes on the recount.

(2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of the total votes cast for or against the proposition, any 10 voters who voted in

the election where the proposition was on the ballot may file a request for a recount within seven days of the canvass with the person described in Subsection (2)(c).

(b) For a ballot proposition or a bond proposition where the total of all votes cast for or against the proposition is 400 or less, if the difference between the number of votes cast for the proposition and the number of votes cast against the proposition is one vote, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount within seven days of the canvass with the person described in Subsection (2)(c).

(c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall file the request with:

(i) the municipal clerk, if the election is a municipal election;

(ii) the local district clerk, if the election is a local district election;

(iii) the county clerk, for propositions voted on entirely within a single county; or

(iv) the lieutenant governor, for statewide propositions and multicounty propositions.

(d) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that ballot proposition or bond proposition;

(iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part 3, Absentee Voting; and

(iv) declare the ballot proposition or bond proposition to have "passed" or "failed" based upon the results of the recount.

(e) Proponents and opponents of the ballot proposition or bond proposition may designate representatives to witness the recount.

(f) The voters requesting the recount shall pay the costs of the recount.

(3) Costs incurred by recount under Subsection (1) may not be assessed against the person requesting the recount.

(4) (a) Upon completion of the recount, the election officer shall immediately convene the board of canvassers.

(b) The board of canvassers shall:

(i) canvass the election returns for the race or proposition that was the subject of the recount; and

(ii) with the assistance of the election officer, prepare and sign the report required by Section 20A-4-304 or Section 20A-4-306.

(c) If the recount is for a statewide or multicounty race or for a statewide proposition, the board of county canvassers shall prepare and transmit a separate report to the lieutenant governor as required by Subsection 20A-4-304(3).

(d) The canvassers' report prepared as provided in this Subsection (4) is the official result of the race or proposition that is the subject of the recount.

Amended by Chapter 92, 2013 General Session

20A-4-402. Election contests -- Grounds.

(1) The election or nomination of any person to any public office, and the declared result of the vote on any ballot proposition or bond proposition submitted to a vote of the people may be contested according to the procedures established in this

part only:

(a) for malconduct, fraud, or corruption on the part of the judges of election at any polling place, or of any board of canvassers, or any judge or member of the board sufficient to change the result;

(b) when the person declared elected was not eligible for the office at the time of the election;

(c) when the person declared elected has:

(i) given or offered to any registered voter, judge, or canvasser of the election any bribe or reward in money, property, or anything of value for the purpose of influencing the election; or

(ii) committed any other offense against the elective franchise;

(d) when illegal votes have been received or legal votes have been rejected at the polls sufficient to change the result;

(e) for any error of any board of canvassers or judges of election in counting the votes or declaring the result of the election, if the error would change the result;

(f) when the election result would change because a sufficient number of ballots containing uncorrected errors or omissions have been received at the polls;

(g) when the candidate declared elected is ineligible to serve in the office to which the candidate was elected;

(h) when an election judge or clerk was a party to malconduct, fraud, or corruption sufficient to change the result of the election; and

(i) for any other cause that shows that another person was legally elected.

(2) Any irregularity or improper conduct by the election judges does not void an election unless the irregularity or improper conduct would result in the election of a person who did not receive the highest number of legal votes.

(3) When any election held for any office is contested because of any irregularity or improper conduct on the part of a judge of any voting precinct, a court, upon proof of the irregularity or improper conduct may not set aside the election unless the irregularity or improper conduct would change the result for that office.

Amended by Chapter 105, 2005 General Session

20A-4-403. Election contest -- Petition and response.

(1) (a) In contesting the results of all elections, except for primary elections and bond elections, a registered voter shall contest the right of any person declared elected to any office by filing a verified written complaint with the district court of the county in which he resides within 40 days after the canvass.

(b) The complaint shall include:

(i) the name of the party contesting the election;

(ii) a statement that the party is a registered voter in the jurisdiction in which the election was held;

(iii) the name of the person whose right to the office is contested;

(iv) the office to which that person was ostensibly elected;

(v) one or more of the grounds for an election contest specified in Section 20A-4-402;

(vi) the person who was purportedly elected to the office as respondent; and

(vii) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.

(c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:

(i) illegal votes were given in one or more specified voting precincts to a person whose election is contested, which, if taken from him, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office; or

(ii) that legal votes for another person were rejected, which, if counted, would raise the number of legal votes for that person above the number of legal votes cast for the person whose election is contested.

(d) (i) The court may not take or receive evidence of any of the votes described in Subsection (1)(c) unless the party contesting the election delivers to the opposite party, at least three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.

(ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.

(2) (a) In contesting the results of a primary election, when contesting the petition nominating an independent candidate, or when challenging any person, election officer, election official, board, or convention for failing to nominate a person, a registered voter shall contest the right of any person declared nominated to any office by filing a verified written complaint within 10 days after the date of the canvass for the primary election, after the date of filing of the petition, or after the date of the convention, respectively, with:

(i) the district court of the county in which he resides if he is contesting a nomination made only by voters from that county; or

(ii) the Utah Supreme Court, if he is contesting a nomination made by voters in more than one county.

(b) The complaint shall include:

(i) the name of the party contesting the nomination;

(ii) a statement that the contesting party is a registered voter in the jurisdiction in which the election was held;

(iii) the name of the person whose right to nomination is contested or the name of the person who failed to have their name placed in nomination;

(iv) the office to which that person was nominated or should have been nominated;

(v) one or more of the grounds for an election contest specified in Subsection (1);

(vi) the person who was purportedly nominated to the office as respondent; and

(vii) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.

(c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:

(i) illegal votes were given to a person whose election is contested, which, if taken from him, would reduce the number of his legal votes below the number of legal votes given to some other person for the same office; or

(ii) legal votes for another person were rejected, which, if counted, would raise the number of legal votes for that person above the number of legal votes cast for the person whose election is contested.

(d) (i) The court may not take or receive evidence of any the votes described in Subsection (2)(c), unless the party contesting the election delivers to the opposite party, at least three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.

(ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.

(3) (a) In contesting the results of a bond election, a registered voter shall contest the validity of the declared results by filing a verified written complaint with the district court of the county in which he resides within 40 days after the date of the official finding entered under Section 11-14-207.

(b) The complaint shall include:

(i) the name of the party contesting the election;

(ii) a statement that the party is a registered voter in the jurisdiction in which the election was held;

(iii) the bond proposition that is the subject of the contest;

(iv) one or more of the grounds for an election contest specified in Section 20A-4-402; and

(v) if the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the name and address of all persons who allegedly cast illegal votes or whose legal vote was rejected.

(c) When the reception of illegal votes or the rejection of legal votes is alleged as a cause of contest, it is sufficient to state generally that:

(i) illegal votes were counted in one or more specified voting precincts which, if taken out of the count, would change the declared result of the vote on the proposition; or

(ii) legal votes were rejected in one or more specified voting precincts, which, if counted, would change the declared result of the vote on the proposition.

(d) (i) The court may not take or receive evidence of any of the votes described in Subsection (3)(c) unless the party contesting the election delivers to the opposite party, at least three days before the trial, a written list of the number of contested votes and by whom the contested votes were given or offered, which he intends to prove at trial.

(ii) The court may not take or receive any evidence of contested votes except those that are specified in that list.

(4) The court may not reject any statement of the grounds of contest or dismiss the proceedings because of lack of form, if the grounds of the contest are alleged with such certainty as will advise the defendant of the particular proceeding or cause for which the election is contested.

(5) (a) The petitioner shall serve a copy of the petition on the respondent.

(b) (i) If the petitioner cannot obtain personal service of the petition on the

respondent, the petitioner may serve the respondent by leaving a copy of the petition with the clerk of the court with which the petition was filed.

(ii) The clerk shall make diligent inquiry and attempt to inform the respondent that he has five days to answer the complaint.

(c) The respondent shall answer the petition within five days after the service.

(d) If the reception of illegal votes or the rejection of legal votes is alleged as a ground for the contest, the defendant shall set forth in the answer the name and address of all persons whom the defendant believes were properly or improperly admitted or denied the vote.

(e) If the answer contains a counterclaim, the petitioner shall file a reply within 10 days after service of the counterclaim.

(6) (a) The provisions of this Subsection (6) provide additional requirements that apply to municipal election contests that are in addition to the other requirements of this section governing election contest.

(b) Municipal election contests shall be filed, tried, and determined in the district court of the county in which the municipality is located.

(c) (i) As a condition precedent to filing a municipal election contest, the petitioner shall file a written affidavit of intention to contest the election with the clerk of the court within seven days after the votes are canvassed.

(ii) The affidavit shall include:

(A) the petitioner's name;

(B) the fact that the petitioner is a qualified voter of the municipality;

(C) the respondent's name;

(D) the elective office contested;

(E) the time of election; and

(F) the grounds for the contest.

(d) (i) Before the district court takes jurisdiction of a municipal election contest, the petitioner shall file a bond with the clerk of the court with the sureties required by the court.

(ii) The bond shall name the respondent as obligee and be conditioned for the payment of all costs incurred by the respondent if the respondent prevails.

Amended by Chapter 238, 2007 General Session

20A-4-404. Election contest -- Calendaring and disposition.

(1) (a) Upon receipt of the petition, the clerk shall inform the chief judge of the court having jurisdiction.

(b) The chief judge shall issue an order:

(i) assigning the case to a district court judge, if the district court has jurisdiction; and

(ii) setting a date and time, not less than 10 nor more than 30 days from the date the petition was filed to hear and determine the contest.

(c) The clerk shall:

(i) issue a subpoena for the person whose right to the office is contested to appear at the time and place specified in the order; and

(ii) cause the subpoena to be served.

(2) The court shall meet at the time and place designated to determine the contest.

(3) (a) If it is necessary for the court to inspect the ballots of any voting precinct in order to determine any election contest the judge may order the proper officer to produce them.

(b) The judge shall:

(i) open and inspect the ballots in open court in the presence of the parties or their attorneys; and

(ii) immediately after the inspection, seal them in an envelope and return them, by mail or otherwise, to their legal custodian.

(4) (a) If the petition, response, or counterclaim alleges an error in the canvass sufficient to change the result, the court may order and conduct a recount of the ballots or vote tabulation.

(b) The court may also require the production of any documents, records, and other evidence necessary to enable it to determine the legality or illegality of any vote cast or counted.

(c) (i) After all the evidence in the contest is submitted, the court shall enter its judgment, either confirming the election result or annulling and setting aside the election.

(ii) If the court determines that a person other than the one declared elected received the highest number of legal votes, the court shall declare that person elected.

Enacted by Chapter 1, 1993 General Session

20A-4-405. Election contests -- Costs.

(1) The court shall enter judgment for costs against the party contesting the election if:

(a) the proceedings are dismissed for:

(i) insufficiency of pleading or proof; or

(ii) want of prosecution; or

(b) the election is confirmed by the court.

(2) The court shall enter judgment for costs against the party whose election was contested if the election is annulled and set aside.

(3) (a) Each party is liable for the costs of the officers and witnesses that appeared on his behalf.

(b) The party may pay, and the officers and witnesses may collect, those costs in the same manner as similar costs are paid and collected in other cases.

Enacted by Chapter 1, 1993 General Session

20A-4-406. Election contests -- Appeal.

(1) (a) Either party may appeal the district court's judgment to the Supreme Court as in other cases of appeal from the district court.

(b) When an appeal is taken, the district court may not stay execution or proceedings, except execution for costs.

(2) Whenever an election is annulled or set aside by the judgment of a court and

no appeal is taken within 10 days, the certificate of election, if any has been issued, is void, and the office is vacant.

Enacted by Chapter 1, 1993 General Session

20A-4-501. Election returns -- Forgery.

(1) It is unlawful for any person to:

(a) forge or counterfeit any election returns from any election purporting to have been held at any voting precinct where no election was in fact held;

(b) willfully substitute any forged or counterfeit election returns in the place of the true return for a voting precinct where any election was actually held; or

(c) commit or cause any fraud in any election in any manner.

(2) A violation of this section is a third degree felony.

Amended by Chapter 253, 2013 General Session

20A-4-502. Altering vote count or returns.

(1) It is unlawful for any person to:

(a) willfully add to or subtract from the votes actually cast at an election in any election returns; or

(b) alter any election returns.

(2) Any person who violates this section is guilty of a third degree felony.

Amended by Chapter 253, 2013 General Session

20A-4-504. Interfering with count.

(1) It is unlawful for any person to intentionally ascertain, or attempt to ascertain, the progress or state of the count before the ballot count is completed in the voting precinct, or before 8 p.m., whichever is later.

(2) Any person who violates this section is guilty of a third degree felony.

Enacted by Chapter 1, 1993 General Session

20A-4-505. Communicating about the count.

(1) It is unlawful for any poll worker to communicate in any manner, directly or indirectly, by word or sign, the progress of the count, the result so far, or any other information about the count.

(2) Any person who violates this section is guilty of a third degree felony.

Amended by Chapter 75, 2007 General Session

20A-5-101. Notice of election.

(1) On or before February 1 in each regular general election year, the lieutenant governor shall prepare and transmit a written notice to each county clerk that:

(a) designates the offices to be filled at the regular general election;

(b) identifies the dates for filing a declaration of candidacy for those offices;

(c) includes the master ballot position list for the current year and the next year as established under Section 20A-6-305; and

(d) contains a description of any ballot propositions to be decided by the voters that have qualified for the ballot as of that date.

(2) (a) No later than February 15, each county clerk shall:

(i) publish a notice:

(A) once in a newspaper published in that county; and

(B) as required in Section 45-1-101; or

(ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to give notice of the election to the voters in each voting precinct within the county; and

(B) prepare an affidavit of that posting, showing a copy of the notice and the places where the notice was posted.

(b) The notice required by Subsection (2)(a) shall:

(i) designate the offices to be voted on in that election in that county, other than local district offices; and

(ii) identify the dates for filing a declaration of candidacy for those offices.

(3) Before each election, the election officer shall give written or printed notice of:

(a) the date and place of election;

(b) the hours during which the polls will be open;

(c) the polling places for each voting precinct;

(d) an election day voting center designated under Section 20A-3-703; and

(e) the qualifications for persons to vote in the election.

(4) To provide the notice required by Subsection (3), the election officer shall publish the notice at least two days before the election:

(a) in a newspaper of general circulation common to the area or in which the election is being held; and

(b) as required in Section 45-1-101.

Amended by Chapter 291, 2011 General Session
Amended by Chapter 292, 2011 General Session

20A-5-102. Voting instructions.

(1) Each election officer shall:

(a) print instruction cards for voters;

(b) ensure that the cards are printed in English in large clear type; and

(c) ensure that the cards instruct voters:

(i) about how to obtain ballots for voting;

(ii) about special political party affiliation requirements for voting in the Western States Presidential Primary or in a regular primary election;

(iii) about how to prepare ballots for deposit in the ballot box;

(iv) about how to record write-in votes;

(v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;

(vi) about how to obtain assistance in marking ballots;

(vii) about obtaining a new ballot if the voter's ballot is defaced;
(viii) that identification marks or the spoiling or defacing of a ballot will make it invalid;
(ix) about how to obtain and vote a provisional ballot;
(x) about whom to contact to report election fraud;
(xi) about applicable federal and state laws regarding:
(A) voting rights and the appropriate official to contact if the voter alleges his rights have been violated; and
(B) prohibitions on acts of fraud and misrepresentation;
(xii) about procedures governing mail-in registrants and first-time voters; and
(xiii) about the date of the election and the hours that the polls are open on election day.
(2) Each election officer shall:
(a) provide the election judges of each voting precinct with sufficient instruction cards to instruct voters in the preparation of their ballots;
(b) direct the election judges to post:
(i) general voting instructions in each voting booth; and
(ii) at least three instruction cards and at least one sample ballot elsewhere in and about the polling place.

Amended by Chapter 116, 2003 General Session

20A-5-103. Constitutional amendments -- Posting.
(1) Whenever a constitutional amendment is submitted to a vote of the people for their approval or rejection, the county clerk shall:
(a) cause the original section of the constitution to be printed on cards in large clear type with the changes to it indicated by bracketing and interlining any language proposed to be repealed and underlining any new language proposed to be inserted; and
(b) place the question as it appears upon the official ballot after the original section.
(2) If there is more than one amendment submitted, the clerk shall ensure that the proposed amendments are placed upon the cards in columns in the same order as they will appear upon the official ballot.
(3) Each county clerk shall:
(a) provide the election judges for each voting precinct with two constitutional amendment cards; and
(b) direct the election judges to post the two constitutional amendment cards in and about the polling place.

Amended by Chapter 183, 1997 General Session

20A-5-204. Duplicate registration.
(1) Upon finding duplicate registration, the county clerk shall first check for errors in the record.
(2) If duplicate registration does exist, the clerk shall:

(a) eliminate one registration entry; and
(b) change the date of voter registration on the voter's file to the most recent registration date.

Amended by Chapter 3, 1996 Special Session 2

20A-5-205. Delivery of official register.
(1) Before delivering the official register to the poll workers, the county clerk shall attach the certificate required by law to the book.
(2) The county clerk shall deliver the official register, its accuracy verified by the county clerk's signature, to a poll worker in each voting precinct by noon on the day before the election.

Amended by Chapter 326, 2006 General Session

20A-5-206. Change of precinct boundaries -- Revising list.
(1) Whenever the boundaries of any voting precinct are changed, or a new voting precinct is created, the county clerk shall ensure that the names of all voters residing within the territory affected by the change are transferred from one official register to the other.
(2) Any registered voter whose name has been erroneously transferred from one official register to another, or erroneously allowed to remain on any official register, may vote in the voting precinct in which the voter resides if the voter uses a provisional ballot.

Amended by Chapter 251, 2012 General Session

20A-5-301. Combined voting precincts -- Municipalities.
(1) (a) The municipal legislative body of a city of the first or second class may combine up to four regular county voting precincts into one municipal voting precinct for purposes of a municipal election if they designate the location and address of each of those combined voting precincts.
(b) The polling place shall be within the combined voting precinct or within 1/2 mile of the boundaries of the voting precinct.
(2) (a) The municipal legislative body of a city of the third, fourth, or fifth class or town may combine two or more regular county voting precincts into one municipal voting precinct for purposes of an election if it designates the location and address of that combined voting precinct.
(b) If only two precincts are combined, the polling place shall be within the combined precinct or within 1/2 mile of the boundaries of the combined voting precinct.
(c) If more than two precincts are combined, the polling place should be as near as practical to the middle of the combined precinct.

Amended by Chapter 256, 2007 General Session

20A-5-302. Automated voting system.

(1) (a) Any county or municipal legislative body or local district board may:

(i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any automated voting system that meets the requirements of this section; and

(ii) use that system in any election, in all or a part of the voting precincts within its boundaries, or in combination with paper ballots.

(b) Nothing in this title shall be construed to require the use of electronic voting devices in local special elections, municipal primary elections, or municipal general elections.

(2) (a) Each automated voting system shall:

(i) provide for voting in secrecy, except in the case of voters who have received assistance as authorized by Section 20A-3-108;

(ii) permit each voter at any election to:

(A) vote for all persons and offices for whom and for which that voter is lawfully entitled to vote;

(B) vote for as many persons for an office as that voter is entitled to vote; and

(C) vote for or against any ballot proposition upon which that voter is entitled to vote;

(iii) permit each voter, at presidential elections, by one mark or punch to vote for the candidates of that party for president, vice president, and for their presidential electors;

(iv) permit each voter, at any regular general election, to vote for all the candidates of one registered political party by making one mark or punch;

(v) permit each voter to scratch vote;

(vi) at elections other than primary elections, permit each voter to vote for the nominees of one or more parties and for independent candidates;

(vii) at primary elections:

(A) permit each voter to vote for candidates of the political party of his choice; and

(B) reject any votes cast for candidates of another party;

(viii) prevent the voter from voting for the same person more than once for the same office;

(ix) provide the opportunity for each voter to change the ballot and to correct any error before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub. L. No. 107-252;

(x) include automatic tabulating equipment that rejects choices recorded on a voter's ballot if the number of the voter's recorded choices is greater than the number which the voter is entitled to vote for the office or on the measure;

(xi) be of durable construction, suitably designed so that it may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;

(xii) when properly operated, record correctly and count accurately each vote cast;

(xiii) for voting equipment certified after January 1, 2005, produce a permanent paper record that:

(A) shall be available as an official record for any recount or election contest conducted with respect to an election where the voting equipment is used;

(B) (I) shall be available for the voter's inspection prior to the voter leaving the

polling place; and

(II) shall permit the voter to inspect the record of the voter's selections independently only if reasonably practicable commercial methods permitting independent inspection are available at the time of certification of the voting equipment by the lieutenant governor;

(C) shall include, at a minimum, human readable printing that shows a record of the voter's selections;

(D) may also include machine readable printing which may be the same as the human readable printing; and

(E) allows voting poll watchers and counting poll watchers to observe the election process to ensure its integrity; and

(xiv) meet the requirements of Section 20A-5-402.5.

(b) For the purposes of a recount or an election contest, if the permanent paper record contains a conflict or inconsistency between the human readable printing and the machine readable printing, the human readable printing shall supercede the machine readable printing when determining the intent of the voter.

(c) Notwithstanding any other provisions of this section, the election officers shall ensure that the ballots to be counted by means of electronic or electromechanical devices are of a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Amended by Chapter 256, 2007 General Session
Amended by Chapter 329, 2007 General Session

20A-5-303. Establishing, dividing, abolishing, and changing voting precincts -- Common polling places -- Combined voting precincts.

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

(b) Within 30 days after the establishment, division, abolition, or change of a voting precinct under this section, the county legislative body shall file with the Automated Geographic Reference Center, created under Section 63F-1-506, a notice describing the action taken and specifying the resulting boundaries of each voting precinct affected by the action.

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

(b) The county legislative body shall:

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

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

(3) A county legislative body shall divide a precinct identified under Subsection (2)(b)(i) on or before January 31 of a regular general election year that immediately follows the calendar year in which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

(4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5),

the county legislative body may not:

(a) establish or abolish any voting precinct after January 1 of a regular general election year;

(b) alter or change the boundaries of any voting precinct after January 1 of a regular general election year; or

(c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a year immediately preceding the year in which an enumeration is required by the United States Constitution and the day on which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

(5) A county legislative body may establish, divide, abolish, alter, or change a voting precinct on or before January 31 of a regular general election year that immediately follows the calendar year in which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

(6) (a) For the purpose of voting in an election, the county legislative body may establish a common polling place for two or more whole voting precincts.

(b) At least 90 days before the election, the county legislative body shall designate:

(i) the voting precincts that will vote at the common polling place; and

(ii) the location of the common polling place.

(c) A county may use one set of election judges for the common polling place under this Subsection (6).

(7) Each county shall have at least two polling places open for voting on the date of the election.

(8) Each common polling place shall have at least one voting device that is accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002.

Amended by Chapter 335, 2011 General Session

20A-5-400.1. Contracting with an election officer to conduct elections -- Fees -- Contracts and interlocal agreements -- Private providers.

(1) (a) In accordance with this section, a local political subdivision may enter into a contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer to conduct an election.

(b) If the boundaries of a local political subdivision holding the election extend beyond a single local political subdivision, the local political subdivision may have more than one provider election officer conduct an election.

(2) A provider election officer shall conduct an election:

(a) under the direction of the contracting election officer; and

(b) in accordance with a contract or interlocal agreement.

(3) A provider election officer shall establish fees for conducting an election for a contracting election officer that:

(a) are consistent with the contract or interlocal agreement; and

(b) do not exceed the actual costs incurred by the provider election officer.

(4) The contract or interlocal agreement under this section may specify that a contracting election officer request, within a specified number of days before the

election, that the provider election officer conduct the election to allow adequate preparations by the provider election officer.

(5) An election officer conducting an election may appoint or employ an agent or professional service to assist in conducting the election.

Enacted by Chapter 310, 2011 General Session

20A-5-400.5. Election officer for bond and leeway elections.

(1) When a voted leeway or bond election is held on the regular general election date, the county clerk shall serve as the provider election officer to conduct that election.

(2) (a) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of the unincorporated county, the county clerk shall serve as the provider election officer to conduct that election subject to Subsection (3).

(b) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of a municipality, the municipal clerk for that municipality shall, except as provided in Subsection (3), serve as the provider election officer to conduct that election.

(c) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election extends beyond the boundaries of a single municipality:

(i) except as provided in Subsection (3), the municipal clerk shall serve as the provider election officer to conduct the election for those portions of the local political subdivision where the municipal general election or other election is being held; and

(ii) except as provided in Subsection (3), the county clerk shall serve as the provider election officer to conduct the election for the unincorporated county and for those portions of any municipality where no municipal general election or other election is being held.

(3) When a voted leeway or bond election is held on a date when no other election, other than another voted leeway or bond election, is being held in the entire area comprising the local political subdivision calling the voted leeway or bond election:

(a) the clerk or chief executive officer of a local district or the business administrator or superintendent of the school district, as applicable, shall serve as the election officer to conduct the bond election for those portions of the local political subdivision in which no other election, other than another voted leeway or bond election, is being held, unless the local district or school district has contracted with a provider election officer; and

(b) the county clerk, municipal clerk, or both, as determined by the local political subdivision holding the bond election, shall serve as the provider election officer to conduct the bond election for those portions of the local political subdivision in which another election, other than another voted leeway or bond election, is being held.

(4) A provider election officer required by this section to conduct an election for a local political subdivision shall comply with Section 20A-5-400.1.

Amended by Chapter 415, 2013 General Session

20A-5-401. Official register -- Preparation -- Contents.

(1) (a) Before the registration days for each regular general, municipal general, regular primary, municipal primary, or Western States Presidential Primary election, each county clerk shall prepare an official register of voters for each voting precinct that will participate in the election.

(b) The county clerk shall ensure that the official register is prepared for the alphabetical entry of names and contains entry fields to provide for the following information:

(i) registered voter's name;

(ii) party affiliation;

(iii) grounds for challenge;

(iv) name of person challenging a voter;

(v) primary, November, special;

(vi) date of birth;

(vii) place of birth;

(viii) place of current residence;

(ix) street address;

(x) zip code;

(xi) identification and provisional ballot information as required under Subsection (1)(d); and

(xii) space for the voter to sign his name for each election.

(c) When preparing the official register for the Western States Presidential Primary, the county clerk shall include:

(i) an entry field to record the name of the political party whose ballot the voter voted; and

(ii) an entry field for the poll worker to record changes in the voter's party affiliation.

(d) When preparing the official register for any regular general election, municipal general election, statewide special election, local special election, regular primary election, municipal primary election, local district election, or election for federal office, the county clerk shall include:

(i) an entry field for the poll worker to record the type of identification provided by the voter;

(ii) a column for the poll worker to record the provisional envelope ballot number for voters who receive a provisional ballot; and

(iii) a space for the poll worker to record the type of identification that was provided by voters who receive a provisional ballot.

(2) (a) (i) For regular and municipal elections, primary elections, regular municipal elections, local district elections, and bond elections, the county clerk shall make an official register only for voting precincts affected by the primary, municipal, local district, or bond election.

(ii) If a polling place to be used in a bond election serves both voters residing in the local political subdivision calling the bond election and voters residing outside of that local political subdivision, the official register shall designate whether each voter resides in or outside of the local political subdivision.

(iii) Each county clerk, with the assistance of the clerk of each affected local district, shall provide a detailed map or an indication on the registration list or other means to enable a poll worker to determine the voters entitled to vote at an election of local district officers.

(b) Municipalities shall pay the costs of making the official register for municipal elections.

Amended by Chapter 45, 2009 General Session

20A-5-402.5. Certification of voting equipment.

(1) As used in this section, "voting equipment" means automatic tabulating equipment, electronic voting systems, voting devices, and voting machines.

(2) Each election officer shall ensure that:

(a) the voting equipment used by the election officer is certified by the Election Assistance Commission; and

(b) the voting equipment is certified by the lieutenant governor as having met the requirements of this section.

(3) The lieutenant governor shall ensure that all voting equipment used complies with the requirements of this section.

Amended by Chapter 8, 2010 General Session

20A-5-402.7. Voting Equipment Selection Committee.

(1) As used in this section, "new voting equipment system" means voting equipment that is operated in a materially different way or that functions in a materially different way than the equipment being replaced.

(2) Before selecting or purchasing a new voting equipment system after January 1, 2007, the lieutenant governor shall:

(a) appoint a Voting Equipment Selection Committee; and

(b) ensure that the committee includes persons having experience in:

(i) election procedures and administration;

(ii) computer technology;

(iii) data security;

(iv) auditing; and

(v) access for persons with disabilities.

(3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(4) The lieutenant governor shall select a chair from the committee membership.

(5) The lieutenant governor may fill any vacancies that occur on the committee.
(6) The lieutenant governor's office shall provide staffing for the committee.
(7) The Voting Equipment Selection Committee shall:
(a) evaluate new voting equipment systems proposed for purchase by the state; and
(b) provide information and recommendations to assist the lieutenant governor with the purchase of new voting equipment systems.
(8) The lieutenant governor may designate individuals, including committee members, to inspect and review proprietary software as part of an evaluation of new voting equipment systems under consideration for purchase.
(9) Before making any selection or purchase, the lieutenant governor shall provide for a period of public review and comment on new voting equipment systems under consideration for purchase by the state.

Amended by Chapter 286, 2010 General Session

20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections -- Arrangements.
(1) Each election officer shall:
(a) designate polling places for each voting precinct in the jurisdiction; and
(b) obtain the approval of the county or municipal legislative body or local district governing board for those polling places.
(2) (a) For each polling place, the election officer shall provide:
(i) an American flag;
(ii) a sufficient number of voting booths or compartments;
(iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot sheets, write-in ballots, and any other records and supplies necessary to enable a voter to vote;
(iv) the constitutional amendment cards required by Part 1, Election Notices and Instructions;
(v) voter information pamphlets required by Chapter 7, Part 7, Voter Information Pamphlet;
(vi) the instruction cards required by Section 20A-5-102; and
(vii) a sign, to be prominently displayed in the polling place, indicating that valid voter identification is required for every voter before the voter may vote and listing the forms of identification that constitute valid voter identification.
(b) Each election officer shall ensure that:
(i) each voting booth is at a convenient height for writing, and is arranged so that the voter can prepare the voter's ballot screened from observation;
(ii) there are a sufficient number of voting booths or voting devices to accommodate the voters at that polling place; and
(iii) there is at least one voting booth or voting device that is configured to accommodate persons with disabilities.
(c) Each county clerk shall provide a ballot box for each polling place that is large enough to properly receive and hold the ballots to be cast.
(3) (a) All polling places shall be physically inspected by each county clerk to

ensure access by a person with a disability.

(b) Any issues concerning inaccessibility to polling places by a person with a disability discovered during the inspections referred to in Subsection (3)(a) or reported to the county clerk shall be:

(i) forwarded to the Office of the Lieutenant Governor; and

(ii) within six months of the time of the complaint, the issue of inaccessibility shall be either:

(A) remedied at the particular location by the county clerk;

(B) the county clerk shall designate an alternative accessible location for the particular precinct; or

(C) if no practical solution can be identified, file with the Office of the Lieutenant Governor a written explanation identifying the reasons compliance cannot reasonably be met.

(4) (a) The municipality in which the election is held shall pay the cost of conducting each municipal election, including the cost of printing and supplies.

(b) (i) Costs assessed by a county clerk to a municipality under this section may not exceed the actual costs incurred by the county clerk.

(ii) The actual costs shall include:

(A) costs of or rental fees associated with the use of election equipment and supplies; and

(B) reasonable and necessary administrative costs.

(5) The county clerk shall make detailed entries of all proceedings had under this chapter.

Amended by Chapter 297, 2011 General Session

20A-5-404. Election forms -- Preparation and contents.

(1) (a) For each election, the election officer shall prepare, for each voting precinct, a:

(i) ballot disposition form;

(ii) total votes cast form;

(iii) tally sheet form; and

(iv) pollbook.

(b) For each election, the election officer shall:

(i) provide a copy of each form to each of those precincts using paper ballots; and

(ii) provide a copy of the ballot disposition form and a pollbook to each of those voting precincts using an automated voting system.

(2) The election officer shall ensure that the ballot disposition form contains a space for the judges to identify:

(a) the number of ballots voted;

(b) the number of substitute ballots voted, if any;

(c) the number of ballots delivered to the voters;

(d) the number of spoiled ballots;

(e) the number of registered voters listed in the official register;

(f) the total number of voters voting according to the pollbook; and

(g) the number of unused ballots.

(3) The election officer shall ensure that the total votes cast form contains:

(a) the name of each candidate appearing on the ballot, the office for which the candidate is running, and a blank space for the election judges to record the number of votes that the candidate received;

(b) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to record the number of votes that the write-in candidate received;

(c) a heading identifying each ballot proposition and blank spaces for the election judges to record the number of votes for and against each proposition; and

(d) a certification, in substantially the following form, to be signed by the judges when they have completed the total votes cast form:

"TOTAL VOTES CAST

At an election held at ____ in ____ voting precinct in _____(name of entity holding the election) and State of Utah, on _____(month\day\year), the following named persons received the number of votes annexed to their respective names for the following described offices: Total number of votes cast were as follows:

Certified by us ____, ____, ____, Judges of Election."

(4) The election officer shall ensure that the tally sheet form contains:

(a) for each office, the names of the candidates for that office, and blank spaces to tally the votes that each candidate receives;

(b) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to tally the votes for each write-in candidate;

(c) for each ballot proposition, a heading identifying the ballot proposition and the words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of them for the election judges to tally the ballot proposition votes; and

(d) a certification, in substantially the following form, to be signed by the judges when they have completed the tally sheet form:

"Tally Sheet

We the undersigned election judges for voting precinct #_____, _____(entity holding the election) certify that this is a true and correct list of all persons voted for and ballot propositions voted on at the election held in that voting precinct on _____(date of election) and is a tally of the votes cast for each of those persons. Certified by us ____, ____, ____, Judges of Election."

(5) The election officer shall ensure that the pollbook:

(a) identifies the voting precinct number on its face; and

(b) contains:

(i) a section to record persons voting on election day, with columns entitled "Ballot Number" and "Voter's Name";

(ii) another section in which to record absentee ballots;

(iii) a section in which to record voters who are challenged; and

(iv) a certification, in substantially the following form:

"We, the undersigned, judges of an election held at _____ voting precinct, in _____ County, state of Utah, on _____(month\day\year), having first been sworn according to law, certify that the information listed in this book is a true statement

of the number and names of the persons voting in the voting precinct at the election, and that the total number of persons voting at the election was ____."

_____
_____
_____
Judges of Election

Amended by Chapter 9, 2001 General Session

20A-5-405. Election officer to provide ballots.

(1) In jurisdictions using paper ballots, each election officer shall:

(a) provide printed official paper ballots and absentee ballots for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;

(b) cause the name of every candidate whose nomination has been certified to or filed with the election officer in the manner provided by law to be printed on each official paper ballot and absentee ballot;

(c) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official paper ballot and absentee ballot;

(d) ensure that the official paper ballots are printed and in the possession of the election officer before commencement of voting;

(e) ensure that the absentee ballots are printed and in the possession of the election officer with sufficient time before commencement of voting;

(f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official paper ballot and absentee ballot;

(g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official ballot to inspect the official paper ballots and absentee ballots;

(h) cause sample ballots to be printed that are in the same form as official paper ballots and that contain the same information as official paper ballots but that are printed on different colored paper than official paper ballots;

(i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;

(j) make the sample ballots available for public inspection by:

(i) posting a copy of the sample ballot in his office at least seven days before commencement of voting;

(ii) mailing a copy of the sample ballot to:

(A) each candidate listed on the ballot; and

(B) the lieutenant governor; and

(iii) publishing a copy of the sample ballot immediately before the election:

(A) in at least one newspaper of general circulation in the jurisdiction holding the election; and

(B) as required in Section 45-1-101;

(k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and

(l) print and deliver, at the expense of the jurisdiction conducting the election, enough official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting demands of the qualified voters in each voting precinct.

(2) In jurisdictions using a punch card ballot, each election officer shall:

(a) provide official ballot sheets, absentee ballot sheets, and printed official ballot labels for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;

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

(c) cause each ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot label;

(d) ensure that the official ballot labels are printed and in the possession of the election officer before the commencement of voting;

(e) ensure that the absentee ballots are printed and in the possession of the election officer with sufficient time before commencement of voting;

(f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot label and absentee ballot;

(g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;

(h) cause sample ballots to be printed that contain the same information as official ballot labels but that are distinguishable from official ballot labels;

(i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;

(j) make the sample ballots available for public inspection by:

(i) posting a copy of the sample ballot in his office at least seven days before commencement of voting;

(ii) mailing a copy of the sample ballot to:

(A) each candidate listed on the ballot; and

(B) the lieutenant governor; and

(iii) publishing a copy of the sample ballot immediately before the election:

(A) in at least one newspaper of general circulation in the jurisdiction holding the election; and

(B) as required in Section 45-1-101;

(k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and

(l) print and deliver official ballot sheets, official ballot labels, sample ballots, and instruction cards at the expense of the jurisdiction conducting the election.

(3) In jurisdictions using a ballot sheet other than a punch card, each election officer shall:

(a) provide official ballot sheets and absentee ballot sheets for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;

(b) cause the name of every candidate who filed with the election officer in the manner provided by law or whose nomination has been certified to or filed with the

election officer to be printed on each official ballot and absentee ballot;

(c) cause each ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot and absentee ballot;

(d) ensure that the official ballots are printed and in the possession of the election officer before commencement of voting;

(e) ensure that the absentee ballots are printed and in the possession of the election officer with sufficient time before commencement of voting;

(f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot and absentee ballot;

(g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;

(h) cause sample ballots to be printed that contain the same information as official ballots but that are distinguishable from the official ballots;

(i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;

(j) make the sample ballots available for public inspection by:

(i) posting a copy of the sample ballot in the election officer's office at least seven days before commencement of voting;

(ii) mailing a copy of the sample ballot to:

(A) each candidate listed on the ballot; and

(B) the lieutenant governor; and

(iii) publishing a copy of the sample ballot immediately before the election:

(A) in at least one newspaper of general circulation in the jurisdiction holding the election; and

(B) as required in Section 45-1-101;

(k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and

(l) print and deliver, at the expense of the jurisdiction conducting the election, enough official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting demands of the qualified voters in each voting precinct.

(4) In jurisdictions using electronic ballots, each election officer shall:

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

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

(c) cause each ballot proposition that has qualified for the ballot as provided by law to be displayed on each official ballot;

(d) ensure that the official ballots are prepared and in the possession of the election officer before commencement of voting;

(e) ensure that the absentee ballots are prepared and in the possession of the election officer with sufficient time before commencement of voting;

(f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot and absentee ballot;

(g) allow candidates and their agents and the sponsors of ballot propositions

that have qualified for the official sample ballot to inspect the official sample ballot;

(h) cause sample ballots to be printed that contain the same information as official ballots but that are distinguishable from official ballots;

(i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;

(j) make the sample ballots available for public inspection by:

(i) posting a copy of the sample ballot in the election officer's office at least seven days before commencement of voting;

(ii) mailing a copy of the sample ballot to:

(A) each candidate listed on the ballot; and

(B) the lieutenant governor; and

(iii) publishing a copy of the sample ballot immediately before the election:

(A) in at least one newspaper of general circulation in the jurisdiction holding the election; and

(B) as required in Section 45-1-101;

(k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and

(l) prepare and deliver official ballots, sample ballots, and instruction cards at the expense of the jurisdiction conducting the election.

(5) (a) Each election officer shall, without delay, correct any error discovered in any official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the correction can be made without interfering with the timely distribution of the paper ballots, ballot labels, ballot sheets, or electronic ballots.

(b) (i) If the election officer discovers an error or omission in a paper ballot, ballot label, or ballot sheet, and it is not possible to correct the error or omission by reprinting the paper ballots, ballot labels, or ballot sheets, the election officer shall direct the poll workers to make the necessary corrections on the official paper ballots, ballot labels, or ballot sheets before they are distributed at the polls.

(ii) If the election officer discovers an error or omission in an electronic ballot and it is not possible to correct the error or omission by revising the electronic ballot, the election officer shall direct the poll workers to post notice of each error or omission with instructions on how to correct each error or omission in a prominent position at each polling booth.

(c) (i) If the election officer refuses or fails to correct an error or omission in the paper ballots, ballot labels, ballot sheets, or electronic ballots, a candidate or a candidate's agent may file a verified petition with the district court asserting that:

(A) an error or omission has occurred in:

(I) the publication of the name or description of a candidate;

(II) the preparation or display of an electronic ballot; or

(III) in the printing of sample or official paper ballots, ballot labels, or ballot sheets; and

(B) the election officer has failed to correct or provide for the correction of the error or omission.

(ii) The district court shall issue an order requiring correction of any error in a paper ballot, ballot label, ballot sheet, or electronic ballot or an order to show cause why

the error should not be corrected if it appears to the court that the error or omission has occurred and the election officer has failed to correct it or failed to provide for its correction.

(iii) A party aggrieved by the district court's decision may appeal the matter to the Utah Supreme Court within five days after the decision of the district court.

Amended by Chapter 388, 2009 General Session

20A-5-406. Delivery of ballots.

(1) In elections using paper ballots or ballot sheets:

(a) Each election officer shall deliver ballots to the poll workers of each voting precinct in his jurisdiction in an amount sufficient to meet voting needs during the voting period.

(b) The election officer shall:

(i) package and deliver the ballots to the election judges;

(ii) clearly mark the outside of the package with:

(A) the voting precinct and polling place for which it is intended; and

(B) the number of each type of ballots enclosed;

(iii) ensure that each package is delivered before commencement of voting to a poll worker in each precinct; and

(iv) obtain a receipt for the ballots from the poll worker to whom they were delivered that identifies the date and time when, and the manner in which, each ballot package was sent and delivered.

(c) The election officer shall prepare substitute ballots in the form required by this Subsection (1) if any poll worker reports that:

(i) the ballots were not delivered on time; or

(ii) after delivery, they were destroyed or stolen.

(d) The election officer shall:

(i) prepare the substitute ballots as nearly in the form prescribed for official ballots as practicable;

(ii) cause the word "substitute" to be printed in brackets immediately under the facsimile signature of the clerk or recorder preparing the ballots;

(iii) place the ballots in two separate packages, each package containing 1/2 the ballots sent to that voting precinct; and

(iv) place a signed statement in each package certifying that the substitute ballots found in the package were prepared and furnished by the election officer, and that the original ballots were not received, were destroyed, or were stolen.

(2) In elections using electronic ballots:

(a) Each election officer shall:

(i) deliver the voting devices and electronic ballots prior to the commencement of voting;

(ii) ensure that the voting devices, equipment, and electronic ballots are properly secured before commencement of voting; and

(iii) when electronic ballots or voting devices containing electronic ballots are delivered to a poll worker, obtain a receipt from the poll worker to whom they were delivered that identifies:

(A) the name of the poll worker receiving delivery; and
(B) the date and time when the ballots or voting devices containing the electronic ballots were delivered.
(b) The election officer shall repair or provide substitute voting devices, equipment, or electronic ballots, if available, if any poll worker reports that:
(i) the voting devices or equipment were not delivered on time;
(ii) the voting devices or equipment do not contain the appropriate electronic ballot information;
(iii) the safety devices on the voting devices, equipment, or electronic ballots appear to have been tampered with;
(iv) the voting devices or equipment do not appear to be functioning properly; or
(v) after delivery, the voting devices, equipment, or electronic ballots were destroyed or stolen.
(c) If the election officer is unable to prepare and provide substitute voting devices, equipment, or electronic ballots, the election officer may elect to provide paper ballots or ballot sheets according to the requirements of Subsection (1).

Amended by Chapter 326, 2006 General Session

20A-5-407. Election officer to provide ballot boxes.
(1) Except as provided in Subsection (3), each election officer shall:
(a) provide one ballot box with a lock and key for each polling place; and
(b) deliver the ballot boxes, locks, and keys to the polling place or the election judges of each voting precinct no later than noon on the day before the election.
(2) Election officers for municipalities and local districts may obtain ballot boxes from the county clerk's office.
(3) If locks and keys are unavailable, the ballot box lid shall be secured by tape.

Amended by Chapter 329, 2007 General Session

20A-5-408. Disposition of election returns.
(1) Each election officer shall produce the packages containing the election returns before the board of canvassers.
(2) As soon as the returns are canvassed, the election officer shall file the pollbook, lists, and papers produced before the board as required by Section 20A-4-202.

Enacted by Chapter 1, 1993 General Session

20A-5-409. Certification of candidates to county clerks.
No later than August 31 of each regular general election year, the lieutenant governor shall certify to each county clerk the name of each candidate qualified to be printed on the regular general election ballot for that county clerk’s county.

Amended by Chapter 327, 2011 General Session

20A-5-410. Study voting by mail.

(1) The lieutenant governor, in consultation with other election officers, shall study how to administer an election that takes place no later than 2015 in which all registered voters receive a ballot in the mail and a person may vote by:

(a) returning a marked ballot to the election officer in the mail; or

(b) marking a ballot in person at an early voting polling place or an election day voting center.

(2) (a) An election officer shall participate in the study at the request of the lieutenant governor.

(b) The study shall include recommended statutory changes.

(3) The lieutenant governor shall report on the progress of the study to the Government Operations Interim Committee before September 30, 2012, September 30, 2013, and September 30, 2014.

Enacted by Chapter 40, 2012 General Session

20A-5-601. Poll workers -- Appointment for regular general elections and primary elections.

(1) (a) By March 1 of each even-numbered year, each county clerk shall provide to the county chair of each registered political party a list of the number of poll workers that the party must nominate for each voting precinct.

(b) (i) By April 1 of each even-numbered year, the county chair and secretary of each registered political party shall file a list with the county clerk containing, for each voting precinct, the names of registered voters in the county who are willing to be poll workers and who are competent and trustworthy.

(ii) The county chair and secretary shall submit, for each voting precinct, names equal in number to the number required by the county clerk plus one.

(2) Each county legislative body shall provide for the appointment of persons to serve as poll workers at the regular primary election, the regular general election, and the Western States Presidential Primary.

(3) For regular general elections, each county legislative body shall provide for the appointment of:

(a) (i) three registered voters from the list to serve as receiving judges for each voting precinct when ballots will be counted after the polls close; or

(ii) three registered voters from the list to serve as receiving judges in each voting precinct and three registered voters from the list to serve as counting judges in each voting precinct when ballots will be counted throughout election day; and

(b) three registered voters from the list for each 100 absentee ballots to be counted to serve as canvassing judges.

(4) For regular primary elections and for the Western States Presidential Primary election, each county legislative body shall provide for the appointment of:

(a) (i) two or three registered voters, or one or two registered voters and one person 17 years old who will be 18 years old by the date of the next regular general election, from the list to serve as receiving judges for each voting precinct when ballots will be counted after the polls close; or

(ii) two or three registered voters, or one or two registered voters and one

person 17 years old who will be 18 years old by the date of the next regular general election, from the list to serve as receiving judges in each voting precinct and two or three registered voters, or one or two registered voters and one person 17 years old who will be 18 years old by the date of the next regular general election, from the list to serve as counting judges in each voting precinct when ballots will be counted throughout election day; and

(b) two or three registered voters, or one or two registered voters and one person 17 years old who will be 18 years old by the date of the next regular general election, from the list for each 100 absentee ballots to be counted to serve as canvassing judges.

(5) Each county legislative body may provide for the appointment of:

(a) three registered voters from the list to serve as inspecting judges at the regular general election to observe the clerk's receipt and deposit of the ballots for safekeeping; and

(b) two or three registered voters, or one or two registered voters and one person 17 years old who will be 18 years old by the date of the next regular general election, from the list to serve as inspecting judges at the regular primary election to observe the clerk's receipt and deposit of the ballots for safekeeping.

(6) (a) For each set of three counting or receiving judges to be appointed for each voting precinct for the regular primary election, the regular general election, and the Western States Presidential Primary election, the county legislative body shall ensure that:

(i) two judges are appointed from the political party that cast the highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges; and

(ii) one judge is appointed from the political party that cast the second highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges.

(b) For each set of two counting or receiving judges to be appointed for each voting precinct for the regular primary election and Western States Presidential Primary election, the county legislative body shall ensure that:

(i) one judge is appointed from the political party that cast the highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges; and

(ii) one judge is appointed from the political party that cast the second highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges.

(7) When the voting precinct boundaries have been changed since the last regular general election, the county legislative body shall ensure that:

(a) for the regular primary election and the Western States Presidential Primary election, when the county legislative body is using three receiving, counting, and canvassing judges, and regular general election, not more than two of the judges are

selected from the political party that cast the highest number of votes for the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer in the territory that formed the voting precinct at the time of appointment; and

(b) for the regular primary election and the Western States Presidential Primary election, when the county legislative body is using two receiving, counting, and canvassing judges, not more than one of the judges is selected from the political party that cast the highest number of votes for the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer in the territory that formed the voting precinct at the time of appointment.

(8) The county legislative body shall provide for the appointment of any qualified county voter as an election judge when:

(a) a political party fails to file the poll worker list by the filing deadline; or

(b) the list is incomplete.

(9) A registered voter of the county may serve as a poll worker in any voting precinct of the county.

(10) If a person serves as a poll worker outside the voting precinct where the person is registered, that person may vote an absentee voter ballot.

(11) The county clerk shall fill all poll worker vacancies.

(12) If a conflict arises over the right to certify the poll worker lists for any political party, the county legislative body may decide between conflicting lists, but may only select names from a properly submitted list.

(13) The county legislative body shall establish compensation for poll workers.

(14) The county clerk may appoint additional poll workers to serve in the polling place as needed.

Amended by Chapter 75, 2007 General Session

20A-5-602. Poll workers -- Appointment for local elections.

(1) At least 15 days before the date scheduled for any local election, the municipal legislative body or local district board shall appoint or provide for the appointment of:

(a) in jurisdictions using paper ballots:

(i) three registered voters, or two registered voters and one person 17 years old who will be 18 years old by the date of the regular municipal election, who reside within the county to serve as poll workers for each voting precinct when the ballots will be counted after the polls close; or

(ii) three registered voters, or two registered voters and one person 17 years old who will be 18 years old by the date of the regular municipal election, who reside within the county to serve as receiving judges in each voting precinct and three registered voters, or two registered voters and one person 17 years old who will be 18 years old by the date of the regular municipal election, who reside within the county to serve as counting judges in each voting precinct when ballots will be counted throughout election day;

(b) in jurisdictions using automated tabulating equipment, three registered voters, or two registered voters and one person 17 years old who will be 18 years old by the date of the regular municipal election, who reside within the county to serve as poll

workers for each voting precinct;

(c) in jurisdictions using voting machines, four registered voters, or three registered voters and one person 17 years old who will be 18 years old by the date of the regular municipal election, who reside within the county to serve as poll workers for each voting precinct; and

(d) in all jurisdictions:

(i) at least one registered voter who resides within the county to serve as canvassing judge, if necessary; and

(ii) as many alternate poll workers as needed to replace appointed poll workers who are unable to serve.

(2) The municipal legislative body and local district board may not appoint any candidate's parent, sibling, spouse, child, or in-law to serve as a poll worker in the voting precinct where the candidate resides.

(3) The clerk shall:

(a) prepare and file a list containing the name, address, voting precinct, and telephone number of each person appointed; and

(b) make the list available in the clerk's office for inspection, examination, and copying during business hours.

(4) (a) The municipal legislative body and local district board shall compensate poll workers for their services.

(b) The municipal legislative body and local district board may not compensate their poll workers at a rate higher than that paid by the county to its poll workers.

Amended by Chapter 75, 2007 General Session
Amended by Chapter 256, 2007 General Session
Amended by Chapter 329, 2007 General Session

20A-5-603. Vacancies -- Removal of poll workers.

(1) (a) If a poll worker or alternate is unable to serve, that poll worker or alternate shall immediately notify the election officer, who shall fill the vacancy as provided in this section.

(b) The election officer may fill a vacancy occurring under this section by appointing the alternate to serve or, if that is impossible, by appointing some other qualified person to fill the vacancy.

(2) The election officer shall summarily remove any poll worker who:

(a) neglects his duty;

(b) commits or encourages fraud in connection with any election;

(c) violates any election law;

(d) knowingly permits any person to violate any election law;

(e) has been convicted of a felony;

(f) commits any act that interferes or tends to interfere with a fair and honest election; or

(g) is incapable of performing the duties of a poll worker.

Amended by Chapter 75, 2007 General Session

20A-5-604. Receipt of ballots by poll workers.

(1) The poll worker who receives official or substitute ballots from the election officer shall:

(a) sign a receipt for them and file it with the election officer; and

(b) produce the packages in the proper polling place with the seals unbroken.

(2) If the poll worker receives packages of substitute ballots accompanied by a written and sworn statement of the election officer that the ballots are substitute ballots because the original ballots were not received, were destroyed, or were stolen, the poll worker shall produce the packages of substitute ballots in the proper polling place with the seals unbroken.

Amended by Chapter 75, 2007 General Session

20A-5-605. Duties of poll workers.

(1) Poll workers shall:

(a) arrive at the polling place at a time determined by the election officer; and

(b) remain until the official election returns are prepared for delivery.

(2) The election officer may designate:

(a) certain poll workers to act as election judges;

(b) an election judge to act as the presiding election judge; and

(c) certain poll workers to act as clerks.

(3) Upon their arrival to open the polls, the poll workers shall:

(a) if the election officer has not designated which poll workers at a polling place are assigned to act as election judges, as presiding election judge, or as clerks:

(i) designate two poll workers to act as election judges as necessary;

(ii) determine which election judge shall preside as necessary; and

(iii) determine which poll workers shall act as clerks as necessary;

(b) select one or more of their number to deliver the election returns to the election officer or to the place that the election officer designates;

(c) display the United States flag;

(d) examine the voting devices to see that they are in proper working order and that security devices have not been tampered with;

(e) place the voting devices, voting booths, and the ballot box in plain view of those poll workers and watchers that are present;

(f) for paper ballots and ballot sheets, open the ballot packages in the presence of all the poll workers;

(g) check the ballots, supplies, records, and forms;

(h) if directed to do so by the election officer:

(i) make any necessary corrections to the official ballots before they are distributed at the polls; and

(ii) post any necessary notice of errors in electronic ballots before voting commences;

(i) post the sample ballots, instructions to voters, and constitutional amendments, if any; and

(j) open the ballot box in the presence of those assembled, turn it upside down to empty it of anything, and then, immediately before polls open, lock it, or if locks and

keys are not available, tape it securely.

(4) (a) If any poll worker fails to appear on the morning of the election, or fails or refuses to act:

(i) at least six qualified electors from the voting precinct who are present at the polling place at the hour designated by law for the opening of the polls shall fill the vacancy by appointing another qualified person from the voting precinct who is a member of the same political party as the poll worker who is being replaced to act as a poll worker; or

(ii) the election officer shall appoint a qualified person to act as a poll worker.

(b) If a majority of the poll workers are present, they shall open the polls, even though a poll worker has not arrived.

(5) (a) If it is impossible or inconvenient to hold an election at the polling place designated, the poll workers, after having assembled at or as near as practicable to the designated place, and before receiving any vote, may move to the nearest convenient place for holding the election.

(b) If the poll workers move to a new polling place, they shall display a proclamation of the change and station a peace officer or some other proper person at the original polling place to notify voters of the location of the new polling place.

(6) If the poll worker who received delivery of the ballots produces packages of substitute ballots accompanied by a written and sworn statement of the election officer that the ballots are substitute ballots because the original ballots were not received, were destroyed, or were stolen, the poll workers shall use those substitute ballots as the official election ballots.

(7) If, for any reason, none of the official or substitute ballots are ready for distribution at a polling place or, if the supply of ballots is exhausted before the polls are closed, the poll workers may use unofficial ballots, made as nearly as possible in the form of the official ballot, until substitutes prepared by the election officer are printed and delivered.

(8) When it is time to open the polls, one of the poll workers shall announce that the polls are open as required by Section 20A-1-302, or in the case of early voting, Section 20A-3-602.

(9) (a) The poll workers shall comply with the voting procedures and requirements of Title 20A, Chapter 3, Voting, in allowing people to vote.

(b) The poll workers may not allow any person, other than election officials and those admitted to vote, within six feet of voting devices, voting booths, and the ballot box.

(c) Besides the poll workers and watchers, the poll workers may not allow more than four voters in excess of the number of voting booths provided within six feet of voting devices, voting booths, and the ballot box.

(d) If necessary, the poll workers shall instruct each voter about how to operate the voting device before the voter enters the voting booth.

(e) (i) If the voter requests additional instructions after entering the voting booth, two poll workers may, if necessary, enter the booth and give the voter additional instructions.

(ii) In regular general elections and regular primary elections, the two poll workers who enter the voting booth to assist the voter shall be of different political

parties.

Amended by Chapter 75, 2007 General Session

20A-5-606. Closing the polls -- Preparation and delivery of election returns.

The election judges shall close the polls and prepare and deliver the election returns as provided in Chapter 4.

Amended by Chapter 2, 1994 General Session

20A-5-701. Willful neglect of duty or corrupt conduct -- Penalty.

(1) It is unlawful for any poll worker to willfully neglect the poll worker's duty or to willfully act corruptly in discharging the poll worker's duty.

(2) Any poll worker who violates this section is guilty of a third degree felony.

Amended by Chapter 253, 2013 General Session

20A-5-702. Destroying or concealing ballots.

(1) It is unlawful for any person, or officer having charge of official ballots, to destroy, suppress, or conceal them, except authorized by this title.

(2) Any person who violates this section is guilty of a third degree felony.

Amended by Chapter 253, 2013 General Session

20A-5-703. Neglect or refusal to deliver ballots or returns.

(1) It is unlawful for any person or officer who has undertaken to deliver official ballots or election returns to any voting precinct or to any poll worker or election officer to neglect, refuse, or fail to do so.

(2) Any person who violates this subsection is guilty of a class A misdemeanor and shall be imprisoned for not less than six months, and fined not less than $250.

Amended by Chapter 75, 2007 General Session

20A-5-705. Officer or watcher revealing vote.

(1) It is unlawful for any election official or watcher to reveal to any other person the name of any candidate for whom a voter has voted, or to communicate to another the election official's or watcher's opinion, belief, or impression as to how or for whom a voter has voted.

(2) A person who violates this section is guilty of a class A misdemeanor.

Amended by Chapter 253, 2013 General Session

20A-5-706. Damage, alteration, or theft of election equipment -- Penalty.

(1) It is unlawful for any person to intentionally or knowingly damage, modify, steal, tamper with, or destroy a voting device, voting equipment, or an automated voting

system.
(2) Any person who violates this section is guilty of a third degree felony.

Enacted by Chapter 326, 2006 General Session

20A-6-101. General requirements for paper ballots.
(1) Each election officer shall ensure that paper ballots:
(a) are printed on only one side of the paper;
(b) are printed using precisely the same quality and tint of plain white paper through which the printing or writing cannot be seen;
(c) are printed using precisely the same quality and kind of type;
(d) are printed using precisely the same quality and tint of plain black ink;
(e) are uniform in size for all the voting precincts within the election officer's jurisdiction;
(f) include, in elections where write-in voting is authorized, a write-in column immediately adjacent to the last column on the ballot that is long enough to contain as many written names of candidates as there are persons to be elected with:
(i) the offices to be filled printed above the blank spaces on the ticket; and
(ii) the words "Write-In Voting Column" printed at the head of the column without a 1/2 inch circle.
(2) Whenever the vote for candidates is to be limited to the voters of a particular political division, the election officer shall ensure that the names of those candidates are printed only upon those ballots provided to that political division.

Amended by Chapter 202, 2009 General Session

20A-6-102. General requirements for machine counted ballots.
(1) Each election officer shall ensure that ballots and ballot labels are printed:
(a) to a size and arrangement that fits the construction of the voting device; and
(b) in plain, clear type in black ink on clear white stock; or
(c) in plain, clear type in black ink on stock of different colors if it is necessary to:
(i) identify different ballots or parts of the ballot; or
(ii) differentiate between political parties.
(2) Each election officer shall ensure that:
(a) ballot sheets are of a size, design, and stock suitable for processing by automatic data processing machines;
(b) each ballot sheet has an attached perforated stub, on which is printed the words "Official Ballot, (initial) Poll Worker"; and
(c) ballot stubs are numbered consecutively.
(3) In elections in which voters are authorized to cast write-in votes, the election officer shall provide a separate write-in ballot, which may be in the form of a paper ballot, a card, or a secrecy envelope in which the voter places his ballot sheet after voting, to permit voters to write in the title of the office and the name of the person or persons for whom the voter wishes to cast a write-in vote.
(4) Notwithstanding any other provisions of this section, the election officer may authorize any ballots that are to be counted by means of electronic or

electromechanical devices to be printed to a size, layout, texture, and in any type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Amended by Chapter 326, 2006 General Session

20A-6-103. Internet voting pilot project.

Notwithstanding any other provisions of this title, any county may, if selected by the Department of Defense, participate in the Federal Voting Assistance Program pilot project to allow a covered voter as defined in Section 20A-16-102 to register to vote and cast their votes electronically.

Amended by Chapter 327, 2011 General Session

20A-6-105. Provisional ballot envelopes.

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

"AFFIRMATION

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

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

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

Name of Voter

_____

First Middle Last

Driver License or Identification Card Number

_____

State of Issuance of Driver License or Identification Card Number

_____

Date of Birth

_____

Street Address of Principal Place of Residence

_____

City County State Zip Code

Telephone Number (optional)

_____

Last four digits of Social Security Number _____

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

_____

City County State Zip Code

Voting Precinct (if known)

_____

I, (please print your full name)_____do solemnly swear or affirm:

That I am currently registered to vote in the state of Utah and am eligible to vote in this election; that I have not voted in this election in any other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to vote in this precinct; and

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

Signed

_____

Dated

_____

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

"CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

_____

Signature of Applicant

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

(2) The provisional ballot envelope shall include:

(a) a unique number;

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

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

Amended by Chapter 285, 2007 General Session

20A-6-105.5. Voter access to provisional ballot information.

Each county clerk shall implement, through an internet website, toll-free telephone number, or other means, a system where an individual who voted a provisional ballot may, free of charge, determine if the voter's vote was counted, and, if the vote was not counted, the reason the vote was not counted.

Enacted by Chapter 34, 2003 General Session

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

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

Amended by Chapter 327, 2011 General Session

20A-6-107. Numbering of ballot propositions and bond propositions -- Duties of election officer and lieutenant governor.

(1) (a) Except as provided in Subsections (1)(b) and (1)(c), each ballot proposition shall be listed on the ballot under the heading "Proposition #___", with the number of the ballot proposition placed in the blank.

(b) Each proposed amendment to the Utah Constitution shall be listed on the ballot under the heading "Constitutional Amendment ___", with a letter placed in the blank.

(c) Each bond proposition that has qualified for the ballot shall be listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.

(2) (a) When an election officer or other person given authority to prepare or number ballot propositions receives a ballot proposition that is eligible for inclusion on the ballot, they shall ask the lieutenant governor to assign a number to the ballot proposition.

(b) (i) Upon request from an election officer or other person given authority to prepare or number ballot propositions, the lieutenant governor shall assign each ballot proposition a unique number, except as provided under Subsection (2)(b)(iii).

(ii) Ballot proposition numbers shall be assigned sequentially, in the order requests for ballot proposition numbers are received.

(iii) The same ballot proposition number may be assigned to multiple ballot propositions if:

(A) the sponsors of each ballot proposition agree, in writing, to share the number; and

(B) the ballot propositions sharing the same number are identical in their terms, purpose, and effect, with jurisdiction being the only significant difference between the ballot propositions.

Enacted by Chapter 315, 2008 General Session

20A-6-203. Ballots for regular primary elections.

(1) The lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:

(a) develop paper ballots, ballot labels, ballot sheets, and electronic ballots to be used in Utah's regular primary election;

(b) ensure that the paper ballots, ballot labels, ballot sheets, and electronic

ballots comply generally, where applicable, with the requirements of Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, and this section; and

(c) provide voting booths, election records and supplies, ballot boxes, and as applicable, voting devices, for each voting precinct as required by Section 20A-5-403.

(2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, and Sections 20A-5-403, 20A-6-401, and 20A-6-401.1, the lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties shall ensure that the paper ballots, ballot labels, ballot sheets, electronic ballots, and voting booths, election records and supplies, and ballot boxes:

(i) facilitate the distribution, voting, and tallying of ballots in a primary where not all voters are authorized to vote for a party's candidate;

(ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;

(iii) minimize the possibility of spoiled ballots due to voter confusion; and

(iv) protect against fraud.

(b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties shall:

(i) mark, prepunch, or otherwise identify ballots and ballot sheets as being for a particular registered political party; and

(ii) instruct persons counting the ballots to count only those votes for candidates from the registered political party whose ballot the voter received.

Amended by Chapter 326, 2006 General Session

20A-6-301. Paper ballots -- Regular general election.

(1) Each election officer shall ensure that:

(a) all paper ballots furnished for use at the regular general election contain no captions or other endorsements except as provided in this section;

(b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the top of the ballot, and divided from the rest of ballot by a perforated line;

(ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(c) immediately below the perforated ballot stub, the following endorsements are printed in 18 point bold type:

(i) "Official Ballot for ____ County, Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the county clerk and the words "county clerk";

(d) each ticket is placed in a separate column on the ballot in the order specified under Section 20A-6-305 with the party emblem, followed by the party name, at the head of the column;

(e) the party name or title is printed in capital letters not less than one-fourth of an inch high;

(f) a circle one-half inch in diameter is printed immediately below the party name

or title, and the top of the circle is placed not less than two inches below the perforated line;

(g) unaffiliated candidates and candidates not affiliated with a registered political party are listed in one column in the order specified under Section 20A-6-305, without a party circle, with the following instructions printed at the head of the column: "All candidates not affiliated with a political party are listed below. They are to be considered with all offices and candidates listed to the left. Only one vote is allowed for each office.";

(h) the columns containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;

(i) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;

(j) the names of candidates are printed in capital letters, not less than one-eighth nor more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between lines or rules three-eighths of an inch apart;

(k) a square with sides measuring not less than one-fourth of an inch in length is printed immediately adjacent to the name of each candidate;

(l) for the offices of president and vice president and governor and lieutenant governor, one square with sides measuring not less than one-fourth of an inch in length is printed on the same side as but opposite a double bracket enclosing the names of the two candidates;

(m) immediately adjacent to the unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as many written names of candidates as there are persons to be elected with:

(i) for each office on the ballot, the office to be filled plainly printed immediately above:

(A) a blank, horizontal line to enable the entry of a valid write-in candidate and a square with sides measuring not less than one-fourth of an inch in length printed immediately adjacent to the blank horizontal line; or

(B) for the offices of president and vice president and governor and lieutenant governor, two blank horizontal lines, one placed above the other, to enable the entry of two valid write-in candidates, and one square with sides measuring not less than one-fourth of an inch in length printed on the same side as but opposite a double bracket enclosing the two blank horizontal lines; and

(ii) the words "Write-In Voting Column" printed at the head of the column without a one-half inch circle;

(n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent to the write-in ticket with the word "NONPARTISAN" in reverse type in an 18 point solid rule running vertically the full length of the nonpartisan ballot copy; and

(o) constitutional amendments or other questions submitted to the vote of the people, are printed on the ballot after the list of candidates.

(2) Each election officer shall ensure that:

(a) each person nominated by any political party or group of petitioners is placed on the ballot:

(i) under the party name and emblem, if any; or

(ii) under the title of the party or group as designated by them in their certificates

of nomination or petition, or, if none is designated, then under some suitable title;

(b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

(c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and

(d) the ballots contain no other names.

(3) When the ballot contains a nonpartisan section, the election officer shall ensure that:

(a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight point;

(b) the words designating the office are printed flush with the left-hand margin;

(c) the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)" extend to the extreme right of the column;

(d) the nonpartisan candidates are grouped according to the office for which they are candidates;

(e) the names in each group are placed in the order specified under Section 20A-6-305 with the surnames last; and

(f) each group is preceded by the designation of the office for which the candidates seek election, and the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)," according to the number to be elected.

(4) Each election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are listed on the ballot in accordance with Section 20A-6-107;

(b) ballot propositions submitted to the voters are listed on the ballot in accordance with Section 20A-6-107; and

(c) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.

Amended by Chapter 68, 2012 General Session

20A-6-302. Paper ballots -- Placement of candidates' names.

(1) Each election officer shall ensure, for paper ballots in regular general elections, that:

(a) each candidate is listed by party;

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

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

(2) (a) When there is only one candidate for county attorney at the regular general election in counties that have three or fewer registered voters of the county who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of county attorney? Yes ____ No ____."

(b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of county attorney.

(c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

(d) When the name of only one candidate for county attorney is printed on the ballot under authority of this Subsection (2), the county clerk may not count any write-in votes received for the office of county attorney.

(e) If no qualified person files for the office of county attorney or if the candidate is not elected by the voters, the county legislative body shall appoint the county attorney as provided in Section 20A-1-509.2.

(f) If the candidate whose name would, except for this Subsection (2)(f), be placed on the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (2)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before the date of that year's primary election that:

(i) requests the procedure set forth in Subsection (2)(a) to be followed; and

(ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

(3) (a) When there is only one candidate for district attorney at the regular general election in a prosecution district that has three or fewer registered voters of the district who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of district attorney? Yes ____ No ____."

(b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of district attorney.

(c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not elected and may not take office, nor may the candidate continue in the office past the end of the term resulting from any prior election or appointment.

(d) When the name of only one candidate for district attorney is printed on the ballot under authority of this Subsection (3), the county clerk may not count any write-in votes received for the office of district attorney.

(e) If no qualified person files for the office of district attorney, or if the only candidate is not elected by the voters under this subsection, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section 20A-1-509.2.

(f) If the candidate whose name would, except for this Subsection (3)(f), be placed on the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (3)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk

before the date of that year's primary election that:

(i) requests the procedure set forth in Subsection (3)(a) to be followed; and

(ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

Amended by Chapter 317, 2013 General Session

20A-6-303. Regular general election -- Ballot sheets.

(1) Each election officer shall ensure that:

(a) copy on the ballot sheets or ballot labels, as applicable, are arranged in approximately the same order as paper ballots;

(b) the titles of offices and the names of candidates are printed in vertical columns or in a series of separate pages;

(c) the ballot sheet or any pages used for the ballot label are of sufficient number to include, after the list of candidates:

(i) the names of candidates for judicial offices and any other nonpartisan offices; and

(ii) any ballot propositions submitted to the voters for their approval or rejection;

(d) (i) a voting square or position is included where the voter may record a straight party ticket vote for all the candidates of one party by one mark or punch; and

(ii) the name of each political party listed in the straight party selection area includes the word "party" at the end of the party's name;

(e) the tickets are printed in the order specified under Section 20A-6-305;

(f) the office titles are printed immediately adjacent to the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;

(g) the party designation of each candidate is printed immediately adjacent to the candidate's name; and

(h) (i) if possible, all candidates for one office are grouped in one column or upon one page;

(ii) if all candidates for one office cannot be listed in one column or grouped on one page:

(A) the ballot sheet or ballot label shall be clearly marked to indicate that the list of candidates is continued on the following column or page; and

(B) approximately the same number of names shall be printed in each column or on each page.

(2) Each election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are listed in accordance with Section 20A-6-107;

(b) ballot propositions submitted to the voters are listed in accordance with Section 20A-6-107; and

(c) bond propositions that have qualified for the ballot are listed under the title assigned to each bond proposition under Section 11-14-206.

Amended by Chapter 292, 2011 General Session

20A-6-304. Regular general election -- Electronic ballots.

(1) Each election officer shall ensure that:

(a) the format and content of the electronic ballot is arranged in approximately the same order as paper ballots;

(b) the titles of offices and the names of candidates are displayed in vertical columns or in a series of separate display screens;

(c) the electronic ballot is of sufficient length to include, after the list of candidates:

(i) the names of candidates for judicial offices and any other nonpartisan offices; and

(ii) any ballot propositions submitted to the voters for their approval or rejection;

(d) (i) a voting square or position is included where the voter may record a straight party ticket vote for all the candidates of one party by making a single selection; and

(ii) the name of each political party listed in the straight party selection area includes the word "party" at the end of the party's name;

(e) the tickets are displayed in the order specified under Section 20A-6-305;

(f) the office titles are displayed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;

(g) the party designation of each candidate is displayed adjacent to the candidate's name; and

(h) if possible, all candidates for one office are grouped in one column or upon one display screen.

(2) Each election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are displayed in accordance with Section 20A-6-107;

(b) ballot propositions submitted to the voters are displayed in accordance with Section 20A-6-107; and

(c) bond propositions that have qualified for the ballot are displayed under the title assigned to each bond proposition under Section 11-14-206.

Amended by Chapter 292, 2011 General Session

20A-6-305. Master ballot position list -- Random selection -- Procedures -- Publication -- Surname -- Exemptions.

(1) As used in this section, "master ballot position list" means an official list of the 26 characters in the alphabet listed in random order and numbered from one to 26 as provided under Subsection (2).

(2) The lieutenant governor shall:

(a) at the beginning of each general election year conduct a random selection to establish the master ballot position list for the current year and the next year in accordance with procedures established under Subsection (2)(c);

(b) publish the master ballot position lists on the lieutenant governor's election website on or before February 1 in each regular general election year; and

(c) establish written procedures for:

(i) the election official to use the master ballot position list; and

(ii) the lieutenant governor in:
(A) conducting the random selection in a fair manner; and
(B) providing a record of the random selection process used.
(3) In accordance with the written procedures established under Subsection (2)(c)(i), an election officer shall use the master ballot position list for the current year to determine the order in which to list candidates on the ballot for an election held during the year.
(4) To determine the order in which to list candidates on the ballot required under Subsection (3), the election officer shall apply the randomized alphabet using:
(a) the candidate's surname;
(b) for candidates with a surname that has the same spelling, the candidate's given name;
(c) the surname of the president and the surname of the governor for an election for the offices of president and vice president and governor and lieutenant governor; and
(d) if the ballot provides for a ticket or a straight party ticket, the registered political party name.
(5) This section does not apply to:
(a) an election for an office for which only one candidate is listed on the ballot; or
(b) a judicial retention election under Section 20A-12-201.

Enacted by Chapter 292, 2011 General Session

20A-6-401. Ballots for municipal primary elections.
(1) Each election officer shall ensure that:
(a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across the top of the ballot;
(ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the stub; and
(iii) ballot stubs are numbered consecutively;
(b) immediately below the perforated ballot stub, the following endorsements are printed in 18 point bold type:
(i) "Official Primary Ballot for ____ (City or Town), Utah";
(ii) the date of the election; and
(iii) a facsimile of the signature of the election officer and the election officer's title in eight point type;
(c) immediately below the election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;
(d) immediately below the horizontal rules, an "Instructions to Voters" section is printed in 10 point bold type that states: "To vote for a candidate, place a cross (X) in the square following the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;
(e) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)" are

printed to extend to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

(f) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;

(g) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates; and

(h) the candidate groups are separated from each other by one light and one heavy line or rule.

(2) A municipal primary ballot may not contain any space for write-in votes.

Amended by Chapter 68, 2012 General Session

20A-6-401.1. Ballots for partisan municipal primary elections.

(1) If a municipality is using paper ballots, each election officer shall ensure that:

(a) all paper ballots furnished for use at the regular primary election:

(i) are perforated to separate the candidates of one political party from those of the other political parties so that the voter may separate the part of the ballot containing the names of the political party of the voter's choice from the rest of the ballot;

(ii) have sides that are perforated so that the outside sections of the ballot, when detached, are similar in appearance to the inside sections of the ballot when detached; and

(iii) contain no captions or other endorsements except as provided in this section;

(b) the names of all candidates from each party are listed on the same ballot in one or more columns under their party name and emblem;

(c) the political parties are printed on the ballot in the order specified under Section 20A-6-305;

(d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the top of the ballot;

(ii) the ballot number and the words "Poll Worker's Initials ____" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(e) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:

(i) "Official Primary Ballot for ____ (name of municipality), Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the municipal clerk or recorder and the words " municipal clerk" or "municipal recorder";

(f) after the facsimile signature, the political party emblem and the name of the political party are printed;

(g) after the party name and emblem, the ballot contains the following printed in not smaller than 10-point bold face, double leaded type: "Instructions to Voters: To vote for a candidate, place a cross (X) in the square immediately adjacent to the name of the person for whom you wish to vote and in no other place. Do not vote for any candidate

listed under more than one party or group designation.", followed by two one-point parallel horizontal rules;

(h) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)" are printed to extend to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

(i) after the hair-line rule, the names of the candidates are printed in heavy face type between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;

(j) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates;

(k) the candidate groups are separated from each other by one light and one heavy line or rule; and

(l) the nonpartisan candidates are listed as follows:

(i) immediately below the listing of the party candidates, the word "NONPARTISAN" is printed in reverse type in an 18 point solid rule that extends the full width of the type copy of the party listing above; and

(ii) below "NONPARTISAN," the office, the number of candidates to vote for, the candidate's name, the voting square, and any other necessary information is printed in the same style and manner as for party candidates.

(2) (a) If a municipality is using ballot sheets or electronic ballots, the election officer may require that:

(i) the ballot, or ballot label in the case of a punch card ballot, for a regular primary election consist of several groups of pages or display screens, so that a separate group can be used to list the names of candidates seeking nomination of each qualified political party, with additional groups used to list candidates for other nonpartisan offices;

(ii) the separate groups of pages or display screens are identified by color or other suitable means; and

(iii) the ballot or ballot label contain instructions that direct the voter how to vote the ballot.

(b) If a municipality is using ballot sheets or electronic ballots, each election officer shall:

(i) for municipalities using punch card ballots, ensure that the ballot label provides a means for the voter to designate the political party in whose primary the voter is voting; and

(ii) determine the order for printing the names of the political parties on the ballot label in accordance with Section 20A-6-305.

Amended by Chapter 320, 2013 General Session

20A-6-402. Ballots for municipal general elections.

(1) When using a paper ballot at municipal general elections, each election officer shall ensure that:

(a) the names of the two candidates who received the highest number of votes for mayor in the municipal primary are placed upon the ballot;

(b) if no municipal primary election was held, the names of the candidates who filed declarations of candidacy for municipal offices are placed upon the ballot;

(c) for other offices:

(i) twice the number of candidates as there are positions to be filled are certified as eligible for election in the municipal general election from those candidates who received the greater number of votes in the primary election; and

(ii) the names of those candidates are placed upon the municipal general election ballot;

(d) the names of the candidates are placed on the ballot in the order specified under Section 20A-6-305;

(e) a write-in area is placed upon the ballot that contains, for each office:

(i) a blank, horizontal line to enable the entry of a valid write-in candidate; and

(ii) a square or other conforming area that is adjacent to or opposite the blank horizontal line to enable the voter to indicate the voter's vote;

(f) ballot propositions that have qualified for the ballot, including propositions submitted to the voters by the municipality, municipal initiatives, and municipal referenda, are listed on the ballot in accordance with Section 20A-6-107; and

(g) bond propositions that have qualified for the ballot are listed on the ballot under the title assigned to each bond proposition under Section 11-14-206.

(2) When using a punch card ballot at municipal general elections, each election officer shall ensure that:

(a) (i) the ballot contains a perforated ballot stub at least one inch wide, placed across the top of the ballot;

(ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(b) immediately below the perforated ballot stub, the following endorsements are printed in 18 point bold type:

(i) "Official Ballot for ____ (City or Town), Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the election officer and the election officer's title in eight-point type;

(c) immediately below the election officer's title, two one-point parallel horizontal rules separate endorsements from the rest of the ballot;

(d) immediately below the horizontal rules, an "Instructions to Voters" section is printed in 10-point bold type that states: "To vote for a candidate, place a cross (X) in the square following the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by two one-point parallel rules;

(e) after the rules, the designation of the office for which the candidates seek election is printed flush with the left-hand margin and the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)" are printed to extend to the extreme right of the column in 10-point bold type, followed by a hair-line rule;

(f) after the hair-line rule, the names of the candidates are printed in heavy face

type between lines or rules three-eighths inch apart, in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;

(g) a square with sides not less than one-fourth inch long is printed immediately adjacent to the names of the candidates;

(h) following the name of the last candidate for each office, the ballot contains:

(i) a write-in space for each elective office where the voter may enter the name of a valid write-in candidate; and

(ii) a square printed immediately adjacent to the write-in space or line where the voter may vote for the valid write-in candidate; and

(i) the candidate groups are separated from each other by one light and one heavy line or rule.

(3) When using a ballot sheet other than a punch card ballot at municipal general elections, each election officer shall ensure that:

(a) (i) the ballot contains a perforated ballot stub placed across the top of the ballot;

(ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(b) immediately below the perforated ballot stub, the following endorsements are printed:

(i) "Official Ballot for ____ (City or Town), Utah";

(ii) the date of the election; and

(iii) a facsimile of the signature of the election officer and the election officer's title;

(c) immediately below the election officer's title, a distinct border or line separates endorsements from the rest of the ballot;

(d) immediately below the border or line, an "Instructions to Voters" section is printed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by another border or line;

(e) after the border or line, the designation of the office for which the candidates seek election is printed and the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)" are printed, followed by a line or border;

(f) after the line or border, the names of the candidates are printed in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;

(g) an oval is printed adjacent to the names of the candidates;

(h) following the name of the last candidate for each office, the ballot contains:

(i) a write-in space or blank line for each elective office where the voter may enter the name of a valid write-in candidate; and

(ii) an oval is printed adjacent to the write-in space or line where the voter may vote for the valid write-in candidate; and

(i) the candidate groups are separated from each other by a line or border.

(4) When using an electronic ballot at municipal general elections, each election officer shall ensure that:

(a) the following endorsements are displayed on the first screen of the ballot:
(i) "Official Ballot for ____ (City or Town), Utah";
(ii) the date of the election; and
(iii) a facsimile of the signature of the election officer and the election officer's title;
(b) immediately below the election officer's title, a distinct border or line separates the endorsements from the rest of the ballot;
(c) immediately below the border or line, an "Instructions to Voters" section is displayed that states: "To vote for a candidate, select the name(s) of the person(s) you favor as the candidate(s) for each respective office." followed by another border or line;
(d) after the border or line, the designation of the office for which the candidates seek election is displayed, and the words, "Vote for one" or "Vote for up to _____ (the number of candidates for which the voter may vote)" are displayed, followed by a line or border;
(e) after the line or border, the names of the candidates are displayed in the order specified under Section 20A-6-305 with surnames last and grouped according to the office that they seek;
(f) a voting square or position is located adjacent to the name of each candidate;
(g) following the name of the last candidate for each office, the ballot contains a write-in space where the voter may enter the name of and vote for a valid write-in candidate for the office; and
(h) the candidate groups are separated from each other by a line or border.
(5) When a municipality has chosen to nominate candidates by convention or committee, the election officer shall ensure that the party name is included with the candidate's name on the ballot.

Amended by Chapter 68, 2012 General Session

20A-7-101. Definitions.
As used in this chapter:
(1) "Budget officer" means:
(a) (i) for a county of the first class, the person designated as budget officer in Section 17-19a-203; or
(ii) for a county not described in Subsection (1)(a)(i), a person designated as budget officer in Section 17-19-19;
(b) for a city, the person designated as budget officer in Subsection 10-6-106(5); or
(c) for a town, the town council.
(2) "Certified" means that the county clerk has acknowledged a signature as being the signature of a registered voter.
(3) "Circulation" means the process of submitting an initiative or referendum petition to legal voters for their signature.
(4) "Final fiscal impact statement" means a financial statement prepared after voters approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or 20A-7-502.5(2).
(5) "Initial fiscal impact estimate" means a financial statement prepared

according to the terms of Section 20A-7-202.5 or 20A-7-502.5 after the filing of an application for an initiative petition.

(6) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.

(7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law, and the signature sheets, all of which have been bound together as a unit.

(8) "Legal signatures" means the number of signatures of legal voters that:

(a) meet the numerical requirements of this chapter; and

(b) have been certified and verified as provided in this chapter.

(9) "Legal voter" means a person who:

(a) is registered to vote; or

(b) becomes registered to vote before the county clerk certifies the signatures on an initiative or referendum petition.

(10) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.

(11) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum petition is circulated.

(12) (a) "Local law" includes an ordinance, resolution, master plan, and any comprehensive zoning regulation adopted by ordinance or resolution.

(b) "Local law" does not include an individual property zoning decision.

(13) "Local legislative body" means the legislative body of a county, city, or town.

(14) "Local obligation law" means a local law passed by the local legislative body regarding a bond that was approved by a majority of qualified voters in an election.

(15) "Measure" means a proposed constitutional amendment, an initiative, or referendum.

(16) "Referendum" means a process by which a law passed by the Legislature or by a local legislative body is submitted or referred to the voters for their approval or rejection.

(17) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted or referred to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.

(18) (a) "Signature" means a holographic signature.

(b) "Signature" does not mean an electronic signature.

(19) "Signature sheets" means sheets in the form required by this chapter that are used to collect signatures in support of an initiative or referendum.

(20) "Sponsors" means the legal voters who support the initiative or referendum and who sign the application for petition copies.

(21) "Sufficient" means that the signatures submitted in support of an initiative or referendum petition have been certified and verified as required by this chapter.

(22) "Verified" means acknowledged by the person circulating the petition as required in Sections 20A-7-205 and 20A-7-305.

Amended by Chapter 17, 2012 General Session

Amended by Chapter 72, 2012 General Session

20A-7-102. Initiatives and referenda authorized -- Restrictions.

By following the procedures and requirements of this chapter, Utah voters may, subject to the restrictions of Article VI, Sec. 1, Utah Constitution and this chapter:

(1) initiate any desired legislation and cause it to be submitted to:

(a) the Legislature or to a vote of the people for approval or rejection if it is a proposed state law; or

(b) a local legislative body or to a vote of the people if it is a local law;

(2) require any law passed by the Legislature, except those laws passed by a two-thirds vote of the members elected to each house of the Legislature, to be referred to the voters for their approval or rejection before the law takes effect; and

(3) require any law or ordinance passed by a local legislative body to be referred to the voters for their approval or rejection before the law takes effect.

Amended by Chapter 272, 1994 General Session

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

(1) The procedures contained in this section govern when the Legislature submits a proposed constitutional amendment or other question to the voters.

(2) In addition to the publication in the voter information pamphlet required by Section 20A-7-702, the lieutenant governor shall, not more than 60 days or less than 14 days before the date of the election, publish the full text of the amendment, question, or statute in at least one newspaper in every county of the state where a newspaper is published.

(3) The legislative general counsel shall:

(a) entitle each proposed constitutional amendment "Constitutional Amendment __" and assign it a letter according to the requirements of Section 20A-6-107;

(b) entitle each proposed question "Proposition Number __" with the number assigned to the proposition under Section 20A-6-107 placed in the blank;

(c) draft and designate a ballot title for each proposed amendment or question submitted by the Legislature that summarizes the subject matter of the amendment or question; and

(d) deliver each number and title to the lieutenant governor.

(4) The lieutenant governor shall certify the number and ballot title of each amendment or question to the county clerk of each county no later than 65 days before the date of the election.

(5) The county clerk of each county shall:

(a) ensure that both the number and title of each amendment and question is printed on the sample ballots and official ballots; and

(b) publish them as provided by law.

Amended by Chapter 327, 2011 General Session

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

(1) (a) A person seeking to have an initiative submitted to the Legislature for approval or rejection shall obtain:

(i) legal signatures equal to 5% of the cumulative total of all votes cast by voters of this state for all candidates for President of the United States at the last regular general election at which a President of the United States was elected; and

(ii) from each of at least 26 Utah State Senate districts, legal signatures equal to 5% of the total of all votes cast in that district for all candidates for President of the United States at the last regular general election at which a President of the United States was elected.

(b) If, at any time not less than 10 days before the beginning of the next annual general session of the Legislature, immediately after the application is filed under Section 20A-7-202 and specified on the petition under Section 20A-7-203 the lieutenant governor declares sufficient any initiative petition that is signed by enough voters to meet the requirements of this Subsection (1), the lieutenant governor shall deliver a copy of the petition and the cover sheet required by Subsection (1)(c) to the president of the Senate, the speaker of the House, and the director of the Office of Legislative Research and General Counsel.

(c) In delivering a copy of the petition, the lieutenant governor shall include a cover sheet that contains:

(i) the cumulative total of all votes cast by voters of this state for all candidates for President of the United States at the last regular general election at which a President of the United States was elected;

(ii) the total of all votes cast in each Utah State Senate district for all candidates for President of the United States at the last regular general election at which a President of the United States was elected;

(iii) the total number of certified signatures received for the submitted initiative; and

(iv) the total number of certified signatures received from each Utah State Senate district for the submitted initiative.

(2) (a) A person seeking to have an initiative submitted to a vote of the people for approval or rejection shall obtain:

(i) legal signatures equal to 10% of the cumulative total of all votes cast by voters of this state for all candidates for President of the United States at the last regular general election at which a President of the United States was elected; and

(ii) from each of at least 26 Utah State Senate districts, legal signatures equal to 10% of the total of all votes cast in that district for all candidates for President of the United States at the last regular general election at which a President of the United States was elected.

(b) If an initiative petition meets the requirements of this part and the lieutenant governor declares the initiative petition to be sufficient, the lieutenant governor shall submit the proposed law to a vote of the people at the next regular general election:

(i) immediately after the application is filed under Section 20A-7-202; and

(ii) specified on the petition under Section 20A-7-203.

(3) The lieutenant governor shall provide the following information from the

official canvass of the last regular general election at which a President of the United States was elected to any interested person:

(a) the cumulative total of all votes cast by voters in this state for all candidates for President of the United States; and

(b) for each Utah State Senate district, the total of all votes cast in that district for all candidates for President of the United States.

Amended by Chapter 17, 2011 General Session

20A-7-202. Statewide initiative process -- Application procedures -- Time to gather signatures -- Grounds for rejection.

(1) Persons wishing to circulate an initiative petition shall file an application with the lieutenant governor.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the initiative petition;

(b) a statement indicating that each of the sponsors:

(i) is a resident of Utah; and

(ii) has voted in a regular general election in Utah within the last three years;

(c) the signature of each of the sponsors, attested to by a notary public;

(d) a copy of the proposed law that includes:

(i) the title of the proposed law, which clearly expresses the subject of the law; and

(ii) the text of the proposed law; and

(e) a statement indicating whether or not persons gathering signatures for the petition may be paid for doing so.

(3) The application and its contents are public when filed with the lieutenant governor.

(4) If the petition fails to qualify for the ballot of the election described in Subsection 20A-7-201(2)(b), the sponsors shall:

(a) submit a new application;

(b) obtain new signature sheets; and

(c) collect signatures again.

(5) The lieutenant governor shall reject the application or application addendum filed under Subsection 20A-7-204.1(4) and not issue circulation sheets if:

(a) the law proposed by the initiative is patently unconstitutional;

(b) the law proposed by the initiative is nonsensical;

(c) the proposed law could not become law if passed;

(d) the proposed law contains more than one subject as evaluated in accordance with Subsection (6);

(e) the subject of the proposed law is not clearly expressed in the law's title; or

(f) the law proposed by the initiative is identical or substantially similar to a law proposed by an initiative that was submitted to the county clerks and lieutenant governor for certification and evaluation within two years preceding the date on which the application for this initiative was filed.

(6) To evaluate whether the proposed law contains more than one subject under

Subsection (5)(d), the lieutenant governor shall apply the same standard provided in Utah Constitution, Article VI, Section 22, which prohibits a bill from passing that contains more than one subject.

Amended by Chapter 17, 2011 General Session
Amended by Chapter 297, 2011 General Session
Amended by Chapter 315, 2011 General Session

20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge to estimate.

(1) Within three working days of receipt of an application for an initiative petition, the lieutenant governor shall submit a copy of the application to the Governor's Office of Management and Budget.

(2) (a) The Governor's Office of Management and Budget shall prepare an unbiased, good faith estimate of the fiscal impact of the law proposed by the initiative that contains:

(i) a dollar amount representing the total estimated fiscal impact of the proposed law;

(ii) if the proposed law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax affected under the proposed law and a dollar amount representing the total estimated increase or decrease in taxes under the proposed law;

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

(iv) a listing of all sources of funding for the estimated costs associated with the proposed law showing each source of funding and the percentage of total funding provided from each source;

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

(vi) a concise explanation, not exceeding 100 words, of the above information and of the estimated fiscal impact, if any, under the proposed law.

(b) (i) If the proposed law is estimated to have no fiscal impact, the Governor's Office of Management and Budget shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The Governor's Office of Management and Budget estimates that the law proposed by this initiative would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."

(ii) If the proposed law is estimated to have a fiscal impact, the Governor's Office of Management and Budget shall include a summary statement in the initial fiscal impact estimate in substantially the following form:

"The Governor's Office of Management and Budget estimates that the law proposed by this initiative would result in a total fiscal expense/savings of $_____, which includes a (type of tax or taxes) tax increase/decrease of $_____ and a $_____ increase/decrease in state debt."

(iii) If the estimated fiscal impact of the proposed law is highly variable or is

otherwise difficult to reasonably express in a summary statement, the Governor's Office of Management and Budget may include in the summary statement a brief explanation that identifies those factors affecting the variability or difficulty of the estimate.

(3) The Governor's Office of Management and Budget shall prepare an unbiased, good faith estimate of the cost of printing and distributing information related to the initiative petition in:

(a) the voter information pamphlet as required by Title 20A, Chapter 7, Part 7, Voter Information Pamphlet; or

(b) the newspaper, as required by Section 20A-7-702.

(4) Within 25 calendar days from the date that the lieutenant governor delivers a copy of the application, the Governor's Office of Management and Budget shall:

(a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's office; and

(b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in the initiative application.

(5) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar days of the date of delivery of the initial fiscal impact estimate to the lieutenant governor's office, file a petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.

(ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor to send notice of the petition to:

(A) any person or group that has filed an argument with the lieutenant governor's office for or against the measure that is the subject of the challenge; and

(B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.

(b) (i) There is a presumption that the initial fiscal impact estimate prepared by the Governor's Office of Management and Budget is based upon reasonable assumptions, uses reasonable data, and applies accepted analytical methods to present the estimated fiscal impact of the initiative.

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

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

(c) The Supreme Court shall certify to the lieutenant governor a fiscal impact estimate for the measure that meets the requirements of this section.

Amended by Chapter 310, 2013 General Session

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

(1) (a) Each proposed initiative petition shall be printed in substantially the

following form:

"INITIATIVE PETITION To the Honorable ____, Lieutenant Governor:

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

Each signer says:

I have personally signed this petition;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

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

NOTICE TO SIGNERS:

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

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

(2) Each signature sheet shall:

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

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

(c) contain the title of the initiative printed below the horizontal line;

(d) contain the initial fiscal impact estimate's summary statement issued by the Governor's Office of Management and Budget according to Subsection 20A-7-202.5(2)(b), including any update according to Subsection 20A-7-204.1(4), and the cost estimate for printing and distributing information related to the initiative petition according to Subsection 20A-7-202.5(3), printed or typed in not less than 12 point, bold type, at the top of each signature sheet under the title of the initiative;

(e) contain the word "Warning" printed or typed at the top of each signature sheet under the initial fiscal impact estimate's summary statement;

(f) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight point, single leaded type:

"It is a class A misdemeanor for anyone to sign any initiative petition with any other name than his own, or knowingly to sign his name more than once for the same measure, or to sign an initiative petition when he knows he is not a registered voter and knows that he does not intend to become registered to vote before the certification of the petition names by the county clerk."; and

(g) be vertically divided into columns as follows:

(i) the first column shall appear at the extreme left of the sheet, be five-eighths inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle with the left subdivision entitled "Registered" and the right subdivision left untitled;

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

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

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

(Optional)";

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

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

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

"Verification

State of Utah, County of ____

I, _____, of ____, hereby state that:

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

All the names that appear in this packet were signed by persons who professed to be the persons whose names appear in it, and each of them signed his name on it in my presence;

I believe that each has printed and signed his name and written his post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

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

_____

(Name) (Residence Address) (Date)"

(4) The forms prescribed in this section are not mandatory, and, if substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

Amended by Chapter 310, 2013 General Session

20A-7-204. Circulation requirements -- Lieutenant governor to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate initiative packets that meet the form requirements of this part.

(2) The lieutenant governor shall furnish to the sponsors:

(a) a copy of the initiative petition, with any change submitted under Subsection 20A-7-204.1(4); and

(b) one signature sheet.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the initiative for circulation by creating multiple initiative packets.

(b) The sponsors shall create those packets by binding a copy of the initiative petition, a copy of the proposed law, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each initiative packet.

(5) (a) After the sponsors have prepared sufficient initiative packets, they shall return them to the lieutenant governor.

(b) The lieutenant governor shall:

(i) number each of the initiative packets and return them to the sponsors within five working days; and

(ii) keep a record of the numbers assigned to each packet.

Amended by Chapter 315, 2011 General Session

20A-7-204.1. Public hearings to be held before initiative petitions are circulated -- Changes to an initiative and initial fiscal impact estimate.

(1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of Management and Budget and before circulating initiative petitions for signature statewide, sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as follows:

(i) one in the Bear River region -- Box Elder, Cache, or Rich County;

(ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington County;

(iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

(iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne County;

(v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

(vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

(vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber County.

(b) Of the seven meetings, at least two of the meetings shall be held in a first or second class county, but not in the same county.

(2) At least three calendar days before the date of the public hearing, the sponsors shall:

(a) provide written notice of the public hearing to:

(i) the lieutenant governor for posting on the state's website; and

(ii) each state senator, state representative, and county commission or county council member who is elected in whole or in part from the region where the public hearing will be held; and

(b) publish written notice of the public hearing detailing its time, date, and location:

(i) in at least one newspaper of general circulation in each county in the region where the public hearing will be held; and

(ii) on the Utah Public Notice Website created in Section 63F-1-701.

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

(i) video tape or audio tape the public hearing and, when the hearing is complete, deposit the complete audio or video tape of the meeting with the lieutenant governor; or

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

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

(4) (a) Within 14 days after conducting the seventh public hearing required by Subsection (1)(a) and before circulating an initiative petition for signatures, the sponsors of the initiative petition may change the text of the proposed law if:

(i) a change to the text is:

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

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

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

(b) (i) Within three working days of receipt of an application addendum to change the text of the proposed law in an initiative petition, the lieutenant governor shall submit a copy of the application addendum to the Governor's Office of Management and Budget.

(ii) The Governor's Office of Management and Budget shall update the initial fiscal impact estimate by following the procedures and requirements of Section 20A-7-202.5 to reflect a change to the text of the proposed law.

Amended by Chapter 310, 2013 General Session

20A-7-205. Obtaining signatures -- Verification -- Removal of signature.

(1) A Utah voter may sign an initiative petition if the voter is a legal voter.

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

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

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

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

(3) (a) A voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) The statement shall include:

(i) the name of the voter;

(ii) the resident address at which the voter is registered to vote;

(iii) the last four digits of the voter's Social Security number;

(iv) the driver license or identification card number; and

(v) the signature of the voter.

(c) A voter may not submit a statement by email or other electronic means.

(d) In order for the signature to be removed, the statement must be received by the county clerk before May 15.

(e) The county clerk shall deliver all statements received under this Subsection (3):

(i) with the initiative petition packets delivered to the lieutenant governor; or

(ii) in a supplemental delivery to the lieutenant governor for a statement submitted after the county clerk delivered the initiative packets.

(f) A person may only remove a signature from an initiative petition in accordance with this Subsection (3).

Amended by Chapter 17, 2011 General Session

20A-7-205.5. Initial disclosures -- Paid circulators.

(1) When petitions are being circulated by paid circulators, the sponsors of the initiative shall file a report with the lieutenant governor on the second Tuesday in March of the year of the regular general election and on the Tuesday before the regular general election.

(2) The report shall contain:

(a) the names of the sponsors; and

(b) the name of the proposed measure for which petitions are being circulated by paid circulators.

Amended by Chapter 237, 2008 General Session

20A-7-206. Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.

(1) (a) In order to qualify an initiative petition for placement on the regular general election ballot, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated on or before the sooner of:

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

(ii) the April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-202.

(b) A sponsor may not submit an initiative packet after the deadline established in this Subsection (1).

(2) (a) No later than May 1 before the regular general election, the county clerk shall:

(i) check the names of all persons completing the verification for the initiative packet to determine whether those persons are residents of Utah and are at least 18 years old; and

(ii) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

(b) The county clerk may not certify a signature under Subsection (3) on an initiative packet that is not verified in accordance with Section 20A-7-205.

(3) No later than May 15 before the regular general election, the county clerk

shall:

(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-206.3;

(b) certify on the petition whether each name is that of a registered voter; and

(c) deliver all of the verified initiative packets to the lieutenant governor.

(4) Upon receipt of an initiative packet under Subsection (3) and any statement submitted under Subsection 20A-7-205(3), the lieutenant governor shall remove from the initiative petition a voter's signature if the voter has requested the removal in accordance with Subsection 20A-7-205(3).

(5) In order to qualify an initiative petition for submission to the Legislature, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated by the November 15 before the next annual general session of the Legislature immediately after the application is filed under Section 20A-7-202.

(6) (a) No later than December 1 before the annual general session of the Legislature, the county clerk shall:

(i) check the names of all persons completing the verification for the initiative packet to determine whether those persons are Utah residents and are at least 18 years old; and

(ii) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

(b) The county clerk may not certify a signature under Subsection (7) on an initiative packet that is not verified in accordance with Section 20A-7-205.

(7) No later than December 15 before the annual general session of the Legislature, the county clerk shall:

(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-206.3;

(b) certify on the petition whether each name is that of a registered voter; and

(c) deliver all of the verified initiative packets to the lieutenant governor.

(8) The sponsor or their representatives may not retrieve initiative packets from the county clerks once they have submitted them.

Amended by Chapter 231, 2013 General Session

20A-7-206.3. Verification of petition signatures.

(1) (a) For the purposes of this section, "substantially similar name" means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) For the purposes of this section, "substantially similar name" does not mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) The county clerk shall use the following procedures in determining whether or not a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of a person on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(b)(i).

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of a person on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(c)(i).

(d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the county clerk shall declare the signature to be invalid.

Amended by Chapter 17, 2011 General Session

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

(1) When each initiative packet is received from a county clerk, the lieutenant governor shall check off from the record the number of each initiative packet filed.

(2) (a) After all of the initiative packets have been received by the lieutenant governor and the lieutenant governor has removed the signatures as required by Section 20A-7-206, the lieutenant governor shall:

(i) count the number of the names certified by the county clerks that remain on each verified signature sheet; and

(ii) declare the petition to be sufficient or insufficient by June 1 before the regular general election described in Subsection 20A-7-201(2)(b).

(b) If the total number of names counted under Subsection (2)(a)(i) equals or exceeds the number of names required by Section 20A-7-201 and the requirements of this part are met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."

(c) If the total number of names counted under Subsection (2)(a)(i) does not equal or exceed the number of names required by Section 20A-7-201 or a requirement

of this part is not met, the lieutenant governor shall mark upon the front of the petition the word "insufficient."

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

(3) Once a petition is declared insufficient, the sponsors may not submit additional signatures to qualify the petition for the ballot.

(4) (a) If the lieutenant governor refuses to accept and file any initiative petition that a sponsor believes is legally sufficient, any voter may, by June 15, apply to the supreme court for an extraordinary writ to compel the lieutenant governor to do so.

(b) The supreme court shall:

(i) determine whether or not the initiative petition is legally sufficient; and

(ii) certify its findings to the lieutenant governor.

(c) If the supreme court certifies that the initiative petition is legally sufficient, the lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in the lieutenant governor's office.

(d) If the supreme court determines that any petition filed is not legally sufficient, the supreme court may enjoin the lieutenant governor and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.

(5) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Amended by Chapter 17, 2011 General Session

20A-7-208. Disposition of initiative petitions by the Legislature.

(1) (a) Except as provided in Subsection (1)(b), when the lieutenant governor delivers an initiative petition to the Legislature, the law proposed by that initiative petition shall be either enacted or rejected without change or amendment by the Legislature.

(b) The speaker of the House and the president of the Senate may direct legislative staff to:

(i) make technical corrections authorized by Section 36-12-12; and

(ii) prepare a legislative review note and a legislative fiscal note on the law proposed by the initiative petition.

(c) If any law proposed by an initiative petition is enacted by the Legislature, it is subject to referendum the same as other laws.

(2) If any law proposed by a petition is not enacted by the Legislature, that proposed law shall be submitted to a vote of the people at the next regular general election if:

(a) sufficient additional signatures to the petition are first obtained to bring the total number of signatures up to the number required by Subsection 20A-7-201(2); and

(b) those additional signatures are verified, certified by the county clerks, and declared sufficient by the lieutenant governor as provided in this part.

Amended by Chapter 115, 1999 General Session

20A-7-209. Ballot title -- Duties of lieutenant governor and Office of

Legislative Research and General Counsel.

(1) By June 5 before the regular general election, the lieutenant governor shall deliver a copy of all of the proposed laws that have qualified for the ballot to the Office of Legislative Research and General Counsel.

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

(i) entitle each state initiative that has qualified for the ballot "Proposition Number __" and give it a number as assigned under Section 20A-6-107;

(ii) prepare an impartial ballot title for each initiative summarizing the contents of the measure; and

(iii) return each petition and ballot title to the lieutenant governor by June 26.

(b) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall be not more than 100 words.

(c) For each state initiative, the official ballot shall show:

(i) the number of the initiative as determined by the Office of Legislative Research and General Counsel;

(ii) the ballot title as determined by the Office of Legislative Research and General Counsel; and

(iii) the initial fiscal impact estimate prepared under Section 20A-7-202.5 or updated under Section 20A-7-204.1.

(3) By June 27, the lieutenant governor shall mail a copy of the ballot title to any sponsor of the petition.

(4) (a) (i) At least three of the sponsors of the petition may, by July 6, challenge the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the Supreme Court.

(ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor to send notice of the appeal to:

(A) any person or group that has filed an argument for or against the measure that is the subject of the challenge; or

(B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.

(b) (i) There is a presumption that the ballot title prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the initiative.

(ii) The Supreme Court may not revise the wording of the ballot title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is patently false or biased.

(c) The Supreme Court shall:

(i) examine the ballot title;

(ii) hear arguments; and

(iii) certify to the lieutenant governor a ballot title for the measure that meets the requirements of this section.

(d) The lieutenant governor shall certify the title verified by the Supreme Court to the county clerks to be printed on the official ballot.

Amended by Chapter 334, 2012 General Session

20A-7-210. Form of ballot -- Manner of voting.

(1) The county clerks shall ensure that the number and ballot title verified to them by the lieutenant governor are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the elector may indicate his vote.

(2) Electors desiring to vote in favor of enacting the law proposed by the initiative petition shall mark the square adjacent to the word "For," and those desiring to vote against enacting the law proposed by the initiative petition shall mark the square adjacent to the word "Against."

Amended by Chapter 202, 2009 General Session

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

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

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

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

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

(ii) declares those laws proposed by an initiative petition that were approved by majority vote to be in full force and effect as the law of Utah.

(b) When the governor believes that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, he shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.

(c) (i) Within 10 days after the governor's proclamation, any qualified voter who signed the initiative petition proposing the law that is declared by the governor to be superseded by another measure approved at the same election may apply to the Supreme Court to review the governor's decision.

(ii) The court shall:

(A) consider the matter and decide whether or not the proposed laws are in conflict; and

(B) certify its decision to the governor.

(4) Within 10 days after the Supreme Court certifies its decision, the governor shall:

(a) proclaim all those measures approved by the people as law that the Supreme Court has determined are not in conflict; and

(b) of all those measures approved by the people as law that the Supreme Court has determined to be in conflict, proclaim as law the one that received the greatest

number of affirmative votes, regardless of difference in majorities.

Amended by Chapter 367, 2010 General Session

20A-7-212. Effective date.

(1) A proposed law submitted to the Legislature by initiative petition and enacted by them takes effect 60 days after the final adjournment of the session of the Legislature that passed it, unless a different effective date is included in the proposed law and the proposed law passes the Legislature by a two-thirds vote of the members elected to each house of the Legislature.

(2) (a) Any proposed law submitted to the people by initiative petition that is approved by the voters at any election does not take effect until at least five days after the date of the official proclamation of the vote by the governor.

(b) Any act or law submitted to the people by initiative that is approved by the voters at any election takes effect on the date specified in the initiative petition.

(c) If the initiative petition does not specify an effective date, a law approved by the voters at any election takes effect five days after the date of the official proclamation of the vote by the governor.

(3) (a) The governor may not veto a law adopted by the people.

(b) The Legislature may amend any initiative approved by the people at any legislative session.

Amended by Chapter 20, 2001 General Session

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

(1) It is unlawful for any person to:

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

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

(c) sign an initiative knowing the person is not a legal voter; or

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

(2) It is unlawful for any person to sign the verification for an initiative packet knowing that:

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

(b) the person has not witnessed the signatures of those persons whose names appear in the initiative packet; or

(c) one or more persons whose signatures appear in the initiative packet is either:

(i) not registered to vote in Utah; or

(ii) does not intend to become registered to vote in Utah.

(3) It is unlawful for any person to:

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

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

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

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

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

Amended by Chapter 253, 2013 General Session

20A-7-214. Fiscal review -- Repeal, amendment, or resubmission.

(1) No later 60 days after the date of an election in which the voters approve an initiative petition, the Governor's Office of Management and Budget shall:

(a) for each initiative approved by the voters, prepare a final fiscal impact statement, using current financial information and containing the information required by Subsection 20A-7-202.5(2); and

(b) deliver a copy of the final fiscal impact statement to:

(i) the president of the Senate;

(ii) the minority leader of the Senate;

(iii) the speaker of the House of Representatives;

(iv) the minority leader of the House of Representatives; and

(v) the first five sponsors listed on the initiative application.

(2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25% or more, the Legislature shall review the final fiscal impact statement and may, in any legislative session following the election in which the voters approved the initiative petition:

(a) repeal the law established by passage of the initiative;

(b) amend the law established by passage of the initiative; or

(c) pass a joint or concurrent resolution informing the voters that they may file an initiative petition to repeal the law enacted by the passage of the initiative.

Amended by Chapter 310, 2013 General Session

20A-7-301. Referendum -- Signature requirements -- Submission to voters.

(1) (a) A person seeking to have a law passed by the Legislature submitted to a vote of the people shall obtain:

(i) legal signatures equal to 10% of the cumulative total of all votes cast by voters of this state for all candidates for President of the United States at the last regular general election at which a President of the United States was elected; and

(ii) from each of at least 15 counties, legal signatures equal to 10% of the total of all votes cast in that county for all candidates for President of the United States at the last regular general election at which a President of the United States was elected.

(b) When the lieutenant governor declares a referendum petition sufficient under this part, the governor shall issue an executive order that:

(i) directs that the referendum be submitted to the voters at the next regular general election; or

(ii) calls a special election according to the requirements of Section 20A-1-203 and directs that the referendum be submitted to the voters at that special election.

(2) When a referendum petition has been declared sufficient, the law that is the subject of the petition does not take effect unless and until it is approved by a vote of the people at a regular general election or a statewide special election.

(3) The lieutenant governor shall provide to any interested person from the

official canvass of the last regular general election at which a President of the United States was elected:

(a) the cumulative total of all votes cast by voters of this state for all candidates for President of the United States; and

(b) for each county, the total of all votes cast in that county for all candidates for President of the United States.

Amended by Chapter 17, 2011 General Session

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

(1) Persons wishing to circulate a referendum petition shall file an application with the lieutenant governor within five calendar days after the end of the legislative session at which the law passed.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the referendum petition;

(b) a certification indicating that each of the sponsors:

(i) is a voter; and

(ii) has voted in a regular general election in Utah within the last three years;

(c) the signature of each of the sponsors, attested to by a notary public; and

(d) a copy of the law.

Amended by Chapter 153, 1995 General Session

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

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

"REFERENDUM PETITION To the Honorable ____, Lieutenant Governor:

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

Each signer says:

I have personally signed this petition;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

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

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

(2) Each signature sheet shall:

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

(b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;

(c) contain the title of the referendum printed below the horizontal line;

(d) contain the word "Warning" printed or typed at the top of each signature

sheet under the title of the referendum;

(e) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to sign any referendum petition with any other name than his own, or knowingly to sign his name more than once for the same measure, or to sign a referendum petition when he knows he is not a registered voter and knows that he does not intend to become registered to vote before the certification of the petition names by the county clerk.";

(f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required by this section; and

(g) be vertically divided into columns as follows:

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

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

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

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

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

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

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

"Verification

State of Utah, County of ____

I, _____, of ____, hereby state that:

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

All the names that appear in this packet were signed by persons who professed to be the persons whose names appear in it, and each of them signed his name on it in my presence;

I believe that each has printed and signed his name and written his post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

_____ _____

(Name) (Residence Address) (Date)"

(4) The forms prescribed in this section are not mandatory, and, if substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

Amended by Chapter 78, 2007 General Session

20A-7-304. Circulation requirements -- Lieutenant governor to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate referendum packets that meet the form requirements of this part.

(2) The lieutenant governor shall furnish to the sponsors:

(a) a copy of the referendum petition; and

(b) a signature sheet.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the referendum for circulation by creating multiple referendum packets.

(b) The sponsors shall create those packets by binding a copy of the referendum petition, a copy of the law that is the subject of the referendum, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each referendum packet.

(5) (a) After the sponsors have prepared sufficient referendum packets, they shall return them to the lieutenant governor.

(b) The lieutenant governor shall:

(i) number each of the referendum packets and return them to the sponsors within five working days; and

(ii) keep a record of the numbers assigned to each packet.

Amended by Chapter 153, 1995 General Session

20A-7-305. Obtaining signatures -- Verification -- Removal of signature.

(1) A Utah voter may sign a referendum petition if the voter is a legal voter.

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

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

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

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

(3) (a) (i) A voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) The statement shall include:
(i) the name of the voter;
(ii) the resident address at which the voter is registered to vote;
(iii) the last four digits of the voter's Social Security number;
(iv) the driver license or identification card number; and
(v) the signature of the voter.
(c) A voter may not submit a statement by email or other electronic means.
(d) In order for the signature to be removed, the statement must be received by the county clerk before the day which is 55 days after the end of the legislative session at which the law passed.
(e) The county clerk shall deliver all statements received under this Subsection (3):
(i) with the referendum petition packets to the lieutenant governor; or
(ii) in a supplemental delivery to the lieutenant governor for a statement submitted after the county clerk delivered the referendum petition packets.
(f) A person may only remove a signature from a referendum petition in accordance with this Subsection (3).

Amended by Chapter 17, 2011 General Session

20A-7-306. Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.

(1) (a) No later than 40 days after the end of the legislative session at which the law passed, the sponsors shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated.
(b) A sponsor may not submit a referendum packet after the deadline established in this Subsection (1).
(2) (a) No later than 55 days after the end of the legislative session at which the law passed, the county clerk shall:
(i) check the names of all persons completing the verification on the last page of each referendum packet to determine whether or not those persons are Utah residents and are at least 18 years old; and
(ii) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.
(b) The county clerk may not certify a signature under Subsection (3) on a referendum packet that is not verified in accordance with Section 20A-7-305.
(3) No later than 55 days after the end of the legislative session at which the law passed, the county clerk shall:
(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-306.3;
(b) certify on the referendum petition whether each name is that of a registered voter; and
(c) deliver all of the verified referendum packets to the lieutenant governor.
(4) Upon receipt of a referendum packet under Subsection (3) and any statement submitted under Subsection 20A-7-305(3), the lieutenant governor shall remove from the referendum petition a voter's signature if the voter has requested the

removal in accordance with Subsection 20A-7-305(3).

Amended by Chapter 17, 2011 General Session

20A-7-306.3. Verification of petition signatures.

(1) (a) For the purposes of this section, "substantially similar name" means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) For the purposes of this section, "substantially similar name" does not mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) The county clerk shall use the following procedures in determining whether or not a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of a person on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(b)(i).

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of a person on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(c)(i).

(d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county clerk shall declare the signature to be invalid.

Amended by Chapter 17, 2011 General Session

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

(1) When each referendum packet is received from a county clerk, the lieutenant governor shall check off from the record the number of each referendum packet filed.

(2) (a) After all of the referendum packets have been received by the lieutenant governor and the lieutenant governor has removed the signatures as required by Section 20A-7-306, the lieutenant governor shall:

(i) count the number of the names certified by the county clerks that remain on each verified signature sheet; and

(ii) declare the petition to be sufficient or insufficient no later than 60 days after the end of the legislative session at which the law passed.

(b) If the total number of names counted under Subsection (2)(a)(i) equals or exceeds the number of names required by Section 20A-7-301 and the requirements of this part are met, the lieutenant governor shall mark upon the front of the petition the word "sufficient."

(c) If the total number of names counted under Subsection (2)(a)(i) does not equal or exceed the number of names required by Section 20A-7-301 or a requirement of this part is not met, the lieutenant governor shall mark upon the front of the petition the word "insufficient."

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

(3) (a) If the lieutenant governor refuses to accept and file any referendum petition, any voter may apply to the supreme court for an extraordinary writ to compel the lieutenant governor to do so within 10 days after the refusal.

(b) If the supreme court determines that the referendum petition is legally sufficient, the lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in the lieutenant governor's office.

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

(4) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Amended by Chapter 17, 2011 General Session

20A-7-308. Ballot title -- Duties of lieutenant governor and Office of Legislative Research and General Counsel.

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

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

(i) entitle each state referendum that has qualified for the ballot "Proposition Number __" and give it a number as assigned under Section 20A-6-107;

(ii) prepare an impartial ballot title for the referendum summarizing the contents of the measure; and

(iii) return the petition and the ballot title to the lieutenant governor within 15

days after its receipt.

(b) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall be not more than 100 words.

(c) The ballot title and the number of the measure as determined by the Office of Legislative Research and General Counsel shall be printed on the official ballot.

(3) Immediately after the Office of Legislative Research and General Counsel files a copy of the ballot title with the lieutenant governor, the lieutenant governor shall mail a copy of the ballot title to any of the sponsors of the petition.

(4) (a) (i) At least three of the sponsors of the petition may, within 15 days of the date the lieutenant governor mails the ballot title, challenge the wording of the ballot title prepared by the Office of Legislative Research and General Counsel to the Supreme Court.

(ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor to send notice of the appeal to:

(A) any person or group that has filed an argument for or against the measure that is the subject of the challenge; or

(B) any political issues committee established under Section 20A-11-801 that has filed written or electronic notice with the lieutenant governor that identifies the name, mailing or email address, and telephone number of the person designated to receive notice about any issues relating to the initiative.

(b) (i) There is a presumption that the ballot title prepared by the Office of Legislative Research and General Counsel is an impartial summary of the contents of the referendum.

(ii) The Supreme Court may not revise the wording of the ballot title unless the plaintiffs rebut the presumption by clearly and convincingly establishing that the ballot title is patently false or biased.

(c) The Supreme Court shall:

(i) examine the ballot title;

(ii) hear arguments; and

(iii) certify to the lieutenant governor a ballot title for the measure that meets the requirements of this section.

(d) The lieutenant governor shall certify the title verified by the Supreme Court to the county clerks to be printed on the official ballot.

Amended by Chapter 367, 2010 General Session

20A-7-309. Form of ballot -- Manner of voting.

(1) The county clerks shall ensure that the number and ballot title verified to them by the lieutenant governor are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the elector may indicate the elector's vote.

(2) (a) (i) A voter desiring to vote in favor of the law that is the subject of the referendum shall mark the square adjacent to the word "For."

(ii) The law that is the subject of the referendum takes effect if a majority of voters mark "For."

(b) (i) A voter desiring to vote against the law that is the subject of the

referendum petition shall mark the square adjacent to the word "Against."

(ii) The law that is the subject of the referendum does not take effect if a majority of voters mark "Against."

Amended by Chapter 294, 2010 General Session

20A-7-310. Return and canvass -- Conflicting measures -- Law effective on proclamation.

(1) The votes on the law proposed by the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

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

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

(i) gives the total number of votes cast in the state for and against each law proposed by a referendum petition; and

(ii) declares those laws proposed by a referendum petition that were approved by majority vote to be in full force and effect as the law of Utah.

(b) When the governor believes that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, he shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.

(4) (a) Within 10 days after the governor's proclamation, any qualified voter who signed the referendum petition proposing the law that is declared by the governor to be superseded by another measure approved at the same election may apply to the Supreme Court to review the governor's decision.

(b) The Supreme Court shall:

(i) consider the matter and decide whether or not the proposed laws are in conflict; and

(ii) certify its decision to the governor.

(5) Within 10 days after the Supreme Court certifies its decision, the governor shall:

(a) proclaim all those measures approved by the people as law that the Supreme Court has determined are not in conflict; and

(b) of all those measures approved by the people as law that the Supreme Court has determined to be in conflict, proclaim as law the one that received the greatest number of affirmative votes, regardless of difference in majorities.

Amended by Chapter 367, 2010 General Session

20A-7-311. Effective date.

(1) (a) Any proposed law submitted to the people by referendum petition that is approved by the voters at any election does not take effect until at least five days after the date of the official proclamation of the vote by the governor.

(b) Any act or law submitted to the people by referendum that is approved by the voters at any election takes effect on the date specified in the referendum petition.

(c) If the referendum petition does not specify an effective date, a law approved by the voters at any election takes effect five days after the date of the official proclamation of the vote by the governor.

(2) (a) The governor may not veto a law adopted by the people.

(b) The Legislature may amend any laws approved by the people at any legislative session after the law has taken effect.

Enacted by Chapter 1, 1994 General Session

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

(1) It is unlawful for any person to:

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

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

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

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

(2) It is unlawful for any person to sign the verification for a referendum packet knowing that:

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

(b) the person has not witnessed the signatures of those persons whose names appear in the referendum packet; or

(c) one or more persons whose signatures appear in the referendum packet is either:

(i) not registered to vote in Utah; or

(ii) does not intend to become registered to vote in Utah.

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

Amended by Chapter 253, 2013 General Session

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

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

(2) (a) The arguments for and against a ballot proposition shall conform to the requirements of this section.

(i) To prepare arguments for or against a ballot proposition, a person shall file a request with the local legislative body at least 65 days before the election at which the ballot proposition is to be voted upon.

(ii) If more than one person requests the opportunity to prepare arguments for or against a ballot proposition, the governing body shall make the final designation according to the following criteria:

(A) sponsors have priority in preparing an argument regarding a ballot proposition; and

(B) members of the local legislative body have priority over others.

(iii) (A) Except as provided by Subsection (2)(a)(iv), a sponsor of a ballot proposition may prepare an argument in favor of the ballot proposition.

(B) Except as provided by Subsection (2)(a)(iv), a person opposed to the ballot proposition who submits a request under Subsection (2)(a)(i) may prepare an argument against the ballot proposition.

(iv) (A) For a referendum, a person who is in favor of a law that is referred to the voters and who submits a request under Subsection (2)(a)(i) may prepare an argument for adoption of the law.

(B) The sponsors of a referendum may prepare an argument against the adoption of a law that is referred to the voters.

(v) The arguments may not:

(A) exceed 500 words in length; or

(B) list more than five names as sponsors.

(vi) The arguments supporting and opposing any county or municipal ballot proposition shall be filed with the local clerk not less than 50 days before the election at which they are to be voted upon.

(b) The local voter information pamphlet shall include a copy of the initial fiscal impact estimate prepared for each initiative under Section 20A-7-502.5.

(3) (a) In preparing the local voter information pamphlet, the local legislative body shall:

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

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

"The arguments for or against a ballot proposition are the opinions of the authors.";

(iii) pay for the printing and binding of the local voter information pamphlet; and

(iv) ensure that the local clerk distributes either the pamphlets or the notice described in Subsection (3)(c) either by mail or carrier not less than 15 days but not more than 45 days before the election at which the ballot propositions are to be voted upon.

(b) (i) If the proposed measure exceeds 500 words in length, the local legislative body may direct the local clerk to summarize the measure in 500 words or less.

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

(c) (i) The local legislative body may distribute a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail.

(ii) The notice described in Subsection (3)(c)(i) shall include:

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

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

Amended by Chapter 334, 2012 General Session
Amended by Chapter 369, 2012 General Session

20A-7-501. Initiatives.

(1) (a) Except as provided in Subsection (1)(b), a person seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection shall obtain legal signatures equal to:

(i) 10% of all the votes cast in the county, city, or town for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes exceeds 25,000;

(ii) 12-1/2% of all the votes cast in the county, city, or town for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 25,000 but is more than 10,000;

(iii) 15% of all the votes cast in the county, city, or town for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 10,000 but is more than 2,500;

(iv) 20% of all the votes cast in the county, city, or town for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 2,500 but is more than 500;

(v) 25% of all the votes cast in the county, city, or town for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 500 but is more than 250; and

(vi) 30% of all the votes cast in the county, city, or town for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 250.

(b) In addition to the signature requirements of Subsection (1)(a), a person seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection in a county, city, or town where the local legislative body is elected from council districts shall obtain, from each of a majority of council districts, legal signatures equal to the percentages established in Subsection (1)(a).

(2) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by this section, the clerk or recorder shall deliver the proposed law to the local legislative body at its next meeting.

(3) (a) The local legislative body shall either adopt or reject the proposed law without change or amendment within 30 days of receipt of the proposed law.

(b) The local legislative body may:

(i) adopt the proposed law and refer it to the people;

(ii) adopt the proposed law without referring it to the people; or

(iii) reject the proposed law.

(c) If the local legislative body adopts the proposed law but does not refer it to the people, it is subject to referendum as with other local laws.

(d) (i) If a county legislative body rejects a proposed county ordinance or amendment, or takes no action on it, the county clerk shall submit it to the voters of the county at the next regular general election immediately after the petition is filed under Section 20A-7-502.

(ii) If a local legislative body rejects a proposed municipal ordinance or amendment, or takes no action on it, the municipal recorder or clerk shall submit it to the voters of the municipality at the next municipal general election immediately after the petition is filed under Section 20A-7-502.

(e) (i) If the local legislative body rejects the proposed ordinance or amendment, or takes no action on it, the local legislative body may adopt a competing local law.

(ii) The local legislative body shall prepare and adopt the competing local law within the 30 days allowed for its action on the measure proposed by initiative petition.

(iii) If the local legislative body adopts a competing local law, the clerk or recorder shall submit it to the voters of the county or municipality at the same election at which the initiative proposal is submitted.

(f) If conflicting local laws are submitted to the people at the same election and two or more of the conflicting measures are approved by the people, then the measure that receives the greatest number of affirmative votes shall control all conflicts.

Amended by Chapter 17, 2011 General Session

20A-7-502. Local initiative process -- Application procedures.

(1) Persons wishing to circulate an initiative petition shall file an application with the local clerk.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the initiative petition;

(b) a statement indicating that each of the sponsors:

(i) is a registered voter; and

(ii) (A) if the initiative seeks to enact a county ordinance, has voted in a regular general election in Utah within the last three years; or

(B) if the initiative seeks to enact a municipal ordinance, has voted in a regular municipal election in Utah:

(I) except as provided in Subsection (2)(b)(ii)(B)(II), within the last three years; or

(II) within the last five years, if the sponsor's failure to vote within the last three years is due to the sponsor's residing in a municipal district that participates in a municipal election every four years;

(c) the signature of each of the sponsors, attested to by a notary public; and

(d) a copy of the proposed law that includes:

(i) the title of the proposed law, which clearly expresses the subject of the law; and

(ii) the text of the proposed law.

(3) A proposed law submitted under this section may not contain more than one subject to the same extent a bill may not pass containing more than one subject as provided in Utah Constitution, Article VI, Section 22.

Amended by Chapter 315, 2011 General Session

20A-7-502.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge to estimate.

(1) Within three working days of receipt of an application for an initiative petition, the local clerk shall submit a copy of the application to the budget officer.

(2) (a) The budget officer shall prepare an unbiased, good faith estimate of the fiscal impact of the law proposed by the initiative that contains:

(i) a dollar amount representing the total estimated fiscal impact of the proposed law;

(ii) if the proposed law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax affected under the proposed law and a dollar amount representing the total estimated increase or decrease in taxes under the proposed law;

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

(iv) a listing of all sources of funding for the estimated costs associated with the proposed law showing each source of funding and the percentage of total funding provided from each source;

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

(vi) a concise explanation, not exceeding 100 words, of the above information and of the estimated fiscal impact, if any, under the proposed law.

(b) (i) If the proposed law is estimated to have no fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The (title of the local budget officer) estimates that the law proposed by this initiative would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."

(ii) If the proposed law is estimated to have a fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact estimate in substantially the following form:

"The (title of the local budget officer) estimates that the law proposed by this initiative would result in a total fiscal expense/savings of $_____, which includes a (type of tax or taxes) tax increase/decrease of $_____ and a $_____ increase/decrease in public debt."

(iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise difficult to reasonably express in a summary statement, the local budget officer may include in the summary statement a brief explanation that identifies those factors affecting the variability or difficulty of the estimate.

(3) The budget officer shall prepare an unbiased, good faith estimate of the cost of printing and distributing information related to the initiative petition in the voter information pamphlet as required by Section 20A-7-402.

(4) Within 25 calendar days from the date that the local clerk delivers a copy of the application, the budget officer shall:

(a) deliver a copy of the initial fiscal impact estimate to the local clerk's office; and

(b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in the application.

(5) (a) Three or more of the sponsors of the petition may, within 20 calendar days of the date of delivery of the initial fiscal impact estimate to the local clerk's office, file a petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a whole, is an inaccurate estimate of the fiscal impact of the initiative.

(b) (i) There is a presumption that the initial fiscal impact estimate prepared by the budget officer is based upon reasonable assumptions, uses reasonable data, and applies accepted analytical methods to present the estimated fiscal impact of the initiative.

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

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

(c) The Supreme Court shall certify to the local clerk an initial fiscal impact estimate for the measure that meets the requirements of this section.

Amended by Chapter 17, 2011 General Session

20A-7-503. Form of initiative petitions and signature sheets.

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

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

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

Each signer says:

I have personally signed this petition;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

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

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

(2) Each signature sheet shall:

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

(b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;

(c) contain the title of the initiative printed below the horizontal line;

(d) contain the initial fiscal impact estimate's summary statement issued by the budget officer according to Subsection 20A-7-502.5(2)(b) and the cost estimate for printing and distributing information related to the initiative petition according to Subsection 20A-7-502.5(3) printed or typed in not less than 12-point, bold type, at the top of each signature sheet under the title of the initiative;

(e) contain the word "Warning" printed or typed at the top of each signature sheet under the initial fiscal impact estimate's summary statement;

(f) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to sign any initiative petition with any other name than his own, or knowingly to sign his name more than once for the same measure, or to sign an initiative petition when he knows he is not a registered voter and knows that he does not intend to become registered to vote before the certification of the petition names by the county clerk.";

(g) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required by this section;

(h) be vertically divided into columns as follows:

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

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

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

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

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

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

(i) contain the following statement, printed or typed upon the last page of each initiative packet:

"Verification

State of Utah, County of ____

I, _____, of ____, hereby state that:

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

All the names that appear in this initiative packet were signed by persons who professed to be the persons whose names appear in it, and each of them signed his name on it in my presence;

I believe that each has printed and signed his name and written his post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

_____"

(3) The forms prescribed in this section are not mandatory, and, if substantially followed, the initiative petitions are sufficient, notwithstanding clerical and merely technical errors.

Amended by Chapter 72, 2012 General Session

20A-7-504. Circulation requirements -- Local clerk to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate initiative packets that meet the form requirements of this part.

(2) The local clerk shall furnish to the sponsors:

(a) one copy of the initiative petition; and

(b) one signature sheet.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the initiative for circulation by creating multiple initiative packets.

(b) The sponsors shall create those packets by binding a copy of the initiative petition, a copy of the proposed law, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each initiative packet.

(5) (a) After the sponsors have prepared sufficient initiative packets, they shall return them to the local clerk.

(b) The local clerk shall:

(i) number each of the initiative packets and return them to the sponsors within five working days; and

(ii) keep a record of the numbers assigned to each packet.

Amended by Chapter 3, 2000 General Session

20A-7-505. Obtaining signatures -- Verification -- Removal of signature.

(1) Any Utah voter may sign a local initiative petition if the voter is a legal voter and resides in the local jurisdiction.

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

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

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

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

(3) (a) (i) Any voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting a notarized statement to that effect to the local clerk.

(ii) In order for the signature to be removed, the statement must be received by the local clerk before he delivers the petition to the county clerk to be certified.

(b) Upon receipt of the statement, the local clerk shall remove the signature of the person submitting the statement from the initiative petition.

(c) No one may remove signatures from an initiative petition after the petition is submitted to the county clerk to be certified.

Amended by Chapter 72, 2012 General Session

20A-7-506. Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to local clerk.

(1) (a) The sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated on or before the sooner of:

(i) for county initiatives:

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

(B) the April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-502; or

(ii) for municipal initiatives:

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

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

(b) A sponsor may not submit an initiative packet after the deadline established in this Subsection (1).

(2) (a) No later than May 1, the county clerk shall:

(i) check the names of all persons completing the verification on the last page of each initiative packet to determine whether those persons are residents of Utah and are at least 18 years old; and

(ii) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

(b) The county clerk may not certify a signature under Subsection (3) on an initiative packet that is not verified in accordance with Section 20A-7-505.

(3) No later than May 15, the county clerk shall:

(a) determine whether or not each signer is a voter according to the requirements of Section 20A-7-506.3;

(b) certify on the petition whether or not each name is that of a voter; and

(c) deliver all of the verified packets to the local clerk.

Amended by Chapter 72, 2012 General Session

20A-7-506.3. Verification of petition signatures.

(1) (a) For the purposes of this section, "substantially similar name" means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname shown on the petition exactly matches the surname shown on

the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) For the purposes of this section, "substantially similar name" does not mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) The county clerk shall use the following procedures in determining whether or not a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of a person on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(b)(i).

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of a person on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(c)(i).

(d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the county clerk shall declare the signature to be invalid.

Amended by Chapter 17, 2011 General Session

20A-7-507. Evaluation by the local clerk.

(1) When each initiative packet is received from a county clerk, the local clerk shall check off from the local clerk's record the number of each initiative packet filed.

(2) (a) After all of the initiative packets have been received by the local clerk, the local clerk shall count the number of the names certified by the county clerk that appear on each verified signature sheet.

(b) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section 20A-7-501 and the requirements of this part are met, the local clerk shall mark upon the front of the petition the word "sufficient."

(c) If the total number of certified names from each verified signature sheet does not equal or exceed the number of names required by Section 20A-7-501 or a requirement of this part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

(d) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

(3) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the initiative petition in the presence of any sponsor.

(4) Once a petition is declared insufficient, the sponsors may not submit additional signatures to qualify the petition for the ballot.

(5) (a) If the local clerk refuses to accept and file any initiative petition, any voter may apply to the supreme court for an extraordinary writ to compel him to do so within 10 days after the refusal.

(b) If the supreme court determines that the initiative petition is legally sufficient, the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in the local clerk's office.

(c) If the supreme court determines that any petition filed is not legally sufficient, the supreme court may enjoin the local clerk and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.

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

Amended by Chapter 17, 2011 General Session

20A-7-508. Ballot title -- Duties of local clerk and local attorney.

(1) Whenever an initiative petition is declared sufficient for submission to a vote of the people, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) The local attorney shall:

(a) entitle each county or municipal initiative that has qualified for the ballot "Proposition Number __" and give it a number as assigned under Section 20A-6-107;

(b) prepare a proposed ballot title for the initiative;

(c) file the proposed ballot title and the numbered initiative titles with the local clerk within 15 days after the date the initiative petition is declared sufficient for submission to a vote of the people; and

(d) promptly provide notice of the filing of the proposed ballot title to:

(i) the sponsors of the petition; and

(ii) the local legislative body for the jurisdiction where the initiative petition was circulated.

(3) (a) The ballot title may be distinct from the title of the proposed law attached to the initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.

(b) In preparing a ballot title, the local attorney shall, to the best of his ability, give a true and impartial statement of the purpose of the measure.

(c) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(4) (a) Within five calendar days after the date the local attorney files a proposed ballot title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative petition was circulated and the sponsors of the petition may file written comments in response to the proposed ballot title with the local clerk.

(b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:

(i) review any written comments filed in accordance with Subsection (4)(a);

(ii) prepare a final ballot title that meets the requirements of Subsection (3); and

(iii) return the petition and file the ballot title with the local clerk.

(c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall be printed on the official ballot.

(5) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the initiative petition was circulated.

(6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed by a petition to the Supreme Court that is brought by:

(i) at least three sponsors of the initiative petition; or

(ii) a majority of the local legislative body for the jurisdiction where the initiative petition was circulated.

(b) The Supreme Court shall examine the measures and consider arguments, and, in its decision, may certify to the local clerk a ballot title for the measure that fulfills the intent of this section.

(c) The local clerk shall print the title certified by the Supreme Court on the official ballot.

Amended by Chapter 315, 2008 General Session

20A-7-509. Form of ballot -- Manner of voting.

(1) The local clerk shall ensure that the number and ballot title are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the elector may indicate his vote.

(2) Electors desiring to vote in favor of enacting the law proposed by the initiative petition shall mark the square adjacent to the word "For," and those desiring to vote against enacting the law proposed by the initiative petition shall mark the square adjacent to the word "Against."

Amended by Chapter 202, 2009 General Session

20A-7-510. Return and canvass -- Conflicting measures -- Law effective on proclamation.

(1) The votes on the law proposed by the initiative petition shall be counted,

canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

(2) After the local board of canvassers completes its canvass, the local clerk shall certify to the local legislative body the vote for and against the law proposed by the initiative petition.

(3) (a) The local legislative body shall immediately issue a proclamation that:

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

(ii) declares those laws proposed by an initiative petition that were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

(b) When the local legislative body determines that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, they shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.

(c) (i) Within 10 days after the local legislative body's proclamation, any qualified voter who signed the initiative petition proposing the law that is declared by the local legislative body to be superseded by another measure approved at the same election may apply to the Supreme Court to review the decision.

(ii) The court shall:

(A) consider the matter and decide whether or not the proposed laws are in conflict; and

(B) certify its decision to the local legislative body.

(4) Within 10 days after the Supreme Court certifies its decision, the local legislative body shall:

(a) proclaim all those measures approved by the people as law that the Supreme Court has determined are not in conflict; and

(b) of all those measures approved by the people as law that the Supreme Court has determined to be in conflict, proclaim as law the one that received the greatest number of affirmative votes, regardless of difference in majorities.

Amended by Chapter 367, 2010 General Session

20A-7-511. Effective date.

(1) (a) Any proposed law submitted to the people by initiative petition that is approved by the voters at any election takes effect on the date specified in the initiative petition.

(b) If the initiative petition does not specify an effective date, a law approved by the voters at any election takes effect five days after the date of the official proclamation of the vote by the county legislative body.

(2) The local legislative body may amend any laws approved by the people at any meeting after the law has taken effect.

Enacted by Chapter 272, 1994 General Session

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

(1) It is unlawful for any person to:
(a) sign any name other than the person's own to any initiative petition;
(b) knowingly sign the person's name more than once for the same measure at one election;
(c) sign an initiative knowing the person is not a legal voter; or
(d) knowingly and willfully violate any provision of this part.
(2) It is unlawful for any person to sign the verification for an initiative packet knowing that:
(a) the person does not meet the residency requirements of Section 20A-2-105;
(b) the person has not witnessed the signatures of those persons whose names appear in the initiative packet; or
(c) one or more persons whose signatures appear in the initiative packet is either:
(i) not registered to vote in Utah; or
(ii) does not intend to become registered to vote in Utah.
(3) Any person violating this part is guilty of a class A misdemeanor.

Amended by Chapter 253, 2013 General Session

20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.
(1) No later than 60 days after the date of an election in which the voters approve an initiative petition, the budget officer shall:
(a) for each initiative approved by the voters, prepare a final fiscal impact statement, using current financial information and containing the information required by Subsection 20A-7-502.5(2); and
(b) deliver a copy of the final fiscal impact statement to:
(i) the local legislative body of the jurisdiction where the initiative was circulated;
(ii) the local clerk; and
(iii) the first five sponsors listed on the initiative application.
(2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25% or more, the local legislative body shall review the final fiscal impact statement and may, by a majority vote:
(a) repeal the law established by passage of the initiative;
(b) amend the law established by the passage of the initiative; or
(c) pass a resolution informing the voters that they may file an initiative petition to repeal the law enacted by the passage of the initiative.

Enacted by Chapter 236, 2005 General Session

20A-7-601. Referenda -- General signature requirements -- Signature requirements for land use laws -- Time requirements.
(1) Except as provided in Subsection (2), a person seeking to have a law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:
(a) 10% of all the votes cast in the county, city, or town for all candidates for President of the United States at the last election at which a President of the United

States was elected if the total number of votes exceeds 25,000;

(b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 25,000 but is more than 10,000;

(c) 15% of all the votes cast in the county, city, or town for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 10,000 but is more than 2,500;

(d) 20% of all the votes cast in the county, city, or town for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 2,500 but is more than 500;

(e) 25% of all the votes cast in the county, city, or town for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 500 but is more than 250; and

(f) 30% of all the votes cast in the county, city, or town for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 250.

(2) (a) As used in this Subsection (2), "land use law" includes a land use development code, an annexation ordinance, and comprehensive zoning ordinances.

(b) A person seeking to have a land use law or local obligation law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(i) in a county or in a city of the first or second class, 20% of all votes cast in the county or city for all candidates for President of the United States at the last election at which a President of the United States was elected; and

(ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the city or town for all candidates for President of the United States at the last election at which a President of the United States was elected.

(3) (a) Sponsors of any referendum petition challenging, under Subsection (1) or (2), any local law passed by a local legislative body shall file the application within five days after the passage of the local law.

(b) When a referendum petition has been declared sufficient, the local law that is the subject of the petition does not take effect unless and until the local law is approved by a vote of the people.

(4) If the referendum passes, the local law that was challenged by the referendum is repealed as of the date of the election.

Amended by Chapter 72, 2012 General Session

20A-7-602. Local referendum process -- Application procedures.

(1) Persons wishing to circulate a referendum petition shall file an application with the local clerk.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the referendum petition;

(b) a certification indicating that each of the sponsors:

(i) is a resident of Utah; and

(ii) (A) if the referendum challenges a county ordinance, has voted in a regular general election in Utah within the last three years; or

(B) if the referendum challenges a municipal ordinance, has voted in a regular municipal election in Utah within the last three years;

(c) the signature of each of the sponsors, attested to by a notary public; and

(d) one copy of the law.

Amended by Chapter 3, 2000 General Session

20A-7-603. Form of referendum petition and signature sheets.

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

"REFERENDUM PETITION To the Honorable ____, County Clerk/City Recorder/Town Clerk:

We, the undersigned citizens of Utah, respectfully order that Ordinance No. ____, entitled (title of ordinance, and, if the petition is against less than the whole ordinance, set forth here the part or parts on which the referendum is sought), passed by the ____ be referred to the voters for their approval or rejection at the regular/municipal general election to be held on _____(month\day\year);

Each signer says:

I have personally signed this petition;

I am registered to vote in Utah or intend to become registered to vote in Utah before the certification of the petition names by the county clerk; and

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

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

(2) Each signature sheet shall:

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

(b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;

(c) contain the title of the referendum printed below the horizontal line;

(d) contain the word "Warning" printed or typed at the top of each signature sheet under the title of the referendum;

(e) contain, to the right of the word "Warning," the following statement printed or typed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to sign any referendum petition with any other name than his own, or knowingly to sign his name more than once for the same measure, or to sign a referendum petition when he knows he is not a registered voter and knows that he does not intend to become registered to vote before the certification of the petition names by the county clerk.";

(f) contain horizontally ruled lines, 3/8 inch apart under the "Warning" statement required by this section;

(g) be vertically divided into columns as follows:

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

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

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

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

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

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

(h) contain the following statement, printed or typed upon the last page of the referendum packet:

"Verification

State of Utah, County of ____

I, _____, of ____, hereby state that:

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

All the names that appear in this referendum packet were signed by persons who professed to be the persons whose names appear in it, and each of them signed his name on it in my presence;

I believe that each has printed and signed his name and written his post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

_____"

(3) The forms prescribed in this section are not mandatory, and, if substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

Amended by Chapter 72, 2012 General Session

20A-7-604. Circulation requirements -- Local clerk to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall circulate referendum packets that meet the form requirements of this part.

(2) The local clerk shall furnish to the sponsors:

(a) five copies of the referendum petition; and

(b) five signature sheets.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the referendum for circulation by creating multiple referendum packets.

(b) The sponsors shall create those packets by binding a copy of the referendum petition, a copy of the law that is the subject of the referendum, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each referendum packet.

(5) (a) After the sponsors have prepared sufficient referendum packets, they shall return them to the local clerk.

(b) The local clerk shall:

(i) number each of the referendum packets and return them to the sponsors within five working days; and

(ii) keep a record of the numbers assigned to each packet.

Enacted by Chapter 272, 1994 General Session

20A-7-605. Obtaining signatures -- Verification -- Removal of signature.

(1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.

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

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

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

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

(3) (a) Any voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting a notarized statement to that effect to the local clerk.

(b) Except as provided in Subsection (3)(c), upon receipt of the statement, the local clerk shall remove the signature of the person submitting the statement from the referendum petition.

(c) A local clerk may not remove signatures from a referendum petition after the petition has been submitted to the county clerk to be certified.

Amended by Chapter 72, 2012 General Session

20A-7-606. Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to local clerk.

(1) (a) The sponsors shall deliver each signed and verified referendum packet to

the county clerk of the county in which the packet was circulated:

(i) for county referenda, no later than 45 days after the passage of the local law;

(ii) for municipal referenda, no later than 45 days after the passage of the local law; or

(iii) for referenda held in relation to the adoption of an ordinance imposing a county option sales and use tax under Section 59-12-1102, no later than 100 days before the election that the referendum qualifies for under Subsection 20A-7-609(2)(c).

(b) A sponsor may not submit a referendum packet after the deadline established in this Subsection (1).

(2) (a) No later than 60 days after the local law passes, the county clerk shall:

(i) check the names of all persons completing the verification on the last page of each referendum packet to determine whether those persons are Utah residents and are at least 18 years old; and

(ii) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

(b) The county clerk may not certify a signature under Subsection (3) on a referendum packet that is not verified in accordance with Section 20A-7-605.

(3) No later than 75 days after the local law passes, the county clerk shall:

(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-606.3;

(b) certify on the referendum petition whether each name is that of a registered voter; and

(c) deliver all of the verified referendum packets to the local clerk.

Amended by Chapter 72, 2012 General Session

20A-7-606.3. Verification of petition signatures.

(1) (a) For the purposes of this section, "substantially similar name" means:

(i) the given name and surname shown on the petition, or both, contain only minor spelling differences when compared to the given name and surname shown on the official register;

(ii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is a commonly used abbreviation or variation of the other;

(iii) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is accompanied by a first or middle initial or a middle name which is not shown on the other record; or

(iv) the surname shown on the petition exactly matches the surname shown on the official register, and the given names differ only because one of the given names shown is an alphabetically corresponding initial that has been provided in the place of a given name shown on the other record.

(b) For the purposes of this section, "substantially similar name" does not mean a name having an initial or a middle name shown on the petition that does not match a different initial or middle name shown on the official register.

(2) The county clerk shall use the following procedures in determining whether

or not a signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of a person on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(b)(i).

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of a person on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the person described in Subsection (2)(c)(i).

(d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county clerk shall declare the signature to be invalid.

Amended by Chapter 17, 2011 General Session

20A-7-607. Evaluation by the local clerk.

(1) When each referendum packet is received from a county clerk, the local clerk shall check off from the local clerk's record the number of each referendum packet filed.

(2) (a) After all of the referendum packets have been received by the local clerk, the local clerk shall count the number of the names certified by the county clerks that appear on each verified signature sheet.

(b) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section 20A-7-601 and the requirements of this part are met, the local clerk shall mark upon the front of the petition the word "sufficient."

(c) If the total number of certified names from each verified signature sheet does not equal or exceed the number of names required by Section 20A-7-601 or a requirement of this part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

(d) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

(3) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the referendum petition in the presence of any sponsor.

(4) (a) If the local clerk refuses to accept and file any referendum petition, any voter may apply to the Supreme Court for an extraordinary writ to compel the local clerk to do so within 10 days after the refusal.

(b) If the Supreme Court determines that the referendum petition is legally sufficient, the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in the local clerk's office.

(c) If the Supreme Court determines that any petition filed is not legally sufficient, the Supreme Court may enjoin the local clerk and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot for the next election.

(5) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Amended by Chapter 17, 2011 General Session

20A-7-608. Ballot title -- Duties of local clerk and local attorney.

(1) Whenever a referendum petition is declared sufficient for submission to a vote of the people, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) The local attorney shall:

(a) entitle each county or municipal referendum that has qualified for the ballot "Proposition Number __" and give it a number as assigned under Section 20A-6-107;

(b) prepare a proposed ballot title for the referendum;

(c) file the proposed ballot title and the numbered referendum titles with the local clerk within 15 days after the date the referendum petition is declared sufficient for submission to a vote of the people; and

(d) promptly provide notice of the filing of the proposed ballot title to:

(i) the sponsors of the petition; and

(ii) the local legislative body for the jurisdiction where the referendum petition was circulated.

(3) (a) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall express, in not exceeding 100 words, the purpose of the measure.

(b) In preparing a ballot title, the local attorney shall, to the best of his ability, give a true and impartial statement of the purpose of the measure.

(c) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(4) (a) Within five calendar days after the date the local attorney files a proposed ballot title under Subsection (2)(c), the local legislative body for the jurisdiction where the referendum petition was circulated and the sponsors of the petition may file written comments in response to the proposed ballot title with the local clerk.

(b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:

(i) review any written comments filed in accordance with Subsection (4)(a);

(ii) prepare a final ballot title that meets the requirements of Subsection (3); and

(iii) return the petition and file the ballot title with the local clerk.

(c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall be printed on the official ballot.

(5) Immediately after the local attorney files a copy of the ballot title with the

local clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the referendum petition was circulated.

(6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed by a petition to the Supreme Court that is brought by:

(i) at least three sponsors of the referendum petition; or

(ii) a majority of the local legislative body for the jurisdiction where the referendum petition was circulated.

(b) The Supreme Court shall examine the measures and consider arguments, and, in its decision, may certify to the local clerk a ballot title for the measure that fulfills the intent of this section.

(c) The local clerk shall print the title certified by the Supreme Court on the official ballot.

Amended by Chapter 315, 2008 General Session

20A-7-609. Form of ballot -- Manner of voting.

(1) The local clerk shall ensure that the number and ballot title are presented upon the official ballot with, immediately adjacent to them, the words "For" and "Against," each word presented with an adjacent square in which the elector may indicate the elector's vote.

(2) (a) Except as provided in Subsection (2)(c) or (d)(i), and unless the county legislative body calls a special election, the county clerk shall ensure that county referenda that have qualified for the ballot appear on the next regular general election ballot.

(b) Except as provided in Subsection (2)(d)(ii) and unless the municipal legislative body calls a special election, the municipal recorder or clerk shall ensure that municipal referenda that have qualified for the ballot appear on the next regular municipal election ballot.

(c) For referenda held in relation to the adoption of an ordinance imposing a county option sales and use tax under Section 59-12-1102, the county clerk shall ensure that referenda that have qualified for the ballot appear on the ballot at the earlier of:

(i) the next regular general election that is more than 155 days after the date of the adoption of the ordinance; or

(ii) the next municipal general election that is more than 155 days after the date of the adoption of the ordinance.

(d) (i) If a local law passes after January 30 of the year in which there is a regular general election, the county clerk shall ensure that a county referendum that has qualified for the ballot appears on the ballot at the second regular general election immediately following the passage of the local law unless the county legislative body calls a special election.

(ii) If a local law passes after January 30 of the year in which there is a municipal general election, the municipal recorder or clerk shall ensure that a municipal referendum that has qualified for the ballot appears on the ballot at the second

municipal general election immediately following the passage of the local law unless the municipal legislative body calls a special election.

(3) (a) (i) A voter desiring to vote in favor of the law that is the subject of the referendum shall mark the square adjacent to the word "For."

(ii) The law that is the subject of the referendum is effective if a majority of voters mark "For."

(b) (i) A voter desiring to vote against the law that is the subject of the referendum petition shall mark the square following the word "Against."

(ii) The law that is the subject of the referendum is not effective if a majority of voters mark "Against."

Amended by Chapter 17, 2011 General Session

20A-7-610. Return and canvass -- Conflicting measures -- Law effective on proclamation.

(1) The votes on the law proposed by the referendum petition shall be counted, canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

(2) After the local board of canvassers completes its canvass, the local clerk shall certify to the local legislative body the vote for and against the law proposed by the referendum petition.

(3) (a) The local legislative body shall immediately issue a proclamation that:

(i) gives the total number of votes cast in the local jurisdiction for and against each law proposed by a referendum petition; and

(ii) declares those laws proposed by a referendum petition that were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

(b) When the local legislative body determines that two proposed laws, or that parts of two proposed laws approved by the people at the same election are entirely in conflict, they shall proclaim that measure to be law that has received the greatest number of affirmative votes, regardless of the difference in the majorities which those measures have received.

(4) (a) Within 10 days after the local legislative body's proclamation, any qualified voter who signed the referendum petition proposing the law that is declared by the local legislative body to be superseded by another measure approved at the same election may apply to the Supreme Court to review the decision.

(b) The Supreme Court shall:

(i) consider the matter and decide whether or not the proposed laws are in conflict; and

(ii) certify its decision to the local legislative body.

(5) Within 10 days after the Supreme Court certifies its decision, the local legislative body shall:

(a) proclaim all those measures approved by the people as law that the Supreme Court has determined are not in conflict; and

(b) of all those measures approved by the people as law that the Supreme Court has determined to be in conflict, proclaim as law the one that received the greatest number of affirmative votes, regardless of difference in majorities.

Amended by Chapter 367, 2010 General Session

20A-7-611. Effective date.

Any proposed law submitted to the people by referendum petition that is rejected by the voters at any election is repealed as of the date of the election.

Enacted by Chapter 272, 1994 General Session

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

(1) It is unlawful for any person to:

(a) sign any name other than his own to any referendum petition;

(b) knowingly sign his name more than once for the same measure at one election;

(c) sign a referendum knowing he is not a legal voter; or

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

(2) It is unlawful for any person to sign the verification for a referendum packet knowing that:

(a) he does not meet the residency requirements of Section 20A-2-105;

(b) he has not witnessed the signatures of those persons whose names appear in the referendum packet; or

(c) one or more persons whose signatures appear in the referendum packet is either:

(i) not registered to vote in Utah; or

(ii) does not intend to become registered to vote in Utah.

(3) Any person violating this part is guilty of a class A misdemeanor.

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

Amended by Chapter 20, 2001 General Session

20A-7-701. Voter information pamphlet to be prepared.

(1) The lieutenant governor shall cause to be printed a voter information pamphlet designed to inform the voters of the state of the content, effect, operation, fiscal impact, and the supporting and opposing arguments of any measure submitted to the voters by the Legislature or by a statewide initiative or referendum petition.

(2) The pamphlet shall also include a separate section prepared, analyzed, and submitted by the Judicial Council describing the judicial selection and retention process.

(3) The lieutenant governor shall cause to be printed as many voter information pamphlets as needed to comply with the provisions of this chapter.

(4) Voter information pamphlets prepared in association with a local initiative or a local referendum shall be prepared in accordance with the procedures and requirements of Section 20A-7-402.

Amended by Chapter 225, 2008 General Session

20A-7-702. Voter information pamphlet -- Form -- Contents -- Distribution.

(1) The lieutenant governor shall ensure that all information submitted for publication in the voter information pamphlet is:

(a) printed and bound in a single pamphlet;

(b) printed in clear readable type, no less than 10 point, except that the text of any measure may be set forth in eight-point type; and

(c) printed on a quality and weight of paper that best serves the voters.

(2) The voter information pamphlet shall contain the following items in this order:

(a) a cover title page;

(b) an introduction to the pamphlet by the lieutenant governor;

(c) a table of contents;

(d) a list of all candidates for constitutional offices;

(e) a list of candidates for each legislative district;

(f) a 100-word statement of qualifications for each candidate for the office of governor, lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the candidate to the lieutenant governor's office before 5 p.m. on the date that falls 105 days before the date of the election;

(g) information pertaining to all measures to be submitted to the voters, beginning a new page for each measure and containing, in the following order for each measure:

(i) a copy of the number and ballot title of the measure;

(ii) the final vote cast by the Legislature on the measure if it is a measure submitted by the Legislature or by referendum;

(iii) the impartial analysis of the measure prepared by the Office of Legislative Research and General Counsel;

(iv) the arguments in favor of the measure, the rebuttal to the arguments in favor of the measure, the arguments against the measure, and the rebuttal to the arguments against the measure, with the name and title of the authors at the end of each argument or rebuttal;

(v) for each constitutional amendment, a complete copy of the text of the constitutional amendment, with all new language underlined, and all deleted language placed within brackets;

(vi) for each initiative qualified for the ballot, a copy of the measure as certified by the lieutenant governor and a copy of the fiscal impact estimate prepared according to Section 20A-7-202.5; and

(vii) for each referendum qualified for the ballot, a complete copy of the text of the law being submitted to the voters for their approval or rejection, with all new language underlined and all deleted language placed within brackets, as applicable;

(h) a description provided by the Judicial Performance Evaluation Commission of the selection and retention process for judges, including, in the following order:

(i) a description of the judicial selection process;

(ii) a description of the judicial performance evaluation process;

(iii) a description of the judicial retention election process;

(iv) a list of the criteria of the judicial performance evaluation and the minimum performance standards;

(v) the names of the judges standing for retention election; and

(vi) for each judge:

(A) a list of the counties in which the judge is subject to retention election;

(B) a short biography of professional qualifications and a recent photograph;

(C) a narrative concerning the judge's performance;

(D) for each standard of performance, a statement identifying whether or not the judge met the standard and, if not, the manner in which the judge failed to meet the standard;

(E) a statement identifying whether or not the Judicial Performance Evaluation Commission recommends the judge be retained or declines to make a recommendation and the number of votes for and against the commission's recommendation;

(F) any statement provided by a judge who is not recommended for retention by the Judicial Performance Evaluation Commission under Section 78A-12-203;

(G) in a bar graph, the average of responses to each survey category, displayed with an identification of the minimum acceptable score as set by Section 78A-12-205 and the average score of all judges of the same court level; and

(H) a website address that contains the Judicial Performance Evaluation Commission's report on the judge's performance evaluation;

(i) for each judge, a statement provided by the Utah Supreme Court identifying the cumulative number of informal reprimands, when consented to by the judge in accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal reprimands, and all orders of censure and suspension issued by the Utah Supreme Court under Utah Constitution Article VIII, Section 13, during the judge's current term and the immediately preceding term, and a detailed summary of the supporting reasons for each violation of the Code of Judicial Conduct that the judge has received;

(j) an explanation of ballot marking procedures prepared by the lieutenant governor, indicating the ballot marking procedure used by each county and explaining how to mark the ballot for each procedure;

(k) voter registration information, including information on how to obtain an absentee ballot;

(l) a list of all county clerks' offices and phone numbers; and

(m) on the back cover page, a printed copy of the following statement signed by the lieutenant governor:

"I, _____ (print name), Lieutenant Governor of Utah, certify that the measures contained in this pamphlet will be submitted to the voters of Utah at the election to be held throughout the state on ____ (date of election), and that this pamphlet is complete and correct according to law.

SEAL

Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this ____ day of ____ (month), ____ (year)

(signed) _____

Lieutenant Governor"

(3) No earlier than 75 days, and no later than 15 days, before the day on which voting commences, the lieutenant governor shall:

(a) (i) distribute one copy of the voter information pamphlet to each household within the state;

(ii) distribute to each household within the state a notice:

(A) printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail;

(B) that states the address of the Statewide Electronic Voter Information Website authorized by Section 20A-7-801; and

(C) that states the phone number a voter may call to request delivery of a voter information pamphlet by mail; or

(iii) ensure that one copy of the voter information pamphlet is placed in one issue of every newspaper of general circulation in the state;

(b) ensure that a sufficient number of printed voter information pamphlets are available for distribution as required by this section;

(c) provide voter information pamphlets to each county clerk for free distribution upon request and for placement at polling places; and

(d) ensure that the distribution of the voter information pamphlets is completed 15 days before the election.

(4) The lieutenant governor may distribute a voter information pamphlet at a location frequented by a person who cannot easily access the Statewide Electronic Voter Information Website authorized by Section 20A-7-801.

(5) The lieutenant governor shall:

(a) conduct a study to evaluate the effectiveness of the notice authorized by this section; and

(b) provide the results of a study described in Subsection (5)(a) to the Government Operations Interim Committee by October 1, 2013.

Amended by Chapter 320, 2013 General Session

20A-7-703. Impartial analysis of measure -- Determination of fiscal effects.

(1) The director of the Office of Legislative Research and General Counsel, after the approval of the legislative general counsel as to legal sufficiency, shall:

(a) prepare an impartial analysis of each measure submitted to the voters by the Legislature or by initiative or referendum petition; and

(b) submit the impartial analysis to the lieutenant governor no later than the day that falls 90 days before the date of the election in which the measure will appear on the ballot.

(2) The director shall ensure that the impartial analysis:

(a) is not more than 1,000 words long;

(b) is prepared in clear and concise language that will easily be understood by the average voter;

(c) avoids the use of technical terms as much as possible;

(d) shows the effect of the measure on existing law;

(e) identifies any potential conflicts with the United States or Utah Constitutions raised by the measure;

(f) fairly describes the operation of the measure;

(g) identifies the measure's fiscal effects for the first full year of implementation and the first year when the last provisions to be implemented are fully effective; and

(h) identifies the amount of any increase or decrease in revenue or cost to state or local government.

(3) The director shall analyze the measure as it is proposed to be adopted without considering any implementing legislation, unless the implementing legislation has been enacted and will become effective upon the adoption of the measure by the voters.

(4) (a) In determining the fiscal effects of a measure, the director shall confer with the legislative fiscal analyst.

(b) The director shall consider any measure that requires implementing legislation in order to take effect to have no financial effect, unless implementing legislation has been enacted that will become effective upon adoption of the measure by the voters.

(5) If the director requests the assistance of any state department, agency, or official in preparing his analysis, that department, agency, or official shall assist the director.

Amended by Chapter 334, 2012 General Session

20A-7-704. Initiative measures -- Arguments for and against -- Voters' requests for argument -- Ballot arguments.

(1) (a) (i) (A) By July 10 of the regular general election year, the sponsors of any initiative petition that has been declared sufficient by the lieutenant governor may deliver to the lieutenant governor an argument for the adoption of the measure.

(B) If two or more sponsors wish to submit arguments for the measure, the lieutenant governor shall designate one of them to submit the argument for his side of the measure.

(ii) (A) Any member of the Legislature may request permission to submit an argument against the adoption of the measure.

(B) If two or more legislators wish to submit an argument against the measure, the presiding officers of the Senate and House of Representatives shall jointly designate one of them to submit the argument to the lieutenant governor.

(b) The sponsors and the legislators submitting arguments shall ensure that each argument:

(i) does not exceed 500 words in length; and

(ii) is delivered by July 10.

(2) (a) (i) If an argument for or against a measure to be submitted to the voters by initiative petition has not been filed within the time required by Subsection (1), any voter may request the lieutenant governor for permission to prepare an argument for the side on which no argument has been prepared.

(ii) If two or more voters request permission to submit arguments on the same side of a measure, the lieutenant governor shall designate one of the voters to write the argument.

(b) Any argument prepared under this subsection shall be submitted to the lieutenant governor by July 20.

(3) The lieutenant governor may not accept a ballot argument submitted under this section unless it is accompanied by:

(a) the name and address of the person submitting it, if it is submitted by an individual voter; or

(b) the name and address of the organization and the names and addresses of at least two of its principal officers, if it is submitted on behalf of an organization.

(4) (a) Except as provided in Subsection (4)(c), the authors may not amend or change the arguments after they are submitted to the lieutenant governor.

(b) Except as provided in Subsection (4)(c), the lieutenant governor may not alter the arguments in any way.

(c) The lieutenant governor and the authors of an argument may jointly modify an argument after it is submitted if:

(i) they jointly agree that changes to the argument must be made to correct spelling or grammatical errors; and

(ii) the argument has not yet been submitted for typesetting.

Amended by Chapter 334, 2012 General Session

20A-7-705. Measures to be submitted to voters and referendum measures -- Preparation of argument of adoption.

(1) (a) Whenever the Legislature submits any measure to the voters or whenever an act of the Legislature is referred to the voters by referendum petition, the presiding officer of the house of origin of the measure shall appoint the sponsor of the measure or act and one member of either house who voted with the majority to pass the act or submit the measure to draft an argument for the adoption of the measure.

(b) (i) The argument may not exceed 500 words in length.

(ii) If the sponsor of the measure or act desires separate arguments to be written in favor by each person appointed, separate arguments may be written but the combined length of the two arguments may not exceed 500 words.

(2) (a) If a measure or act submitted to the voters by the Legislature or by referendum petition was not adopted unanimously by the Legislature, the presiding officer of each house shall, at the same time as appointments to an argument in its favor are made, appoint one member who voted against the measure or act from their house to write an argument against the measure or act.

(b) (i) The argument may not exceed 500 words.

(ii) If those members appointed to write an argument against the measure or act desire separate arguments to be written in opposition to the measure or act by each person appointed, separate arguments may be written, but the combined length of the two arguments may not exceed 500 words.

(3) (a) The legislators appointed by the presiding officer of the Senate or House of Representatives to submit arguments shall submit them to the lieutenant governor not later than the day that falls 150 days before the date of the election.

(b) Except as provided in Subsection (3)(d), the authors may not amend or change the arguments after they are submitted to the lieutenant governor.

(c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the arguments in any way.

(d) The lieutenant governor and the authors of an argument may jointly modify an argument after it is submitted if:

(i) they jointly agree that changes to the argument must be made to correct spelling or grammatical errors; and

(ii) the argument has not yet been submitted for typesetting.

(4) (a) If an argument for or an argument against a measure submitted to the voters by the Legislature or by referendum petition has not been filed by a member of the Legislature within the time required by this section, any voter may request the presiding officer of the house in which the measure originated for permission to prepare and file an argument for the side on which no argument has been prepared by a member of the Legislature.

(b) (i) The presiding officer of the house of origin shall grant permission unless two or more voters request permission to submit arguments on the same side of a measure.

(ii) If two or more voters request permission to submit arguments on the same side of a measure, the presiding officer shall designate one of the voters to write the argument.

(c) Any argument prepared under this subsection shall be submitted to the lieutenant governor not later than the day that falls 135 days before the date of the election.

(d) The lieutenant governor may not accept a ballot argument submitted under this section unless it is accompanied by:

(i) the name and address of the person submitting it, if it is submitted by an individual voter; or

(ii) the name and address of the organization and the names and addresses of at least two of its principal officers, if it is submitted on behalf of an organization.

(e) Except as provided in Subsection (4)(g), the authors may not amend or change the arguments after they are submitted to the lieutenant governor.

(f) Except as provided in Subsection (4)(g), the lieutenant governor may not alter the arguments in any way.

(g) The lieutenant governor and the authors of an argument may jointly modify an argument after it is submitted if:

(i) they jointly agree that changes to the argument must be made to correct spelling or grammatical errors; and

(ii) the argument has not yet been submitted for typesetting.

Amended by Chapter 225, 2008 General Session

20A-7-706. Copies of arguments to be sent to opposing authors -- Rebuttal arguments.

(1) When the lieutenant governor has received the arguments for and against a measure to be submitted to the voters, the lieutenant governor shall immediately send copies of the arguments in favor of the measure to the authors of the arguments against and copies of the arguments against to the authors of the arguments in favor.

(2) The authors may prepare and submit rebuttal arguments not exceeding 250 words.

(3) (a) The rebuttal arguments shall be filed with the lieutenant governor:

(i) for constitutional amendments and referendum petitions, not later than the day that falls 120 days before the date of the election; and

(ii) for initiatives, not later than July 30.

(b) Except as provided in Subsection (3)(d), the authors may not amend or change the rebuttal arguments after they are submitted to the lieutenant governor.

(c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the arguments in any way.

(d) The lieutenant governor and the authors of a rebuttal argument may jointly modify a rebuttal argument after it is submitted if:

(i) they jointly agree that changes to the rebuttal argument must be made to correct spelling or grammatical errors; and

(ii) the rebuttal argument has not yet been submitted for typesetting.

(4) The lieutenant governor shall ensure that:

(a) rebuttal arguments are printed in the same manner as the direct arguments; and

(b) each rebuttal argument follows immediately after the direct argument which it seeks to rebut.

Amended by Chapter 334, 2012 General Session

20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of the lieutenant governor -- Content -- Duties of local election officials -- Deadlines -- Frequently asked voter questions -- Other elections.

(1) There is established the Statewide Electronic Voter Information Website Program administered by the lieutenant governor in cooperation with the county clerks for general elections and municipal authorities for municipal elections.

(2) In accordance with this section, and as resources become available, the lieutenant governor, in cooperation with county clerks, shall develop, establish, and maintain a state-provided Internet website designed to help inform the voters of the state of:

(a) the offices and candidates up for election; and

(b) the content, effect, operation, fiscal impact, and supporting and opposing arguments of ballot propositions submitted to the voters.

(3) Except as provided under Subsection (6), the website shall include:

(a) all information currently provided in the Utah voter information pamphlet under Title 20A, Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and submitted by the Judicial Council describing the judicial selection and retention process;

(b) all information submitted by election officers under Subsection (4) on local office races, local office candidates, and local ballot propositions;

(c) a list that contains the name of a political subdivision that operates an election day voting center under Section 20A-3-703 and the location of the election day voting center;

(d) other information determined appropriate by the lieutenant governor that is currently being provided by law, rule, or ordinance in relation to candidates and ballot questions; and

(e) any differences in voting method, time, or location designated by the lieutenant governor under Subsection 20A-1-308(2).

(4) (a) An election official shall submit the following information for each ballot

label under the election official's direct responsibility under this title:

(i) a list of all candidates for each office;

(ii) if submitted by the candidate to the election official's office at 5 p.m. at least 45 days before the primary election and 60 days before the general election:

(A) a statement of qualifications, not exceeding 200 words in length, for each candidate;

(B) the following current biographical information if desired by the candidate, current:

(I) age;

(II) occupation;

(III) city of residence;

(IV) years of residence in current city; and

(V) email address; and

(C) a single web address where voters may access more information about the candidate and the candidate's views; and

(iii) factual information pertaining to all ballot propositions submitted to the voters, including:

(A) a copy of the number and ballot title of each ballot proposition;

(B) the final vote cast for each ballot proposition, if any, by a legislative body if the vote was required to place the ballot proposition on the ballot;

(C) a complete copy of the text of each ballot proposition, with all new language underlined and all deleted language placed within brackets; and

(D) other factual information determined helpful by the election official.

(b) The information under Subsection (4)(a) shall be submitted to the lieutenant governor no later than one business day after the deadline under Subsection (4)(a) for each general election year and each municipal election year.

(c) The lieutenant governor shall:

(i) review the information submitted under this section, to determine compliance under this section, prior to placing it on the website;

(ii) refuse to post information submitted under this section on the website if it is not in compliance with the provisions of this section; and

(iii) organize, format, and arrange the information submitted under this section for the website.

(d) The lieutenant governor may refuse to include information the lieutenant governor determines is not in keeping with:

(i) Utah voter needs;

(ii) public decency; or

(iii) the purposes, organization, or uniformity of the website.

(e) A refusal under Subsection (4)(d) is subject to appeal in accordance with Subsection (5).

(5) (a) A person whose information is refused under Subsection (4), and who is aggrieved by the determination, may appeal by submitting a written notice of appeal to the lieutenant governor within 10 business days after the date of the determination. A notice of appeal submitted under this Subsection (5)(a) shall contain:

(i) a listing of each objection to the lieutenant governor's determination; and

(ii) the basis for each objection.

(b) The lieutenant governor shall review the notice of appeal and shall issue a written response within 10 business days after the notice of appeal is submitted.

(c) An appeal of the response of the lieutenant governor shall be made to the district court, which shall review the matter de novo.

(6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently enter the voter's address information on the website to retrieve information on which offices, candidates, and ballot propositions will be on the voter's ballot at the next general election or municipal election.

(b) The information on the website will anticipate and answer frequent voter questions including the following:

(i) what offices are up in the current year for which the voter may cast a vote;

(ii) who is running for what office and who is the incumbent, if any;

(iii) what address each candidate may be reached at and how the candidate may be contacted;

(iv) for partisan races only, what, if any, is each candidate's party affiliation;

(v) what qualifications have been submitted by each candidate;

(vi) where additional information on each candidate may be obtained;

(vii) what ballot propositions will be on the ballot; and

(viii) what judges are up for retention election.

(7) As resources are made available and in cooperation with the county clerks, the lieutenant governor may expand the electronic voter information website program to include the same information as provided under this section for special elections and primary elections.

Amended by Chapter 182, 2013 General Session, (Coordination Clause)
Amended by Chapter 182, 2013 General Session
Amended by Chapter 219, 2013 General Session

20A-8-101. Definitions.

As used in this chapter:

(1) "Continuing political party" means an organization of voters that:

(a) participated in the last regular general election; and

(b) in at least one of the last two regular general elections, polled a total vote for any of its candidates for any office equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives in the same regular general election.

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

(3) "Newly registered political party" means a statewide organization of voters that has complied with the petition and organizing procedures of this chapter to become a registered political party.

(4) "Registered political party" means an organization of voters that:

(a) (i) participated in the last regular general election; and

(ii) in at least one of the last two regular general elections, polled a total vote for any of its candidates for any office equal to 2% or more of the total votes cast for all

candidates for the United States House of Representatives in the same regular general election; or

(b) has complied with the petition and organizing procedures of this chapter.

(5) "State political party" means, for each registered political party, all of the persons in Utah who, under definitions established by the state political party, are members of the registered political party.

Amended by Chapter 292, 2012 General Session

20A-8-102. Organization of newly registered political parties -- Rights.

(1) Any organization of voters whose organization did not participate in the last regular general election, or whose organization polled a total vote equivalent to less than 2% of the total vote cast for all candidates for the United States House of Representatives for any of its candidates in both of the last two regular general elections shall comply with the requirements of this chapter to become a registered political party.

(2) (a) Unless an organization of registered voters is a registered political party under this chapter, it may not place the names of candidates representing that organization upon the primary and regular general election ballots under the common organization name.

(b) Nothing in this subsection prohibits an organization of voters from qualifying candidates as independent candidates or as write-in candidates.

Amended by Chapter 292, 2012 General Session

20A-8-103. Petition procedures -- Criminal penalty.

(1) As used in this section, the proposed name or emblem of a registered political party is "distinguishable" if a reasonable person of average intelligence will be able to perceive a difference between the proposed name or emblem and any name or emblem currently being used by another registered political party.

(2) To become a registered political party, an organization of registered voters that is not a continuing political party shall:

(a) circulate a petition seeking registered political party status beginning no earlier than the date of the statewide canvass held after the last regular general election and ending no later than the February 15 of the year in which the next regular general election will be held; and

(b) file a petition with the lieutenant governor that is signed, with a holographic signature, by at least 2,000 registered voters on or before February 15 of the year in which a regular general election will be held.

(3) The petition shall:

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

(b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;

(c) contain the name of the political party and the words "Political Party Registration Petition" printed directly below the horizontal line;

(d) contain the word "Warning" printed directly under the words described in

Subsection (3)(c);

(e) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to knowingly sign a political party registration petition signature sheet with any name other than the person's own name or more than once for the same party or if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor.";

(f) contain the following statement directly under the statement described in Subsection (3)(e):

"POLITICAL PARTY REGISTRATION PETITION To the Honorable ____, Lieutenant Governor:

We, the undersigned citizens of Utah, seek registered political party status for ____ (name);

Each signer says:

I have personally signed this petition with a holographic signature;

I am registered to vote in Utah or will register to vote in Utah before the petition is submitted to the lieutenant governor;

I am or desire to become a member of the political party; and

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

(g) be vertically divided into columns as follows:

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

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

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

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

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

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

(h) have a final page bound to one or more signature sheets that are bound together that contains the following printed statement:

"Verification

State of Utah, County of ____

I, _____, of ____, hereby state that:

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

All the names that appear on the signature sheets bound to this page were signed by persons who professed to be the persons whose names appear on the signature sheets, and each of them signed the person's name on the signature sheets

in my presence;

I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah or will register to vote in Utah before the petition is submitted to the lieutenant governor.

_____

(Signature) (Residence Address) (Date)"; and

(i) be bound to a cover sheet that:

(i) identifies the political party's name, which may not exceed four words, and the emblem of the party;

(ii) states the process that the organization will follow to organize and adopt a constitution and bylaws; and

(iii) is signed by a filing officer, who agrees to receive communications on behalf of the organization.

(4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the person in whose presence each signature sheet is signed:

(a) is at least 18 years old;

(b) meets the residency requirements of Section 20A-2-105; and

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

(5) A person may not sign the verification if the person signed a signature sheet bound to the verification.

(6) The lieutenant governor shall:

(a) determine whether the required number of voters appears on the petition;

(b) review the proposed name and emblem to determine if they are "distinguishable" from the names and emblems of other registered political parties; and

(c) certify the lieutenant governor's findings to the filing officer described in Subsection (3)(i)(iii) within 30 days of the filing of the petition.

(7) (a) If the lieutenant governor determines that the petition meets the requirements of this section, and that the proposed name and emblem are distinguishable, the lieutenant governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the prospective political party.

(b) If the lieutenant governor finds that the name, emblem, or both are not distinguishable from the names and emblems of other registered political parties, the lieutenant governor shall notify the filing officer that the filing officer has seven days to submit a new name or emblem to the lieutenant governor.

(8) A registered political party may not change its name or emblem during the regular general election cycle.

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

(i) knowingly sign a political party registration petition:

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

(B) more than once for the same political party; or

(C) if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor; or

(ii) sign the verification of a political party registration petition signature sheet if the person:

(A) does not meet the residency requirements of Section 20A-2-105;

(B) has not witnessed the signing by those persons whose names appear on the political party registration petition signature sheet; or

(C) knows that a person whose signature appears on the political party registration petition signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.

(b) Any person violating this Subsection (9) is guilty of a class A misdemeanor.

Amended by Chapter 253, 2013 General Session

20A-8-106. Organization as a political party -- Certification procedures.

(1) On or before March 1 of the regular general election year, the prospective political party's officers or governing board shall file the names of the party officers or governing board with the lieutenant governor.

(2) After reviewing the information and determining that all proper procedures have been completed, the lieutenant governor shall:

(a) issue a certificate naming the organization as a registered political party in Utah and designating its official name; and

(b) inform each county clerk that the organization is a registered political party in Utah.

(3) All election officers and state officials shall consider the organization to be and shall treat the organization as a registered political party.

(4) The newly registered political party shall comply with all the provisions of Utah law governing political parties.

(5) (a) If the newly registered political party does not hold a national party convention, the governing board of the political party may designate the names of the party's candidates for the offices of President and Vice President of the United States and the names of the party's presidential electors to the lieutenant governor by August 15.

(b) If the party chooses to designate names, the governing board shall certify those names.

Amended by Chapter 213, 1996 General Session

20A-8-401. Registered political parties -- Bylaws -- Report name of midterm vacancy candidate.

(1) (a) Each registered state political party shall file a copy of its constitution and bylaws with the lieutenant governor by January 1, 1995.

(b) Each new or unregistered state political party that seeks to become a registered political party under the authority of this chapter shall file a copy of its proposed constitution and bylaws at the time it files its registration information.

(c) Each registered state political party shall file revised copies of its constitution or bylaws with the lieutenant governor within 15 days after the constitution or bylaws are adopted or amended.

(2) Each state political party, each new political party seeking registration, and each unregistered political party seeking registration shall ensure that its constitution or bylaws contain:

(a) provisions establishing party organization, structure, membership, and governance that include:

(i) a description of the position, selection process, qualifications, duties, and terms of each party officer and committees defined by constitution and bylaws;

(ii) a provision requiring a designated party officer to serve as liaison with:

(A) the lieutenant governor on all matters relating to the political party's relationship with the state; and

(B) each county legislative body on matters relating to the political party's relationship with a county;

(iii) a description of the requirements for participation in party processes;

(iv) the dates, times, and quorum of any regularly scheduled party meetings, conventions, or other conclaves; and

(v) a mechanism for making the names of delegates, candidates, and elected party officers available to the public shortly after they are selected;

(b) a procedure for selecting party officers that allows active participation by party members;

(c) a procedure for selecting party candidates at the federal, state, and county levels that allows active participation by party members;

(d) (i) a procedure for selecting electors who are pledged to cast their votes in the electoral college for the party's candidates for president and vice president of the United States; and

(ii) a procedure for filling vacancies in the office of presidential elector because of death, refusal to act, failure to attend, ineligibility, or any other cause;

(e) a procedure for filling vacancies in the office of representative or senator or a county office, as described in Section 20A-1-508, because of death, resignation, or ineligibility;

(f) a provision requiring the governor and lieutenant governor to run as a joint ticket;

(g) a procedure for replacing party candidates who die, acquire a disability that prevents the candidate from continuing the candidacy, or are disqualified before a primary or regular general election;

(h) provisions governing the deposit and expenditure of party funds, and governing the accounting for, reporting, and audit of party financial transactions;

(i) provisions governing access to party records;

(j) a procedure for amending the constitution or bylaws that allows active participation by party members or their representatives;

(k) a process for resolving grievances against the political party; and

(l) if desired by the political party, a process for consulting with, and obtaining the opinion of, the political party's Utah Senate and Utah House members about:

(i) the performance of the two United States Senators from Utah, including specifically:

(A) their views and actions regarding the defense of state's rights and federalism; and

(B) their performance in representing Utah's interests;

(ii) the members' opinion about, or rating of, and support or opposition to the policy positions of any candidates for United States Senate from Utah, including incumbents, including specifically:

(A) their views and actions regarding the defense of state's rights and federalism; and

(B) their performance in representing Utah's interests; and

(iii) the members' collective or individual endorsement or rating of a particular candidate for United States Senate from Utah.

(3) If, in accordance with a political party's constitution or bylaws, a person files a declaration or otherwise notifies the party of the person's candidacy as a legislative office candidate or state office candidate, as defined in Section 20A-11-101, to be appointed and fill a midterm vacancy in the office of representative or senator in the Legislature, as described in Section 20A-1-503, or in a state office as described in Section 20A-1-504, the party shall forward a copy of that declaration or notification to the lieutenant governor no later than 5 p.m. of the day following the day on which the party receives the declaration or notification.

Amended by Chapter 170, 2013 General Session

20A-8-402. Political party officers -- Submission of names of officers to the lieutenant governor.

(1) Each state political party shall:

(a) designate a party officer to act as liaison with:

(i) the lieutenant governor's office; and

(ii) each county legislative body; and

(b) within seven days of any change in the party liaison, submit the name of the new liaison to the lieutenant governor.

(2) Each state political party and each county political party shall:

(a) submit the name, address, and phone number of each officer to the lieutenant governor within seven days after the officers are selected; and

(b) within seven days of any change in party officers, submit the name, address, and phone number of each new officer to the lieutenant governor.

Amended by Chapter 35, 2011 General Session
Amended by Chapter 396, 2011 General Session

20A-8-403. Political parties -- Certification.

When this title requires that a registered political party certify information to the lieutenant governor, the registered political party has met that requirement if the information is signed by the registered political party's designated liaison or the registered political party's chair.

Enacted by Chapter 182, 1997 General Session

20A-8-404. Use of public meeting buildings by political parties.

(1) The legislative body of a county, municipality, or school district shall make all meeting facilities in buildings under its control available to registered political parties, without discrimination, to be used for political party activities if:

(a) the political party requests the use of the meeting facility at least 30 calendar days before the day on which the use by the political party will take place; and

(b) the meeting facility is not already scheduled for another purpose at the time of the proposed use.

(2) Subject to the requirements of Subsection (3), when a legislative body makes a meeting facility available under Subsection (1), it may establish terms and conditions for use of that meeting facility.

(3) The charge imposed for the use of a meeting facility described in Subsection (1) by a registered political party may not exceed the actual cost of:

(a) custodial services for cleaning the meeting facility after the use by the political party; and

(b) any service requested by the political party and provided by the meeting facility.

(4) An entity described in Subsection (1) shall, to the extent possible, avoid scheduling an event in a government building for the same evening as an announced party caucus meeting.

(5) This section does not apply to a publicly owned or operated convention center, sports arena, or other facility at which conventions, conferences, and other gatherings are held and whose primary business or function is to host such conventions, conferences, and other gatherings.

Amended by Chapter 117, 2011 General Session

20A-9-101. Definitions.

As used in this chapter:

(1) (a) "Candidates for elective office" means persons selected by a registered political party as party candidates to run in a regular general election.

(b) "Candidates for elective office" does not mean candidates for:

(i) justice or judge of court of record or not of record;

(ii) presidential elector;

(iii) any political party offices; and

(iv) municipal or local district offices.

(2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

(3) (a) "County office" means an elective office where the office holder is selected by voters entirely within one county.

(b) "County office" does not mean:

(i) the office of justice or judge of any court of record or not of record;

(ii) the office of presidential elector;

(iii) any political party offices;

(iv) any municipal or local district offices; and

(v) the office of United States Senator and United States Representative.

(4) "Federal office" means an elective office for United States Senator and

United States Representative.

(5) "Filing officer" means:

(a) the lieutenant governor, for:

(i) offices whose political division contains territory in two or more counties;

(ii) the office of United States Senator and United States Representative; and

(iii) all constitutional offices;

(b) the county clerk, for county offices and local school district offices;

(c) the city or town clerk, for municipal offices; and

(d) the local district clerk, for local district offices.

(6) "Local district office" means an elected office in a local district.

(7) "Local government office" includes county offices, municipal offices, and local district offices and other elective offices selected by the voters from a political division entirely within one county.

(8) (a) "Multi-county office" means an elective office where the office holder is selected by the voters from more than one county.

(b) "Multi-county office" does not mean:

(i) a county office;

(ii) a federal office;

(iii) the office of justice or judge of any court of record or not of record;

(iv) the office of presidential elector;

(v) any political party offices; and

(vi) any municipal or local district offices.

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

(10) (a) "Political division" means a geographic unit from which an office holder is elected and that an office holder represents.

(b) "Political division" includes a county, a city, a town, a local district, a school district, a legislative district, and a county prosecution district.

Amended by Chapter 329, 2007 General Session

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

(1) Before filing a declaration of candidacy for election to any office, a person shall:

(a) be a United States citizen; and

(b) meet the legal requirements of that office.

(2) (a) Except as provided in Subsection (2)(b), a person may not:

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

(ii) appear on the ballot as the candidate of more than one political party.

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

(ii) A person may file a declaration of candidacy for, or be a candidate for, more

than one justice court judge office.

(iii) A person may file a declaration of candidacy for lieutenant governor even if the person filed a declaration of candidacy for another office in the same election year if the person withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.

(3) (a) (i) Except for presidential candidates, before the filing officer may accept any declaration of candidacy, the filing officer shall:

(A) read to the prospective candidate the constitutional and statutory qualification requirements for the office that the candidate is seeking; and

(B) require the candidate to state whether or not the candidate meets those requirements.

(ii) Before accepting a declaration of candidacy for the office of county attorney, the county clerk shall ensure that the person filing that declaration of candidacy is:

(A) a United States citizen;

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

(C) a registered voter in the county in which the person is seeking office; and

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

(iii) Before accepting a declaration of candidacy for the office of district attorney, the county clerk shall ensure that, as of the date of the election, the person filing that declaration of candidacy is:

(A) a United States citizen;

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

(C) a registered voter in the prosecution district in which the person is seeking office; and

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

(iv) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall ensure that the person filing the declaration of candidacy:

(A) as of the date of filing:

(I) is a United States citizen;

(II) is a registered voter in the county in which the person seeks office;

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

(Bb) has met the waiver requirements in Section 53-6-206; and

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

(B) as of the date of the election, shall have been a resident of the county in

which the person seeks office for at least one year.

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

(A) that the person filing the declaration of candidacy also files the financial disclosure required by Section 20A-11-1603; and

(B) if the filing officer is not the lieutenant governor, that the financial disclosure is provided to the lieutenant governor according to the procedures and requirements of Section 20A-11-1603.

(b) If the prospective candidate states that the qualification requirements for the office are not met, the filing officer may not accept the prospective candidate's declaration of candidacy.

(c) If the candidate meets the requirements of Subsection (3)(a) and states that the requirements of candidacy are met, the filing officer shall:

(i) inform the candidate that:

(A) the candidate's name will appear on the ballot as it is written on the declaration of candidacy;

(B) the candidate may be required to comply with state or local campaign finance disclosure laws; and

(C) the candidate is required to file a financial statement before the candidate's political convention under:

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

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

(III) local campaign finance disclosure laws, if applicable;

(ii) except for a presidential candidate, provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;

(iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);

(iv) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:

(A) signing the pledge is voluntary; and

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

(v) accept the candidate's declaration of candidacy; and

(vi) if the candidate has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the candidate is a member.

(d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:

(i) accept the candidate's pledge; and

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

(4) (a) Except for presidential candidates, the form of the declaration of

candidacy shall be substantially as follows:

"State of Utah, County of ____

I, _____, declare my intention of becoming a candidate for the office of ____ as a candidate for the ____ party. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of ____, Utah, Zip Code ____ Phone No. ____; I will not knowingly violate any law governing campaigns and elections; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is _____.

_____

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

Notary Public (or other officer qualified to administer oath.)"

(b) An agent designated to file a declaration of candidacy under Section 20A-9-202 may not sign the form described in Subsection (4)(a).

(5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy is:

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

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

(b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:

(i) who is disqualified; or

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

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

(ii) The lieutenant governor shall:

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

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

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

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

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

(B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be considered an offense under this title for the purposes of assessing the penalties provided in Subsection 20A-1-609(2).

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

"Affidavit of Impecuniosity

Individual Name _____Address_____

Phone Number _____

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

Date _____

Signature_____ Affiant

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

_____

(signature)

Name and Title of Officer Authorized to Administer Oath_____"

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

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

(vi) The filing officer may request that a person who makes a claim of impecuniosity under this Subsection (5)(d) file a financial statement on a form prepared by the election official.

(6) (a) If there is no legislative appropriation for the Western States Presidential Primary election, as provided in Part 8, Western States Presidential Primary, a candidate for president of the United States who is affiliated with a registered political party and chooses to participate in the regular primary election shall:

(i) file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor:

(A) on a form developed and provided by the lieutenant governor; and

(B) on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular primary election;

(ii) identify the registered political party whose nomination the candidate is seeking;

(iii) provide a letter from the registered political party certifying that the candidate may participate as a candidate for that party in that party's presidential primary election; and

(iv) pay the filing fee of $500.

(b) An agent designated to file a declaration of candidacy may not sign the form described in Subsection (6)(a)(i)(A).

(7) Any person who fails to file a declaration of candidacy or certificate of nomination within the time provided in this chapter is ineligible for nomination to office.

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

Amended by Chapter 145, 2013 General Session
Amended by Chapter 317, 2013 General Session

20A-9-202. Declarations of candidacy for regular general elections -- Requirements for candidates.

(1) (a) Each person seeking to become a candidate for elective office for any county office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with the county clerk on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and

(ii) pay the filing fee.

(b) Each person intending to become a candidate for any legislative office or multicounty office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with either the lieutenant governor or the county clerk in the candidate's county of residence on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and

(ii) pay the filing fee.

(c) (i) Each county clerk who receives a declaration of candidacy from a candidate for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the lieutenant governor within one working day after it is filed.

(ii) Each day during the filing period, each county clerk shall notify the lieutenant governor electronically or by telephone of legislative candidates who have filed in their office.

(d) Each person seeking to become a candidate for elective office for any federal office or constitutional office that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy in person with the lieutenant governor on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and

(ii) pay the filing fee.

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

(2) (a) Each person intending to become a candidate for the office of district attorney within a multicounty prosecution district that is to be filled at the next regular general election shall:

(i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the prosecution district on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and

(ii) pay the filing fee.

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

(3) (a) Within five working days of nomination, each lieutenant governor candidate shall:

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

(ii) pay the filing fee.

(b) (i) Any candidate for lieutenant governor who fails to file within five working days is disqualified.

(ii) If a lieutenant governor is disqualified, another candidate shall be nominated to replace the disqualified candidate.

(4) Each registered political party shall:

(a) certify the names of its candidates for president and vice president of the United States to the lieutenant governor no later than August 31; or

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

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

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

(i) mail or personally deliver notice of the objection to the affected candidate immediately; and

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

(c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.

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

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

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

(6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk.

(7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement in this section to file a declaration of candidacy in person, a person may designate an agent to file the form described in Subsection 20A-9-201(4) in person with the filing officer if:

(a) the person is located outside the state during the filing period because:

(i) of employment with the state or the United States; or

(ii) the person is a member of:

(A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

(B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(C) the National Guard on activated status;

(b) the person communicates with the filing officer using an electronic device that allows the person and filing officer to see and hear each other; and

(c) the person provides the filing officer with an email address to which the filing officer may send the copies described in Subsection 20A-9-201(3).

Amended by Chapter 317, 2013 General Session

20A-9-202.5. Declaration of candidacy -- Western States Presidential Primary.

(1) As used in this section:

(a) "Presidential candidate" means a person seeking nomination for President of the United States from a Utah registered political party.

(b) "Utah registered political party" means a political party that has complied with the requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to become a political party officially recognized by the state.

(2) Each presidential candidate, or the candidate's designated agent, shall file a declaration of candidacy with the lieutenant governor as provided in:

(a) Section 20A-9-803, for participation in the Western States Presidential Primary election; or

(b) Section 20A-9-201, for participation in the regular primary election.

Amended by Chapter 2, 2011 Special Session 3

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

(1) (a) (i) A person may become a candidate for any municipal office if:

(A) the person is a registered voter; and

(B) (I) the person has resided within the municipality in which that person seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or

(II) if the territory in which the person resides was annexed into the municipality, the person has resided within the annexed territory or the municipality the 12 consecutive months immediately before the date of the election.

(ii) For purposes of determining whether a person meets the residency requirement of Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before the election, the municipality shall be considered to have been incorporated 12 months before the date of the election.

(b) In addition to the requirements of Subsection (1)(a), each candidate for a municipal council position shall, if elected from a district, be a resident of the council district from which elected.

(c) In accordance with Utah Constitution Article IV, Section 6, any mentally incompetent person, any person convicted of a felony, or any person convicted of treason or a crime against the elective franchise may not hold office in this state until the right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.

(2) (a) A person seeking to become a candidate for a municipal office shall:

(i) file a declaration of candidacy, in person with the city recorder or town clerk, during office hours and not later than the close of normal office hours, between June 1

and June 7 of any odd-numbered year; and

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

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

(i) filing a nomination petition with the city recorder or town clerk during office hours, but not later than the close of normal office hours, between June 1 and June 7 of any odd-numbered year; and

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

(3) (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:

(i) read to the prospective candidate or person filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking; and

(ii) require the candidate or person filing the petition to state whether the candidate meets those requirements.

(b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.

(c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall:

(i) inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy;

(ii) provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;

(iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);

(iv) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:

(A) signing the pledge is voluntary; and

(B) signed pledges shall be filed with the filing officer; and

(v) accept the declaration of candidacy or nomination petition.

(d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:

(i) accept the candidate's pledge; and

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

(4) Notwithstanding the requirement in Subsection (2)(a)(i) to file a declaration of candidacy in person, a person may designate an agent to file the form described in Subsection (5) in person with the city recorder or town clerk if:

(a) the person is located outside the state during the filing period because:

(i) of employment with the state or the United States; or

(ii) the person is a member of:

(A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

(B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(C) the National Guard on activated status;

(b) the person makes the declaration of candidacy described in Subsection (5) to a person qualified to administer an oath;

(c) the person communicates with the city recorder or town clerk using an electronic device that allows the person and the city recorder or town clerk to see and hear each other; and

(d) the person provides the city recorder or town clerk with an email address to which the filing officer may send the copies described in Subsection (3).

(5) (a) The declaration of candidacy shall substantially comply with the following form:

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

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

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

(b) An agent designated to file a declaration of candidacy under Subsection (4) may not sign the form described in Subsection (5)(a).

(6) (a) A registered voter may be nominated for municipal office by submitting a petition signed, with a holographic signature, by:

(i) 25 residents of the municipality who are at least 18 years old; or

(ii) 20% of the residents of the municipality who are at least 18 years old.

(b) (i) The petition shall substantially conform to the following form:

"NOMINATION PETITION

The undersigned residents of (name of municipality) being 18 years old or older nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is applicable)."

(ii) The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.

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

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

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

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

(a) cause the names of the candidates as they will appear on the ballot to be published:

(i) in at least two successive publications of a newspaper with general circulation in the municipality; and

(ii) as required in Section 45-1-101; and

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

(10) A declaration of candidacy or nomination petition filed under this section may not be amended after the expiration of the period for filing a declaration of candidacy.

(11) (a) A declaration of candidacy or nomination petition filed under this section is valid unless a written objection is filed with the clerk within five days after the last day for filing.

(b) If an objection is made, the clerk shall:

(i) mail or personally deliver notice of the objection to the affected candidate immediately; and

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

(c) If the clerk sustains the objection, the candidate may correct the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.

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

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

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

(12) Any person who filed a declaration of candidacy and was nominated, and any person who was nominated by a nomination petition, may, any time up to 23 days before the election, withdraw the nomination by filing a written affidavit with the clerk.

Amended by Chapter 317, 2013 General Session
Amended by Chapter 402, 2013 General Session

20A-9-204. Inducements not to become candidate.

(1) (a) It is unlawful for any person to pay or reward, or promise to pay or reward, another in any manner or form for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.

(b) It is unlawful for any person to solicit any payment, promise, or reward from another for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.

(2) Any person who violates this section is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1994 General Session

20A-9-206. Fair campaign practices -- Voluntary pledge -- Pledge is a

public record -- Retention requirements.

(1) Each person seeking to become a candidate for any elective office that is to be filled at the next election shall be provided with a copy of the pledge of fair campaign practices.

(2) The pledge shall be in the following form:

"PLEDGE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of Utah has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their right to a free election, and that the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

I SHALL conduct my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing, without fear or favor, the record and policies of my opponents that I believe merit criticism.

I SHALL NOT use, nor shall I permit the use of, scurrilous attacks on any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of, defamation, libel, or slander against any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of, any other criticism of any candidate or the candidate's immediate family that I do not believe to be truthful, provable, and relevant to my campaign.

I SHALL NOT use, nor shall I permit the use of, any practice that tends to corrupt or undermine our American system of free elections, or that hinders or prevents the free expression of the will of the voters, including practices intended to hinder or prevent any eligible person from registering to vote or voting.

I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees or volunteers.

I SHALL immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods in violation of the letter or spirit of this pledge. I shall accept responsibility to take firm action against any subordinate who violates any provision of this pledge or the laws governing elections.

I SHALL defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of Utah, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices."

Name: _____

Signature: _____ Date: _____

(3) The filing officer shall print, or cause to be printed, blank forms of the pledge to be distributed to persons filing a declaration of candidacy.

(4) A pledge that is submitted for filing by a candidate is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.

(5) The filing officer shall:

(a) accept all signed pledges that are submitted for filing; and

(b) retain each filed pledge for public inspection for 30 calendar days after the election.

(6) A candidate may not be required to subscribe to, endorse, or sign the pledge of fair campaign practices.

Amended by Chapter 202, 2009 General Session

20A-9-401. Primary elections.

(1) This part shall be construed liberally so as to ensure full opportunity for persons to become candidates and for voters to express their choice.

(2) This part may not be construed to govern or regulate the internal procedures of a registered political party.

Enacted by Chapter 1, 1994 General Session

20A-9-402. General requirements for all primary elections.

(1) Except as provided in Subsection (2), the lieutenant governor, county clerks, and election judges shall follow the procedures and requirements of this title in administering primary elections.

(2) If there is any conflict between any provision of this part and any other sections in Title 20A, this part takes precedence.

Amended by Chapter 3, 1996 Special Session 2

20A-9-403. Regular primary elections.

(1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular primary election day.

(b) Each registered political party that chooses to use the primary election process to nominate some or all of its candidates shall comply with the requirements of this section.

(2) (a) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:

(i) declare their intent to participate in the primary election;

(ii) identify one or more registered political parties whose members may vote for the registered political party's candidates and whether or not persons identified as unaffiliated with a political party may vote for the registered political party's candidates; and

(iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1 of each even-numbered year.

(b) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:

(i) certify the name and office of all of the registered political party's candidates to the lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and indicate which of the candidates will be on the primary ballot; and

(ii) certify the name and office of each of its county candidates to the county

clerks by 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and indicate which of the candidates will be on the primary ballot.

(c) By 5 p.m. on the first Wednesday after the third Saturday in April of each even-numbered year, the lieutenant governor shall send the county clerks a certified list of the names of all statewide candidates, multicounty candidates, or single county candidates that shall be printed on the primary ballot and the order the candidates are to appear on the ballot in accordance with Section 20A-6-305.

(d) Except for presidential candidates, if a registered political party does not wish to participate in the primary election, it shall submit the names of its county candidates to the county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.

(3) The county clerk shall:

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

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

(c) determine the order of the candidates' names on the ballot in accordance with Section 20A-6-305.

(4) After the county clerk receives the certified list from a registered political party, the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, June ____, _____(year), to nominate party candidates for the parties and nonpartisan offices listed on the primary ballot. The polling place for voting precinct ____ is ____. The polls will open at 7 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk."

(5) (a) Candidates, other than presidential candidates, receiving the highest number of votes cast for each office at the regular primary election are nominated by their party or nonpartisan group for that office.

(b) If two or more candidates, other than presidential candidates, are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of their party for those positions.

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

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

(7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the

treasury of the county or state, in the same manner as for the regular general elections.

Amended by Chapter 317, 2013 General Session

20A-9-404. Municipal primary elections.

(1) (a) Except as otherwise provided in this section, candidates for municipal office in all municipalities shall be nominated at a municipal primary election.

(b) Municipal primary elections shall be held:

(i) consistent with Section 20A-1-201.5, on the second Tuesday following the first Monday in the August before the regular municipal election; and

(ii) whenever possible, at the same polling places as the regular municipal election.

(2) If the number of candidates for a particular municipal office does not exceed twice the number of persons needed to fill that office, a primary election for that office may not be held and the candidates are considered nominated.

(3) (a) For purposes of this Subsection (3), "convention" means an organized assembly of voters or delegates.

(b) (i) By ordinance adopted before the May 1 that falls before a regular municipal election, any third, fourth, or fifth class city or town may exempt itself from a primary election by providing that the nomination of candidates for municipal office to be voted upon at a municipal election be nominated by a political party convention or committee.

(ii) Any primary election exemption ordinance adopted under the authority of this subsection remains in effect until repealed by ordinance.

(c) (i) A convention or committee may not nominate more than one group of candidates or have placed on the ballot more than one group of candidates for the municipal offices to be voted upon at the municipal election.

(ii) A convention or committee may nominate a person who has been nominated by a different convention or committee.

(iii) A political party may not have more than one group of candidates placed upon the ballot and may not group the same candidates on different tickets by the same party under a different name or emblem.

(d) (i) The convention or committee shall prepare a certificate of nomination for each person nominated.

(ii) The certificate of nomination shall:

(A) contain the name of the office for which each person is nominated, the name, post office address, and, if in a city, the street number of residence and place of business, if any, of each person nominated;

(B) designate in not more than five words the political party that the convention or committee represents;

(C) contain a copy of the resolution passed at the convention that authorized the committee to make the nomination;

(D) contain a statement certifying that the name of the candidate nominated by the political party will not appear on the ballot as a candidate for any other political party;

(E) be signed by the presiding officer and secretary of the convention or

committee; and

(F) contain a statement identifying the residence and post office address of the presiding officer and secretary and certifying that the presiding officer and secretary were officers of the convention or committee and that the certificates are true to the best of their knowledge and belief.

(iii) Certificates of nomination shall be filed with the clerk not later than 80 days before the municipal general election.

(e) A committee appointed at a convention, if authorized by an enabling resolution, may also make nominations or fill vacancies in nominations made at a convention.

(f) The election ballot shall substantially comply with the form prescribed in Title 20A, Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall be included with the candidate's name.

(4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1 that falls before the regular municipal election that:

(i) exempts the city from the other methods of nominating candidates to municipal office provided in this section; and

(ii) provides for a partisan primary election method of nominating candidates as provided in this Subsection (4).

(b) (i) Any party that was a registered political party at the last regular general election or regular municipal election is a municipal political party under this section.

(ii) Any political party may qualify as a municipal political party by presenting a petition to the city recorder that:

(A) is signed, with a holographic signature, by registered voters within the municipality equal to at least 20% of the number of votes cast for all candidates for mayor in the last municipal election at which a mayor was elected;

(B) is filed with the city recorder by May 31 of any odd-numbered year;

(C) is substantially similar to the form of the signature sheets described in Section 20A-7-303; and

(D) contains the name of the municipal political party using not more than five words.

(c) (i) If the number of candidates for a particular office does not exceed twice the number of offices to be filled at the regular municipal election, no partisan primary election for that office shall be held and the candidates are considered to be nominated.

(ii) If the number of candidates for a particular office exceeds twice the number of offices to be filled at the regular municipal election, those candidates for municipal office shall be nominated at a partisan primary election.

(d) The clerk shall ensure that:

(i) the partisan municipal primary ballot is similar to the ballot forms required by Sections 20A-6-401 and 20A-6-401.1;

(ii) the candidates for each municipal political party are listed in one or more columns under their party name and emblem;

(iii) the names of candidates of all parties are printed on the same ballot, but under their party designation;

(iv) every ballot is folded and perforated so as to separate the candidates of one party from those of the other parties and so as to enable the elector to separate the part

of the ballot containing the names of the party of his choice from the remainder of the ballot; and

(v) the side edges of all ballots are perforated so that the outside sections of the ballots, when detached, are similar in appearance to inside sections when detached.

(e) After marking a municipal primary ballot, the voter shall:

(i) detach the part of the ballot containing the names of the candidates of the party he has voted from the rest of the ballot;

(ii) fold the detached part so that its face is concealed and deposit it in the ballot box; and

(iii) fold the remainder of the ballot containing the names of the candidates of the parties for whom the elector did not vote and deposit it in the blank ballot box.

(f) Immediately after the canvass, the election judges shall, without examination, destroy the tickets deposited in the blank ballot box.

Amended by Chapter 402, 2013 General Session

20A-9-501. Candidates not affiliated with a party -- General requirements.

(1) (a) Candidates for public office who do not wish to affiliate with a registered political party may obtain a position on the ballot by following the procedures and requirements of this part.

(b) Upon compliance with the provisions of this part, the unaffiliated candidate is entitled to all the rights and subject to all the penalties of candidates selected by a registered political party.

(2) A candidate who has filed a declaration of candidacy may not file a certificate of nomination as an unaffiliated candidate in the same year.

(3) The courts shall construe this part liberally so as to give unaffiliated candidates for public office every reasonable opportunity to make their candidacy effective.

Amended by Chapter 21, 1994 General Session

20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification -- Criminal penalty.

(1) The candidate shall:

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

"State of Utah, County of

_____

I, _____, declare my intention of becoming an unaffiliated candidate for the political group designated as ____ for the office of ____. I do solemnly swear that I can qualify to hold that office both legally and constitutionally if selected, and that I reside at ____ Street, in the city of ____, county of ____, state of _____, zip code ____, phone ____, and that I am providing, or have provided, the required number of holographic signatures of registered voters required by law; that as a candidate at the next election I will not knowingly violate any election or campaign law; I will file all campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my

name from the ballot.

_____

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

_____

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

(b) bind signature sheets to the certificate that:

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

(ii) are ruled with a horizontal line 3/4 inch from the top, with the space above that line blank for the purpose of binding;

(iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate Certificate of Nomination Petition" printed directly below the horizontal line;

(iv) contain the word "Warning" printed directly under the words described in Subsection (1)(b)(iii);

(v) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:

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

(vi) contain the following statement directly under the statement described in Subsection (1)(b)(v):

"Each signer says:

I have personally signed this petition with a holographic signature;

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

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

(vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in Subsection (1)(b)(vi); and

(viii) be vertically divided into columns as follows:

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

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

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

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

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

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

or if the information you provide does not match your voter registration records."; and

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

"Verification

State of Utah, County of ____

I, _____, of ____, hereby state that:

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

All the names that appear on the signature sheets bound to this page were signed by persons who professed to be the persons whose names appear on the signature sheets, and each of them signed the person's name on the signature sheets in my presence;

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

_____

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

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

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

(i) is at least 18 years old;

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

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

(b) A person who is not a resident may sign the verification on a petition for an unaffiliated candidate for the office of president of the United States.

(c) A person may not sign the verification if the person signed a signature sheet bound to the verification.

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

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

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

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

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

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

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

(B) has not witnessed the signing by those persons whose names appear on the certificate of nomination signature sheet; or

(C) knows that a person whose signature appears on the certificate of

nomination signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.

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

(5) (a) The candidate shall submit the petition and signature sheets to the county clerk for certification when the petition has been completed by:

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

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

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

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

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

(c) The candidate may supplement or amend the certificate of nomination at any time on or before the filing deadline.

Amended by Chapter 253, 2013 General Session
Amended by Chapter 317, 2013 General Session

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

(1) After the certificate of nomination has been certified, executed, and acknowledged by the county clerk, the candidate shall:

(a) between the second Friday in March and the close of normal office hours on the third Thursday in March of the year in which the regular general election will be held, file the petition in person with:

(i) the lieutenant governor, if the office the candidate seeks is a constitutional office or a federal office; or

(ii) the county clerk, if the office the candidate seeks is a county office; and

(iii) pay the filing fee; or

(b) not later than the close of normal office hours on June 15 of any odd-numbered year, file the petition in person with:

(i) the municipal clerk, if the candidate seeks an office in a city or town;

(ii) the local district clerk, if the candidate seeks an office in a local district; and

(iii) pay the filing fee.

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

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

(3) (a) Persons filing a certificate of nomination for president of the United States under this section shall pay a filing fee of $500.

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

(i) may file the certificate of nomination between the second Friday in March and

the close of normal office hours on August 15 of the year in which the regular general election will be held; and

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

(c) An agent designated to file the certificate of nomination may not sign the certificate of nomination form.

(4) Notwithstanding the requirement in Subsection (1) to file a certificate of nomination in person, a person may designate an agent to file the certificate of nomination in person with the filing officer if:

(a) the person is located outside the state during the filing period because:

(i) of employment with the state or the United States; or

(ii) the person is a member of:

(A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

(B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(C) the National Guard on activated status; and

(b) the person communicates with the filing officer using an electronic device that allows the person and the filing officer to see and hear each other.

Amended by Chapter 317, 2013 General Session

20A-9-504. Unaffiliated candidates -- Governor.

(1) Each unaffiliated candidate for governor shall, before July 1 of the regular general election year, select a running mate to file as an unaffiliated candidate for the office of lieutenant governor.

(2) The unaffiliated lieutenant governor candidate shall, by July 1 of the regular general election year, file as an unaffiliated candidate by following the procedures and requirements of this part.

Enacted by Chapter 258, 1996 General Session

20A-9-601. Qualifying as a write-in candidate.

(1) (a) Each person wishing to become a valid write-in candidate shall file a declaration of candidacy in person, or through a designated agent for a candidate for president or vice president of the United States, with the appropriate filing officer not later than 30 days before the regular general election or 60 days before a municipal general election in which the person intends to be a write-in candidate.

(b) (i) The form of the declaration of candidacy for all offices, except president of the United States, is substantially as follows:

"State of Utah, County of ____

I, _____, declare my intention of becoming a candidate for the office of ____ for the ____ district (if applicable). I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of ____, Utah, Zip Code ____, Phone No. ____; I will not knowingly violate any law governing campaigns and elections; I will file all

campaign financial disclosure reports as required by law; and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. The mailing address that I designate for receiving official election notices is _____.

_____

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

Notary Public (or other officer qualified to administer oath)."

(ii) The form of the declaration of candidacy for president of the United States is substantially as follows:

"State of Utah, County of ____

I, _____, declare my intention of becoming a candidate for the office of the president of the United States. I do solemnly swear that: I will meet the qualifications to hold the office, both legally and constitutionally, if selected; I reside at _____ in the City or Town of ____, State ____, Zip Code ____, Phone No. ____; I will not knowingly violate any law governing campaigns and elections. The mailing address that I designate for receiving official election notices is _____. I designate _____ as my vice presidential candidate.

_____

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

Notary Public (or other officer qualified to administer oath.)"

(iii) An agent designated to file a declaration of candidacy under Subsection (2) may not sign the form described in Subsection (1)(b)(i) or (ii).

(c) (i) The filing officer shall:

(A) read to the candidate the constitutional and statutory requirements for the office; and

(B) ask the candidate whether or not the candidate meets the requirements.

(ii) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.

(2) Notwithstanding the requirement in Subsection (1) to file a declaration of candidacy in person, a person may designate an agent to file the declaration of candidacy in person with the filing officer if:

(a) the person is located outside the state during the filing period because:

(i) of employment with the state or the United States; or

(ii) the person is a member of:

(A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

(B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(C) the National Guard on activated status; and

(b) the person communicates with the filing officer using an electronic device that allows the person and filing officer to see and hear each other.

(3) By November 1 of each regular general election year, the lieutenant

governor shall certify to each county clerk the names of all write-in candidates who filed their declaration of candidacy with the lieutenant governor.

Amended by Chapter 317, 2013 General Session
Amended by Chapter 402, 2013 General Session

20A-9-602. Write-in candidacy and voting prohibited in certain circumstances.

In elections for county attorney or district attorney that meet the requirements of Subsections 20A-6-302(2) and (3), a person may not file a declaration of candidacy as a write-in candidate under this part and the county clerk may not count any write-in votes received for the office of county or district attorney.

Amended by Chapter 317, 2013 General Session

20A-9-701. Certification of party candidates to county clerks -- Display on ballot.

(1) No later than August 31 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of each candidate, including candidates for president and vice president, certified by each registered political party as that party's nominees for offices to be voted upon at the regular general election in that county clerk's county.

(2) The names shall be certified by the lieutenant governor and shall be displayed on the ballot as they are provided on the candidate's declaration of candidacy.

Amended by Chapter 327, 2011 General Session

20A-9-801. Definitions.

As used in this part, "registered political party" means a political party that has complied with the requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to become a political party officially recognized by the state.

Enacted by Chapter 22, 1999 General Session

20A-9-802. Western States Presidential Primary established -- Other ballot items prohibited.

(1) (a) (i) Contingent upon legislative appropriation, there is established a Western States Presidential Primary election to be held on the first Tuesday in February in the year in which a presidential election will be held.

(ii) A political party may participate in a regular primary election for the office of President of the United States only if there is no Western States Presidential Primary election in that year.

(b) Except as otherwise specifically provided in this chapter, county clerks shall administer the Western States Presidential Primary according to the provisions of Title 20A, Election Code, including:

(i) Title 20A, Chapter 1, General Provisions;
(ii) Title 20A, Chapter 2, Voter Registration;
(iii) Title 20A, Chapter 3, Voting;
(iv) Title 20A, Chapter 4, Election Returns and Election Contests;
(v) Title 20A, Chapter 5, Election Administration; and
(vi) Title 20A, Chapter 6, Ballot Form.

(c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western States Presidential Primary contains only the names of candidates for President of the United States who have qualified as provided in this part.

(ii) The county clerks may not present any other items to the voters to be voted upon at this election.

(2) Registered political parties, and candidates for President of the United States who are affiliated with a registered political party, may participate in the Western States Presidential Primary established by this part.

(3) As a condition for using the state's election system, each registered political party wishing to participate in Utah's Western States Presidential Primary shall:

(a) declare their intent to participate in the Western States Presidential Primary;

(b) identify one or more registered political parties whose members may vote for the registered political party's candidates and whether or not persons identified as unaffiliated with a political party may vote for the registered political party's candidates; and

(c) certify that information to the lieutenant governor no later than 5 p.m. on the June 30 of the year before the year in which the presidential primary will be held.

Amended by Chapter 2, 2011 Special Session 3

20A-9-803. Declaration of candidacy -- Filing fee -- Form.

(1) Candidates for president of the United States who are affiliated with a registered political party in Utah that has elected to participate in Utah's Western States Presidential Primary and who wish to participate in the primary shall:

(a) file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor between July 1 of the year before the primary election will be held and 5 p.m. on October 15 of the year before the primary election will be held;

(b) identify the registered political party whose nomination the candidate is seeking;

(c) provide a letter from the registered political party certifying that the candidate may participate as a candidate for that party in that party's presidential primary election; and

(d) pay the filing fee of $500.

(2) The lieutenant governor shall develop a declaration of candidacy form for presidential candidates participating in the primary.

(3) An agent designated to file a declaration of candidacy may not sign the form described in Subsection (2).

Amended by Chapter 317, 2013 General Session

20A-9-804. Registration with county clerk.

(1) Registration to vote in the Western States Presidential Primary election shall be conducted as provided in Title 20A, Chapter 2, Voter Registration.

(2) The county clerk shall record the names of person registering to vote during that period in the official register and direct the election judges to allow those persons to vote in the Western States Presidential Primary election if they present themselves at the voting precinct on election day.

Amended by Chapter 329, 2008 General Session

20A-9-805. Closed primary -- Determining party affiliation -- Changing party affiliation.

(1) If a registered political party has restricted voting for its presidential candidates as authorized by Subsection 20A-9-802(3)(b), the lieutenant governor shall direct the county clerks and other election officials to allow only those voters meeting the registered political party's criteria to vote for that party's presidential candidates.

(2) (a) For each person who registers to vote on or after May 3, 1999, the county clerk shall:

(i) record the party affiliation designated by the voter on the voter registration form as the voter's party affiliation; or

(ii) if no political party affiliation is designated by the voter on the voter registration form, record the voter's party affiliation as "unaffiliated."

(b) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of Section 20A-2-107 or Section 20A-9-808.

Enacted by Chapter 22, 1999 General Session

20A-9-806. Ballots.

(1) The lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:

(a) develop paper ballots, ballot labels, ballot sheets, electronic ballots, and provisional ballot envelopes to be used in Utah's Western States Presidential Primary;

(b) ensure that the paper ballots, ballot labels, ballot sheets, electronic ballots, and provisional ballot envelopes comply generally with the requirements of Title 20A, Chapter 6, Part 1, General Requirements for All Ballots; and

(c) provide voting booths, election records and supplies, and ballot boxes for each voting precinct as required by Section 20A-5-403.

(2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, and Section 20A-5-403, the lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties shall ensure that the paper ballots, ballot labels, ballot sheets, electronic ballots, provisional ballot envelopes, and voting booths, election records and supplies, and ballot boxes:

(i) facilitate the distribution, voting, and tallying of ballots in a closed primary;

(ii) simplify the task of poll workers, particularly in determining a voter's party

affiliation;

(iii) minimize the possibility of spoiled ballots due to voter confusion; and

(iv) protect against fraud.

(b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties shall:

(i) mark, prepunch, or otherwise identify ballot sheets as being for a particular registered political party; and

(ii) instruct persons counting the ballots to count only those votes for candidates from the registered political party whose ballot the voter received.

(c) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties may:

(i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use different colored ballot sheets for each registered political party;

(ii) place ballot labels or ballots for each registered political party in different voting booths and direct voters to the particular voting booth for the political party whose ballot they are voting; or

(iii) consider other means of accomplishing the objectives outlined in Subsection (2)(a).

Amended by Chapter 326, 2006 General Session

20A-9-807. Combining voting precincts.

(1) The county legislative body may combine voting precincts for Utah's Western States Presidential Primary by following the procedures and requirements of Section 20A-5-303.

(2) The county legislative body may not combine voting precincts if the voting precincts are in different congressional districts as established by Section 20A-13-102.

Enacted by Chapter 22, 1999 General Session

20A-9-808. Voting.

Voting in Utah's Western States Presidential Primary shall be conducted in accordance with the procedures of Section 20A-3-104.5.

Repealed and Re-enacted by Chapter 329, 2008 General Session

20A-9-809. Counting votes -- Canvass -- Certification of results to parties.

(1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and retained, returns canvassed, and recounts and election contests conducted as provided in Title 20A, Chapter 4, Election Returns and Election Contests.

(2) After the canvass is complete and the report is prepared, the lieutenant governor shall transmit a copy of the report to each registered political party that participated in Utah's Western States Presidential Primary.

Amended by Chapter 329, 2008 General Session

20A-11-101. Definitions.

As used in this chapter:

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

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

(3) "Candidate" means any person who:

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

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

(4) "Chief election officer" means:

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

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

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

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

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

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

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

(v) remuneration from:

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

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

(vi) goods or services provided to or for the benefit of the filing entity at less than fair market value.

(b) "Contribution" does not include:

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

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

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

(6) "Coordinated with" means that goods or services provided for the benefit of a candidate or political party are provided:

(a) with the candidate's or political party's prior knowledge, if the candidate or political party does not object;

(b) by agreement with the candidate or political party;

(c) in coordination with the candidate or political party; or

(d) using official logos, slogans, and similar elements belonging to a candidate or political party.

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

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

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

(b) "Corporation" does not mean:

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

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

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

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

(10) "Detailed listing" means:

(a) for each contribution or public service assistance:

(i) the name and address of the individual or source making the contribution or public service assistance;

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

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

(b) for each expenditure:

(i) the amount of the expenditure;

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

(iii) the specific purpose, item, or service acquired by the expenditure; and

(iv) the date the expenditure was made.

(11) (a) "Donor" means a person that gives money, including a fee, due, or assessment for membership in the corporation, to a corporation without receiving full and adequate consideration for the money.

(b) "Donor" does not include a person that signs a statement that the corporation may not use the money for an expenditure or political issues expenditure.

(12) "Election" means each:

(a) regular general election;

(b) regular primary election; and

(c) special election at which candidates are eliminated and selected.

(13) "Electioneering communication" means a communication that:

(a) has at least a value of $10,000;

(b) clearly identifies a candidate or judge; and

(c) is disseminated through the Internet, newspaper, magazine, outdoor

advertising facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly identified candidate's or judge's election date.

(14) (a) "Expenditure" means:

(i) any disbursement from contributions, receipts, or from the separate bank account required by this chapter;

(ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

(iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

(iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;

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

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

(b) "Expenditure" does not include:

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

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

(iii) anything listed in Subsection (14)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.

(15) "Federal office" means the office of President of the United States, United States Senator, or United States Representative.

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

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

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

(19) "Incorporation" means the process established by Title 10, Chapter 2, Part 1, Incorporation, by which a geographical area becomes legally recognized as a city or town.

(20) "Incorporation election" means the election authorized by Section 10-2-111.

(21) "Incorporation petition" means a petition authorized by Section 10-2-109.

(22) "Individual" means a natural person.

(23) "Interim report" means a report identifying the contributions received and expenditures made since the last report.

(24) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

(25) "Legislative office candidate" means a person who:

(a) files a declaration of candidacy for the office of state senator or state representative;

(b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or

(c) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a legislative office.

(26) "Major political party" means either of the two registered political parties that have the greatest number of members elected to the two houses of the Legislature.

(27) "Officeholder" means a person who holds a public office.

(28) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.

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

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

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

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

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

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

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

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

(i) a party committee;

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

(iii) an individual;

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

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

(vi) a personal campaign committee.

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

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

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

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

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

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

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

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

(iii) an individual;

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

(v) a corporation, except a corporation a major purpose of which is to act as a political issues committee.

(35) (a) "Political issues contribution" means any of the following:

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

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

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

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

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

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

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

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

(36) (a) "Political issues expenditure" means any of the following:

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

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

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

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

(iii) an express, legally enforceable contract, promise, or agreement to make any

political issues expenditure;

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

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

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

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

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

(37) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking a municipal or county office at any caucus, political convention, or election.

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

(b) "Poll" does not include:

(i) a ballot; or

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

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

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

(39) "Primary election" means any regular primary election held under the election laws.

(40) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state or local school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

(41) (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:

(i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or

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

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

(i) anything provided by the state;

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

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

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

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

(42) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.

(43) "Receipts" means contributions and public service assistance.

(44) "Registered lobbyist" means a person registered under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

(45) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.

(46) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.

(47) "Registered political party" means an organization of voters that:

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

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

(48) (a) "Remuneration" means a payment:

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

(ii) that is approximately equivalent to an amount a legislator would have earned during the period the Legislature is in session in the legislator's ordinary course of business.

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

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

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

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

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

(49) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section 20A-11-1501.

(50) "School board office" means the office of state school board or local school board.

(51) (a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

(b) "Source" means, for political action committees and corporations, the political action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation.

(52) "State office" means the offices of governor, lieutenant governor, attorney

general, state auditor, and state treasurer.

(53) "State office candidate" means a person who:

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

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

(54) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

(55) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Amended by Chapter 86, 2013 General Session
Amended by Chapter 170, 2013 General Session
Amended by Chapter 318, 2013 General Session
Amended by Chapter 420, 2013 General Session

20A-11-103. Notice of pending interim and summary reports -- Form of submission -- Public availability.

(1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections, the chief election officer shall inform the filing entity by postal mail or, if requested by the filing entity, by electronic mail:

(i) that the financial statement is due;

(ii) of the date that the financial statement is due; and

(iii) of the penalty for failing to file the financial statement.

(b) The chief election officer is not required to provide notice:

(i) to a candidate or political party of the financial statement that is due before the candidate's or political party's political convention;

(ii) of a financial statement due in connection with a public hearing for an initiative under the requirements of Section 20A-7-204.1; or

(iii) to a corporation or labor organization, as defined in Section 20A-11-1501.

(2) A filing entity shall electronically file a financial statement via electronic mail or the Internet according to specifications established by the chief election officer.

(3) (a) A financial statement is considered timely filed if it is received by the chief election officer’s office before the close of regular office hours on the date that it is due.

(b) A chief election officer may extend the time in which a filing entity is required to file a financial statement if a filing entity notifies the chief election officer of the existence of an extenuating circumstance that is outside the control of the filing entity.

(4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the lieutenant governor shall:

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

(b) post an electronic copy or the contents of each financial statement in a searchable format on a website established by the lieutenant governor:

(i) for campaign finance statements submitted to the lieutenant governor under

the requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after the date of receipt of the campaign finance statement; or

(ii) for a summary report or interim report filed under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the date the summary report or interim report is electronically filed.

(5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5, elects to provide campaign finance disclosure on its own website, rather than through the lieutenant governor, the website established by the lieutenant governor shall contain a link or other access point to the municipality or county website.

Amended by Chapter 369, 2012 General Session

20A-11-104. Personal use expenditure -- Authorized and prohibited uses of campaign funds -- Enforcement -- Penalties.

(1) (a) As used in this chapter, "personal use expenditure" means an expenditure that:

(i) (A) is not excluded from the definition of personal use expenditure by Subsection (2); and

(B) primarily furthers a personal interest of a candidate or officeholder or a candidate's or officeholder's family, which interest is not connected with the performance of an activity as a candidate or an activity or duty of an officeholder; or

(ii) would cause the candidate or officeholder to recognize the expenditure as taxable income under federal law.

(b) "Personal use expenditure" includes:

(i) a mortgage, rent, utility, or vehicle payment;

(ii) a household food item or supply;

(iii) clothing, except for clothing:

(A) bearing the candidate's name or campaign slogan or logo; and

(B) used in the candidate's campaign;

(iv) an admission to a sporting, artistic, or recreational event or other form of entertainment;

(v) dues, fees, or gratuities at a country club, health club, or recreational facility;

(vi) a salary payment made to:

(A) a candidate or officeholder; or

(B) a person who has not provided a bona fide service to a candidate or officeholder;

(vii) a vacation;

(viii) a vehicle expense;

(ix) a meal expense;

(x) a travel expense;

(xi) a payment of an administrative, civil, or criminal penalty;

(xii) a satisfaction of a personal debt;

(xiii) a personal service, including the service of an attorney, accountant, physician, or other professional person;

(xiv) a membership fee for a professional or service organization; and

(xv) a payment in excess of the fair market value of the item or service

purchased.

(2) As used in this chapter, "personal use expenditure" does not mean an expenditure made:

(a) for a political purpose;

(b) for candidacy for public office;

(c) to fulfill a duty or activity of an officeholder;

(d) for a donation to a registered political party;

(e) for a contribution to another candidate's campaign account, including sponsorship of or attendance at an event, the primary purpose of which is to solicit a contribution for another candidate's campaign account;

(f) to return all or a portion of a contribution to a contributor;

(g) for the following items, if made in connection with the candidacy for public office or an activity or duty of an officeholder:

(i) (A) a mileage allowance at the rate established by the Division of Finance under Section 63A-3-107; or

(B) for motor fuel or special fuel, as defined in Section 59-13-102;

(ii) a meal expense;

(iii) a travel expense, including an expense incurred for airfare or a rental vehicle;

(iv) a payment for a service provided by an attorney or accountant;

(v) a tuition payment or registration fee for participation in a meeting or conference;

(vi) a gift;

(vii) a payment for the following items in connection with an office space:

(A) rent;

(B) utilities;

(C) a supply; or

(D) furnishing;

(viii) a booth at a meeting or event; or

(ix) educational material;

(h) to purchase or mail informational material, a survey, or a greeting card;

(i) for a donation to a charitable organization, as defined by Section 13-22-2, including admission to or sponsorship of an event, the primary purpose of which is charitable solicitation, as defined in Section 13-22-2;

(j) to repay a loan a candidate makes from the candidate's personal account to the candidate's campaign account;

(k) to pay membership dues to a national organization whose primary purpose is to address general public policy;

(l) for admission to or sponsorship of an event, the primary purpose of which is to promote the social, educational, or economic well-being of the state or the candidate's or officeholder's community; or

(m) for one or more guests of an officeholder or candidate to attend an event, meeting, or conference described in this Subsection (2).

(3) (a) The lieutenant governor shall enforce this chapter prohibiting a personal use expenditure by:

(i) evaluating a financial statement to identify a personal use expenditure; and

(ii) commencing an informal adjudicative proceeding in accordance with Title 63G, Chapter 4, Administrative Procedures Act, if the lieutenant governor has probable cause to believe a candidate or officeholder has made a personal use expenditure.

(b) Following the proceeding, the lieutenant governor may issue a signed order requiring a candidate or officeholder who has made a personal use expenditure to:

(i) remit an administrative penalty of an amount equal to 50% of the personal use expenditure to the lieutenant governor; and

(ii) deposit the amount of the personal use expenditure in the campaign account from which the personal use expenditure was disbursed.

(c) The lieutenant governor shall deposit money received under Subsection (3)(b)(i) in the General Fund.

Amended by Chapter 320, 2013 General Session

20A-11-201. State office candidate -- Separate bank account for campaign funds -- No personal use -- Report contributions within 30 days -- Report other accounts.

(1) (a) Each state office candidate or the candidate's personal campaign committee shall deposit each contribution and public service assistance received in one or more separate campaign accounts in a financial institution.

(b) A state office candidate or a candidate's personal campaign committee may not use money deposited in a campaign account for:

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

(2) A state office candidate or the candidate's personal campaign committee may not deposit or mingle any contributions received into a personal or business account.

(3) If a person who is no longer a state office candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-203 until the statement of dissolution and final summary report required by Section 20A-11-205 are filed with the lieutenant governor.

(4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is no longer a state office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former state office candidate to recognize the money as taxable income under federal tax law.

(b) A person who is no longer a state office candidate may transfer the money in a campaign account in a manner that would cause the former state office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

(5) (a) As used in this Subsection (5) and Section 20A-11-204, "received" means:

(i) for a cash contribution, that the cash is given to a state office candidate or a member of the candidate's personal campaign committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the state office candidate.

(b) Each state office candidate shall report each contribution and public service assistance to the lieutenant governor within 30 days after the contribution or public service assistance is received.

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

(i) that is not described in Subsection (1)(a); and

(ii) into which or from which a person who, as a candidate for an office, other than the state office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a state office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(b) A state office candidate shall include on any financial statement filed in accordance with this part:

(i) a contribution deposited in an account:

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

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

(ii) an expenditure made from an account:

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

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

Amended by Chapter 230, 2012 General Session

20A-11-202. State office candidate -- Personal campaign committee required -- Candidate as a political action committee officer.

(1) (a) (i) Each state office candidate shall select no more than one personal campaign committee, consisting of one or more persons, to receive contributions, make expenditures, and file reports connected with the candidate's campaign.

(ii) A state office candidate may serve as his own campaign committee.

(iii) A state office candidate may be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

(b) Except for expenses made by a registered political party to benefit a party's candidates generally, a state office candidate or other person acting in concert with or with the knowledge of the state office candidate may not receive any contributions or make any expenditures on behalf of a state office candidate other than through:

(i) a personal campaign committee established under this section; and

(ii) a political action committee established under Part 6, Political Action Committee Registration and Financial Reporting Requirements.

(2) (a) The state office candidate shall file a written statement signed by the candidate or authorized member of the candidate's personal campaign committee with the lieutenant governor that:

(i) informs the lieutenant governor that the state office candidate's personal

campaign committee has been selected; and

(ii) provides the name and address of each member and the secretary of the committee.

(b) A state office candidate or the candidate's personal campaign committee may not make any expenditures on behalf of the candidate until the statement has been filed.

(c) A state office candidate may revoke the selection of any member of the campaign committee by:

(i) revoking that person's appointment or election in writing;

(ii) personally serving the written revocation on the member whose selection is revoked; and

(iii) filing a copy of the written revocation with the lieutenant governor.

(d) (i) The state office candidate may select a replacement to fill any vacancy on the campaign committee.

(ii) The state office candidate shall file that replacement's name and address with the lieutenant governor.

(3) A member of a state office candidate's personal campaign committee may not make an expenditure of more than $1,000 unless the state office candidate or the secretary of the personal campaign committee authorizes the expenditure in writing.

(4) A state office candidate or the candidate's personal campaign committee may not make any expenditures prohibited by law.

Amended by Chapter 347, 2011 General Session

20A-11-203. State office candidate -- Financial reporting requirements -- Year-end summary report.

(1) (a) Each state office candidate shall file a summary report by January 10 of the year after the regular general election year.

(b) In addition to the requirements of Subsection (1)(a), a former state office candidate that has not filed the statement of dissolution and final summary report required under Section 20A-11-205 shall continue to file a summary report on January 10 of each year.

(2) (a) Each summary report shall include the following information as of December 31 of the previous year:

(i) the net balance of the last financial statement, if any;

(ii) a single figure equal to the total amount of receipts reported on all interim reports, if any;

(iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the previous year;

(iv) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on an interim report;

(v) for each nonmonetary contribution:

(A) the fair market value of the contribution with that information provided by the contributor; and

(B) a specific description of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report

that has not been reported in detail on an interim report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure;

(viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures; and

(ix) the name of a political action committee for which the state office candidate is designated as an officer who has primary decision-making authority under Section 20A-11-601.

(b) (i) For all single contributions or public service assistance of $50 or less, a single aggregate figure may be reported without separate detailed listings.

(ii) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.

(d) A check or negotiable instrument received by a state office candidate or a state office candidate's personal campaign committee on or before December 31 of the previous year shall be included in the summary report.

(3) An authorized member of the state office candidate's personal campaign committee or the state office candidate shall certify in the summary report that, to the best of the person's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Amended by Chapter 347, 2011 General Session

20A-11-204. State office candidate and state office holder -- Financial reporting requirements -- Interim reports.

(1) (a) As used in this Subsection (1), "campaign account" means a separate campaign account required under Subsection 20A-11-201(1)(a).

(b) Except as provided in Subsection (1)(c), each state office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:

(i) seven days before the candidate's political convention;

(ii) seven days before the regular primary election date;

(iii) August 31; and

(iv) seven days before the regular general election date.

(c) If a state office candidate is a state office candidate seeking appointment for a midterm vacancy, the state office candidate:

(i) shall file an interim report:

(A) no later than seven days before the day on which the political party of the party for which the state office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-504; or

(B) if a state office candidate decides to seek the appointment with less than seven days before the party meets, or the political party schedules the meeting to declare a nominee less than seven days before the day of the meeting, no later than 5 p.m. on the last day of business before the day on which the party meets; and

(ii) is not required to file an interim report at the times described in Subsection (1)(b).

(d) Each state office holder who has a campaign account that has not been dissolved under Section 20A-11-205 shall, in an even year, file an interim report at the following times, regardless of whether an election for the state office holder's office is held that year:

(i) seven days before the political convention for the political party of the state office holder;

(ii) seven days before the regular primary election date;

(iii) August 31; and

(iv) seven days before the regular general election date.

(2) Each interim report shall include the following information:

(a) the net balance of the last summary report, if any;

(b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;

(c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;

(d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;

(e) for each nonmonetary contribution:

(i) the fair market value of the contribution with that information provided by the contributor; and

(ii) a specific description of the contribution;

(f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;

(g) for each nonmonetary expenditure, the fair market value of the expenditure;

(h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;

(i) a summary page in the form required by the lieutenant governor that identifies:

(i) beginning balance;

(ii) total contributions during the period since the last statement;

(iii) total contributions to date;

(iv) total expenditures during the period since the last statement; and

(v) total expenditures to date; and

(j) the name of a political action committee for which the state office candidate or state office holder is designated as an officer who has primary decision-making authority under Section 20A-11-601.

(3) (a) For all individual contributions or public service assistance of $50 or less, a single aggregate figure may be reported without separate detailed listings.

(b) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(4) (a) In preparing each interim report, all receipts and expenditures shall be

reported as of five days before the required filing date of the report.

(b) Any negotiable instrument or check received by a state office candidate or state office holder more than five days before the required filing date of a report required by this section shall be included in the interim report.

Amended by Chapter 170, 2013 General Session
Amended by Chapter 420, 2013 General Session

20A-11-205. State office candidate -- Financial reporting requirements -- Termination of duty to report.

(1) Each state office candidate and the candidate's personal campaign committee is active and subject to interim reporting requirements until:

(a) the candidate withdraws or is eliminated in a convention or primary; or

(b) if seeking appointment as a midterm vacancy state office candidate:

(i) the political party liaison fails to forward the person's name to the governor; or

(ii) the governor fails to appoint the person to fill the vacancy.

(2) Each state office candidate and the candidate's personal campaign committee is active and subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the lieutenant governor stating that:

(a) the state office candidate or the personal campaign committee is no longer receiving contributions and is no longer making expenditures;

(b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-201 is zero; and

(c) a final summary report in the form required by Section 20A-11-203 showing a zero balance is attached to the statement of dissolution.

(3) A statement of dissolution and a final summary report may be filed at any time.

(4) Each state office candidate and the candidate’s personal campaign committee shall continue to file the year-end summary report required by Section 20A-11-203 until the statement of dissolution and final summary report required by this section are filed with the lieutenant governor.

Amended by Chapter 170, 2013 General Session

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

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

(b) If a state office candidate fails to file an interim report due before the regular primary election, on August 31, or before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely filed, inform the county clerk and other appropriate election officials that the state office candidate is disqualified.

(c) (i) The vacancy on the ballot resulting from the disqualification may be filled as provided in Section 20A-1-501.

(ii) If a state office candidate is disqualified under Subsection (1)(a), the election official shall:

(A) remove the candidate's name from the ballot; or

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

(d) Notwithstanding Subsections (1)(b) and (1)(c), a state office candidate is not disqualified if:

(i) the candidate timely files the reports required by this section no later than the due date in accordance with Section 20A-11-103;

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

(iii) the omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are corrected in:

(A) an amended report; or

(B) the next scheduled report.

(2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

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

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

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

(c) (i) It is unlawful for any state office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor under this section.

(ii) Each state office candidate who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.

(iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant governor shall impose a civil fine of $100 against a state office candidate who violates Subsection (2)(c)(i).

Amended by Chapter 170, 2013 General Session
Amended by Chapter 252, 2013 General Session
Amended by Chapter 317, 2013 General Session
Amended by Chapter 420, 2013 General Session

20A-11-301. Legislative office candidate -- Campaign finance requirements -- Candidate as a political action committee officer -- No personal use -- Report contributions within 30 days -- Report other accounts.

(1) (a) (i) Each legislative office candidate shall deposit each contribution and

public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose.

(ii) A legislative office candidate may:

(A) receive a contribution or public service assistance from a political action committee registered under Section 20A-11-601; and

(B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

(b) A legislative office candidate or the candidate's personal campaign committee may not use money deposited in an account described in Subsection (1)(a)(i) for:

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

(2) A legislative office candidate may not deposit or mingle any contributions or public service assistance received into a personal or business account.

(3) If a person who is no longer a legislative candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-302 until the statement of dissolution and final summary report required by Section 20A-11-304 are filed with the lieutenant governor.

(4) (a) Except as provided in Subsection (4)(b) and Section 20A-11-402, a person who is no longer a legislative office candidate may not expend or transfer the money in a campaign account in a manner that would cause the former legislative office candidate to recognize the money as taxable income under federal tax law.

(b) A person who is no longer a legislative office candidate may transfer the money in a campaign account in a manner that would cause the former legislative office candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

(5) (a) As used in this Subsection (5) and Section 20A-11-303, "received" means:

(i) for a cash contribution, that the cash is given to a legislative office candidate or a member of the candidate's personal campaign committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the legislative office candidate.

(b) Each legislative office candidate shall report each contribution and public service assistance to the lieutenant governor within 30 days after the contribution or public service assistance is received.

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

(i) that is not described in Subsection (1)(a)(i); and

(ii) into which or from which a person who, as a candidate for an office, other than a legislative office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a legislative office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(b) A legislative office candidate shall include on any financial statement filed in accordance with this part:

(i) a contribution deposited in an account:

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

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

(ii) an expenditure made from an account:

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

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

Amended by Chapter 230, 2012 General Session

20A-11-302. Legislative office candidate -- Financial reporting requirements -- Year-end summary report.

(1) (a) Each legislative office candidate shall file a summary report by January 10 of the year after the regular general election year.

(b) In addition to the requirements of Subsection (1)(a), a former legislative office candidate that has not filed the statement of dissolution and final summary report required under Section 20A-11-304 shall continue to file a summary report on January 10 of each year.

(2) (a) Each summary report shall include the following information as of December 31 of the previous year:

(i) the net balance of the last financial statement, if any;

(ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the calendar year in which the summary report is due;

(iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the previous year;

(iv) a detailed listing of each receipt, contribution, and public service assistance since the last summary report that has not been reported in detail on an interim report;

(v) for each nonmonetary contribution:

(A) the fair market value of the contribution with that information provided by the contributor; and

(B) a specific description of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure;

(viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures; and

(ix) the name of a political action committee for which the legislative office candidate is designated as an officer who has primary decision-making authority under Section 20A-11-601.

(b) (i) For all individual contributions or public service assistance of $50 or less, a single aggregate figure may be reported without separate detailed listings.

(ii) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported

separately.

(c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.

(d) A check or negotiable instrument received by a legislative office candidate on or before December 31 of the previous year shall be included in the summary report.

(3) The legislative office candidate shall certify in the summary report that to the best of the candidate's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Amended by Chapter 347, 2011 General Session

20A-11-303. Legislative office candidate and legislative office holder -- Financial reporting requirements -- Interim reports.

(1) (a) As used in this Subsection (1), "campaign account" means a separate campaign account required under Subsection 20A-11-301(1)(a)(i).

(b) Except as provided in Subsection (1)(d), each legislative office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:

(i) seven days before the candidate's political convention;

(ii) seven days before the regular primary election date;

(iii) August 31; and

(iv) seven days before the regular general election date.

(c) Each legislative office holder who has a campaign account that has not been dissolved under Section 20A-11-304 shall, in an even year, file an interim report at the following times, regardless of whether an election for the legislative office holder's office is held that year:

(i) seven days before the political convention for the political party of the legislative office holder;

(ii) seven days before the regular primary election date for that year;

(iii) August 31; and

(iv) seven days before the regular general election date.

(d) If a legislative office candidate is a legislative office candidate seeking appointment for a midterm vacancy, the legislative office candidate:

(i) shall file an interim report:

(A) no later than seven days before the day on which the political party of the party for which the legislative office candidate seeks nomination meets to declare a nominee for the governor to appoint in accordance with Section 20A-1-503; or

(B) if a legislative office candidate decides to seek the appointment with less than seven days before the party meets, or the political party schedules the meeting to declare a nominee less than seven days before the day of the meeting, no later than 5 p.m. on the last day of business before the day on which the party meets; and

(ii) is not required to file an interim report at the times described in Subsection (1)(b).

(2) Each interim report shall include the following information:

(a) the net balance of the last summary report, if any;

(b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;

(c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;

(d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;

(e) for each nonmonetary contribution:

(i) the fair market value of the contribution with that information provided by the contributor; and

(ii) a specific description of the contribution;

(f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;

(g) for each nonmonetary expenditure, the fair market value of the expenditure;

(h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;

(i) a summary page in the form required by the lieutenant governor that identifies:

(i) beginning balance;

(ii) total contributions during the period since the last statement;

(iii) total contributions to date;

(iv) total expenditures during the period since the last statement; and

(v) total expenditures to date; and

(j) the name of a political action committee for which the legislative office candidate or legislative office holder is designated as an officer who has primary decision-making authority under Section 20A-11-601.

(3) (a) For all individual contributions or public service assistance of $50 or less, a single aggregate figure may be reported without separate detailed listings.

(b) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(4) (a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.

(b) Any negotiable instrument or check received by a legislative office candidate or legislative office holder more than five days before the required filing date of a report required by this section shall be included in the interim report.

Amended by Chapter 170, 2013 General Session
Amended by Chapter 420, 2013 General Session

20A-11-304. Legislative office candidate -- Financial reporting requirements -- Termination of duty to report.

(1) Each legislative office candidate is subject to interim reporting requirements until:

(a) the candidate withdraws or is eliminated in a convention or primary; or

(b) if seeking appointment as a midterm vacancy legislative office candidate:
(i) the political party liaison fails to forward the person's name to the governor; or
(ii) the governor fails to appoint the person to fill the vacancy.
(2) Each legislative office candidate is subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the lieutenant governor stating that:
(a) the legislative office candidate is no longer receiving contributions and is no longer making expenditures;
(b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-301 is zero; and
(c) a final summary report in the form required by Section 20A-11-302 showing a zero balance is attached to the statement of dissolution.
(3) A statement of dissolution and a final summary report may be filed at any time.
(4) Each legislative office candidate shall continue to file the year-end summary report required by Section 20A-11-302 until the statement of dissolution and final summary report required by this section are filed with the lieutenant governor.

Amended by Chapter 170, 2013 General Session

20A-11-305. Legislative office candidate -- Failure to file report -- Penalties.
(1) (a) A legislative office candidate who fails to file a financial statement by the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.
(b) If a legislative office candidate fails to file an interim report due before the regular primary election, on August 31, or before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely filed, inform the county clerk and other appropriate election officials that the legislative office candidate is disqualified.
(c) (i) The vacancy on the ballot resulting from the disqualification may be filled as provided in Section 20A-1-501.
(ii) If a legislative office candidate is disqualified under Subsection (1)(a), the election officer shall:
(A) remove the candidate's name from the ballot; or
(B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted.
(d) Notwithstanding Subsections (1)(b) and (1)(c), a legislative office candidate is not disqualified if:
(i) the candidate timely files the reports required by this section no later than the due date in accordance with Section 20A-11-103;
(ii) the reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and
(iii) the omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are corrected in:

(A) an amended report; or
(B) the next scheduled report.
(2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:
(i) each legislative office candidate that is required to file a summary report has filed one; and
(ii) each summary report contains the information required by this part.
(b) If it appears that any legislative office candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the legislative office candidate of the violation or written complaint and direct the legislative office candidate to file a summary report correcting the problem.
(c) (i) It is unlawful for any legislative office candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor under this section.
(ii) Each legislative office candidate who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.
(iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.
(iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant governor shall impose a civil fine of $100 against a legislative office candidate who violates Subsection (2)(c)(i).

Amended by Chapter 170, 2013 General Session
Amended by Chapter 252, 2013 General Session
Amended by Chapter 317, 2013 General Session
Amended by Chapter 420, 2013 General Session

20A-11-401. Officeholder financial reporting requirements -- Year-end summary report -- Officeholder as a political action committee officer.
(1) (a) Each officeholder shall file a summary report by January 10 of each year.
(b) An officeholder that is required to file a summary report both as an officeholder and as a candidate for office under the requirements of this chapter may file a single summary report as a candidate and an officeholder, provided that the combined report meets the requirements of:
(i) this section; and
(ii) the section that provides the requirements for the summary report filed by the officeholder in the officeholder's capacity of a candidate for office.
(2) (a) Each summary report shall include the following information as of December 31 of the previous year:
(i) the net balance of the last summary report, if any;
(ii) a single figure equal to the total amount of receipts received since the last summary report, if any;
(iii) a single figure equal to the total amount of expenditures made since the last

summary report, if any;

(iv) a detailed listing of each contribution and public service assistance received since the last summary report;

(v) for each nonmonetary contribution:

(A) the fair market value of the contribution with that information provided by the contributor; and

(B) a specific description of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure;

(viii) a net balance for the year consisting of the net balance from the last summary report plus all receipts minus all expenditures; and

(ix) the name of a political action committee for which the officeholder is designated as an officer who has primary decision-making authority under Section 20A-11-601.

(b) (i) For all individual contributions or public service assistance of $50 or less, a single aggregate figure may be reported without separate detailed listings.

(ii) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.

(3) The summary report shall contain a paragraph signed by the officeholder certifying that, to the best of the officeholder's knowledge, all receipts and all expenditures have been reported as of December 31 of the last calendar year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

(4) An officeholder may:

(a) receive public service assistance from a political action committee registered under Section 20A-11-601; and

(b) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

Amended by Chapter 297, 2011 General Session
Amended by Chapter 347, 2011 General Session

20A-11-402. Officeholder financial reporting requirements -- Termination of duty to report.

(1) An officeholder is active and subject to reporting requirements until the officeholder has filed a statement of dissolution with the lieutenant governor stating that:

(a) the officeholder is no longer receiving contributions or public service assistance and is no longer making expenditures;

(b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required by Section 20A-11-201, 20A-11-301, or 20A-11-1301 is zero; and

(c) a final summary report in the form required by Section 20A-11-401 showing a zero balance is attached to the statement of dissolution.

(2) A statement of dissolution and a final summary report may be filed at any time.

(3) Each officeholder shall continue to file the year-end summary report required by Section 20A-11-401 until the statement of dissolution and final summary report required by this section are filed with the lieutenant governor.

(4) An officeholder may not use a contribution deposited in an account in accordance with this chapter for:

(a) a personal use expenditure; or

(b) an expenditure prohibited by law.

(5) (a) Except as provided in Subsection (5)(b), a person who is no longer an officeholder may not expend or transfer the money in a campaign account in a manner that would cause the former officeholder to recognize the money as taxable income under federal tax law.

(b) A person who is no longer an officeholder may transfer the money in a campaign account in a manner that would cause the former officeholder to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

Amended by Chapter 320, 2013 General Session

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

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

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

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

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

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

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

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

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

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

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

(4) Within 30 days after a deadline for the filing of an interim report by an officeholder under Subsection 20A-11-204(1)(c), 20A-11-303(1)(c), or

20A-11-1303(1)(c), the lieutenant governor shall review each filed interim report to ensure that each interim report contains the information required for the report.

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

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

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

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

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

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

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

Amended by Chapter 420, 2013 General Session

20A-11-505.5. Political party financial reporting requirements -- General requirements.

Nothing in this part requires a registered political party to report contributions and expenditures made to benefit federal candidates and filed with the Federal Election Commission.

Enacted by Chapter 355, 1997 General Session

20A-11-505.7. Separate account for contributions for registered political party.

(1) A registered political party shall deposit a contribution received in one or more separate campaign accounts in a financial institution.

(2) A registered political party may not deposit or mingle a contribution received into a personal or business account.

Enacted by Chapter 396, 2011 General Session

20A-11-506. Political party financial reporting requirements -- Year-end summary report.

(1) The party committee of each registered political party shall file a summary report by January 10 of each year.

(2) (a) Each summary report shall include the following information as of December 31 of the previous year:

(i) the net balance of the last summary report, if any;

(ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the previous year;

(iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the previous year;

(iv) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on an interim report;

(v) for each nonmonetary contribution, the fair market value of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

(viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.

(b) (i) For all individual contributions or public service assistance of $50 or less, a single aggregate figure may be reported without separate detailed listings.

(ii) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.

(3) The summary report shall contain a paragraph signed by the treasurer of the party committee certifying that, to the best of the treasurer's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Amended by Chapter 14, 2008 General Session
Amended by Chapter 225, 2008 General Session

20A-11-507. Political party financial reporting requirements -- Interim reports.

(1) The party committee of each registered political party shall file an interim report at the following times in any year in which there is a regular general election:

(a) seven days before the registered political party's political convention;

(b) seven days before the regular primary election date;

(c) August 31; and

(d) seven days before the general election date.

(2) Each interim report shall include the following information:

(a) the net balance of the last financial statement, if any;

(b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;

(c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;

(d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;

(e) for each nonmonetary contribution, the fair market value of the contribution;

(f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;

(g) for each nonmonetary expenditure, the fair market value of the expenditure;

(h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report; and

(i) a summary page in the form required by the lieutenant governor that identifies:

(i) beginning balance;

(ii) total contributions during the period since the last statement;

(iii) total contributions to date;

(iv) total expenditures during the period since the last statement; and

(v) total expenditures to date.

(3) (a) For all individual contributions or public service assistance of $50 or less, a single aggregate figure may be reported without separate detailed listings.

(b) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(4) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.

Amended by Chapter 389, 2010 General Session

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

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

(b) Each registered political party that fails to file the interim reports due before the regular primary election, on August 31, or before the regular general election is guilty of a class B misdemeanor.

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

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

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

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

(3) If it appears that any political party has failed to file a report required by law, if it appears that a filed report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the political party of the violation or written complaint and direct the political party to file a summary report correcting the problem.

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

(b) Each political party who violates Subsection (4)(a) is guilty of a class B misdemeanor.

(c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.

(d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall impose a civil fine of $1,000 against a political party that violates Subsection (4)(a).

Amended by Chapter 252, 2013 General Session
Amended by Chapter 420, 2013 General Session

20A-11-509. Separate account for contributions for county political party.

(1) A county political party officer shall deposit a contribution received in one or more separate campaign accounts in a financial institution.

(2) A county political party officer may not deposit or mingle a contribution received into a personal or business account.

Enacted by Chapter 396, 2011 General Session

20A-11-510. County political party financial reporting requirements -- Year-end summary report.

(1) A county political party officer of a county political party that has received contributions totaling at least $750, or disbursed expenditures totaling at least $50, during a calendar year shall file a summary report by January 10 of the following year.

(2) (a) Each summary report shall include the following information as of December 31 of the previous year:

(i) the net balance of the last summary report, if any;

(ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, filed during the previous year;

(iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the previous year;

(iv) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on an interim report;

(v) for each nonmonetary contribution, the fair market value of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

(viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.

(b) (i) For all individual contributions or public service assistance of $50 or less, a single aggregate figure may be reported without separate detailed listings.

(ii) Two or more contributions from the same source that have an aggregate

total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.

(3) The county political party officer shall certify in the summary report that, to the best of the officer's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Enacted by Chapter 396, 2011 General Session

20A-11-511. County political party financial reporting requirements -- Interim reports.

(1) (a) A county political party officer of a county political party that has received contributions totaling at least $750, or disbursed expenditures totaling at least $50, during a calendar year shall file an interim report at the following times in any year in which there is a regular general election:

(i) seven days before the county political party's convention;

(ii) seven days before the regular primary election date;

(iii) August 31; and

(iv) seven days before the general election date.

(b) A county political party officer need not file an interim report if it received no contributions or made no expenditures during the reporting period.

(2) Each interim report shall include the following information:

(a) the net balance of the last financial statement, if any;

(b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;

(c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;

(d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;

(e) for each nonmonetary contribution, the fair market value of the contribution;

(f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;

(g) for each nonmonetary expenditure, the fair market value of the expenditure;

(h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report; and

(i) a summary page in the form required by the lieutenant governor that identifies:

(i) beginning balance;

(ii) total contributions during the period since the last statement;

(iii) total contributions to date;

(iv) total expenditures during the period since the last statement; and

(v) total expenditures to date.

(3) (a) For all individual contributions or public service assistance of $50 or less, a single aggregate figure may be reported without separate detailed listings.

(b) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(4) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.

Enacted by Chapter 396, 2011 General Session

20A-11-512. County political party -- Criminal penalties -- Fines.

(1) (a) A county political party that fails to file an interim report that is due seven days before the county political party's convention is subject to a fine imposed in accordance with Section 20A-11-1005.

(b) A county political party that fails to file the interim report due before the regular primary election, on August 31, or before the regular general election is subject to a fine of $1,000, which the chief election officer shall deposit in the General Fund.

(2) Within 30 days after a deadline for the filing of the January 10 statement required by Section 20A-11-510, the lieutenant governor shall review each filed statement to ensure that:

(a) a county political party officer who is required to file a statement has filed one; and

(b) each statement contains the information required by Section 20A-11-510.

(3) If it appears that any county political party officer has failed to file a financial statement, if it appears that a filed financial statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any financial statement, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the county political party officer of the violation or written complaint and direct the county political party officer to file a financial statement correcting the problem.

(4) A county political party that fails to file or amend a financial statement within seven days after receiving notice from the lieutenant governor under this section is subject to a fine of $1,000, which the chief election officer shall deposit in the General Fund.

Amended by Chapter 252, 2013 General Session
Amended by Chapter 420, 2013 General Session

20A-11-513. Termination of duty to report.

(1) A registered political party or county political party is subject to year-end summary reporting requirements until the registered political party or county political party has filed a statement of dissolution with the lieutenant governor stating that:

(a) the political party is no longer receiving contributions and is no longer making expenditures;

(b) the ending balance on the last summary report filed is zero; and

(c) a final summary report in the form required by this part showing a zero

balance is filed with the statement of dissolution.

(2) A statement of dissolution and a final summary report may be filed at any time.

(3) A registered political party or county political party shall continue to file the year-end summary report required by this part until the statement of dissolution and final summary report required by this section are filed with the lieutenant governor.

Enacted by Chapter 396, 2011 General Session

20A-11-601. Political action committees -- Registration -- Criminal penalty for providing false information or accepting unlawful contribution.

(1) (a) Each political action committee shall file a statement of organization with the lieutenant governor's office by January 10 of each year, unless the political action committee has filed a notice of dissolution under Subsection (4).

(b) If a political action committee is organized after the January 10 filing date, the political action committee shall file an initial statement of organization no later than seven days after:

(i) receiving contributions totaling at least $750; or

(ii) distributing expenditures for political purposes totaling at least $50.

(2) (a) Each political action committee shall designate two officers who have primary decision-making authority for the political action committee.

(b) A person may not exercise primary decision-making authority for a political action committee who is not designated under Subsection (2)(a).

(3) The statement of organization shall include:

(a) the name and address of the political action committee;

(b) the name, street address, phone number, occupation, and title of the two primary officers designated under Subsection (2)(a);

(c) the name, street address, occupation, and title of all other officers of the political action committee;

(d) the name and street address of the organization, individual corporation, association, unit of government, or union that the political action committee represents, if any;

(e) the name and street address of all affiliated or connected organizations and their relationships to the political action committee;

(f) the name, street address, business address, occupation, and phone number of the committee's treasurer or chief financial officer; and

(g) the name, street address, and occupation of each member of the governing and advisory boards, if any.

(4) (a) Any registered political action committee that intends to permanently cease operations shall file a notice of dissolution with the lieutenant governor's office.

(b) Any notice of dissolution filed by a political action committee does not exempt that political action committee from complying with the financial reporting requirements of this chapter.

(5) (a) Unless the political action committee has filed a notice of dissolution under Subsection (4), a political action committee shall file, with the lieutenant governor's office, notice of any change of an officer described in Subsection (2)(a).

(b) Notice of a change of a primary officer described in Subsection (2)(a) shall:
(i) be filed within 10 days of the date of the change; and
(ii) contain the name and title of the officer being replaced, and the name, street address, occupation, and title of the new officer.
(6) (a) A person is guilty of providing false information in relation to a political action committee if the person intentionally or knowingly gives false or misleading material information in the statement of organization or the notice of change of primary officer.
(b) Each primary officer designated in Subsection (2)(a) is guilty of accepting an unlawful contribution if the political action committee knowingly or recklessly accepts a contribution from a corporation that:
(i) was organized less than 90 days before the date of the general election; and
(ii) at the time the political action committee accepts the contribution, has failed to file a statement of organization with the lieutenant governor's office as required by Section 20A-11-704.
(c) A violation of this Subsection (6) is a third degree felony.

Amended by Chapter 347, 2011 General Session

20A-11-602. Political action committees -- Financial reporting.
(1) (a) Each registered political action committee that has received contributions totaling at least $750, or disbursed expenditures totaling at least $50, during a calendar year shall file a verified financial statement with the lieutenant governor's office:
(i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;
(ii) seven days before the state political convention of each major political party;
(iii) seven days before the regular primary election date;
(iv) on August 31; and
(v) seven days before:
(A) the municipal general election; and
(B) the regular general election date.
(b) The registered political action committee shall report:
(i) a detailed listing of all contributions received and expenditures made since the last statement; and
(ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all contributions and expenditures as of five days before the required filing date of the financial statement.
(c) The registered political action committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.
(2) (a) The verified financial statement shall include:
(i) the name and address of any individual that makes a contribution to the reporting political action committee, and the amount of the contribution;
(ii) the identification of any publicly identified class of individuals that makes a contribution to the reporting political action committee, and the amount of the contribution;

(iii) the name and address of any political action committee, group, or entity that makes a contribution to the reporting political action committee, and the amount of the contribution;

(iv) for each nonmonetary contribution, the fair market value of the contribution;

(v) the name and address of each reporting entity that received an expenditure from the reporting political action committee, and the amount of each expenditure;

(vi) for each nonmonetary expenditure, the fair market value of the expenditure;

(vii) the total amount of contributions received and expenditures disbursed by the reporting political action committee;

(viii) a statement by the political action committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial report is accurate; and

(ix) a summary page in the form required by the lieutenant governor that identifies:

(A) beginning balance;

(B) total contributions during the period since the last statement;

(C) total contributions to date;

(D) total expenditures during the period since the last statement; and

(E) total expenditures to date.

(b) (i) Contributions received by a political action committee that have a value of $50 or less need not be reported individually, but shall be listed on the report as an aggregate total.

(ii) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(3) A group or entity may not divide or separate into units, sections, or smaller groups for the purpose of avoiding the financial reporting requirements of this chapter, and substance shall prevail over form in determining the scope or size of a political action committee.

(4) (a) As used in this Subsection (4), "received" means:

(i) for a cash contribution, that the cash is given to a political action committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political action committee.

(b) A political action committee shall report each contribution to the lieutenant governor within 30 days after the contribution is received.

Amended by Chapter 420, 2013 General Session

20A-11-603. Criminal penalties -- Fines.

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

(b) Each political action committee that fails to file the financial statement due before the regular primary election, on August 31, before the municipal general election, or before the regular general election is guilty of a class B misdemeanor.

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

(2) Within 30 days after a deadline for the filing of the January 10 statement required by this part, the lieutenant governor shall review each filed statement to ensure that:

(a) each political action committee that is required to file a statement has filed one; and

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

(3) If it appears that any political action committee has failed to file the January 10 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the political action committee of the violation or written complaint and direct the political action committee to file a statement correcting the problem.

(4) (a) It is unlawful for any political action committee to fail to file or amend a statement within seven days after receiving notice from the lieutenant governor under this section.

(b) Each political action committee that violates Subsection (4)(a) is guilty of a class B misdemeanor.

(c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.

(d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall impose a civil fine of $1,000 against a political action committee that violates Subsection (4)(a).

Amended by Chapter 252, 2013 General Session
Amended by Chapter 420, 2013 General Session

20A-11-701. Campaign financial reporting by corporations -- Filing requirements -- Statement contents -- Donor reporting and notification required.

(1) (a) Each corporation that has made expenditures for political purposes that total at least $750 during a calendar year shall file a verified financial statement with the lieutenant governor's office:

(i) on January 10, reporting expenditures as of December 31 of the previous year;

(ii) seven days before the state political convention for each major political party;

(iii) seven days before the regular primary election date;

(iv) on August 31; and

(v) seven days before the regular general election date.

(b) The corporation shall report:

(i) a detailed listing of all expenditures made since the last financial statement;

(ii) for financial statements filed under Subsections (1)(a)(ii) through (v), all expenditures as of five days before the required filing date of the financial statement; and

(iii) whether the corporation, including an officer of the corporation, director of

the corporation, or person with at least 10% ownership in the corporation:

(A) has bid since the last financial statement on a contract, as defined in Section 63G-6a-103, in excess of $100,000;

(B) is currently bidding on a contract, as defined in Section 63G-6a-103, in excess of $100,000; or

(C) is a party to a contract, as defined in Section 63G-6a-103, in excess of $100,000.

(c) The corporation need not file a financial statement under this section if the corporation made no expenditures during the reporting period.

(2) The financial statement shall include:

(a) the name and address of each reporting entity that received an expenditure from the corporation, and the amount of each expenditure;

(b) the total amount of expenditures disbursed by the corporation:

(i) since the last financial statement; and

(ii) during the calendar year;

(c) (i) a statement that the corporation did not receive any money from any donor during the calendar year or the previous calendar year that the corporation has not reported in a previous financial statement; or

(ii) a report, described in Subsection (3), of the money received from donors during the calendar year or the previous calendar year that the corporation has not reported in a previous financial statement; and

(d) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the financial statement.

(3) (a) The report required by Subsection (2)(c)(ii) shall include:

(i) the name and address of each donor;

(ii) the amount of the money received by the corporation from each donor; and

(iii) the date on which the corporation received the money.

(b) A corporation shall report money received from donors in the following order:

(i) first, beginning with the least recent date on which the corporation received money that the corporation has not reported in a previous financial statement, the money received from a donor that:

(A) requests that the corporation use the money to make an expenditure;

(B) gives the money to the corporation in response to a solicitation indicating the corporation's intent to make an expenditure; or

(C) knows that the corporation may use the money to make an expenditure; and

(ii) second, divide the difference between the total amount of expenditures made since the last financial statement and the total amount of money reported under Subsection (3)(b)(i) on a proration basis between all donors that:

(A) are not described in Subsection (3)(b)(i);

(B) gave at least $50 during the calendar year or previous calendar year; and

(C) have not been reported in a previous financial statement.

(c) If the amount reported under Subsection (3)(b) is less than the total amount of expenditures made since the last financial statement, the financial statement shall contain a statement that the corporation has reported all donors that gave money, and all money received by donors, during the calendar year or previous calendar year that the corporation has not reported in a previous financial statement.

(d) The corporation shall indicate on the financial statement that the amount attributed to each donor under Subsection (3)(b)(ii) is only an estimate.

(e) (i) For all individual donations of $50 or less, the corporation may report a single aggregate figure without separate detailed listings.

(ii) The corporation:

(A) may not report in the aggregate two or more donations from the same source that have an aggregate total of more than $50; and

(B) shall separately report donations described in Subsection (3)(e)(ii)(A).

(4) If a corporation makes expenditures that total at least $750 during a calendar year, the corporation shall notify a person giving money to the corporation that:

(a) the corporation may use the money to make an expenditure; and

(b) the person's name and address may be disclosed on the corporation's financial statement.

Amended by Chapter 318, 2013 General Session
Amended by Chapter 420, 2013 General Session

20A-11-702. Campaign financial reporting of political issues expenditures by corporations -- Financial reporting -- Donor reporting and notification required.

(1) (a) Each corporation that has made political issues expenditures on current or proposed ballot issues that total at least $750 during a calendar year shall file a verified financial statement with the lieutenant governor's office:

(i) on January 10, reporting expenditures as of December 31 of the previous year;

(ii) seven days before the state political convention of each major political party;

(iii) seven days before the regular primary election date;

(iv) on August 31; and

(v) seven days before the regular general election date.

(b) The corporation shall report:

(i) a detailed listing of all expenditures made since the last financial statement; and

(ii) for financial statements under Subsections (1)(a)(ii) through (v), expenditures as of five days before the required filing date of the financial statement.

(c) The corporation need not file a statement under this section if it made no expenditures during the reporting period.

(2) That statement shall include:

(a) the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than $50 from the corporation, and the amount of each political issues expenditure;

(b) the total amount of political issues expenditures disbursed by the corporation:

(i) since the last financial statement; and

(ii) during the calendar year;

(c) (i) a statement that the corporation did not receive any money from any donor during the calendar year or the previous calendar year that the corporation has not reported in a previous financial statement; or

(ii) a report, described in Subsection (3), of the money received from donors during the calendar year or the previous calendar year that the corporation has not reported in a previous financial statement; and

(d) a statement by the corporation's treasurer or chief financial officer certifying the accuracy of the verified financial statement.

(3) (a) The report required by Subsection (2)(c)(ii) shall include:

(i) the name and address of each donor;

(ii) the amount of the money received by the corporation from each donor; and

(iii) the date on which the corporation received the money.

(b) A corporation shall report money received from donors in the following order:

(i) first, beginning with the least recent date on which the corporation received money that has not been reported in a previous financial statement, the money received from a donor that:

(A) requests that the corporation use the money to make a political issues expenditure;

(B) gives the money to the corporation in response to a solicitation indicating the corporation's intent to make a political issues expenditure; or

(C) knows that the corporation may use the money to make a political issues expenditure; and

(ii) second, divide the difference between the total amount of political issues expenditures made since the last financial statement and the total amount of money reported under Subsection (3)(b)(i) on a proration basis between all donors that:

(A) are not described in Subsection (3)(b)(i);

(B) gave at least $50 during the calendar year or previous calendar year; and

(C) have not been reported in a previous financial statement.

(c) If the amount reported under Subsection (3)(b) is less than the total amount of political issues expenditures made since the last financial statement, the financial statement shall contain a statement that the corporation has reported all donors that gave money, and all money received by donors, during the calendar year or previous calendar year that the corporation has not reported in a previous financial statement.

(d) The corporation shall indicate on the financial statement that the amount attributed to each donor under Subsection (3)(b)(ii) is only an estimate.

(e) (i) For all individual donations of $50 or less, the corporation may report a single aggregate figure without separate detailed listings.

(ii) The corporation:

(A) may not report in the aggregate two or more donations from the same source that have an aggregate total of more than $50; and

(B) shall separately report donations described in Subsection (3)(e)(ii)(A).

(4) If a corporation makes political issues expenditures that total at least $750 during a calendar year, the corporation shall notify a person giving money to the corporation that:

(a) the corporation may use the money to make a political issues expenditure; and

(b) the person's name and address may be disclosed on the corporation's financial statement.

Amended by Chapter 318, 2013 General Session
Amended by Chapter 420, 2013 General Session

20A-11-703. Criminal penalties -- Fines.

(1) Within 30 days after a deadline for the filing of any statement required by this part, the lieutenant governor shall review each filed statement to ensure that:

(a) each corporation that is required to file a statement has filed one; and

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

(2) If it appears that any corporation has failed to file any statement, if it appears that a filed statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor shall:

(a) impose a fine against the corporation in accordance with Section 20A-11-1005; and

(b) within five days of discovery of a violation or receipt of a written complaint, notify the corporation of the violation or written complaint and direct the corporation to file a statement correcting the problem.

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

(b) Each corporation that violates Subsection (3)(a) is guilty of a class B misdemeanor.

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

(d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant governor shall impose a civil fine of $1,000 against a corporation that violates Subsection (3)(a).

Amended by Chapter 420, 2013 General Session

20A-11-704. Statement of organization required for certain new corporations.

(1) A corporation that is incorporated, organized, or otherwise created less than 90 days before the date of a general election shall file a statement of organization with the lieutenant governor's office before making a contribution to a political action committee or a political issues committee in association with the election.

(2) The statement of organization shall include:

(a) the name and street address of the corporation;

(b) the name, street address, phone number, occupation, and title of one or more individuals that have primary decision-making authority for the corporation;

(c) the name, street address, phone number, occupation, and title of the corporation's chief financial officer;

(d) the name, street address, occupation, and title of all other officers or managers of the corporation; and

(e) the name, street address, and occupation of each member of the corporation's governing and advisory boards, if any.

Enacted by Chapter 226, 2006 General Session

20A-11-801. Political issues committees -- Registration -- Criminal penalty for providing false information or accepting unlawful contribution.

(1) (a) Each political issues committee shall file a statement of organization with the lieutenant governor's office by January 10 of each year, unless the political issues committee has filed a notice of dissolution under Subsection (4).

(b) If a political issues committee is organized after the January 10 filing date, the political issues committee shall file an initial statement of organization no later than seven days after:

(i) receiving political issues contributions totaling at least $750; or

(ii) disbursing political issues expenditures totaling at least $50.

(2) Each political issues committee shall designate two officers that have primary decision-making authority for the political issues committee.

(3) The statement of organization shall include:

(a) the name and street address of the political issues committee;

(b) the name, street address, phone number, occupation, and title of the two primary officers designated under Subsection (2);

(c) the name, street address, occupation, and title of all other officers of the political issues committee;

(d) the name and street address of the organization, individual, corporation, association, unit of government, or union that the political issues committee represents, if any;

(e) the name and street address of all affiliated or connected organizations and their relationships to the political issues committee;

(f) the name, street address, business address, occupation, and phone number of the committee's treasurer or chief financial officer;

(g) the name, street address, and occupation of each member of the supervisory and advisory boards, if any; and

(h) the ballot proposition whose outcome they wish to affect, and whether they support or oppose it.

(4) (a) Any registered political issues committee that intends to permanently cease operations during a calendar year shall file a notice of dissolution with the lieutenant governor's office.

(b) Any notice of dissolution filed by a political issues committee does not exempt that political issues committee from complying with the financial reporting requirements of this chapter.

(5) (a) Unless the political issues committee has filed a notice of dissolution under Subsection (4), a political issues committee shall file, with the lieutenant governor's office, notice of any change of an officer described in Subsection (2).

(b) Notice of a change of a primary officer described in Subsection (2) shall:

(i) be filed within 10 days of the date of the change; and

(ii) contain the name and title of the officer being replaced and the name, street address, occupation, and title of the new officer.

(6) (a) A person is guilty of providing false information in relation to a political issues committee if the person intentionally or knowingly gives false or misleading

material information in the statement of organization or the notice of change of primary officer.

(b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful contribution if the political issues committee knowingly or recklessly accepts a contribution from a corporation that:

(i) was organized less than 90 days before the date of the general election; and

(ii) at the time the political issues committee accepts the contribution, has failed to file a statement of organization with the lieutenant governor's office as required by Section 20A-11-704.

(c) A violation of this Subsection (6) is a third degree felony.

Amended by Chapter 225, 2008 General Session

20A-11-802. Political issues committees -- Financial reporting.

(1) (a) Each registered political issues committee that has received political issues contributions totaling at least $750, or disbursed political issues expenditures totaling at least $50, during a calendar year, shall file a verified financial statement with the lieutenant governor's office:

(i) on January 10, reporting contributions and expenditures as of December 31 of the previous year;

(ii) seven days before the state political convention of each major political party;

(iii) seven days before the regular primary election date;

(iv) seven days before the date of an incorporation election, if the political issues committee has received donations or made disbursements to affect an incorporation;

(v) at least three days before the first public hearing held as required by Section 20A-7-204.1;

(vi) if the political issues committee has received or expended funds in relation to an initiative or referendum, at the time the initiative or referendum sponsors submit:

(A) the verified and certified initiative packets as required by Section 20A-7-206; or

(B) the signed and verified referendum packets as required by Section 20A-7-306;

(vii) on August 31; and

(viii) seven days before:

(A) the municipal general election; and

(B) the regular general election.

(b) The political issues committee shall report:

(i) a detailed listing of all contributions received and expenditures made since the last statement; and

(ii) all contributions and expenditures as of five days before the required filing date of the financial statement, except for a financial statement filed on January 10.

(c) The political issues committee need not file a statement under this section if it received no contributions and made no expenditures during the reporting period.

(2) (a) That statement shall include:

(i) the name and address of any individual that makes a political issues contribution to the reporting political issues committee, and the amount of the political

issues contribution;

(ii) the identification of any publicly identified class of individuals that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(iii) the name and address of any political issues committee, group, or entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(iv) the name and address of each reporting entity that makes a political issues contribution to the reporting political issues committee, and the amount of the political issues contribution;

(v) for each nonmonetary contribution, the fair market value of the contribution;

(vi) except as provided in Subsection (2)(c), the name and address of each individual, entity, or group of individuals or entities that received a political issues expenditure of more than $50 from the reporting political issues committee, and the amount of each political issues expenditure;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure;

(viii) the total amount of political issues contributions received and political issues expenditures disbursed by the reporting political issues committee;

(ix) a statement by the political issues committee's treasurer or chief financial officer certifying that, to the best of the person's knowledge, the financial statement is accurate; and

(x) a summary page in the form required by the lieutenant governor that identifies:

(A) beginning balance;

(B) total contributions during the period since the last statement;

(C) total contributions to date;

(D) total expenditures during the period since the last statement; and

(E) total expenditures to date.

(b) (i) Political issues contributions received by a political issues committee that have a value of $50 or less need not be reported individually, but shall be listed on the report as an aggregate total.

(ii) Two or more political issues contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(c) When reporting political issue expenditures made to circulators of initiative petitions, the political issues committee:

(i) need only report the amount paid to each initiative petition circulator; and

(ii) need not report the name or address of the circulator.

(3) (a) As used in this Subsection (3), "received" means:

(i) for a cash contribution, that the cash is given to a political issues committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the political issues committee.

(b) A political issues committee shall report each contribution to the lieutenant governor within 30 days after the contribution is received.

Amended by Chapter 420, 2013 General Session

20A-11-803. Criminal penalties.

(1) (a) Each political issues committee that fails to file the financial statement due August 31, before the municipal general election, or before the regular general election is guilty of a class B misdemeanor.

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

(2) Within 30 days after a deadline for the filing of the January 10 statement, the lieutenant governor shall review each filed statement to ensure that:

(a) each political issues committee that is required to file a statement has filed one; and

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

(3) If it appears that any political issues committee has failed to file the January 10 statement, if it appears that a filed statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any statement, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the political issues committee of the violation or written complaint and direct the political issues committee to file a statement correcting the problem.

(4) (a) It is unlawful for any political issues committee to fail to file or amend a statement within seven days after receiving notice from the lieutenant governor under this section.

(b) Each political issues committee who violates Subsection (4)(a) is guilty of a class B misdemeanor.

(c) The lieutenant governor shall report all violations of Subsection (4)(a) to the attorney general.

(d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant governor shall impose a civil fine of $1,000 against a political issues committee that violates Subsection (4)(a).

Amended by Chapter 420, 2013 General Session

20A-11-901. Political advertisements -- Requirement that ads designate responsibility and authorization -- Report to lieutenant governor -- Unauthorized use of endorsements.

(1) (a) Whenever any person makes an expenditure for the purpose of financing an advertisement expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the advertisement:

(i) if paid for and authorized by a candidate or the candidate's campaign committee, shall clearly state that the advertisement has been paid for by the candidate or the campaign committee;

(ii) if paid for by another person but authorized by a candidate or the candidate's

campaign committee, shall clearly state who paid for the advertisement and that the candidate or the campaign committee authorized the advertisement; or

(iii) if not authorized by a candidate or his campaign committee, shall clearly state the name of the person who paid for the advertisement and state that the advertisement is not authorized by any candidate or candidate's committee.

(b) The requirements of Subsection (1)(a) do not apply to:

(i) lawn signs with dimensions of four by eight feet or smaller;

(ii) bumper stickers;

(iii) campaign pins, buttons, and pens; and

(iv) similar small items upon which the disclaimer cannot be conveniently printed.

(2) (a) A person who is not a reporting entity and pays for an electioneering communication shall file a report with the lieutenant governor within 24 hours of making the payment or entering into a contract to make the payment.

(b) The report shall include:

(i) the name and address of the person described in Subsection (2)(a);

(ii) the name and address of each person contributing at least $100 to the person described in Subsection (2)(a) for the purpose of disseminating the electioneering communication;

(iii) the amount spent on the electioneering communication;

(iv) the name of the identified referenced candidate; and

(v) the medium used to disseminate the electioneering communication.

(3) A person may not, in order to promote the success of any candidate for nomination or election to any public office, or in connection with any question submitted to the voters, include or cause to be included the name of any person as endorser or supporter in any political advertisement, circular, poster, or publication without the express consent of that person.

(4) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of any newspaper or other periodical to induce him to advocate or oppose editorially any candidate for nomination or election.

(b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to advocate or oppose editorially any candidate for nomination or election.

Amended by Chapter 230, 2012 General Session

20A-11-903. Rate of charge.

Any person or persons accepting expenditures from a candidate or a personal campaign committee shall provide services and furnish goods, materials, or things of value at a rate that does not exceed the charges made for comparable use to any other person considering amount of use, frequency of use, and applicable discounts.

Enacted by Chapter 1, 1995 General Session

20A-11-904. Contribution given in another's name prohibited.

A person may not:

(1) make a contribution in the name of another;

(2) knowingly permit another to make a contribution in the person's name; or
(3) knowingly accept a contribution made by one person in the name of another.

Enacted by Chapter 389, 2010 General Session

20A-11-905. Election polls -- Disclosure required.
(1) A person who conducts a poll shall disclose to the person being surveyed who paid for the poll before or at the conclusion of the poll.
(2) The lieutenant governor shall:
(a) impose a $100 fine on a person who fails to make the disclosure required under Subsection (1); and
(b) deposit the fine described in Subsection (2)(a) in the General Fund.
(3) A person does not violate Subsection (1) if the person is prevented from making the disclosure at the conclusion of the poll, because the person being surveyed terminates the survey before the survey is completed.

Enacted by Chapter 86, 2013 General Session

20A-11-1001. Electronic form prepared by chief election officer.
The chief election officer shall:
(1) develop and prepare an electronic form for all financial statements required by this chapter and Chapter 12, Part 2, Judicial Retention Elections; and
(2) provide access to the electronic form to the secretary of every committee, to every candidate, and to all others who request a form.

Amended by Chapter 396, 2011 General Session

20A-11-1002. Retention and public inspection of financial statements -- Written complaint if statement is false or unlawful.
(1) The chief election officer shall:
(a) make each financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections:
(i) open to public inspection in the office of the chief election officer; and
(ii) available for viewing on the Internet in accordance with Section 20A-11-103;
(b) preserve those statements for at least five years; and
(c) provide certified copies of the financial statements in the same manner as for other public records.
(2) Any candidate or voter may file a written complaint with the chief election officer alleging that a filed financial statement does not conform to law or to the truth.

Amended by Chapter 389, 2010 General Session

20A-11-1004. Summary of financial reports of political action committees and corporations.
(1) The lieutenant governor's office shall prepare a summary of each financial report submitted by each corporation, political action committee, and political issues

committee.

(2) Each summary shall include the following information:

(a) for each candidate:

(i) the name of each political action committee and corporation that made expenditures to the candidate; and

(ii) the aggregate total of expenditures made by each political action committee and corporation to the candidate;

(b) for each political action committee:

(i) the name of each individual or organization listed on the financial report that made contributions to the political action committee and the aggregate total of contributions made by each individual or organization listed on the financial report to the political action committee; and

(ii) the name of each candidate, personal campaign committee, and political action committee that received expenditures from a political action committee and the aggregate total of expenditures made to each candidate, personal campaign committee, and political action committee;

(c) for each corporation:

(i) the name of each candidate, personal campaign committee, and political action committee that received expenditures from the corporation, and the aggregate total of expenditures made by the corporation to each candidate, personal campaign committee, and political action committee; and

(ii) the name of each individual, entity, or group of individuals or entities that received disbursements from the corporation, and the aggregate total of disbursements made by the corporation to each individual, entity, or group of individuals or entities;

(d) for each political issues committee:

(i) the name of each individual or organization listed on the financial report that made political issues contributions to the political issues committee and the aggregate total of political issues contributions made by each individual or organization listed on the financial report to the political issues committee; and

(ii) the name of each individual, entity, or group of individuals or entities that received political issues expenditures from a political issues committee and the aggregate total of political issues expenditures made to each individual, entity, or group of individuals or entities.

Enacted by Chapter 1, 1995 General Session

20A-11-1005. Fines for failing to file a financial statement.

(1) Except as provided in Subsections 20A-11-512(1)(b) and (4), the chief election officer shall fine a filing entity $100 for failing to file a financial statement by the filing deadline.

(2) If a filing entity is unable to pay the fine or files an affidavit of impecuniosity in a manner similar to Subsection 20A-9-201(5)(d), the chief election officer shall impose the fine against the candidate or treasurer, as appropriate.

(3) The chief election officer shall deposit fines collected under this chapter in the General Fund.

Amended by Chapter 252, 2013 General Session

20A-11-1102. Paid advertisements permitted.

(1) Except as provided in Subsection (3), an owner, publisher, editor, reporter, agent, or employee of any newspaper or other periodical may not, directly or indirectly, solicit, receive, or accept any payment, promise, or compensation for influencing or attempting to influence any voting at any election or primary by means of any printed matter in that newspaper or periodical or through any means whatsoever.

(2) Except as provided in Subsection (3), a person may not pay, promise to pay, or in any manner compensate any owner, publisher, editor, reporter, agent, or employee of a newspaper or other periodical, directly or indirectly, for influencing or attempting to influence any voting at any election or primary by means of any printed matter in that newspaper or periodical or through any means whatsoever.

(3) The prohibitions contained in this section do not apply if:

(a) the matter is inserted in the newspaper or periodical as a paid advertisement;

(b) the matter is designated as a "paid advertisement" in the copy of the advertisement; and

(c) the compensation paid to the newspaper or periodical for inserting the paid advertisement is not more than the regular rate charged by the newspaper or periodical for that service.

Enacted by Chapter 1, 1995 General Session

20A-11-1103. False statements in relation to candidates forbidden.

A person may not knowingly make or publish, or cause to be made or published, any false statement in relation to any candidate, proposed constitutional amendment, or other measure, that is intended or tends to affect any voting at any primary, convention, or election.

Enacted by Chapter 1, 1995 General Session

20A-11-1201. Title.

This part is known as the "Political Activities of Public Entities Act."

Amended by Chapter 21, 1999 General Session

20A-11-1202. Definitions.

As used in this part:

(1) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection.

(2) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation agency that receives its revenues from conduct of its commercial operations.

(b) "Commercial interlocal cooperation agency" does not mean an interlocal

cooperation agency that receives some or all of its revenues from:

(i) government appropriations;

(ii) taxes;

(iii) government fees imposed for regulatory or revenue raising purposes; or

(iv) interest earned on public funds or other returns on investment of public funds.

(3) "Expenditure" means:

(a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;

(b) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value;

(c) a transfer of funds between a public entity and a candidate's personal campaign committee;

(d) a transfer of funds between a public entity and a political issues committee; or

(e) goods or services provided to or for the benefit of a candidate, a candidate's personal campaign committee, or a political issues committee for political purposes at less than fair market value.

(4) "Governmental interlocal cooperation agency" means an interlocal cooperation agency that receives some or all of its revenues from:

(a) government appropriations;

(b) taxes;

(c) government fees imposed for regulatory or revenue raising purposes; or

(d) interest earned on public funds or other returns on investment of public funds.

(5) (a) "Influence" means to campaign or advocate for or against a ballot proposition.

(b) "Influence" does not mean providing a brief statement about a public entity's position on a ballot proposition and the reason for that position.

(6) "Interlocal cooperation agency" means an entity created by interlocal agreement under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

(7) "Local district" means an entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

(8) "Political purposes" means an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

(9) (a) "Public entity" includes the state, each state agency, each county, municipality, school district, local district, governmental interlocal cooperation agency, and each administrative subunit of each of them.

(b) "Public entity" does not include a commercial interlocal cooperation agency.

(c) "Public entity" includes local health departments created under Title 26, Chapter 1, Department of Health Organization.

(10) (a) "Public funds" means any money received by a public entity from

appropriations, taxes, fees, interest, or other returns on investment.

(b) "Public funds" does not include money donated to a public entity by a person or entity.

(11) (a) "Public official" means an elected or appointed member of government with authority to make or determine public policy.

(b) "Public official" includes the person or group that:

(i) has supervisory authority over the personnel and affairs of a public entity; and

(ii) approves the expenditure of funds for the public entity.

(12) (a) "State agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

(b) "State agency" includes the legislative branch, the Board of Regents, the institutional councils of each higher education institution, and each higher education institution.

Amended by Chapter 60, 2009 General Session

20A-11-1203. Public entity prohibited from expending public funds on certain electoral matters.

(1) Unless specifically required by law, a public entity may not make an expenditure from public funds for political purposes or to influence a ballot proposition.

(2) Nothing in this chapter prohibits a public official from speaking, campaigning, contributing personal money, or otherwise exercising the public official's individual First Amendment rights for political purposes.

(3) Nothing in this chapter prohibits a public entity from providing factual information about a ballot proposition to the public, so long as the information grants equal access to both the opponents and proponents of the ballot proposition.

(4) Nothing in this chapter prohibits a public entity from the neutral encouragement of voters to vote.

(5) Nothing in this chapter prohibits a public entity from preparing information analyzing the pros and cons of a ballot proposition when requested to do so by the public entity's governing body.

(6) Nothing in this chapter prohibits an elected official from campaigning or advocating for or against a ballot proposition.

(7) A violation of this section does not invalidate an otherwise valid election.

Amended by Chapter 225, 2008 General Session

20A-11-1204. Criminal penalty.

Each public official who violates this part is guilty of a class B misdemeanor.

Enacted by Chapter 142, 2004 General Session

20A-11-1301. School board office candidate -- Campaign finance requirements -- Candidate as a political action committee officer -- No personal use -- Report contributions within 30 days -- Report other accounts.

(1) (a) (i) Each school board office candidate shall deposit each contribution and public service assistance received in one or more separate accounts in a financial institution that are dedicated only to that purpose.

(ii) A school board office candidate may:

(A) receive a contribution or public service assistance from a political action committee registered under Section 20A-11-601; and

(B) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

(b) A school board office candidate may not use money deposited in an account described in Subsection (1)(a)(i) for:

(i) a personal use expenditure; or

(ii) an expenditure prohibited by law.

(2) A school board office candidate may not deposit or mingle any contributions or public service assistance received into a personal or business account.

(3) A school board office candidate may not make any political expenditures prohibited by law.

(4) If a person who is no longer a school board candidate chooses not to expend the money remaining in a campaign account, the person shall continue to file the year-end summary report required by Section 20A-11-1302 until the statement of dissolution and final summary report required by Section 20A-11-1304 are filed with:

(a) the lieutenant governor in the case of a state school board candidate; and

(b) the county clerk, in the case of a local school board candidate.

(5) (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who is no longer a school board candidate may not expend or transfer the money in a campaign account in a manner that would cause the former school board candidate to recognize the money as taxable income under federal tax law.

(b) A person who is no longer a school board candidate may transfer the money in a campaign account in a manner that would cause the former school board candidate to recognize the money as taxable income under federal tax law if the transfer is made to a campaign account for federal office.

(6) (a) As used in this Subsection (6) and Section 20A-11-1303, "received" means:

(i) for a cash contribution, that the cash is given to a school board office candidate or a member of the candidate's personal campaign committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the school board office candidate.

(b) Each school board office candidate shall report to the chief election officer each contribution and public service assistance within 30 days after the contribution or public service assistance is received.

(7) (a) As used in this Subsection (7), "account" means an account in a financial institution:

(i) that is not described in Subsection (1)(a)(i); and

(ii) into which or from which a person who, as a candidate for an office, other than a school board office for which the person files a declaration of candidacy or

federal office, or as a holder of an office, other than a school board office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

(b) A school board office candidate shall include on any financial statement filed in accordance with this part:

(i) a contribution deposited in an account:

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

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

(ii) an expenditure made from an account:

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

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

Amended by Chapter 230, 2012 General Session

20A-11-1302. School board office candidate -- Financial reporting requirements -- Year-end summary report.

(1) (a) Each school board office candidate shall file a summary report by January 10 of the year after the regular general election year.

(b) In addition to the requirements of Subsection (1)(a), a former school board office candidate that has not filed the statement of dissolution and final summary report required under Section 20A-11-1304 shall continue to file a summary report on January 10 of each year.

(2) (a) Each summary report shall include the following information as of December 31 of the previous year:

(i) the net balance of the last financial statement, if any;

(ii) a single figure equal to the total amount of receipts reported on all interim reports, if any, during the previous year;

(iii) a single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the previous year;

(iv) a detailed listing of each receipt, contribution, and public service assistance since the last summary report that has not been reported in detail on an interim report;

(v) for each nonmonetary contribution:

(A) the fair market value of the contribution with that information provided by the contributor; and

(B) a specific description of the contribution;

(vi) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;

(vii) for each nonmonetary expenditure, the fair market value of the expenditure;

(viii) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures; and

(ix) the name of a political action committee for which the school board office candidate is designated as an officer who has primary decision-making authority under Section 20A-11-601.

(b) (i) For all individual contributions or public service assistance of $50 or less,

a single aggregate figure may be reported without separate detailed listings.

(ii) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.

(d) A check or negotiable instrument received by a school board office candidate on or before December 31 of the previous year shall be included in the summary report.

(3) The school board office candidate shall certify in the summary report that, to the best of the school board office candidate's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Amended by Chapter 347, 2011 General Session

20A-11-1303. School board office candidate and school board office holder -- Financial reporting requirements -- Interim reports.

(1) (a) As used in this Subsection (1), "campaign account" means a separate campaign account required under Subsection 20A-11-1301(1)(a)(i).

(b) Each school board office candidate shall file an interim report at the following times in any year in which the candidate has filed a declaration of candidacy for a public office:

(i) May 15, for a state school board office candidate;

(ii) seven days before the regular primary election date;

(iii) August 31; and

(iv) seven days before the regular general election date.

(c) Each state school board office holder who has a campaign account that has not been dissolved under Section 20A-11-1304 shall, in an even year, file an interim report at the following times, regardless of whether an election for the state school board office holder's office is held that year:

(i) May 15;

(ii) seven days before the regular primary election date for that year;

(iii) August 31; and

(iv) seven days before the regular general election date.

(2) Each interim report shall include the following information:

(a) the net balance of the last summary report, if any;

(b) a single figure equal to the total amount of receipts reported on all prior interim reports, if any, during the calendar year in which the interim report is due;

(c) a single figure equal to the total amount of expenditures reported on all prior interim reports, if any, filed during the calendar year in which the interim report is due;

(d) a detailed listing of each contribution and public service assistance received since the last summary report that has not been reported in detail on a prior interim report;

(e) for each nonmonetary contribution:

(i) the fair market value of the contribution with that information provided by the

contributor; and

(ii) a specific description of the contribution;

(f) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on a prior interim report;

(g) for each nonmonetary expenditure, the fair market value of the expenditure;

(h) a net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts since the last summary report minus all expenditures since the last summary report;

(i) a summary page in the form required by the lieutenant governor that identifies:

(i) beginning balance;

(ii) total contributions during the period since the last statement;

(iii) total contributions to date;

(iv) total expenditures during the period since the last statement; and

(v) total expenditures to date; and

(j) the name of a political action committee for which the school board office candidate or school board office holder is designated as an officer who has primary decision-making authority under Section 20A-11-601.

(3) (a) For all individual contributions or public service assistance of $50 or less, a single aggregate figure may be reported without separate detailed listings.

(b) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(4) (a) In preparing each interim report, all receipts and expenditures shall be reported as of five days before the required filing date of the report.

(b) Any negotiable instrument or check received by a school board office candidate or school board office holder more than five days before the required filing date of a report required by this section shall be included in the interim report.

Amended by Chapter 420, 2013 General Session

20A-11-1304. School board office candidate -- Financial reporting requirements -- Termination of duty to report.

(1) Each school board candidate is subject to interim reporting requirements until the candidate withdraws or is eliminated in a primary.

(2) Each school board office candidate is subject to year-end summary reporting requirements until the candidate has filed a statement of dissolution with the lieutenant governor stating that:

(a) the school board office candidate is no longer receiving contributions and is no longer making expenditures;

(b) the ending balance on the last summary report filed is zero and the balance in the separate bank account required in Section 20A-11-1301 is zero; and

(c) a final summary report in the form required by Section 20A-11-1302 showing a zero balance is attached to the statement of dissolution.

(3) A statement of dissolution and a final summary report may be filed at any time.

(4) Each school board office candidate shall continue to file the year-end summary report required by Section 20A-11-1302 until the statement of dissolution and final summary report required by this section are filed.

Enacted by Chapter 355, 1997 General Session

20A-11-1305. School board office candidate -- Failure to file statement -- Penalties.

(1) (a) A school board office candidate who fails to file a financial statement by the deadline is subject to a fine imposed in accordance with Section 20A-11-1005.

(b) If a school board office candidate fails to file an interim report due before the regular primary election, on August 31, or before the regular general election, the chief election officer shall, after making a reasonable attempt to discover if the report was timely filed, inform the county clerk and other appropriate election officials who:

(i) (A) shall, if practicable, remove the name of the candidate from the ballots before the ballots are delivered to voters; or

(B) shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

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

(c) Any school board office candidate who fails to file timely a financial statement required by Subsection 20A-11-1303(1)(b)(ii), (iii), or (iv) is disqualified.

(d) Notwithstanding Subsections (1)(b) and (1)(c), a school board office candidate is not disqualified and the chief election officer may not impose a fine if:

(i) the candidate timely files the reports required by this section in accordance with Section 20A-11-103;

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

(iii) those omissions, errors, or inaccuracies described in Subsection (1)(d)(ii) are corrected in:

(A) an amended report; or

(B) the next scheduled report.

(2) (a) Within 30 days after a deadline for the filing of a summary report by a candidate for state school board, the lieutenant governor shall review each filed summary report to ensure that:

(i) each state school board candidate that is required to file a summary report has filed one; and

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

(b) If it appears that any state school board candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the state school board candidate of the violation or written complaint and direct the state school board candidate to file a summary report correcting the

problem.

(c) (i) It is unlawful for any state school board candidate to fail to file or amend a summary report within seven days after receiving notice from the lieutenant governor under this section.

(ii) Each state school board candidate who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.

(iv) In addition to the criminal penalty described in Subsection (2)(c)(ii), the lieutenant governor shall impose a civil fine of $100 against a state school board candidate who violates Subsection (2)(c)(i).

(3) (a) Within 30 days after a deadline for the filing of a summary report, the county clerk shall review each filed summary report to ensure that:

(i) each local school board candidate that is required to file a summary report has filed one; and

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

(b) If it appears that any local school board candidate has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the county clerk has received a written complaint alleging a violation of the law or the falsity of any summary report, the county clerk shall, within five days of discovery of a violation or receipt of a written complaint, notify the local school board candidate of the violation or written complaint and direct the local school board candidate to file a summary report correcting the problem.

(c) (i) It is unlawful for any local school board candidate to fail to file or amend a summary report within seven days after receiving notice from the county clerk under this section.

(ii) Each local school board candidate who violates Subsection (3)(c)(i) is guilty of a class B misdemeanor.

(iii) The county clerk shall report all violations of Subsection (3)(c)(i) to the district or county attorney.

(iv) In addition to the criminal penalty described in Subsection (3)(c)(ii), the lieutenant governor shall impose a civil fine of $100 against a local school board candidate who violates Subsection (3)(c)(i).

Amended by Chapter 252, 2013 General Session
Amended by Chapter 317, 2013 General Session
Amended by Chapter 420, 2013 General Session

20A-11-1401. Title.

This part is known as the "Voluntary Contributions Act."

Enacted by Chapter 285, 2001 General Session

20A-11-1402. Definitions.

(1) As used in this part:

(a) "Ballot proposition" includes constitutional amendments, initiatives,

referenda, judicial retention questions, opinion questions, or other questions submitted to the voters for their approval or rejection.

(b) (i) "Labor organization" means a lawful organization of any kind that is composed, in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of employment.

(ii) Except as provided in Subsection (1)(b)(iii), "labor organization" includes each employee association and union for employees of public and private sector employers.

(iii) "Labor organization" does not include organizations governed by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq. or the Railroad Labor Act, 45 U.S.C. Sec. 151 et seq.

(c) "Political fund" means a separate segregated fund established by a labor organization for political purposes that meets the requirements of this part.

(d) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

(e) "Union dues" means dues, fees, money, or other assessments required as a condition of membership or participation in a labor organization.

(2) Other terms defined in Section 20A-11-101 apply to this part.

Amended by Chapter 220, 2004 General Session

20A-11-1403. Prohibition of required contributions for political purposes.

A labor organization may not require any contribution to a candidate, personal campaign committee, political action committee, political issues committee, registered political party, ballot proposition, or political fund as a condition of membership or participation in the labor organization.

Repealed and Re-enacted by Chapter 284, 2003 General Session

20A-11-1404. Establishment and administration of political fund.

(1) A labor organization wishing to make expenditures for political purposes shall establish a political fund.

(2) Each labor organization that establishes a political fund shall:

(a) maintain the political fund as a separate, segregated account apart from any account containing money received by a labor organization as union dues;

(b) ensure that each contribution to the political fund is voluntary; and

(c) register the political fund as a political action committee or political issues committee as required by this chapter.

(3) (a) Except as otherwise provided in this part, a labor organization may only make expenditures for political purposes from a political fund established in accordance with this part.

(b) A labor organization may not expend union dues for political purposes or transfer union dues to a political fund.

(4) Nothing in this part precludes a labor organization from making expenditures of union dues to communicate directly with its own members about political candidates or political issues.

(5) Nothing in this part precludes a labor organization from making expenditures of union dues either for the establishment and administration of a political fund or to solicit contributions from its members to a political fund.

(6) Nothing in this part is intended to, or may be construed to, preempt any requirement of federal law.

Amended by Chapter 220, 2004 General Session

20A-11-1406. Enforcement of part -- Attorney general.

(1) Subject to the requirements of Subsections (2) and (3), the attorney general may bring an action to require the labor organization to comply with the requirements of this part.

(2) Before bringing an action under Subsection (1), the attorney general shall:

(a) notify the labor organization in writing of the precise nature of the violation of this part; and

(b) give the labor organization 10 days to cease and desist the violation of this part.

(3) The attorney general may not bring an action under Subsection (1) if the labor organization:

(a) ceases and desists from violating this part within 10 days; and

(b) provides the attorney general with written confirmation that the labor organization has ceased from engaging in the conduct the attorney general determined to be a violation of this part.

Enacted by Chapter 284, 2003 General Session

20A-11-1501. Definitions.

As used in this part:

(1) "Labor organization" means a lawful organization of any kind that is composed, in whole or in part, of employees and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of employment.

(2) "Labor organization" includes an employee association and union for employees of public and private sector employers.

Enacted by Chapter 389, 2010 General Session

20A-11-1502. Campaign financial reporting of contributions -- Filing requirements -- Statement contents.

(1) (a) Each labor organization that has made expenditures for political purposes or political issues expenditures on current or proposed ballot issues that total at least $750 during a calendar year shall file a verified financial statement with the lieutenant governor's office:

(i) on January 10, reporting expenditures as of December 31 of the previous year;

(ii) seven days before the regular primary election date;

(iii) on August 31; and

(iv) seven days before the regular general election date.

(b) The labor organization shall report:

(i) a detailed listing of all expenditures made since the last statement; and

(ii) for financial statements filed under Subsections (1)(a)(ii) through (iv), all expenditures as of five days before the required filing date of the financial statement.

(c) The labor organization need not file a financial statement under this section if the labor organization:

(i) made no expenditures during the reporting period; or

(ii) reports its expenditures during the reporting period under another part of this chapter.

(2) The financial statement shall include:

(a) the name and address of each reporting entity that received an expenditure or political issues expenditure of more than $50 from the labor organization, and the amount of each expenditure or political issues expenditure;

(b) the total amount of expenditures disbursed by the labor organization; and

(c) a statement by the labor organization's treasurer or chief financial officer certifying the accuracy of the financial statement.

Enacted by Chapter 389, 2010 General Session

20A-11-1503. Criminal penalties -- Fines.

(1) Within 30 days after a deadline for the filing of a financial statement required by this part, the lieutenant governor shall review each filed financial statement to ensure that:

(a) each labor organization that is required to file a financial statement has filed one; and

(b) each financial statement contains the information required by this part.

(2) If it appears that any labor organization has failed to file a financial statement, if it appears that a filed financial statement does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or the falsity of a financial statement, the lieutenant governor shall:

(a) impose a fine against the labor organization in accordance with Section 20A-11-1005; and

(b) within five days of discovery of a violation or receipt of a written complaint, notify the labor organization of the violation or written complaint and direct the labor organization to file a financial statement correcting the problem.

(3) (a) It is unlawful for any labor organization to fail to file or amend a financial statement within seven days after receiving notice from the lieutenant governor under this section.

(b) Each labor organization that violates Subsection (3)(a) is guilty of a class B misdemeanor.

(c) The lieutenant governor shall report all violations of Subsection (3)(a) to the

attorney general.

(d) In addition to the criminal penalty described in Subsection (3)(b), the lieutenant governor shall impose a civil fine of $1,000 against a labor organization that violates Subsection (3)(a).

Amended by Chapter 420, 2013 General Session

20A-11-1601. Title.

This part is known as "Candidate Financial Disclosures."

Enacted by Chapter 12, 2010 General Session

20A-11-1602. Definitions.

(1) "Filing officer" is as defined in Section 20A-9-101.

(2) "State constitutional officer" means the governor, the lieutenant governor, the state auditor, the state treasurer, or the attorney general.

Enacted by Chapter 12, 2010 General Session

20A-11-1603. Financial disclosure form -- Required when filing for candidacy -- Public availability.

(1) Candidates seeking the following offices shall file a financial disclosure with the filing officer at the time of filing a declaration of candidacy:

(a) state constitutional officer;

(b) state legislator; or

(c) State Board of Education member.

(2) A filing officer may not accept a declaration of candidacy for an office listed in Subsection (1) unless the declaration of candidacy is accompanied by the financial disclosure required by this section.

(3) The financial disclosure form shall contain the same requirements and shall be in the same format as the financial disclosure form described in Section 76-8-109.

(4) The financial disclosure form shall:

(a) be made available for public inspection at the filing officer's place of business;

(b) if the filing officer is an individual other than the lieutenant governor, be provided to the lieutenant governor within five business days of the date of filing and be made publicly available at the Office of the Lieutenant Governor; and

(c) be made publicly available on the Statewide Electronic Voter Information Website administered by the lieutenant governor.

Amended by Chapter 297, 2011 General Session

20A-12-201. Judicial appointees -- Retention elections.

(1) (a) Each judicial appointee to a court is subject to an unopposed retention election at the first general election held more than three years after the judge or justice was appointed.

(b) After the first retention election:

(i) each Supreme Court justice shall be on the regular general election ballot for an unopposed retention election every tenth year; and

(ii) each judge of other courts shall be on the regular general election ballot for an unopposed retention election every sixth year.

(2) (a) Each justice or judge of a court of record who wishes to retain office shall, in the year the justice or judge is subject to a retention election:

(i) file a declaration of candidacy as if a candidate for multi-county office in accordance with Section 20A-9-202; and

(ii) pay a filing fee of $50.

(b) (i) Each justice court judge who wishes to retain office shall, in the year the justice court judge is subject to a retention election:

(A) file a declaration of candidacy as if a candidate for county office in accordance with Section 20A-9-202; and

(B) pay a filing fee of $25 for each judicial office.

(ii) If a justice court judge is appointed or elected to more than one judicial office, the declaration of candidacy shall identify all of the courts included in the same general election.

(iii) If a justice court judge is appointed or elected to more than one judicial office, filing a declaration of candidacy in one county in which one of those courts is located is valid for the courts in any other county.

(3) (a) The lieutenant governor shall, no later than August 31 of each regular general election year:

(i) transmit a certified list containing the names of the justices of the Supreme Court and judges of the Court of Appeals declaring their candidacy to the county clerk of each county; and

(ii) transmit a certified list containing the names of judges of other courts declaring their candidacy to the county clerk of each county in the geographic division in which the judge filing the declaration holds office.

(b) Each county clerk shall place the names of justices and judges standing for retention election in the nonpartisan section of the ballot.

(4) (a) At the general election, the ballots shall contain, as to each justice or judge of any court to be voted on in the county, the following question:

"Shall _____(name of justice or judge) be retained in the office of _____? (name of office, such as "Justice of the Supreme Court of Utah"; "Judge of the Court of Appeals of Utah"; "Judge of the District Court of the Third Judicial District"; "Judge of the Juvenile Court of the Fourth Juvenile Court District"; "Justice Court Judge of (name of county) County or (name of municipality)")

Yes ()

No ()."

(b) If a justice court exists by means of an interlocal agreement under Section 78A-7-102, the ballot question for the judge shall include the name of that court.

(5) (a) If the justice or judge receives more yes votes than no votes, the justice or judge is retained for the term of office provided by law.

(b) If the justice or judge does not receive more yes votes than no votes, the

justice or judge is not retained, and a vacancy exists in the office on the first Monday in January after the regular general election.

(6) A justice or judge not retained is ineligible for appointment to the office for which the justice or judge was defeated until after the expiration of that term of office.

(7) If a justice court judge is standing for retention for more than one office, the county clerk shall place the judge's name on the ballot separately for each office. If the justice court judge receives more no votes than yes votes in one office, but more yes votes than no votes in the other, the justice court judge shall be retained only in the office for which the judge received more yes votes than no votes.

Amended by Chapter 29, 2011 General Session
Amended by Chapter 208, 2011 General Session
Amended by Chapter 327, 2011 General Session

20A-12-301. Definitions.

As used in this part:

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

(i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the judge or the judge's personal campaign committee;

(ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the judge or the judge's personal campaign committee;

(iii) any transfer of funds from another reporting entity or a corporation to the judge or the judge's personal campaign committee;

(iv) compensation paid by any person or reporting entity other than the judge or the judge's personal campaign committee for personal services provided without charge to the judge or the judge's personal campaign committee; and

(v) goods or services provided to or for the benefit of the judge or the judge's personal campaign committee at less than fair market value.

(b) "Contribution" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of the judge or the judge's personal campaign committee; or

(ii) money lent to the judge or the judge's personal campaign committee by a financial institution in the ordinary course of business.

(2) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business organization that is registered as a corporation or is authorized to do business in a state and makes any expenditure from corporate funds for political purposes.

(b) "Corporation" does not mean:

(i) a business organization's political action committee as defined in Section 20A-11-101 or political issues committee as defined in Section 20A-11-101; or

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

(3) "Detailed listing" means:

(a) for each contribution:

(i) the name and address of the individual or source making the contribution;

(ii) the amount or value of the contribution; and
(iii) the date the contribution was made; and
(b) for each expenditure:
(i) the amount of the expenditure;
(ii) the person or entity to whom it was disbursed;
(iii) the specific purpose, item, or service acquired by the expenditure; and
(iv) the date the expenditure was made.
(4) (a) "Expenditure" means:
(i) any disbursement from contributions or from the separate bank account required by this chapter;
(ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
(iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;
(iv) compensation paid by a corporation or reporting entity for personal services rendered by a person without charge to the judge or the judge's personal campaign committee;
(v) a transfer of funds between the judge's personal campaign committee and another judge's personal campaign committee; or
(vi) goods or services provided by the judge's personal campaign committee to or for the benefit of another judge for political purposes at less than fair market value.
(b) "Expenditure" does not include:
(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of the judge or judge's personal campaign committee; or
(ii) money lent to a judge's personal campaign committee by a financial institution in the ordinary course of business.
(5) "Individual" means a natural person.
(6) "Interim report" means a report identifying the contributions received and expenditures made since the last report.
(7) "Personal campaign committee" means the committee appointed by a judge to act for the judge as provided in this chapter.
(8) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any judge standing for retention at any election.
(9) "Reporting entity" means a judge, judge's personal campaign committee, candidate, a candidate's personal campaign committee, an officeholder, and a party committee, a political action committee, and a political issues committee.
(10) "Summary report" means the year-end report containing the summary of a reporting entity's contributions and expenditures.

Enacted by Chapter 166, 2001 General Session

20A-12-302. Campaign committee required.

(1) (a) When permitted to do so by the Code of Judicial Conduct promulgated by the Utah Supreme Court, and if the judge chooses to solicit contributions or make

expenditures to promote his retention, the judge may establish no more than one retention election personal campaign committee, consisting of one or more persons, to receive contributions, make expenditures, and shall file reports connected with the judge's retention election campaign.

(b) A judge or person acting in concert with or with the knowledge of the judge may not receive any contributions or make any expenditures other than through the personal campaign committee established under this section.

(2) (a) The judge shall file with the lieutenant governor a signed written statement containing the name and address of each member and the secretary of the judge's personal campaign committee.

(b) The judge may change the membership of the personal campaign committee at any time by filing with the lieutenant governor a signed statement containing the name and address of any additional members and identifying any members that have been removed from the committee.

(c) The judge or the judge's personal campaign committee may not make any expenditures on behalf of the judge until the statement has been filed.

(3) (a) The judge's personal campaign committee may not make an expenditure of more than $1,000 unless the judge or the secretary of the personal campaign committee authorizes the expenditure in writing.

(b) A judge or the judge's personal campaign committee may not make any expenditures prohibited by law.

(4) A judge's personal campaign committee is dissolved on the date that the summary report required by Section 20A-12-304 is filed.

Enacted by Chapter 166, 2001 General Session

20A-12-303. Separate account for campaign funds -- Reporting contributions.

(1) The judge or the judge's personal campaign committee shall deposit each contribution in one or more separate personal campaign accounts in a financial institution.

(2) The judge or the judge's personal campaign committee may not deposit or mingle any contributions received into a personal or business account.

(3) (a) As used in this Subsection (3) and Section 20A-12-305, "received" means:

(i) for a cash contribution, that the cash is given to a judge or the judge's personal campaign committee;

(ii) for a contribution that is a negotiable instrument or check, that the negotiable instrument or check is negotiated; and

(iii) for any other type of contribution, that any portion of the contribution's benefit inures to the judge.

(b) The judge or the judge's personal campaign committee shall report to the lieutenant governor each contribution within 30 days after the contribution is received.

Amended by Chapter 396, 2011 General Session

20A-12-304. Judicial retention election candidates -- Financial reporting requirements -- Year-end summary report.

(1) The judge's personal campaign committee shall file a summary report with the lieutenant governor by January 10 of the year after the regular general election year.

(2) (a) Each summary report shall include the following information as of December 31 of the last regular general election year:

(i) a single figure equal to the total amount of contributions reported on the interim report;

(ii) a single figure equal to the total amount of expenditures reported on the interim report;

(iii) a detailed listing of each contribution received since the last summary report that has not been reported in detail on the interim report;

(iv) for each nonmonetary contribution, the fair market value of the contribution;

(v) a detailed listing of each expenditure made since the last summary report that has not been reported in detail on the interim report;

(vi) for each nonmonetary expenditure, the fair market value of the expenditure; and

(vii) the net balance for the year, consisting of all contributions minus all expenditures.

(b) (i) For all single contributions of $50 or less, an aggregate figure may be reported without a separate detailed listing.

(ii) Two or more contributions from the same source for a total of more than $50 may not be reported in the aggregate, but shall be reported in the detailed listing.

(c) A check or negotiable instrument received by a judge or the judge's personal campaign committee on or before December 31 of the previous year shall be reported in the summary report.

(3) The judge shall certify in the summary report that, to the best of the judge's knowledge, all contributions and all expenditures have been reported as of December 31 of the last regular general election year and that there are no financial obligations outstanding except as set forth in the report.

Amended by Chapter 389, 2010 General Session

20A-12-305. Judicial retention election candidates -- Financial reporting requirements -- Interim report.

(1) The judge's personal campaign committee shall file an interim report with the lieutenant governor before the close of regular office hours on the date seven days before the regular general election date.

(2) Each interim report shall include the following information:

(a) a detailed listing of each contribution received since the last financial statement;

(b) for each nonmonetary contribution, the fair market value of the contribution;

(c) a detailed listing of each expenditure made since the last summary report;

(d) for each nonmonetary expenditure, the fair market value of the expenditure; and

(e) a net balance for the year consisting of all contributions since the last summary report minus all expenditures since the last summary report.

(3) (a) For all individual contributions of $50 or less, a single aggregate figure may be reported without separate detailed listings.

(b) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(4) In preparing each interim report, all contributions and expenditures shall be reported as of five days before the required filing date of the report.

(5) A negotiable instrument or check received by a judge or the judge's personal campaign committee more than five days before the required filing date of a report required by this section shall be included in the interim report.

Amended by Chapter 396, 2011 General Session

20A-12-306. Judges -- Failure to file reports -- Penalties.

(1) (a) If a judge's personal campaign committee fails to file the interim report due before the regular general election, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely filed:

(i) inform the county clerk and other appropriate election officials who:

(A) (I) shall, if practicable, remove the name of the judge from the ballots before the ballots are delivered to voters; or

(II) shall, if removing the judge's name from the ballot is not practicable, inform the voters by any practicable method that the judge has been disqualified and that votes cast for the judge will not be counted; and

(B) may not count any votes for that judge; and

(ii) impose a fine against the filing entity in accordance with Section 20A-11-1005.

(b) Any judge who fails to file timely a financial statement required by this part is disqualified.

(c) Notwithstanding Subsections (1)(a) and (1)(b), a judge is not disqualified and the lieutenant governor may not impose a fine if:

(i) the candidate timely files the reports required by this section in accordance with Section 20A-11-103;

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

(iii) the omissions, errors, or inaccuracies described in Subsection (1)(c)(ii) are corrected in an amended report or in the next scheduled report.

(2) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant governor shall review each filed summary report to ensure that:

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

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

(b) If it appears that any judge has failed to file the summary report required by law, if it appears that a filed summary report does not conform to the law, or if the lieutenant governor has received a written complaint alleging a violation of the law or

the falsity of any summary report, the lieutenant governor shall, within five days of discovery of a violation or receipt of a written complaint, notify the judge of the violation or written complaint and direct the judge to file a summary report correcting the problem.

(c) (i) It is unlawful for any judge to fail to file or amend a summary report within 14 days after receiving notice from the lieutenant governor under this section.

(ii) Each judge who violates Subsection (2)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection (2)(c)(i) to the attorney general.

Amended by Chapter 389, 2010 General Session

20A-13-101.1. Definitions.

As used in this part:

(1) "Census block" means any one of the 115,406 individual geographic areas into which the Bureau of the Census of the United States Department of Commerce has divided the state of Utah, to each of which the Bureau of the Census has attached a discrete population tabulation from the 2010 decennial census.

(2) "Congressional block assignment file" means the electronic file that assigns each of Utah's 115,406 census blocks to a particular Congressional district.

(3) "Congressional shapefile" means the electronic shapefile that stores the boundary of each of the four United States Congressional district boundaries for Utah.

(4) "Shapefile" means the digital vector storage format for storing geometric location and associated attribute information.

Amended by Chapter 383, 2013 General Session

20A-13-101.5. Representatives to the United States Congress -- Four representative districts -- When elected -- District boundaries.

(1) (a) The state of Utah is divided into four districts for the election of representatives to the Congress of the United States, with one member to be elected from each Congressional district.

(b) At the general election to be held in 2012, and biennially thereafter, one representative from each Congressional district shall be elected to serve in the Congress of the United States.

(2) The Legislature adopts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 2010 national decennial census as the official data for establishing Congressional district boundaries.

(3) (a) Notwithstanding Subsection (2), the Legislature enacts the district numbers and boundaries of the Congressional districts designated in the Congressional shapefile that is the electronic component of the bill that enacts this section.

(b) That Congressional shapefile, and Congressional boundaries generated from that Congressional shapefile, may be accessed via the Utah Legislature's website.

Amended by Chapter 383, 2013 General Session

20A-13-102. Congressional districts.

(1) (a) The Legislature shall file a copy of the Congressional shapefile enacted by the Legislature with the lieutenant governor's office.

(b) The legal boundaries of Utah's Congressional districts are contained in the Congressional shapefile on file with the lieutenant governor's office.

(2) (a) The lieutenant governor shall:

(i) generate maps of each Congressional district from the Congressional shapefile; and

(ii) ensure that those maps are available for viewing on the lieutenant governor's website.

(b) If there is any inconsistency between the maps and the Congressional shapefile, the Congressional shapefile is controlling.

Amended by Chapter 383, 2013 General Session

20A-13-102.2. County clerk, Automated Geographic Reference Center, and lieutenant governor responsibilities -- Maps and voting precinct boundaries.

(1) Each county clerk shall obtain a copy of the Congressional shapefile for the clerk's county from the lieutenant governor's office.

(2) (a) A county clerk may create one or more county maps that identify the boundaries of Utah's Congressional districts as generated from the Congressional shapefile.

(b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of Utah's Congressional districts within the county, the county clerk shall submit the county map and data to the lieutenant governor and to the Automated Geographic Reference Center for review.

(c) Within 30 days after receipt of a county map and data from a county clerk, the Automated Geographic Reference Center shall:

(i) review the county map and data to evaluate if the county map and data accurately reflect the boundaries of Utah's Congressional districts established by the Legislature in the Congressional shapefile;

(ii) determine whether the county map and data are correct or incorrect; and

(iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor shall either notify the county clerk that the county map and data are correct or notify the county clerk that the county map and data are incorrect.

(e) If the county clerk receives notice from the lieutenant governor that the county map and data submitted are incorrect, the county clerk shall:

(i) make the corrections necessary to conform the county map and data to the Congressional shapefile; and

(ii) resubmit the corrected county map and data to the lieutenant governor and to the Automated Geographic Reference Center for a new review under this Subsection (2).

(3) (a) Subject to the requirements of this Subsection (3), each county clerk shall

establish voting precincts and polling places within each Utah Congressional district according to the procedures and requirements of Section 20A-5-303.

(b) Within five working days after approval of voting precincts and polling places by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the lieutenant governor and to the Automated Geographic Reference Center for review.

(c) Within 30 days after receipt of a map from a county clerk, the Automated Geographic Reference Center shall:

(i) review the voting precinct map to evaluate if the voting precinct map accurately reflects the boundaries of Utah's Congressional districts established by the Legislature in the Congressional shapefile;

(ii) determine whether the voting precinct map is correct or incorrect; and

(iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the map is incorrect.

(e) If the county clerk receives notice from the lieutenant governor that the voting precinct map is incorrect, the county clerk shall:

(i) make the corrections necessary to conform the voting precinct map to the Congressional shapefile; and

(ii) resubmit the corrected voting precinct map to the lieutenant governor and to the Automated Geographic Reference Center for a new review under this Subsection (3).

Amended by Chapter 383, 2013 General Session

20A-13-103. Omissions from maps -- How resolved.

(1) If any area of the state is omitted from a Congressional district in the Congressional shapefile enacted by the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate Congressional district according to the requirements of Subsections (2) and (3).

(2) If the omitted area is surrounded by a single Congressional district, the county clerk shall attach the area to that district.

(3) If the omitted area is contiguous to two or more Congressional districts, the county clerk shall attach the area to the district that has the least population, as determined by the Utah Population Estimates Committee.

(4) The county clerk shall certify in writing and file with the lieutenant governor any attachment made under this section.

Amended by Chapter 383, 2013 General Session

20A-13-104. Uncertain boundaries -- How resolved.

(1) As used in this section, "affected party" means:

(a) a representative whose Congressional district boundary is uncertain because the boundary in the Congressional shapefile used to establish the district boundary has been removed, modified, or is unable to be identified or who is uncertain about whether

or not the representative or another person resides in a particular Congressional district;

(b) a candidate for Congressional representative whose Congressional district boundary is uncertain because the boundary in the Congressional shapefile used to establish the district boundary has been removed, modified, or is unable to be identified or who is uncertain about whether or not the candidate or another person resides in a particular Congressional district; or

(c) a person who is uncertain about which Congressional district contains the person's residence because the boundary in the Congressional shapefile used to establish the district boundary has been removed, modified, or is unable to be identified.

(2) (a) An affected party may file a written request petitioning the lieutenant governor to determine:

(i) the precise location of the Congressional district boundary;

(ii) the number of the Congressional district in which a person resides; or

(iii) both Subsections (2)(a)(i) and (ii).

(b) In order to make the determination required by Subsection (2)(a), the lieutenant governor shall review the Congressional shapefile and obtain and review other relevant data such as aerial photographs, aerial maps, or other data about the area.

(c) Within five days of receipt of the request, the lieutenant governor shall review the Congressional shapefile, obtain and review any relevant data, and make a determination.

(d) When the lieutenant governor determines the location of the Congressional district boundary, the lieutenant governor shall:

(i) prepare a certification identifying the appropriate boundary and attaching a map, if necessary; and

(ii) send a copy of the certification to:

(A) the affected party;

(B) the county clerk of the affected county; and

(C) the Automated Geographic Reference Center created under Section 63F-1-506.

(e) If the lieutenant governor determines the number of the Congressional district in which a particular person resides, the lieutenant governor shall send a letter identifying that district by number to:

(i) the person;

(ii) the affected party who filed the petition, if different than the person whose Congressional district number was identified; and

(iii) the county clerk of the affected county.

Amended by Chapter 383, 2013 General Session

20A-13-201. Senators -- When elected.

At the general election in November, 1932, and at each general election immediately preceding the expiration of the term of office of a United States senator from Utah, there shall be elected one United States senator to serve for a period of six

years.

Enacted by Chapter 1, 1995 General Session

20A-13-301. Presidential elections -- Effect of vote.

(1) (a) Each registered political party shall choose persons to act as presidential electors and to fill vacancies in the office of presidential electors for their party's candidates for President and Vice President according to the procedures established in their bylaws.

(b) Each registered political party shall certify to the lieutenant governor the names and addresses of the persons selected by the political party as the party's presidential electors by August 31.

(2) The highest number of votes cast for a political party's president and vice president candidates elects the presidential electors selected by that political party.

Amended by Chapter 2, 2011 Special Session 3

20A-13-302. Certificate of election.

(1) The lieutenant governor shall transmit certificates of election to each of the electors selected by the political party whose candidates for president and vice president received the highest number of votes in Utah.

(2) Presidential electors may not receive compensation for their services.

Amended by Chapter 78, 2001 General Session

20A-13-303. Filling vacancies.

If there is a vacancy in the office of presidential elector because of death, refusal to act, failure to attend, ineligibility, or any other cause, the political party represented by the elector who caused the vacancy shall immediately fill the vacancy.

Amended by Chapter 78, 2001 General Session

20A-13-304. Meeting to ballot -- Casting ballot for person not nominated by elector's party.

(1) The electors shall meet at the office of the lieutenant governor at the state capitol at noon of the first Wednesday of the January after their election, or at noon of any other day designated by the Congress of the United States of America.

(2) After convening, the electors shall perform their duties in conformity with the United States Constitution and laws.

(3) Any elector who casts an electoral ballot for a person not nominated by the party of which he is an elector, except in the cases of death or felony conviction of a candidate, is considered to have resigned from the office of elector, his vote may not be recorded, and the remaining electors shall appoint another person to fill the vacancy.

Enacted by Chapter 1, 1995 General Session

20A-14-101.1. Definitions.

As used in this part:

(1) "Board" means the State Board of Education.

(2) "Board block assignment file" means the electronic file that assigns each of Utah's 115, 406 census blocks to a particular State Board of Education district.

(3) "Board shapefile" means the electronic shapefile that stores the boundary of each of the 15 State Board of Education districts.

(4) "Census block" means any one of the 115, 406 individual geographic areas into which the Bureau of the Census of the United States Department of Commerce has divided the state of Utah, to each of which the Bureau of the Census has attached a discrete population tabulation from the 2010 decennial census.

(5) "Shapefile" means the digital vector storage format for storing geometric location and associated attribute information.

Amended by Chapter 455, 2013 General Session

20A-14-101.5. State Board of Education -- Number of members -- State Board of Education district boundaries.

(1) As used in this section:

(a) "County boundary" means the county boundary's location in the database as of January 1, 2010.

(b) "Database" means the State Geographic Information Database created in Section 63F-1-507.

(c) "Local school district boundary" means the local school district boundary's location in the database as of January 1, 2010.

(d) "Municipal boundary" means the municipal boundary's location in the database as of January 1, 2010.

(2) The State Board of Education shall consist of 15 members, with one member to be elected from each State Board of Education district.

(3) The Legislature adopts the official census population figures and maps of the Bureau of the Census of the United States Department of Commerce developed in connection with the taking of the 2010 national decennial census as the official data for establishing State Board of Education district boundaries.

(4) (a) Notwithstanding Subsection (3), the Legislature enacts the district numbers and boundaries of the State Board of Education districts designated in the Board shapefile that is the electronic component of the bill that enacts this section.

(b) That Board shapefile, and the State Board of Education district boundaries generated from that Board shapefile, may be accessed via the Utah Legislature's website.

Amended by Chapter 455, 2013 General Session

20A-14-102. State Board of Education districts.

(1) (a) The Legislature shall file a copy of the Board shapefile enacted by the Legislature with the lieutenant governor's office.

(b) The legal boundaries of State Board of Education districts are contained in

the Board shapefile on file with the lieutenant governor's office.

(2) (a) The lieutenant governor shall:

(i) generate maps of each State Board of Education district from the Board shapefile; and

(ii) ensure that those maps are available for viewing on the lieutenant governor's website.

(b) If there is any inconsistency between the maps and the Board shapefile, the Board shapefile is controlling.

Amended by Chapter 455, 2013 General Session

20A-14-102.1. Omissions from maps -- How resolved.

(1) If any area of the state is omitted from a State Board of Education district in the Board shapefile enacted by the Legislature, the county clerk of the affected county, upon discovery of the omission, shall attach the area to the appropriate State Board of Education district according to the requirements of Subsections (2) and (3).

(2) If the omitted area is surrounded by a single State Board of Education district, the county clerk shall attach the area to that district.

(3) If the omitted area is contiguous to two or more State Board of Education districts, the county clerk shall attach the area to the district that has the least population, as determined by the Utah Population Estimates Committee.

(4) The county clerk shall certify in writing and file with the lieutenant governor any attachment made under this section.

Amended by Chapter 455, 2013 General Session

20A-14-102.2. Uncertain boundaries -- How resolved.

(1) As used in this section:

(a) "Affected party" means:

(i) a state school board member whose State Board of Education district boundary is uncertain because the feature used to establish the district boundary in the Board shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether or not the member or another person resides in a particular State Board of Education district;

(ii) a candidate for state school board whose State Board of Education district boundary is uncertain because the feature used to establish the district boundary in the Board shapefile has been removed, modified, or is unable to be identified or who is uncertain about whether or not the candidate or another person resides in a particular State Board of Education district; or

(iii) a person who is uncertain about which State Board of Education district contains the person's residence because the feature used to establish the district boundary in the Board shapefile has been removed, modified, or is unable to be identified.

(b) "Feature" means a geographic or other tangible or intangible mark such as a road or political subdivision boundary that is used to establish a State Board of Education district boundary.

(2) (a) An affected party may file a written request petitioning the lieutenant governor to determine:

(i) the precise location of the State Board of Education district boundary;

(ii) the number of the State Board of Education district in which a person resides; or

(iii) both Subsections (2)(a)(i) and (ii).

(b) In order to make the determination required by Subsection (2)(a), the lieutenant governor shall review:

(i) the Board shapefile; and

(ii) other relevant data such as aerial photographs, aerial maps, or other data about the area.

(c) Within five days of receipt of the request, the lieutenant governor shall:

(i) review the Board block shapefile;

(ii) review any relevant data; and

(iii) make a determination.

(d) If the lieutenant governor determines the precise location of the State Board of Education district boundary, the lieutenant governor shall:

(i) prepare a certification identifying the appropriate State Board of Education district boundary and attaching a map, if necessary; and

(ii) send a copy of the certification to:

(A) the affected party;

(B) the county clerk of the affected county; and

(C) the Automated Geographic Reference Center created under Section 63F-1-506.

(e) If the lieutenant governor determines the number of the State Board of Education district in which a particular person resides, the lieutenant governor shall send a letter identifying that district by number to:

(i) the person;

(ii) the affected party who filed the petition, if different than the person whose State Board of Education district number was identified; and

(iii) the county clerk of the affected county.

Amended by Chapter 455, 2013 General Session

20A-14-102.3. County clerk, Automated Geographic Reference Center, and lieutenant governor responsibilities -- Maps and voting precinct boundaries.

(1) As used in this section, "redistricting boundary data" means the Board shapefile.

(2) Each county clerk shall obtain a copy of the redistricting boundary data for the clerk's county from the lieutenant governor's office.

(3) (a) A county clerk may create one or more county maps that identify the boundaries of State Board of Education districts as generated from the redistricting boundary data.

(b) Before publishing or distributing any map or data created by the county clerk that identifies the boundaries of State Board of Education districts within the county, the clerk shall submit the county map and data to the lieutenant governor and to the

Automated Geographic Reference Center for review.

(c) Within 30 days after receipt of a county map and data from a county clerk, the Automated Geographic Reference Center shall:

(i) review the county map and data to evaluate if the county map and data accurately reflect the boundaries of State Board of Education districts established by the Legislature in the redistricting boundary data;

(ii) determine whether the county map and data are correct or incorrect; and

(iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor shall either notify the county clerk that the county map and data are correct or inform the county clerk that the county map and data are incorrect.

(e) If the county clerk receives notice from the lieutenant governor that the county map and data submitted are incorrect, the county clerk shall:

(i) make the corrections necessary to conform the county map and data to the redistricting boundary data; and

(ii) resubmit the corrected county map and data to the lieutenant governor for a new review under this Subsection (3).

(4) (a) Subject to the requirements of this Subsection (4), each county clerk shall establish voting precincts and polling places within each State Board of Education district according to the procedures and requirements of Section 20A-5-303.

(b) Within five working days after approval of voting precincts and polling places by the county legislative body as required by Section 20A-5-303, each county clerk shall submit a voting precinct map identifying the boundaries of each voting precinct within the county to the lieutenant governor and to the Automated Geographic Reference Center for review.

(c) Within 30 days after receipt of a voting precinct map from a county clerk, the Automated Geographic Reference Center shall:

(i) review the voting precinct map to evaluate if the voting precinct map accurately reflects the boundaries of State Board of Education districts established by the Legislature in the redistricting boundary data;

(ii) determine whether the voting precinct map is correct or incorrect; and

(iii) communicate those findings to the lieutenant governor.

(d) The lieutenant governor shall either notify the county clerk that the voting precinct map is correct or notify the county clerk that the voting precinct map is incorrect.

(e) If the county clerk receives notice from the lieutenant governor that the voting precinct map is incorrect, the county clerk shall:

(i) make the corrections necessary to conform the voting precinct map to the redistricting boundary data; and

(ii) resubmit the corrected voting precinct map to the lieutenant governor and to the Automated Geographic Reference Center for a new review under this Subsection (4).

Amended by Chapter 455, 2013 General Session

20A-14-103. State Board of Education members -- When elected --

Qualifications -- Avoiding conflicts of interest.

(1) (a) Unless otherwise provided by law, each State Board of Education member elected from a State Board of Education District at the 2010 general election shall:

(i) serve out the term of office for which that member was elected; and

(ii) represent the realigned district if the member resides in that district.

(b) At the general election to be held in 2012, a State Board of Education member elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected to serve a term of office of four years.

(c) In order to ensure that the terms of approximately half of the State Board of Education members expire every two years:

(i) at the general election to be held in 2012, the State Board of Education member elected from State Board of Education District 1 shall be elected to serve a term of office of two years; and

(ii) at the general election to be held in 2014, the State Board of Education member elected from State Board of Education District 1 shall be elected to serve a term of office of four years.

(2) (a) A person seeking election to the State Board of Education shall have been a resident of the State Board of Education district in which the person is seeking election for at least one year as of the date of the election.

(b) A person who has resided within the State Board of Education district, as the boundaries of the district exist on the date of the election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2).

(3) A State Board of Education member shall:

(a) be and remain a registered voter in the State Board of Education district from which the member was elected or appointed; and

(b) maintain the member's primary residence within the State Board of Education district from which the member was elected or appointed during the member's term of office.

(4) A State Board of Education member may not, during the member's term of office, also serve as an employee of:

(a) the State Board of Education;

(b) the Utah State Office of Education; or

(c) the Utah State Office of Rehabilitation.

Amended by Chapter 3, 2011 Special Session 3

20A-14-104. Becoming a candidate for membership on the State Board of Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.

(1) (a) Persons interested in becoming a candidate for the State Board of Education shall file a declaration of candidacy according to the procedures and requirements of Sections 20A-9-201 and 20A-9-202.

(b) By May 1 of the year in which a State Board of Education member's term expires, the lieutenant governor shall submit the name of each person who has filed a

declaration of candidacy for the State Board of Education to the nominating and recruiting committee for the State Board of Education.

(2) By November 1 of the year preceding each regular general election year, a nominating and recruiting committee consisting of 12 members, each to serve a two-year term, shall be appointed by the governor as follows:

(a) one member shall be appointed to represent each of the following business and industry sectors:

(i) manufacturing and mining;

(ii) transportation and public utilities;

(iii) service, trade, and information technology;

(iv) finance, insurance, and real estate;

(v) construction; and

(vi) agriculture; and

(b) one member shall be appointed to represent each of the following education sectors:

(i) teachers;

(ii) school administrators;

(iii) parents;

(iv) local school board members;

(v) charter schools; and

(vi) higher education.

(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i) through (vi) shall be appointed from lists containing at least two names submitted by organizations representing each of the respective sectors.

(b) At least one member of the nominating and recruiting committee shall reside within each state board district in which a member's term expires during the committee's two-year term of office.

(4) (a) The members shall elect one member to serve as chair for the committee.

(b) The chair, or another member of the committee designated by the chair, shall schedule and convene all committee meetings.

(c) Any formal action by the committee requires the approval of a majority of committee members.

(d) Members of the nominating and recruiting committee shall serve without compensation, but they may be reimbursed for expenses incurred in the performance of their official duties as established by the Division of Finance.

(5) The nominating and recruiting committee shall:

(a) recruit potential candidates for membership on the State Board of Education prior to the deadline to file a declaration of candidacy;

(b) prepare a list of candidates for membership on the State Board of Education for each state board district subject to election in that year using the qualifications under Subsection (6);

(c) submit a list of at least three candidates for each state board position to the governor by July 1; and

(d) ensure that the list includes appropriate background information on each candidate.

(6) The nominating committee shall select a broad variety of candidates who possess outstanding professional qualifications relating to the powers and duties of the State Board of Education, including experience in the following areas:
(a) business and industry administration;
(b) business and industry human resource management;
(c) business and industry finance;
(d) business and industry, including expertise in:
(i) metrics and evaluation;
(ii) manufacturing;
(iii) retailing;
(iv) natural resources;
(v) information technology;
(vi) construction;
(vii) banking;
(viii) science and engineering; and
(ix) medical and healthcare;
(e) higher education administration;
(f) applied technology education;
(g) public education administration;
(h) public education instruction;
(i) economic development;
(j) labor; and
(k) other life experiences that would benefit the State Board of Education.

Amended by Chapter 19, 2004 General Session

20A-14-105. Becoming a candidate for membership on the State Board of Education -- Selection of candidates by the governor -- Ballot placement.
(1) By August 1 of each regular general election year, the governor shall:
(a) for each state board district subject to election in that year, select two candidates for the State Board of Education from the lists submitted by the state board district nominating and recruiting committee; and
(b) certify the names of the two candidates from each school board district to the lieutenant governor.
(2) If the governor fails to select two candidates for a state board district by August 1, the nominating and recruiting committee shall:
(a) select the two candidates; and
(b) notify the lieutenant governor of its selections by August 31.
(3) In accordance with Section 20A-6-305, the lieutenant governor shall certify the names and order of the names to the county clerks for placement on the nonpartisan section of the ballot.

Amended by Chapter 292, 2011 General Session
Amended by Chapter 327, 2011 General Session
Amended by Chapter 327, 2011 General Session, (Coordination Clause)
Amended by Chapter 335, 2011 General Session

20A-14-106. Vacancies on the State Board of Education.

Vacancies on the State Board of Education shall be filled as provided in Section 20A-1-507.

Enacted by Chapter 1, 1995 General Session

20A-14-201. Boards of education -- School board districts -- Creation -- Reapportionment.

(1) (a) The county legislative body, for local school districts whose boundaries encompass more than a single municipality, and the municipal legislative body, for school districts contained completely within a municipality, shall divide the local school district into local school board districts as required under Subsection 20A-14-202(1)(a).

(b) The county and municipal legislative bodies shall divide the school district so that the local school board districts are substantially equal in population and are as contiguous and compact as practicable.

(2) (a) County and municipal legislative bodies shall reapportion district boundaries to meet the population, compactness, and contiguity requirements of this section:

(i) at least once every 10 years;

(ii) if a new district is created:

(A) within 45 days after the canvass of an election at which voters approve the creation of a new district; and

(B) at least 60 days before the candidate filing deadline for a school board election;

(iii) whenever districts are consolidated;

(iv) whenever a district loses more than 20% of the population of the entire school district to another district;

(v) whenever a district loses more than 50% of the population of a local school board district to another district;

(vi) whenever a district receives new residents equal to at least 20% of the population of the district at the time of the last reapportionment because of a transfer of territory from another district; and

(vii) whenever it is necessary to increase the membership of a board from five to seven members as a result of changes in student membership under Section 20A-14-202.

(b) If a school district receives territory containing less than 20% of the population of the transferee district at the time of the last reapportionment, the local school board may assign the new territory to one or more existing school board districts.

(3) (a) Reapportionment does not affect the right of any school board member to complete the term for which the member was elected.

(b) (i) After reapportionment, representation in a local school board district shall be determined as provided in this Subsection (3).

(ii) If only one board member whose term extends beyond reapportionment lives within a reapportioned local school board district, that board member shall represent that local school board district.

(iii) (A) If two or more members whose terms extend beyond reapportionment

live within a reapportioned local school board district, the members involved shall select one member by lot to represent the local school board district.

(B) The other members shall serve at-large for the remainder of their terms.

(C) The at-large board members shall serve in addition to the designated number of board members for the board in question for the remainder of their terms.

(iv) If there is no board member living within a local school board district whose term extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in this part.

(4) (a) If, before an election affected by reapportionment, the county or municipal legislative body that conducted the reapportionment determines that one or more members shall be elected to terms of two years to meet this part's requirements for staggered terms, the legislative body shall determine by lot which of the reapportioned local school board districts will elect members to two-year terms and which will elect members to four-year terms.

(b) All subsequent elections are for four-year terms.

(5) Within 10 days after any local school board district boundary change, the county or municipal legislative body making the change shall send an accurate map or plat of the boundary change to the Automated Geographic Reference Center created under Section 63F-1-506.

Amended by Chapter 297, 2011 General Session

20A-14-202. Local boards of education -- Membership -- When elected -- Qualifications -- Avoiding conflicts of interest.

(1) (a) Except as provided in Subsection (1)(b), the board of education of a school district with a student population of up to 24,000 students shall consist of five members.

(b) The board of education of a school district with a student population of more than 10,000 students but fewer than 24,000 students shall increase from five to seven members beginning with the 2004 regular general election.

(c) The board of education of a school district with a student population of 24,000 or more students shall consist of seven members.

(d) Student population is based on the October 1 student count submitted by districts to the State Office of Education.

(e) If the number of members of a local school board is required to change under Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in Sections 20A-14-201 and 20A-14-203.

(f) A school district which now has or increases to a seven-member board shall maintain a seven-member board regardless of subsequent changes in student population.

(g) (i) Members of a local board of education shall be elected at each regular general election.

(ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local board of education may be elected to a five-member board, nor more than four members elected to a seven-member board, in any election year.

(iii) More than three members of a local board of education may be elected to a

five-member board and more than four members elected to a seven-member board in any election year only when required by reapportionment or to fill a vacancy or to implement Subsection (1)(b).

(h) One member of the local board of education shall be elected from each local school board district.

(2) (a) For an election held after the 2008 general election, a person seeking election to a local school board shall have been a resident of the local school board district in which the person is seeking election for at least one year as of the date of the election.

(b) A person who has resided within the local school board district, as the boundaries of the district exist on the date of the election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2).

(3) A member of a local school board shall:

(a) be and remain a registered voter in the local school board district from which the member is elected or appointed; and

(b) maintain the member's primary residence within the local school board district from which the member is elected or appointed during the member's term of office.

(4) A member of a local school board may not, during the member's term in office, also serve as an employee of that board.

Amended by Chapter 297, 2011 General Session

20A-14-203. Becoming a member of a local board of education -- Declaration of candidacy -- Election.

(1) An individual may become a candidate for a local school board by filing a declaration of candidacy with the county clerk and paying the fee as required by Section 20A-9-202.

(2) (a) The term of office for an individual elected to a local board of education is four years, beginning on the first Monday in January after the election.

(b) A member of a local board of education shall serve until a successor is elected or appointed and qualified.

(c) A member of a local board of education is "qualified" when the member takes or signs the constitutional oath of office.

Enacted by Chapter 1, 1995 General Session

20A-14-204. Effect of transfer of a district on composition of local school board.

If a portion of one school district becomes part of another school district, any member of the board of education residing within the transferred portion becomes a member of the board of the transferee district and shall serve the remainder of the term to which the member was elected.

Enacted by Chapter 1, 1995 General Session

20A-14-205. Vacancies on local school boards.

Vacancies on local school boards shall be filled as provided in Section 20A-1-511.

Enacted by Chapter 1, 1995 General Session

20A-14-206. Student petition for student member on local school board.

(1) A student petition requesting that a local school board appoint a nonvoting student member to the board may be submitted to the board under this section.

(2) The petition shall have the signatures of at least 500 students regularly enrolled in high school in the district or at least 10% of the number of students regularly enrolled in high school in the district, whichever is less.

(3) (a) Upon receipt of the petition, the board may appoint a nonvoting student member to serve a one-year term on the local school board as an addition to the number of regular members authorized by law.

(b) A student member's term begins July 1 and ends on June 30 of the following year.

(4) A student board member shall be enrolled in a high school in the district and may be less than 18 years old.

(5) A student member may participate in all board meetings, except executive sessions.

(6) (a) A student board member shall receive the same expense allowance granted other board members under Section 53A-3-202.

(b) A student member is not liable for any acts of the governing board.

Enacted by Chapter 1, 1995 General Session

20A-15-101. Scope and application of chapter.

(1) The procedures contained in this section govern when the Congress of the United States:

(a) proposes an amendment to the Constitution of the United States; and

(b) directs that the amendment be ratified by conventions in each state.

(2) If Congress prescribes the manner in which the conventions shall be constituted and does not except those states that have established procedures for constituting ratification conventions:

(a) this chapter is inoperative;

(b) the convention shall be constituted and shall operate as the congressional resolution or Act of Congress directs; and

(c) all state officers who are authorized or directed to take any action to constitute a ratification convention in Utah shall do so.

Enacted by Chapter 1, 1995 General Session

20A-15-102. Election to elect convention delegates.

(1) The governor shall:

(a) issue a proclamation establishing the date of an election to elect 21

delegates to Utah's ratification convention from the state at large;

(b) ensure that the election is held at least as soon as the next regular general election occurring more than three months after the amendment has been proposed by Congress; and

(c) either call a special election or schedule the election to be held at the same time as a regular or municipal general election.

(2) Unless otherwise provided in this chapter, the election shall be conducted according to the procedures for a regular general election contained in this title.

Enacted by Chapter 1, 1995 General Session

20A-15-103. Delegates -- Candidacy -- Qualifications -- Nominating procedures.

(1) Candidates for the office of delegate to the ratification convention shall be citizens, residents of Utah, and at least 21 years old.

(2) Persons wishing to be delegates to the ratification convention shall:

(a) circulate a nominating petition meeting the requirements of this section; and

(b) obtain the signature of at least 100 registered voters.

(3) (a) A single nominating petition may nominate any number of candidates up to 21, the total number of delegates to be elected.

(b) Nominating petitions may not contain anything identifying a candidate's party or political affiliation.

(c) Each nominating petition shall contain a written statement signed by each nominee, indicating either that the candidate will:

(i) vote for ratification of the proposed amendment; or

(ii) vote against ratification of the proposed amendment.

(d) A nominating petition containing the names of more than one nominee may not contain the name of any nominee whose stated position in the nominating petition is inconsistent with that of any other nominee listed in the petition.

(4) (a) Candidates shall file their nominating petitions with the lieutenant governor at least 40 days before the proclaimed date of the election.

(b) Within 10 days after the last day for filing the petitions, the lieutenant governor shall:

(i) declare nominated the 21 nominees in favor of ratification and the 21 nominees against ratification whose nominating petitions have been signed by the largest number of registered voters;

(ii) decide any ties by lot drawn by the lieutenant governor; and

(iii) certify the nominated candidates of each group to the county clerk of each county within the state.

Enacted by Chapter 1, 1995 General Session

20A-15-104. Ballot -- Form -- Manner of marking and voting.

(1) The requirements of this section govern the form of the ballot and the specific procedures for electing delegates to the ratification convention.

(2) Each county clerk shall ensure that the ballot to select delegates to the

ratification convention:

(a) is separate from and printed on different color stock than any other ballot to be used at the same election;

(b) contains the following information in this order:

(i) the text of the proposed amendment;

(ii) instructions to the voter;

(iii) three perpendicular columns of equal width;

(iv) at the head of the first perpendicular column, in plain type, the words "For Ratification of Proposed Change in Constitution of the United States";

(v) at the head of the second perpendicular column, in plain type, the words "Against Ratification of Proposed Change in Constitution of the United States";

(vi) no heading or names at the head of the third perpendicular column;

(vii) in the column headed "For Ratification of Proposed Change in Constitution of the United States," the names of the nominees nominated as in favor of ratification;

(viii) in the column headed "Against Ratification of Proposed Change in Constitution of the United States," the names of the nominees nominated as against ratification; and

(ix) in the column without heading, spaces permitting the voter to write in other names; and

(c) is arranged so that the voter may, by making a single mark, vote for the entire group of nominees whose names are contained in any column.

(3) Each county clerk shall ensure that the ballot to select delegates to the ratification convention is in substantially the following form:

"OFFICIAL BALLOT for delegates to convention to ratify or reject proposed amendment to the Constitution of the United States. The Congress has proposed an amendment to the Constitution of the United States that provides: (insert here the text of the proposed amendment).

The Congress has also directed that the proposed amendment be ratified by conventions in the states.

INSTRUCTIONS TO VOTERS

Do not vote for more than 21.

To vote for all candidates in favor of ratification, or for all candidates against ratification, make a cross-mark in the CIRCLE at the head of the list of candidates for whom you wish to vote. If you do this, make no other mark.

To vote for an individual candidate, make a cross-mark in the SQUARE immediately adjacent to the name.

To vote for a person other than candidates listed on the ballot, write in the person's name in blank column.

For ratification of proposed change in Constitution of the United States.

(Name of Candidate) _____

Against ratification of proposed change in Constitution of the United States.

(Name of Candidate) _____"

(4) If the election of delegates to the ratification convention is held at the same time as the regular general election, the county clerk shall:

(a) give the same ballot number to a regular general election ballot and a ballot to elect delegates to a ratification convention;

(b) direct the election judges to:

(i) hand to each voter the general election ballot and the ratification convention ballot with identical ballot numbers;

(ii) instruct the voter to mark each ballot and deposit each ballot in the ballot box; and

(iii) mark any ballot "void" that the voter declines to use and return it to the county clerk.

(5) Each voter shall indicate his choice by making one or more cross-marks in the appropriate spaces provided on the ballot.

Amended by Chapter 202, 2009 General Session

20A-15-105. Poll watchers.

(1) If one or more of the candidates listed upon the official ballot under the heading "For Ratification of Proposed Change in Constitution of the United States" recommends persons to act as poll watchers, the county legislative body shall designate those persons to act as poll watchers for that group at each polling place within the county.

(2) If one or more of the candidates listed upon the official ballot under the heading "Against Ratification of Proposed Change in Constitution of the United States" recommends persons to act as poll watchers, the county legislative body shall designate those persons to act as poll watchers for that group at each polling place within the county.

Enacted by Chapter 1, 1995 General Session

20A-15-201. Convening -- Vacancies -- Election of officers -- Journal of proceedings.

(1) The delegates to the convention shall convene at the state capitol at noon on the 28th day after their election to pass upon the question of whether or not the proposed amendment shall be ratified.

(2) (a) If, at the time the convention convenes, there is a vacancy in the convention, the delegates from the group from which the delegate creating the vacancy was elected shall, by majority vote, appoint a person to fill the vacancy.

(b) If the convention contains no other delegates from the group from which the delegate creating the vacancy was elected, the governor shall appoint a person to fill the vacancy.

(3) The convention may:

(a) elect a president, secretary, and other officers; and

(b) adopt its own rules.

(4) The convention shall:

(a) keep a journal of its proceedings;

(b) record in the journal the vote of each delegate on the question of ratification of the proposed amendment; and

(c) file the journal with the lieutenant governor after the convention adjourns.

(5) (a) Delegates to the ratification convention shall:

(i) serve without pay;
(ii) receive a per diem of $4 per day while the convention is in session; and
(iii) receive mileage at the rate of 10 cents per mile for the distance necessarily traveled in going to and returning from the place of meeting by the most usual route.
(b) The lieutenant governor shall pay the per diem and mileage, together with the necessary expenses of the convention for printing and stenographic services, from the state treasury.

Enacted by Chapter 1, 1995 General Session

20A-15-202. Certificate of ratification.
(1) If the convention agrees, by vote of a majority of the total number of delegates, to ratify the proposed amendment, the president and secretary of the convention shall:
(a) prepare and sign a certificate to that effect; and
(b) transmit it to the lieutenant governor.
(2) Upon receipt of a ratification certificate, the lieutenant governor shall transmit the certificate under the great seal of the state to the Secretary of State of the United States.

Enacted by Chapter 1, 1995 General Session

20A-16-101. Title.
This chapter is known as "Uniform Military and Overseas Voters Act."

Enacted by Chapter 327, 2011 General Session

20A-16-102. Definitions.
As used in this chapter:
(1) "Covered voter" means:
(a) a uniformed-service voter or an overseas voter who is registered to vote in the state; or
(b) a uniformed-service voter whose voting residence is in the state and who otherwise satisfies the state's voter eligibility requirements.
(2) "Dependent" means an individual recognized as a dependent by a uniformed service.
(3) "Federal postcard application" means the application prescribed under the Uniformed and Overseas Citizens Absentee Voting Act, Sec. 101(b)(2), 42 U.S.C. Sec. 1973ff(b)(2).
(4) "Federal write-in absentee ballot" means the ballot described in the Uniformed and Overseas Citizens Absentee Voting Act, Sec. 103, 42 U.S.C. Sec. 1973ff-2.
(5) "Military-overseas ballot" means:
(a) a federal write-in absentee ballot;
(b) a ballot specifically prepared or distributed for use by a covered voter in accordance with this chapter; or

(c) a ballot cast by a covered voter in accordance with this chapter.

(6) "Overseas voter" means a United States citizen who is outside the United States.

(7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(8) "Uniformed service" means:

(a) active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;

(b) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(c) the National Guard.

(9) "Uniformed-service voter" means an individual who is qualified to vote and is:

(a) a member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

(b) a member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

(c) a member on activated status of the National Guard; or

(d) a spouse or dependent of a member referred to in Subsections (9)(a) through (c).

(10) "United States" means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

Enacted by Chapter 327, 2011 General Session

20A-16-103. Application to elections.

The voting procedures in this chapter apply to an election authorized by this title.

Enacted by Chapter 327, 2011 General Session

20A-16-201. Duties of lieutenant governor.

The lieutenant governor shall:

(1) implement this chapter and the state's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Sec. 1973ff et seq.;

(2) make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots;

(3) establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information under this chapter;

(4) (a) develop standardized absentee-voting materials, including privacy and transmission envelopes and electronic equivalents of the envelopes, authentication materials, and voting instructions, to be used with the military-overseas ballot of a voter authorized to vote in any jurisdiction in the state; and

(b) to the extent reasonably possible, coordinate with other states on the development required by Subsection (4)(a); and

(5) prescribe the form and content of a declaration:

(a) for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot;

(b) that is based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this chapter; and

(c) that is a prominent part of all balloting materials for which the declaration is required, including an indication of the date of execution of the declaration.

Enacted by Chapter 327, 2011 General Session

20A-16-202. Report on absentee ballots.

(1) Not later than 60 days after each regular general election, each county clerk shall submit a report to the lieutenant governor indicating:

(a) the number of ballots sent to covered voters; and

(b) the number of ballots returned by covered voters that were counted.

(2) Not later than 90 days after each regular general election, the lieutenant governor shall submit a statewide report to the Election Assistance Commission that includes the information required by Subsection (1).

Renumbered and Amended by Chapter 327, 2011 General Session

20A-16-301. Overseas voter's registration address.

In registering to vote, an overseas voter who is eligible to vote in the state shall:

(1) use and be assigned to the voting precinct of the address of the last place of residence of the voter in the state; or

(2) if the address described in Subsection (1) is no longer a recognized residential address, be assigned an address for voting purposes.

Enacted by Chapter 327, 2011 General Session

20A-16-302. Methods of registering to vote.

(1) To apply to register to vote, in addition to any other approved method, a covered voter may use a federal postcard application or the application's electronic equivalent.

(2) (a) A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the Thursday immediately before the election.

(b) If the declaration is received after the Thursday immediately before the election, the declaration shall be treated as an application to register to vote for subsequent elections.

(3) (a) The lieutenant governor shall ensure that the electronic transmission system described in Subsection 20A-16-201(3) is capable of accepting both a federal

postcard application and any other approved electronic registration application sent to the appropriate election official.

(b) The voter may use the electronic transmission system or any other approved method to register to vote.

Amended by Chapter 198, 2013 General Session

20A-16-401. Methods of applying for military-overseas ballots.

(1) A covered voter who is registered to vote in the state may apply for a military-overseas ballot using:

(a) an absentee ballot application under Section 20A-3-304; or

(b) (i) the federal postcard application; or

(ii) the federal postcard application's electronic equivalent.

(2) A covered voter who is not registered to vote in this state may use a federal postcard application or the federal postcard application's electronic equivalent to apply simultaneously to register to vote under Section 20A-16-302 and for a military-overseas ballot.

(3) (a) The lieutenant governor shall ensure that the electronic transmission system described in Subsection 20A-16-201(3) is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official.

(b) The voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.

(4) A covered voter may use the declaration accompanying a federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official by the Thursday immediately before the election.

(5) To receive the benefits of this chapter, a covered voter shall inform the appropriate election official that the voter is a covered voter by:

(a) the use of a federal postcard application or federal write-in absentee ballot;

(b) the use of an overseas address on an approved voter registration application or ballot application; or

(c) the inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

(6) This chapter does not preclude a covered voter from voting under Chapter 3, Part 3, Absentee Voting.

Amended by Chapter 198, 2013 General Session

20A-16-402. Timeliness and scope of application for military-overseas ballot.

(1) An application for a military-overseas ballot is timely if received by the Thursday immediately before the election.

(2) An application for a military-overseas ballot for a regular primary election or municipal primary election, whether or not timely, is effective as an application for a military-overseas ballot for the regular general election or municipal general election.

Amended by Chapter 198, 2013 General Session

20A-16-403. Transmission of unvoted ballots.

(1) For an election for which the state has not received a waiver pursuant to the Military and Overseas Voter Empowerment Act, Sec. 579, 42 U.S.C. 1973ff-1(g)(2), not later than 45 days before the election or, notwithstanding Section 20A-1-401, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application.

(2) (a) A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic transmission may choose:

(i) facsimile transmission;

(ii) email delivery; or

(iii) if offered by the voter's jurisdiction, Internet delivery.

(b) The election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot and balloting materials to the voter using the means of transmission chosen by the voter.

(3) If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to voters, the official charged with distributing a ballot and balloting materials shall transmit them to the voter not later than two business days after the application arrives.

Enacted by Chapter 327, 2011 General Session

20A-16-404. Timely casting of ballot.

Except as provided by Section 20A-1-308, to be valid, a military-overseas ballot shall be:

(1) received by the appropriate election officer not later than the close of the polls; or

(2) submitted for mailing, electronic transmission, or other authorized means of delivery not later than 12:01 a.m., at the place where the voter completes the ballot, on the date of the election.

Amended by Chapter 219, 2013 General Session

20A-16-405. Federal write-in absentee ballot.

A covered voter may use a federal write-in absentee ballot to vote for all offices and ballot propositions in an election.

Enacted by Chapter 327, 2011 General Session

20A-16-406. Disposition of ballot by county clerk.

(1) Upon receipt by the county clerk of the envelope containing a military-overseas ballot, the county clerk shall:

(a) enclose the unopened envelope containing the ballot and the written application of the covered voter in a larger envelope;

(b) securely seal and endorse it with:

(i) the name or number of the proper voting precinct;

(ii) the name and official title of the clerk; and

(iii) the words: "This envelope contains an absentee voter's official Utah election ballot to be voted at ____ (Insert Name and Number) precinct, in ____ (Insert Name) county, and may be opened on election day at the polls while the polls are open."; and

(c) safely keep the envelope in the county clerk's office until the envelope is delivered by the county clerk to the proper election judges.

(2) (a) When reasonably possible, the county clerk shall deliver or mail all military-overseas voter ballot envelopes to the appropriate voting precinct election judges so that the ballots may be processed on election day.

(b) If the clerk is unable to determine the voting precinct to which the ballot should be sent or when valid ballots are received too late to deliver to the election judges on election day, the clerk shall keep them in a safe place until delivery can be made as required by Section 20A-3-309.

Amended by Chapter 369, 2012 General Session

20A-16-407. Duty of election judges.

(1) (a) Voting precinct election judges shall open envelopes containing military-overseas ballots that are in the judges' custody on election day at the polling places during the time the polls are open as provided in this subsection.

(b) The election judges shall:

(i) first, open the outer envelope only; and

(ii) compare the signature of the covered voter on the application with the signature on the registration and voting certificate.

(2) (a) The judges shall register the covered voter to vote if the voter is not already registered if the judges find that:

(i) the registration and voting certificate appears to be executed in proper form and contains information qualifying the covered voter to be registered as a voter; and

(ii) the signatures on the certificate and the application correspond, where a comparison is required.

(b) If the election judges determine that the registration and voting certificate is insufficient or that the signatures do not correspond, they shall:

(i) disallow the registration; and

(ii) without opening the ballot envelope, mark across the face of the envelope "Rejected as defective because of _____ ." with the reason for the rejection placed in the blank.

(c) When a covered voter's name is entered upon the registration books, the voter is considered to be registered and the registration and voting certificate, signed and sworn to by the covered voter on the back of the ballot envelope, together with the covered voter's name upon the registration books, constitute the covered voter's registration record.

(d) Nothing in this title may abridge the right of the covered voter to be

registered as provided in this section.

(3) (a) After registering the voter, the judges shall carefully open the ballot envelope so as not to destroy the information printed on it if they find that:

(i) the registration and voting certificate is sufficient; and

(ii) the signatures on the certificate and the application correspond, where a comparison is required.

(b) The election judges shall:

(i) remove the ballot from the envelope without unfolding it or permitting it to be opened or examined;

(ii) initial the stub in the same manner as for other ballots;

(iii) deposit the ballot in the proper ballot box; and

(iv) mark the official register and pollbook to show that the voter has voted.

(c) If the election judges determine that the registration and voting certificate is insufficient or that the signatures do not correspond, they shall:

(i) disallow the vote; and

(ii) without opening the ballot envelope, mark across the face of the envelope "Rejected as defective because of _____ ." with the reason for the rejection placed in the blank.

(4) The election judges shall deposit the envelope, when the ballot is voted, and the envelope with its contents unopened, when the absent vote is rejected, in the ballot box containing the ballots.

(5) The county clerk shall retain and preserve the envelopes in the manner provided by law for the retention and preservation of official ballots voted at that election.

Renumbered and Amended by Chapter 327, 2011 General Session
Amended by Chapter 366, 2011 General Session

20A-16-408. Receipt of voted ballot.

(1) Except as provided by Section 20A-1-308, a valid military-overseas ballot cast in accordance with Section 20A-16-404 shall be counted if the military-overseas ballot is delivered by the end of business on the business day before the latest deadline for completing the canvass to the address that the appropriate state or local election office has specified.

(2) If, at the time of completing a military-overseas ballot and balloting materials, the voter has declared under penalty of perjury as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters, that the ballot was timely submitted, the ballot may not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

Amended by Chapter 219, 2013 General Session

20A-16-409. Declaration.

A military-overseas ballot shall include or be accompanied by:

(1) a declaration signed by a covered voter that a material misstatement of fact in completing the ballot may be grounds for a conviction of perjury under the laws of the

United States or Title 76, Chapter 8, Part 5, Falsification in Official Matters; and

(2) the following statement if the military-overseas ballot is electronically transmitted: "I understand that by electronically transmitting my voted ballot I am voluntarily waiving my right to a secret ballot. Signature of voter _____ Date _____".

Enacted by Chapter 327, 2011 General Session

20A-16-410. Confirmation of receipt of application and voted ballot.

The lieutenant governor, in coordination with an election officer, shall implement an electronic free-access system by which a covered voter may determine by telephone, electronic mail, or Internet:

(1) whether the voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted;

(2) whether the voter's military-overseas ballot has been received; and

(3) the current status of the ballot.

Enacted by Chapter 327, 2011 General Session

20A-16-501. Use of voter's email address.

(1) An election officer shall request an email address from each covered voter who registers to vote after January 1, 2012.

(2) An email address provided by a covered voter:

(a) is a private record under Section 63G-2-302; and

(b) may be used only for official communication with the covered voter about the voting process, including transmitting military-overseas ballots and election materials if the voter has requested electronic transmission, and verifying the voter's mailing address and physical location.

(3) The request for an email address shall:

(a) describe the purposes for which the email address may be used; and

(b) include a statement that any other use or disclosure of the email address is prohibited.

(4) (a) A covered voter who provides an email address may request that the covered voter's application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application or another shorter period the covered voter specifies.

(b) An election official shall provide a military-overseas ballot to a covered voter who makes a standing request for each election to which the request is applicable.

(c) A covered voter who is entitled to receive a military-overseas ballot for a primary election under this Subsection (4) is entitled to receive a military-overseas ballot for the general election.

Enacted by Chapter 327, 2011 General Session

20A-16-502. Publication of election notice.

(1) At least 100 days before an election, other than a statewide special election or local special election, and as soon as practicable before a statewide special election or local special election, the election officer shall prepare an election notice for the election officer's jurisdiction, to be used in conjunction with a federal write-in absentee ballot.

(2) The election notice must contain:

(a) a list of all of the ballot propositions and federal, state, and local offices that as of that date the election officer expects to be on the ballot on the date of the election; and

(b) specific instructions for how a covered voter is to indicate on the federal write-in absentee ballot the covered voter's choice for each office to be filled and for each ballot proposition to be contested.

(3) (a) A covered voter may request a copy of an election notice.

(b) The election officer shall send the notice to the covered voter by facsimile, email, or regular mail, as the covered voter requests.

(4) As soon as the ballot is certified, and not later than the date ballots are required to be transmitted to voters under Chapter 3, Part 3, Absentee Voting, the election officer charged with preparing the election notice under Subsection (1) shall update the notice with the certified candidates for each office and ballot propositions and make the updated notice publicly available.

(5) A political subdivision that maintains a website shall make the election notice prepared under this section and updated versions of the election notice regularly available on the website.

Amended by Chapter 369, 2012 General Session

20A-16-503. Prohibition of nonsubstantive requirements.

(1) (a) If a covered voter's mistake or omission in the completion of a document under this chapter does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document.

(b) Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted under this chapter.

(c) In a write-in ballot authorized by this chapter or in a vote for a write-in candidate on a regular ballot, if the intention of the covered voter is discernable under this state's uniform definition of what constitutes a vote, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party is a valid vote.

(2) (a) Notarization is not required for the execution of a document under this chapter.

(b) (i) An authentication, other than the declaration specified in Section 20A-16-409 or the declaration on the federal postcard application and federal write-in absentee ballot, is not required for execution of a document under this chapter.

(ii) The declaration and any information in the declaration may be compared with information on file to ascertain the validity of the document.

Enacted by Chapter 327, 2011 General Session

20A-16-504. Equitable relief.

A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this chapter on application by:

(1) a covered voter alleging a grievance under this chapter; or

(2) an election officer.

Enacted by Chapter 327, 2011 General Session

20A-16-505. Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Enacted by Chapter 327, 2011 General Session

20A-16-506. Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

Enacted by Chapter 327, 2011 General Session