

HB0509S02 compared with HB0509S01

~~{deleted text}~~ shows text that was in HB0509S01 but was deleted in HB0509S02.

inserted text shows text that was not in HB0509S01 but was inserted into HB0509S02.

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Representative Kraig Powell proposes the following substitute bill:

PRESIDENTIAL ~~{ELECTORS}~~ELECTOR AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill ~~{modifies the Election Code to enact an agreement among the states}~~enacts and amends provisions relating to ~~{elect the}~~voting for President of the United States ~~{by national popular vote}~~and presidential electors.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ ~~{provides that presidential electors are elected based on the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia rather than the presidential candidate who receives the highest number of votes in the state;~~

~~→ enacts an agreement between states to elect the}~~repeals provisions relating to filing

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for candidacy by or voting for President and Vice President of the United States ~~by~~
national popular vote;

~~provides certain procedures for election officials; and~~

~~provides conditions for the agreement to take effect};~~

provides for the direct, nonpartisan election of presidential electors at a regular primary election and a regular general election;

requires a presidential elector to:

- meet certain qualifications;
- file a declaration of candidacy and pay a filing fee;
- file a financial disclosure form; and
- file campaign finance interim and summary reports;

addresses the placement and certification of nonpartisan candidates on a ballot;

changes the way the signature requirement for an initiative or referendum petition is calculated based on votes cast for governor instead of president;

repeals provisions related to a political party and the party's presidential candidates;

repeals provisions relating to the Western States Presidential Primary; and

makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~None~~ This bill provides an effective date.

Utah Code Sections Affected:

AMENDS:

11-14-203, as renumbered and amended by Laws of Utah 2005, Chapter 105

20A-1-102, as last amended by Laws of Utah 2011, Chapters 17, 40, 310, and 335

20A-1-201, as last amended by Laws of Utah 2000, Chapter 241

20A-1-201.5, as last amended by Laws of Utah 2011, Chapter 327

20A-1-204, as last amended by Laws of Utah 2008, Chapters 16 and 382

20A-2-107, as last amended by Laws of Utah 2008, Chapter 329

20A-2-107.5, as last amended by Laws of Utah 2008, Chapter 329

20A-3-101, as last amended by Laws of Utah 2008, Chapter 276

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20A-3-104.5, as last amended by Laws of Utah 2011, Chapter 335
20A-3-201, as last amended by Laws of Utah 2009, Chapter 388
20A-3-202, as last amended by Laws of Utah 2011, Chapter 395
20A-3-304, as last amended by Laws of Utah 2011, Chapter 17
20A-4-105, as last amended by Laws of Utah 1999, Chapter 56
20A-4-304, as last amended by Laws of Utah 2008, Chapter 82
20A-4-306, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
20A-4-401, as last amended by Laws of Utah 2007, Chapter 329
20A-5-102, as last amended by Laws of Utah 2003, Chapter 116
20A-5-302, as last amended by Laws of Utah 2007, Chapters 256 and 329
20A-5-401, as last amended by Laws of Utah 2009, Chapter 45
20A-5-601, as last amended by Laws of Utah 2007, Chapter 75
20A-6-301, as last amended by Laws of Utah 2011, Chapter 292
20A-6-305, as enacted by Laws of Utah 2011, Chapter 292
20A-7-201, as last amended by Laws of Utah 2011, Chapter 17
20A-7-301, as last amended by Laws of Utah 2011, Chapter 17
20A-7-501, as last amended by Laws of Utah 2011, Chapter 17
20A-7-601, as last amended by Laws of Utah 2011, Chapters 17 and 331
20A-8-106, as last amended by Laws of Utah 1996, Chapter 213
20A-8-401, as last amended by Laws of Utah 2011, Chapters 35 and 366
20A-9-101, as last amended by Laws of Utah 2007, Chapter 329
20A-9-201, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
20A-9-202, as last amended by Laws of Utah 2011, Chapter 327
20A-9-403, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
20A-9-503, as last amended by Laws of Utah 2011, Chapter 327
20A-9-601, as last amended by Laws of Utah 2011, Chapter 40
20A-9-701, as last amended by Laws of Utah 2011, Chapter 327
20A-11-101, as last amended by Laws of Utah 2011, Chapter 396
20A-11-1603, as last amended by Laws of Utah 2011, Chapter 297
20A-13-302, as last amended by Laws of Utah 2001, Chapter 78
20A-13-303, as last amended by Laws of Utah 2001, Chapter 78

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20A-13-304, as enacted by Laws of Utah 1995, Chapter 1

ENACTS:

20A-11-1701, Utah Code Annotated 1953

20A-11-1702, Utah Code Annotated 1953

20A-11-1703, Utah Code Annotated 1953

20A-11-1704, Utah Code Annotated 1953

20A-11-1705, Utah Code Annotated 1953

REPEALS AND REENACTS:

20A-13-301, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2

REPEALS:

20A-9-202.5, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2

20A-9-801, as enacted by Laws of Utah 1999, Chapter 22

20A-9-802, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2

~~{20A-13-302}~~20A-9-803, as last amended by Laws of Utah ~~{2001}~~2008, Chapter ~~{78}~~

ENACTS:

~~20A-13-401~~, Utah Code Annotated 1953~~}~~225

20A-9-804, as last amended by Laws of Utah 2008, Chapter 329

20A-9-805, as enacted by Laws of Utah 1999, Chapter 22

20A-9-806, as last amended by Laws of Utah 2006, Chapter 326

20A-9-807, as enacted by Laws of Utah 1999, Chapter 22

20A-9-808, as repealed and reenacted by Laws of Utah 2008, Chapter 329

20A-9-809, as last amended by Laws of Utah 2008, Chapter 329

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

Section 1. Section 11-14-203 is amended to read:

11-14-203. Time for election -- Equipment -- Election officials -- Combining precincts.

(1) (a) The local political subdivision shall ensure that bond elections are conducted and administered according to the procedures set forth in this chapter and the sections of the Election Code specifically referenced by this chapter.

(b) When a local political subdivision complies with those procedures, there is a

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presumption that the bond election was properly administered.

(2) ~~[(a)]~~ A bond election may be held, and the proposition for the issuance of bonds may be submitted, on the same date as any general or municipal election held in the local political subdivision calling the bond election, or at a special election called for the purpose on a date authorized by Section 20A-1-204.

~~[(b) A bond election may not be held, nor a proposition for issuance of bonds be submitted, at the Western States Presidential Primary election established in Title 20A, Chapter 9, Part 8, Western States Presidential Primary.]~~

(3) (a) The bond election shall be conducted and administered by the election officer designated in Sections 20A-1-102 and 20A-5-400.5.

(b) (i) The duties of the election officer shall be governed by Title 20A, Chapter 5, Part 4, Election Officer's Duties.

(ii) The publishing requirement under Subsection 20A-5-405(1)(j)(iii) does not apply when notice of a bond election has been provided according to the requirements of Section 11-14-202.

(c) The hours during which the polls are to be open shall be consistent with Section 20A-1-302.

(d) The appointment and duties of election judges shall be governed by Title 20A, Chapter 5, Part 6, Election Judges.

(e) General voting procedures shall be conducted according to the requirements of Title 20A, Chapter 3, Voting.

(f) The designation of election crimes and offenses, and the requirements for the prosecution and adjudication of those crimes and offenses are set forth in Title 20A, Election Code.

(4) When a bond election is being held on a day when no other election is being held in the local political subdivision calling the bond election, voting precincts may be combined for purposes of bond elections so long as no voter is required to vote outside the county in which the voter resides.

(5) When a bond election is being held on the same day as any other election held in a local political subdivision calling the bond election, or in some part of that local political subdivision, the polling places and election officials serving for the other election may also

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serve as the polling places and election officials for the bond election, so long as no voter is required to vote outside the county in which the voter resides.

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

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; or

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

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

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

(9) "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.

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

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

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

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

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

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

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

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

(18) "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.

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

(20) "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:

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- (i) deadlines established for absentee voting; or
- (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early

Voting.

(21) "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).

(22) "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.

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

(24) "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.

(25) "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.

(26) "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:

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(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.

(27) "Election official" 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) any election officer, election judge, or poll worker.~~

(28) "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.

(29) "Election returns" includes the pollbook, all affidavits of registration, 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.

(30) "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.

(31) "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.

(32) (a) "Electronic voting device" means a voting device that uses electronic ballots.

(b) "Electronic voting device" includes a direct recording electronic voting device.

(33) "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.

(34) "Inspecting poll watcher" means a person selected as provided in this title to

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witness the receipt and safe deposit of voted and counted ballots.

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

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

(37) "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.

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

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

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

(41) "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.

(42) "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).

(43) "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.

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

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

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

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

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

(49) "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.

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

(51) "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.

(52) "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.

(53) (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.

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

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

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

(57) "Presidential elector" means a person elected to vote for President and Vice President of the United States in accordance with United States Constitution, Article II, Section

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1, Clauses 3 and 4.

~~[(57)]~~ (58) "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.

~~[(58)]~~ (59) "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.

~~[(59)]~~ (60) "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.

~~[(60)]~~ (61) "Primary convention" means the political party conventions at which nominees for the regular primary election are selected.

~~[(61)]~~ (62) "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.

~~[(62)]~~ (63) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.

~~[(63)]~~ (64) "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.

~~[(64)]~~ (65) "Registration form" means a book voter registration form and a by-mail voter registration form.

~~[(65)]~~ (66) "Regular ballot" means a ballot that is not a provisional ballot.

~~[(66)]~~ (67) "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.

~~[(67)]~~ (68) "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.

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~~[(68)]~~ [(69)] "Resident" means a person who resides within a specific voting precinct in Utah.

~~[(69)]~~ [(70)] "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.

~~[(70)]~~ [(71)] "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.

~~[(71)]~~ [(72)] "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.

~~[(72)]~~ [(73)] "Special election" means an election held as authorized by Section 20A-1-204.

~~[(73)]~~ [(74)] "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.

~~[(74)]~~ [(75)] "Statewide special election" means a special election called by the governor or the Legislature in which all registered voters in Utah may vote.

~~[(75)]~~ [(76)] "Stub" means the detachable part of each ballot.

~~[(76)]~~ [(77)] "Substitute ballots" means replacement ballots provided by an election officer to the poll workers when the official ballots are lost or stolen.

~~[(77)]~~ [(78)] "Ticket" means each list of candidates for each political party or for each group of petitioners.

~~[(78)]~~ [(79)] "Transfer case" means the sealed box used to transport voted ballots to the counting center.

~~[(79)]~~ [(80)] "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.

~~[(80)]~~ [(81)] "Valid voter identification" means:

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

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- (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 ~~[(80)]~~ (81)(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

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state; or

(xiii) a current Utah vehicle registration.

~~[(81)]~~ [(82)] "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

~~[(82)]~~ [(83)] "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.

~~[(83)]~~ [(84)] "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

~~[(84)]~~ [(85)] "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

~~[(85)]~~ [(86)] "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.

~~[(86)]~~ [(87)] "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.

~~[(87)]~~ [(88)] "Voting machine" means a machine designed for the sole purpose of recording and tabulating votes cast by voters at an election.

~~[(88)]~~ [(89)] "Voting poll watcher" means a person appointed as provided in this title to witness the distribution of ballots and the voting process.

~~[(89)]~~ [(90)] "Voting precinct" means the smallest voting unit established as provided by

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law within which qualified voters vote at one polling place.

~~[(90)]~~ [(91)] "Watcher" means a voting poll watcher, a counting poll watcher, an inspecting poll watcher, and a testing watcher.

~~[(91) "Western States Presidential Primary" means the election established in Chapter 9, Part 8.]~~

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

(93) "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.

Section 3. Section 20A-1-201 is amended to read:

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]~~ presidential elector;

(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.

Section 4. Section 20A-1-201.5 is amended to read:

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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 presidential electors and 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) 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.]~~

Section 5. Section 20A-1-204 is amended to read:

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

(1) (a) 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 Subsection 10-2-125(9), 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) ~~[(f)]~~ Notwithstanding the requirements of Subsection (1)(b), 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)]~~ (i) determines and declares that there is a disaster, as defined in Section 63K-3-102, requiring that a special election be held on a date other than the ones authorized in statute;

~~[(B)]~~ (ii) identifies specifically the nature of the disaster, as defined in Section 63K-3-102, and the reasons for holding the special election on that other date; and

~~[(C)]~~ (iii) 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~~

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election for the date established in Title 20A, Chapter 9, Part 8, Western States Presidential Primary, for Utah's Western States Presidential Primary.]

(d) 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.

Section 6. Section 20A-2-107 is amended to read:

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]

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~~} (ii) the period beginning on the day after the voter registration deadline and continuing through the date of the Western States Presidential Primary.~~

Section 7. Section 20A-2-107.5 is amended to read:

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.

Section 8. Section 20A-3-101 is amended to read:

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.

Section 9. Section 20A-3-104.5 is amended to read:

20A-3-104.5. Voting -- Regular primary election~~{ and Western States Presidential Primary}~~.

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(1) (a) Any registered voter desiring to vote at the regular primary election ~~for 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

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(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

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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.

Section 10. Section 20A-3-201 is amended to read:

20A-3-201. Watchers.

(1) (a) (i) For each regular general election [or], statewide special election, [and for each] [or] 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.

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(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

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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.

Section 11. Section 20A-3-202 is amended to read:

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

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day on which early voting commences; or

(b) Section 20A-3-202.5, for challenges issued in person at the time of voting.

Section 12. Section 20A-3-304 is amended to read:

20A-3-304. Application for absentee ballot -- Time for filing and voting.

(1) Any registered voter who wishes to vote an absentee ballot may either:

(a) file an absentee ballot application:

(i) on the electronic system maintained by the lieutenant governor under Section 20A-2-206; or

(ii) with the appropriate election officer for an official absentee ballot as provided in this section; or

(b) vote in person at the office of the appropriate election officer as provided in Section 20A-3-306.

(2) (a) Except as provided in Subsection (2)(b), the lieutenant governor or election officer shall prepare 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"

(b) The lieutenant governor or election officer shall prepare blank applications for absentee ballot applications 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 blank to the absentee voter; or

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(ii) deliver the application blank to any voter who personally applies for it at the office of the election officer.

(3) (a) Except as provided in Subsection (3)(b), 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 Friday before election day.

(b) Overseas applicants shall file their applications with the appropriate election officer no later than 20 days before election day.

(4) (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.

Section 13. Section 20A-4-105 is amended to read:

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)]~~ 1(10), 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

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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, Voting.

(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) 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.

~~[(10) 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.]~~

~~[(11)]~~ [(10)] 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.

Section 14. Section 20A-4-304 is amended to read:

20A-4-304. Declaration of results -- Canvassers' report.

(1) Each board of canvassers shall:

(a) declare "elected" or "nominated" those persons who:

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- (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; and
 - (vii) 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.

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(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 ~~and~~

~~(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.

Section ~~15~~ 15. Section **20A-4-306** is amended to read:

20A-4-306. Statewide canvass.

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(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.

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(c) The lieutenant governor shall:

(i) prepare certificates of election for ~~the~~

~~} (A) { }] each successful candidate, and {~~

~~} (B) each of the presidential electors of the candidate for president { } who received a majority of the votes] as determined in accordance with Section ~~{20A-13-301}~~ 20A-1-303;~~

(ii) authenticate each certificate with his seal; and

(iii) deliver a certificate of election to ~~the~~

~~} (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] described in ~~{accordance with Section 20A-13-302}~~ Subsection (2)(c)(i).~~

(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~~ Not later than the August 1 after the primary election, the lieutenant governor shall certify the results of ~~the~~

~~} (i) { }] the primary canvass, except for the office of President of the United States,] to the county clerks, and]~~

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~~[(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.]~~

Section 16. Section 20A-4-401 is amended to read:

20A-4-401. Recounts -- Procedure.

(1) (a) (i) For any regular primary, regular general, or municipal general election, ~~[or the Western States Presidential primary;]~~ when any candidate loses by not more than a total of one vote per voting precinct, the candidate may file a request for a recount within seven days after the canvass with:

(A) the municipal clerk, if the election is a municipal election;

(B) the local district clerk, if the election is a local district election;

(C) the county clerk, for races or ballot propositions voted on entirely within a single county; or

(D) the lieutenant governor, for statewide races and ballot propositions and for multicounty races and ballot propositions.

(ii) For any municipal primary election, when any candidate loses by not more than a total of one vote per voting precinct, the candidate may file a request for a recount with the appropriate election officer within three days after the canvass.

(b) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that office;

(iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part 3, Absentee Voting; and

(iv) declare elected the person receiving the highest number of votes on the recount.

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(2) (a) Any 10 voters who voted in an election when any ballot proposition or bond proposition was on the ballot may file a request for a recount with the appropriate election officer within seven days of the canvass.

(b) 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.

(c) Proponents and opponents of the ballot proposition or bond proposition may designate representatives to witness the recount.

(d) 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.

Section 17. Section 20A-5-102 is amended to read:

20A-5-102. Voting instructions.

(1) Each election officer shall:

(a) print instruction cards for voters;

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- (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.

Section 18. Section 20A-5-302 is amended to read:

20A-5-302. Automated voting system.

- (1) (a) Any county or municipal legislative body or local district board may:

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(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)]~~ [(iii)] 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)]~~ [(iv)] permit each voter to scratch vote;

~~[(vi)]~~ [(v)] at elections other than primary elections, permit each voter to vote for the nominees of one or more parties and for independent candidates;

~~[(vii)]~~ [(vi)] 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)]~~ [(vii)] prevent the voter from voting for the same person more than once for the same office;

~~[(ix)]~~ [(viii)] 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)]~~ [(ix)] 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

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voter is entitled to vote for the office or on the measure;

~~[(xi)]~~ (x) 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)]~~ (xi) when properly operated, record correctly and count accurately each vote cast;

~~[(xiii)]~~ (xii) 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)]~~ (xiii) 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.

Section 19. Section 20A-5-401 is amended to read:

20A-5-401. Official register -- Preparation -- Contents.

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(1) (a) Before the registration days for each regular general, municipal general, regular primary, or 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)]~~ (c) 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

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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.

Section 20. Section 20A-5-601 is amended to read:

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~~[-]~~ and the regular general election~~[-]~~ and the ~~Western States Presidential Primary~~].

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(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.

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(6) (a) For each set of three counting or receiving judges to be appointed for each voting precinct for the regular primary election ~~[and 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~~

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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.

Section 21. Section 20A-6-301 is amended to read:

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:

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- (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

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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 nonpartisan candidates ~~[for president and vice president are used on the ballot instead of the names of the presidential electors]~~ are placed on the ballot; 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;

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- (b) the words designating the office are printed flush with the left-hand margin;
- (c) the words, "Vote for one" or "Vote for two or more" 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 two or more," 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.

Section 22. Section 20A-6-305 is amended to read:

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

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(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)]~~ [(c)] 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.

Section 23. Section 20A-7-201 is amended to read:

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)]~~ governor at the last regular general election at which a ~~[(President of the United States)]~~ governor 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)]~~ governor at the last regular general election at which a ~~[(President of the United States)]~~ governor was elected.

(b) If, at any time not less than 10 days before the beginning of the next annual general

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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~~ governor at the last regular general election at which a ~~President of the United States~~ governor was elected;

(ii) the total of all votes cast in each Utah State Senate district for all candidates for ~~President of the United States~~ governor at the last regular general election at which a ~~President of the United States~~ governor 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~~ governor at the last regular general election at which a ~~President of the United States~~ governor 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~~ governor at the last regular general election at which a ~~President of the United States~~ governor 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.

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(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~~ governor 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~~ governor; 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~~ governor.

Section 24. Section 20A-7-301 is amended to read:

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~~ governor at the last regular general election at which a ~~President of the United States~~ governor 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~~ governor at the last regular general election at which a ~~President of the United States~~ governor 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~~ governor was elected:

(a) the cumulative total of all votes cast by voters of this state for all candidates for ~~President of the United States~~ governor; and

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(b) for each county, the total of all votes cast in that county for all candidates for ~~President of the United States~~ governor.

Section 25. Section 20A-7-501 is amended to read:

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~~ governor at the last election at which a ~~President of the United States~~ governor 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~~ governor at the last election at which a ~~President of the United States~~ governor 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~~ governor at the last election at which a ~~President of the United States~~ governor 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~~ governor at the last election at which a ~~President of the United States~~ governor 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~~ governor at the last election at which a ~~President of the United States~~ governor 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~~ governor at the last election at which a ~~President of the United States~~ governor 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

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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.

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Section 26. Section 20A-7-601 is amended to read:

20A-7-601. Referenda -- General signature requirements -- Signature requirements for land use and local obligation 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]~~ governor at the last election at which a ~~President of the United States]~~ governor 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]~~ governor at the last election at which a ~~President of the United States]~~ governor 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]~~ governor at the last election at which a ~~President of the United States]~~ governor 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]~~ governor at the last election at which a ~~President of the United States]~~ governor 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]~~ governor at the last election at which a ~~President of the United States]~~ governor 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]~~ governor at the last election at which a ~~President of the United States]~~ governor 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:

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(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~~ governor at the last election at which a ~~President of the United States~~ governor 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~~ governor at the last election at which a ~~President of the United States~~ governor was elected.

(3) A local obligation law or a proceeding related to the local obligation law is not subject to referendum except as provided by this section.

(4) (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.

(5) If the referendum passes, the local law that was challenged by the referendum is repealed as of the date of the election.

Section 27. Section 20A-8-106 is amended to read:

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;~~

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~~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.]~~

Section 28. Section 20A-8-401 is amended to read:

20A-8-401. Registered political parties -- Bylaws.

(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

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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)]~~ [(d)] 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)]~~ [(e)] a provision requiring the governor and lieutenant governor to run as a joint ticket;

~~[(g)]~~ [(f)] a procedure for replacing party candidates who die, acquire a disability, or are disqualified before a primary or regular general election;

~~[(h)]~~ [(g)] provisions governing the deposit and expenditure of party funds, and governing the accounting for, reporting, and audit of party financial transactions;

~~[(i)]~~ [(h)] provisions governing access to party records;

~~[(j)]~~ [(i)] a procedure for amending the constitution or bylaws that allows active participation by party members or their representatives;

~~[(k)]~~ [(j)] a process for resolving grievances against the political party; and

~~[(l)]~~ [(k)] 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:

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- (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.

Section 29. Section 20A-9-101 is amended to read:

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; and

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(iv) office of presidential elector:

(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.

Section 30. Section 20A-9-201 is amended to read:

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

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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) (b) A person may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.~~

(3) (a) (i) ~~[Except for presidential candidates, before]~~ 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;

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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 presidential elector, 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:

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(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.

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(4) ~~Except for presidential candidates, the~~ 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 (unless the office is nonpartisan). 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.)"

(5) (a) ~~Except for presidential candidates, the~~ The fee for filing a declaration of candidacy is:

(i) \$25 for candidates for:

(A) the local school district board; and

(B) presidential elector; and

(ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office, but not less than \$5, for all other federal, state, and county offices.

(b) ~~Except for presidential candidates, the~~ 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

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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 _____"

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(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) 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:]~~

~~[(a) file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor:]~~

~~[(i) on a form developed and provided by the lieutenant governor; and]~~

~~[(ii) 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:]~~

~~[(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:]~~

~~[(7)]~~ [(6)] 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)]~~ [(7)] 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.

Section 31. Section 20A-9-202 is amended to read:

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:

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(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]~~ presidential elector, 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 ~~[;]~~ or 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

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(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)]~~ (4) (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.

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(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)]~~(5) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk.

Section 32. Section 20A-9-403 is amended to read:

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

(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.

(c) (i) 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.

(ii) The certified list described in Subsection (2)(c)(i) shall contain the names of all

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persons who have filed a declaration of candidacy for presidential elector that shall be printed on the nonpartisan section of the primary ballot if the number of persons who filed a declaration of candidacy for presidential elector exceeds the number equal to the whole number of senators and representatives to which the state is entitled in the Congress.

(d) ~~Except for presidential candidates, if~~ 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) (i) If two or more candidates, other than presidential elector 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.

(ii) If two or more nonpartisan candidates are to be elected to the office at the regular general election, those candidates double in number to the positions to be filled who receive the

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highest number of votes at the regular primary election are the nominees 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.

Section 33. Section 20A-9-503 is amended to read:

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.

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(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.]~~

Section 34. Section 20A-9-601 is amended to read:

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 45 days before a municipal general election in which the person intends to be a write-in candidate.

(b) (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) 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.

Section 35. Section 20A-9-701 is amended to read:

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:

(a) candidate~~[, including candidates for president and vice president,]~~ certified by each

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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~~[-]; and~~

(b) nonpartisan candidate 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.

Section 36. Section 20A-11-101 is amended to read:

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 presidential elector candidates, 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;

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(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.

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(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) "Election" means each:

(a) regular general election;

(b) regular primary election; and

(c) special election at which candidates are eliminated and selected.

(12) "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.

(13) (a) "Expenditure" means:

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- (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 (13)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.
- (14) "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.
- (15) "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.
- (16) "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.
- (17) "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.

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(18) "Incorporation election" means the election authorized by Section 10-2-111.

(19) "Incorporation petition" means a petition authorized by Section 10-2-109.

(20) "Individual" means a natural person.

(21) "Interim report" means a report identifying the contributions received and expenditures made since the last report.

(22) "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.

(23) "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 or election to a legislative office.

(24) "Officeholder" means a person who holds a public office.

(25) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.

(26) "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.

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

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

(29) (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

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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.

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

(31) (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;

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(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.

(32) (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.

(33) (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;

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(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.

(34) "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.

(35) "Presidential elector candidate" means a person who:

(a) files a declaration of candidacy for presidential elector; 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 as a presidential elector.

~~[(35)]~~ (36) "Primary election" means any regular primary election held under the election laws.

~~[(36)]~~ (37) "Public office" means the office of presidential elector, 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.

~~[(37)]~~ (38) (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

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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.

~~[(38)]~~ [(39)] "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.

~~[(39)]~~ [(40)] "Receipts" means contributions and public service assistance.

~~[(40)]~~ [(41)] "Registered lobbyist" means a person registered under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

~~[(41)]~~ [(42)] "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the lieutenant governor's office.

~~[(42)]~~ [(43)] "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the lieutenant governor's office.

~~[(43)]~~ [(44)] "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.

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~~[(44)]~~ [(45)] (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.

~~[(45)]~~ [(46)] "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.

~~[(46)]~~ [(47)] "School board office" means the office of state school board or local school board.

~~[(47)]~~ [(48)] (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.

~~[(48)]~~ [(49)] "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

~~[(49)]~~ [(50)] "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 or election to a state office.

~~[(50)]~~ [(51)] "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

~~[(51)]~~ [(52)] "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

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Section 37. Section 20A-11-1603 is amended to read:

**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) presidential elector;

~~[(a)]~~ (b) state constitutional officer;

~~[(b)]~~ (c) state legislator; or

~~[(c)]~~ (d) 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]~~ information described in ~~[Section]~~ Subsection 76-8-109(4)(b).

(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.

Section ~~{2}~~ 38. Section ~~{20A-13-301}~~ 20A-11-1701 is ~~{amended}~~ enacted to read:

~~{20A-13-301}~~ 20A-11-1701. ~~{ Presidential elections -- Effect of vote.~~

~~(1) (a) Each registered political party shall choose persons to act as}~~ Presidential elector candidate -- Campaign finance requirements -- Candidate as a political action committee officer.

(1) (a) (i) Each presidential ~~{electors and to fill vacancies in the office of}~~ elector 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 presidential ~~{electors for their party's candidates for President and Vice President~~

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according to the procedures established in their bylaws:

~~(b) Each registered political party shall certify;~~ elector 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 presidential elector 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 presidential elector 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 presidential elector 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-11-1702 until the statement of dissolution and final summary report required by Section 20A-11-1704 are filed with the lieutenant governor.

(4) (a) Except as provided in Subsection (4)(b), a person who is no longer a presidential elector candidate may not expend or transfer the money in a campaign account in a manner that would cause the former presidential elector candidate to recognize the money as taxable income under federal tax law.

(b) A person who is no longer a presidential elector candidate may transfer the money in a campaign account in a manner that would cause the former presidential elector 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-11-1703, "received" means:

(i) for a cash contribution, that the cash is given to a presidential elector 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 presidential elector candidate.

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(b) Each presidential elector candidate shall report each contribution and public service assistance to the lieutenant governor ~~{the names and addresses of the persons selected by the political party as the party's}~~ within 30 days after the contribution or public service assistance is received.

Section 39. Section 20A-11-1702 is enacted to read:

20A-11-1702. Presidential elector candidate -- Financial reporting requirements -- Year-end summary report.

(1) (a) Each presidential ~~electors by August 31.~~

— (2) ~~[The] Except as provided by Subsection (3), the highest number of votes cast for a political party's president and vice president candidates elects the}~~ elector 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 presidential ~~electors selected by that political party.~~

— (3) ~~The Agreement Among the States to Elect the President by National Popular Vote governs the appointment}~~ elector candidate that has not filed the statement of dissolution and final summary report required under Section 20A-11-1704 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

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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 presidential elector 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 presidential elector candidate on or before December 31 of the previous year shall be included in the summary report.

(3) The presidential elector 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.

Section 40. Section 20A-11-1703 is enacted to read:

20A-11-1703. Presidential elector candidate -- Financial reporting requirements --

Interim reports.

(1) Each presidential elector 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:

(a) seven days before the regular primary election date;

(b) August 31; and

(c) 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;

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(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 presidential elector candidate 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 presidential elector candidate more than five days before the required filing date of a report required by this section shall be

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included in the interim report.

Section 41. Section 20A-11-1704 is enacted to read:

20A-11-1704. Presidential elector candidate -- Financial reporting requirements --

Termination of duty to report.

(1) Each presidential elector candidate is subject to interim reporting requirements until the candidate withdraws or is eliminated in a primary.

(2) Each presidential elector 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 presidential elector 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-11-1701 is zero; and

(c) a final summary report in the form required by Section 20A-11-1702 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 presidential elector candidate shall continue to file the year-end summary report required by Section 20A-11-1702 until the statement of dissolution and final summary report required by this section are filed with the lieutenant governor.

Section 42. Section 20A-11-1705 is enacted to read:

20A-11-1705. Presidential elector candidate -- Failure to file report -- Penalties.

(1) If a presidential elector candidate fails to file an interim report, the lieutenant governor shall, after making a reasonable attempt to discover if the report was timely filed:

(a) 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; and

(b) impose a fine against the filing entity in accordance with Section 20A-11-1005.

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(2) Any presidential elector candidate who fails to file timely a financial statement is disqualified.

(3) Notwithstanding Subsections (1) and (2), a presidential elector candidate is not disqualified and the lieutenant governor may not impose a fine if:

(a) the candidate timely files the reports required by this section no later than the due date in accordance with Section 20A-11-103;

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

(c) the omissions, errors, or inaccuracies described in Subsection (3)(b) are corrected in:

(i) an amended report; or

(ii) the next scheduled report.

(4) (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 presidential elector 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 presidential elector 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 presidential elector candidate of the violation or written complaint and direct the presidential elector candidate to file a summary report correcting the problem.

(c) (i) It is unlawful for any presidential elector candidate to fail to file or amend a summary report within 14 days after receiving notice from the lieutenant governor under this section.

(ii) Each presidential elector candidate who violates Subsection (4)(c)(i) is guilty of a class B misdemeanor.

(iii) The lieutenant governor shall report all violations of Subsection (4)(c)(i) to the

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attorney general.

Section 43. Section 20A-13-301 is repealed and reenacted to read:

20A-13-301. Presidential electors -- Qualifications -- Election -- Number.

(1) (a) A presidential elector shall be:

(i) registered to vote before filing a declaration of candidacy under Section 20A-9-202;

and

(ii) a resident of the state for at least one year as of the date of the regular general election.

(b) As provided in United States Constitution, Article II, Section 1, Clause 3, a presidential elector may not:

(i) be a senator;

(ii) be a representative; or

(iii) hold an office of trust or profit under the United States.

(2) Presidential electors are elected in a statewide regular general election in the year in which the term of office for President of the United States expires as provided in this title.

(3) The number of presidential electors ~~{if the agreement is in effect as provided by Section 20A-13-401.~~

~~Section 3}~~ is equal to the total number of senators and representatives to which the state is entitled in the Congress as provided in United States Constitution, Article II, Section 1, Clause 2.

Section 44. Section 20A-13-302 is amended to read:

20A-13-302. Certificate of election.

(1) The lieutenant governor shall transmit ~~[certificates]~~ a certificate 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]~~ presidential elector as provided in ~~accordance with~~ Section ~~{20A-13-301}~~ 20A-4-306.

(2) Presidential electors may not receive compensation for their services.

Section 45. Section 20A-13-303 is amended to read:

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~~

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~~who caused the vacancy]~~ candidate who received the next highest number of votes shall immediately fill the vacancy.

Section 46. Section 20A-13-304 is amended to read:

20A-13-304. Meeting to ballot -- Casting ballot for person not nominated by elector's party.

(1) The presidential 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 presidential electors shall perform their duties in conformity with the United States Constitution, Article II, Section 1, Clause 4 and United States 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.]~~

~~Section {4. Section 20A-13-401 is enacted to read:~~

~~**Part 4. Agreement Among the States to Elect the President by National Popular Vote**
20A-13-401. Agreement among the states to elect the president by national popular vote:~~

~~Pursuant to the terms and conditions of this part, the state seeks to join with other states and enact the Agreement Among the States to Elect the President by National Popular Vote in the form substantially as follows:~~

~~(1) Article I. Membership - Any state of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.~~

~~(2) Article II. Right of the People in Member States to Vote for President and Vice President - Each member state shall conduct a statewide popular election for president and vice president of the United States.~~

~~(3) Article III. Manner of Appointing Presidential Electors in Member States:~~

~~(a) Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each state of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to~~

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~~produce a "national popular vote total" for each presidential slate:~~

~~—— (b) The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the "national popular vote winner."~~

~~—— (c) The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner:~~

~~—— (d) At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state:~~

~~—— (e) The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress:~~

~~—— (f) In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state:~~

~~—— (g) If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees:~~

~~—— (h) The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained:~~

~~—— (i) This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes:~~

~~—— (4) Article IV. Other Provisions:~~

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~~—— (a) This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.~~

~~—— (b) Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a president's term shall not become effective until a president or vice president shall have been qualified to serve the next term.~~

~~—— (c) The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.~~

~~—— (d) This agreement shall terminate if the electoral college is abolished.~~

~~—— (e) If any provision of this agreement is held invalid, the remaining provisions shall not be affected.~~

~~—— (5) Article V. Definitions - For purposes of this agreement:~~

~~—— (a) "Chief election official" shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate.~~

~~—— (b) "Chief executive" shall mean the governor of a state of the United States or the mayor of the District of Columbia.~~

~~—— (c) "Elector slate" shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate.~~

~~—— (d) "Presidential elector" shall mean an elector for president and vice president of the United States.~~

~~—— (e) "Presidential elector certifying official" shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors.~~

~~—— (f) "Presidential slate" shall mean a slate of two persons, the first of whom has been nominated as a candidate for president of the United States and the second of whom has been nominated as a candidate for vice president of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state.~~

~~—— (g) "State" shall mean a state of the United States and the District of Columbia.~~

~~—— (h) "Statewide popular election" shall mean a general election in which votes are cast~~

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for presidential slates by individual voters and counted on a statewide basis.

47. Repealer.

This bill repeals:

Section 20A-9-202.5, Declaration of candidacy -- Western States Presidential

Primary.

Section 20A-9-801, Definitions.

Section 20A-9-802, Western States Presidential Primary established -- Other ballot

items prohibited.

Section 20A-9-803, Declaration of candidacy -- Filing fee -- Form.

Section 20A-9-804, Registration with county clerk.

Section 20A-9-805, Closed primary -- Determining party affiliation -- Changing

party affiliation.

Section 20A-9-806, Ballots.

Section 20A-9-807, Combining voting precincts.

Section 20A-9-808, Voting.

Section 20A-9-809, Counting votes -- Canvass -- Certification of results to parties.

Section 48. Effective date.

(1) Except as provided in Subsection (2), if approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

(2) If the bill does not take effect on or before March 9, 2012, the bill takes effect on January 1, 2016.