

Representative Kraig Powell proposes the following substitute bill:

PRESIDENTIAL ELECTOR AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts and amends provisions relating to voting for President of the United States and presidential electors.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ repeals provisions relating to filing for candidacy by or voting for President and Vice President of the United States;
- ▶ 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;



- 26 ▶ repeals provisions related to a political party and the party's presidential candidates;
- 27 ▶ repeals provisions relating to the Western States Presidential Primary; and
- 28 ▶ makes technical and conforming amendments.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides an effective date.

33 **Utah Code Sections Affected:**

34 **AMENDS:**

- 35 **11-14-203**, as renumbered and amended by Laws of Utah 2005, Chapter 105
- 36 **20A-1-102**, as last amended by Laws of Utah 2011, Chapters 17, 40, 310, and 335
- 37 **20A-1-201**, as last amended by Laws of Utah 2000, Chapter 241
- 38 **20A-1-201.5**, as last amended by Laws of Utah 2011, Chapter 327
- 39 **20A-1-204**, as last amended by Laws of Utah 2008, Chapters 16 and 382
- 40 **20A-2-107**, as last amended by Laws of Utah 2008, Chapter 329
- 41 **20A-2-107.5**, as last amended by Laws of Utah 2008, Chapter 329
- 42 **20A-3-101**, as last amended by Laws of Utah 2008, Chapter 276
- 43 **20A-3-104.5**, as last amended by Laws of Utah 2011, Chapter 335
- 44 **20A-3-201**, as last amended by Laws of Utah 2009, Chapter 388
- 45 **20A-3-202**, as last amended by Laws of Utah 2011, Chapter 395
- 46 **20A-3-304**, as last amended by Laws of Utah 2011, Chapter 17
- 47 **20A-4-105**, as last amended by Laws of Utah 1999, Chapter 56
- 48 **20A-4-304**, as last amended by Laws of Utah 2008, Chapter 82
- 49 **20A-4-306**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 50 **20A-4-401**, as last amended by Laws of Utah 2007, Chapter 329
- 51 **20A-5-102**, as last amended by Laws of Utah 2003, Chapter 116
- 52 **20A-5-302**, as last amended by Laws of Utah 2007, Chapters 256 and 329
- 53 **20A-5-401**, as last amended by Laws of Utah 2009, Chapter 45
- 54 **20A-5-601**, as last amended by Laws of Utah 2007, Chapter 75
- 55 **20A-6-301**, as last amended by Laws of Utah 2011, Chapter 292
- 56 **20A-6-305**, as enacted by Laws of Utah 2011, Chapter 292

- 57 **20A-7-201**, as last amended by Laws of Utah 2011, Chapter 17
- 58 **20A-7-301**, as last amended by Laws of Utah 2011, Chapter 17
- 59 **20A-7-501**, as last amended by Laws of Utah 2011, Chapter 17
- 60 **20A-7-601**, as last amended by Laws of Utah 2011, Chapters 17 and 331
- 61 **20A-8-106**, as last amended by Laws of Utah 1996, Chapter 213
- 62 **20A-8-401**, as last amended by Laws of Utah 2011, Chapters 35 and 366
- 63 **20A-9-101**, as last amended by Laws of Utah 2007, Chapter 329
- 64 **20A-9-201**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 65 **20A-9-202**, as last amended by Laws of Utah 2011, Chapter 327
- 66 **20A-9-403**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 67 **20A-9-503**, as last amended by Laws of Utah 2011, Chapter 327
- 68 **20A-9-601**, as last amended by Laws of Utah 2011, Chapter 40
- 69 **20A-9-701**, as last amended by Laws of Utah 2011, Chapter 327
- 70 **20A-11-101**, as last amended by Laws of Utah 2011, Chapter 396
- 71 **20A-11-1603**, as last amended by Laws of Utah 2011, Chapter 297
- 72 **20A-13-302**, as last amended by Laws of Utah 2001, Chapter 78
- 73 **20A-13-303**, as last amended by Laws of Utah 2001, Chapter 78
- 74 **20A-13-304**, as enacted by Laws of Utah 1995, Chapter 1

75 ENACTS:

- 76 **20A-11-1701**, Utah Code Annotated 1953
- 77 **20A-11-1702**, Utah Code Annotated 1953
- 78 **20A-11-1703**, Utah Code Annotated 1953
- 79 **20A-11-1704**, Utah Code Annotated 1953
- 80 **20A-11-1705**, Utah Code Annotated 1953

81 REPEALS AND REENACTS:

- 82 **20A-13-301**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2

83 REPEALS:

- 84 **20A-9-202.5**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 85 **20A-9-801**, as enacted by Laws of Utah 1999, Chapter 22
- 86 **20A-9-802**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
- 87 **20A-9-803**, as last amended by Laws of Utah 2008, Chapter 225

- 88 **20A-9-804**, as last amended by Laws of Utah 2008, Chapter 329
- 89 **20A-9-805**, as enacted by Laws of Utah 1999, Chapter 22
- 90 **20A-9-806**, as last amended by Laws of Utah 2006, Chapter 326
- 91 **20A-9-807**, as enacted by Laws of Utah 1999, Chapter 22
- 92 **20A-9-808**, as repealed and reenacted by Laws of Utah 2008, Chapter 329
- 93 **20A-9-809**, as last amended by Laws of Utah 2008, Chapter 329



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

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

97 **11-14-203. Time for election -- Equipment -- Election officials -- Combining**
98 **precincts.**

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

102 (b) When a local political subdivision complies with those procedures, there is a
103 presumption that the bond election was properly administered.

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

108 ~~[(b) A bond election may not be held, nor a proposition for issuance of bonds be~~
109 ~~submitted, at the Western States Presidential Primary election established in Title 20A, Chapter~~
110 ~~9, Part 8, Western States Presidential Primary.]~~

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

113 (b) (i) The duties of the election officer shall be governed by Title 20A, Chapter 5, Part
114 4, Election Officer's Duties.

115 (ii) The publishing requirement under Subsection 20A-5-405(1)(j)(iii) does not apply
116 when notice of a bond election has been provided according to the requirements of Section
117 11-14-202.

118 (c) The hours during which the polls are to be open shall be consistent with Section

119 20A-1-302.

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

122 (e) General voting procedures shall be conducted according to the requirements of Title
123 20A, Chapter 3, Voting.

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

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

131 (5) When a bond election is being held on the same day as any other election held in a
132 local political subdivision calling the bond election, or in some part of that local political
133 subdivision, the polling places and election officials serving for the other election may also
134 serve as the polling places and election officials for the bond election, so long as no voter is
135 required to vote outside the county in which the voter resides.

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

137 **20A-1-102. Definitions.**

138 As used in this title:

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

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

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

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

147 (4) "Ballot sheet":

148 (a) means a ballot that:

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

- 150 (ii) can be counted using automatic tabulating equipment; and
151 (b) includes punch card ballots and other ballots that are machine-countable.
152 (5) "Ballot label" means the cards, papers, booklet, pages, or other materials that:
153 (a) contain the names of offices and candidates and statements of ballot propositions to
154 be voted on; and
155 (b) are used in conjunction with ballot sheets that do not display that information.
156 (6) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
157 on the ballot for their approval or rejection including:
158 (a) an opinion question specifically authorized by the Legislature;
159 (b) a constitutional amendment;
160 (c) an initiative;
161 (d) a referendum;
162 (e) a bond proposition;
163 (f) a judicial retention question; or
164 (g) any other ballot question specifically authorized by the Legislature.
165 (7) "Board of canvassers" means the entities established by Sections 20A-4-301 and
166 20A-4-306 to canvass election returns.
167 (8) "Bond election" means an election held for the purpose of approving or rejecting
168 the proposed issuance of bonds by a government entity.
169 (9) "Book voter registration form" means voter registration forms contained in a bound
170 book that are used by election officers and registration agents to register persons to vote.
171 (10) "By-mail voter registration form" means a voter registration form designed to be
172 completed by the voter and mailed to the election officer.
173 (11) "Canvass" means the review of election returns and the official declaration of
174 election results by the board of canvassers.
175 (12) "Canvassing judge" means a poll worker designated to assist in counting ballots at
176 the canvass.
177 (13) "Contracting election officer" means an election officer who enters into a contract
178 or interlocal agreement with a provider election officer.
179 (14) "Convention" means the political party convention at which party officers and
180 delegates are selected.

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

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

185 (17) "Counting poll watcher" means a person selected as provided in Section
186 20A-3-201 to witness the counting of ballots.

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

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

192 (20) "Date of the election" or "election day" or "day of the election":

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

195 (b) does not include:

196 (i) deadlines established for absentee voting; or

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

199 (21) "Elected official" means:

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

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

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

205 (22) "Election" means a regular general election, a municipal general election, a
206 statewide special election, a local special election, a regular primary election, a municipal
207 primary election, and a local district election.

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

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

- 212 (25) "Election judge" means a poll worker that is assigned to:
- 213 (a) preside over other poll workers at a polling place;
- 214 (b) act as the presiding election judge; or
- 215 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 216 (26) "Election officer" means:
- 217 (a) the lieutenant governor, for all statewide ballots and elections;
- 218 (b) the county clerk for:
- 219 (i) a county ballot and election; and
- 220 (ii) a ballot and election as a provider election officer as provided in Section
- 221 20A-5-400.1 or 20A-5-400.5;
- 222 (c) the municipal clerk for:
- 223 (i) a municipal ballot and election; and
- 224 (ii) a ballot and election as a provider election officer as provided in Section
- 225 20A-5-400.1 or 20A-5-400.5;
- 226 (d) the local district clerk or chief executive officer for:
- 227 (i) a local district ballot and election; and
- 228 (ii) a ballot and election as a provider election officer as provided in Section
- 229 20A-5-400.1 or 20A-5-400.5; or
- 230 (e) the business administrator or superintendent of a school district for:
- 231 (i) a school district ballot and election; and
- 232 (ii) a ballot and election as a provider election officer as provided in Section
- 233 20A-5-400.1 or 20A-5-400.5.
- 234 (27) "Election official" means~~[(a) for an election other than a bond election, the~~
- 235 ~~count of votes cast in the election and the election returns requested by the board of canvassers;~~
- 236 ~~or (b)]~~ any election officer, election judge, or poll worker.
- 237 (28) "Election results" means:
- 238 (a) for an election other than a bond election, the count of votes cast in the election and
- 239 the election returns requested by the board of canvassers; or
- 240 (b) for bond elections, the count of those votes cast for and against the bond
- 241 proposition plus any or all of the election returns that the board of canvassers may request.
- 242 (29) "Election returns" includes the pollbook, all affidavits of registration, the military

243 and overseas absentee voter registration and voting certificates, one of the tally sheets, any
244 unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all
245 spoiled ballots, the ballot disposition form, and the total votes cast form.

246 (30) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
247 device or other voting device that records and stores ballot information by electronic means.

248 (31) "Electronic signature" means an electronic sound, symbol, or process attached to
249 or logically associated with a record and executed or adopted by a person with the intent to sign
250 the record.

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

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

253 (33) "Inactive voter" means a registered voter who has:

254 (a) been sent the notice required by Section 20A-2-306; and

255 (b) failed to respond to that notice.

256 (34) "Inspecting poll watcher" means a person selected as provided in this title to
257 witness the receipt and safe deposit of voted and counted ballots.

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

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

261 (37) "Local district" means a local government entity under Title 17B, Limited Purpose
262 Local Government Entities - Local Districts, and includes a special service district under Title
263 17D, Chapter 1, Special Service District Act.

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

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

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

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

273 (42) "Municipal executive" means:

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

276 (b) the mayor in the council-manager form of government defined in Subsection
277 10-3b-103(6).

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

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

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

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

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

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

290 (49) "Official endorsement" means:

291 (a) the information on the ballot that identifies:

292 (i) the ballot as an official ballot;

293 (ii) the date of the election; and

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

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

296 (i) the poll worker's initials; and

297 (ii) the ballot number.

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

300 (51) "Paper ballot" means a paper that contains:

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

303 (b) spaces for the voter to record the voter's vote for each office and for or against each
304 ballot proposition.

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

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

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

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

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

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

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

317 (57) "Presidential elector" means a person elected to vote for President and Vice
318 President of the United States in accordance with United States Constitution, Article II, Section
319 1, Clauses 3 and 4.

320 [~~(57)~~] (58) "Provider election officer" means an election officer who enters into a
321 contract or interlocal agreement with a contracting election officer to conduct an election for
322 the contracting election officer's local political subdivision in accordance with Section
323 20A-5-400.1.

324 [~~(58)~~] (59) "Provisional ballot" means a ballot voted provisionally by a person:

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

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

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

328 [~~(59)~~] (60) "Provisional ballot envelope" means an envelope printed in the form
329 required by Section 20A-6-105 that is used to identify provisional ballots and to provide
330 information to verify a person's legal right to vote.

331 [~~(60)~~] (61) "Primary convention" means the political party conventions at which
332 nominees for the regular primary election are selected.

333 [~~(61)~~] (62) "Protective counter" means a separate counter, which cannot be reset, that:

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

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

336 [~~(62)~~] (63) "Qualify" or "qualified" means to take the oath of office and begin
337 performing the duties of the position for which the person was elected.

338 [~~(63)~~] (64) "Receiving judge" means the poll worker that checks the voter's name in the
339 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
340 after the voter has voted.

341 [~~(64)~~] (65) "Registration form" means a book voter registration form and a by-mail
342 voter registration form.

343 [~~(65)~~] (66) "Regular ballot" means a ballot that is not a provisional ballot.

344 [~~(66)~~] (67) "Regular general election" means the election held throughout the state on
345 the first Tuesday after the first Monday in November of each even-numbered year for the
346 purposes established in Section 20A-1-201.

347 [~~(67)~~] (68) "Regular primary election" means the election on the fourth Tuesday of
348 June of each even-numbered year, to nominate candidates of political parties and nonpolitical
349 groups to advance to the regular general election.

350 [~~(68)~~] (69) "Resident" means a person who resides within a specific voting precinct in
351 Utah.

352 [~~(69)~~] (70) "Sample ballot" means a mock ballot similar in form to the official ballot
353 printed and distributed as provided in Section 20A-5-405.

354 [~~(70)~~] (71) "Scratch vote" means to mark or punch the straight party ticket and then
355 mark or punch the ballot for one or more candidates who are members of different political
356 parties.

357 [~~(71)~~] (72) "Secrecy envelope" means the envelope given to a voter along with the
358 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
359 secrecy of the voter's vote.

360 [~~(72)~~] (73) "Special election" means an election held as authorized by Section
361 20A-1-204.

362 [~~(73)~~] (74) "Spoiled ballot" means each ballot that:

363 (a) is spoiled by the voter;

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

365 (c) lacks the official endorsement.

366 [~~(74)~~] (75) "Statewide special election" means a special election called by the governor

367 or the Legislature in which all registered voters in Utah may vote.

368 [~~(75)~~] (76) "Stub" means the detachable part of each ballot.

369 [~~(76)~~] (77) "Substitute ballots" means replacement ballots provided by an election
370 officer to the poll workers when the official ballots are lost or stolen.

371 [~~(77)~~] (78) "Ticket" means each list of candidates for each political party or for each
372 group of petitioners.

373 [~~(78)~~] (79) "Transfer case" means the sealed box used to transport voted ballots to the
374 counting center.

375 [~~(79)~~] (80) "Vacancy" means the absence of a person to serve in any position created
376 by statute, whether that absence occurs because of death, disability, disqualification,
377 resignation, or other cause.

378 [~~(80)~~] (81) "Valid voter identification" means:

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

381 (i) a currently valid Utah driver license;

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

383 (A) the state; or

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

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

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

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

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

390 (i) a valid tribal identification card;

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

392 (iii) a tribal treaty card; or

393 (c) two forms of identification not listed under Subsection [~~(80)~~] (81)(a) or (b) but that
394 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
395 which may include:

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

- 398 (ii) a bank or other financial account statement, or a legible copy thereof;
- 399 (iii) a certified birth certificate;
- 400 (iv) a valid Social Security card;
- 401 (v) a check issued by the state or the federal government or a legible copy thereof;
- 402 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 403 (vii) a currently valid Utah hunting or fishing license;
- 404 (viii) certified naturalization documentation;
- 405 (ix) a currently valid license issued by an authorized agency of the United States;
- 406 (x) a certified copy of court records showing the voter's adoption or name change;
- 407 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 408 (xii) a currently valid identification card issued by:
 - 409 (A) a local government within the state;
 - 410 (B) an employer for an employee; or
 - 411 (C) a college, university, technical school, or professional school located within the
 - 412 state; or
- 413 (xiii) a current Utah vehicle registration.

414 ~~[(81)]~~ (82) "Valid write-in candidate" means a candidate who has qualified as a
415 write-in candidate by following the procedures and requirements of this title.

416 ~~[(82)]~~ (83) "Voter" means a person who:

- 417 (a) meets the requirements for voting in an election;
- 418 (b) meets the requirements of election registration;
- 419 (c) is registered to vote; and
- 420 (d) is listed in the official register book.

421 ~~[(83)]~~ (84) "Voter registration deadline" means the registration deadline provided in
422 Section 20A-2-102.5.

423 ~~[(84)]~~ (85) "Voting area" means the area within six feet of the voting booths, voting
424 machines, and ballot box.

425 ~~[(85)]~~ (86) "Voting booth" means:

- 426 (a) the space or compartment within a polling place that is provided for the preparation
427 of ballots, including the voting machine enclosure or curtain; or
- 428 (b) a voting device that is free standing.

429 [(86)] (87) "Voting device" means:

430 (a) an apparatus in which ballot sheets are used in connection with a punch device for
431 piercing the ballots by the voter;

432 (b) a device for marking the ballots with ink or another substance;

433 (c) an electronic voting device or other device used to make selections and cast a ballot
434 electronically, or any component thereof;

435 (d) an automated voting system under Section 20A-5-302; or

436 (e) any other method for recording votes on ballots so that the ballot may be tabulated
437 by means of automatic tabulating equipment.

438 [(87)] (88) "Voting machine" means a machine designed for the sole purpose of
439 recording and tabulating votes cast by voters at an election.

440 [(88)] (89) "Voting poll watcher" means a person appointed as provided in this title to
441 witness the distribution of ballots and the voting process.

442 [(89)] (90) "Voting precinct" means the smallest voting unit established as provided by
443 law within which qualified voters vote at one polling place.

444 [(90)] (91) "Watcher" means a voting poll watcher, a counting poll watcher, an
445 inspecting poll watcher, and a testing watcher.

446 [(91)] ~~"Western States Presidential Primary" means the election established in Chapter~~
447 ~~9, Part 8.~~

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

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

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

452 **20A-1-201. Date and purpose of regular general elections.**

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

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

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

457 (i) ~~[electors of President and Vice President of the United States]~~ presidential elector;

458 (ii) United States Senators;

459 (iii) Representatives to the United States Congress;

- 460 (iv) governor, lieutenant governor, attorney general, state treasurer, and state auditor;
- 461 (v) senators and representatives to the Utah Legislature;
- 462 (vi) county officers;
- 463 (vii) State School Board members;
- 464 (viii) local school board members; and
- 465 (ix) any elected judicial officers; and
- 466 (b) approve or reject:
 - 467 (i) any proposed amendments to the Utah Constitution that have qualified for the ballot
 - 468 under procedures established in the Utah Code;
 - 469 (ii) any proposed initiatives or referenda that have qualified for the ballot under
 - 470 procedures established in the Utah Code; and
 - 471 (iii) any other ballot propositions submitted to the voters that are authorized by the
 - 472 Utah Code.

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

474 **20A-1-201.5. Primary election dates.**

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

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

481 ~~[(3) The Western States Presidential Primary election shall be held throughout the state~~
482 ~~on the first Tuesday in February in the year in which a presidential election will be held.]~~

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

484 **20A-1-204. Date of special election -- Legal effect.**

485 (1) (a) The governor, Legislature, or the legislative body of a local political subdivision
486 calling a statewide special election or local special election under Section 20A-1-203 shall
487 schedule the special election to be held on:

- 488 (i) the fourth Tuesday in June;
- 489 (ii) the first Tuesday after the first Monday in November; or
- 490 (iii) for an election of town officers of a newly incorporated town under Subsection

491 10-2-125(9), on any date that complies with the requirements of that subsection.

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

495 (c) [(†)] Notwithstanding the requirements of Subsection (1)(b), the legislative body of
496 a local political subdivision may call a local special election on a date other than those
497 specified in this section if the legislative body:

498 [(A)] (i) determines and declares that there is a disaster, as defined in Section
499 63K-3-102, requiring that a special election be held on a date other than the ones authorized in
500 statute;

501 [(B)] (ii) identifies specifically the nature of the disaster, as defined in Section
502 63K-3-102, and the reasons for holding the special election on that other date; and

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

504 ~~[(ii) The legislative body of a local political subdivision may not call a local special
505 election for the date established in Title 20A, Chapter 9, Part 8, Western States Presidential
506 Primary, for Utah's Western States Presidential Primary.]~~

507 (d) Nothing in this section prohibits:

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

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

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

514 (i) another special election;

515 (ii) a regular general election; or

516 (iii) a municipal general election.

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

518 (i) polling places;

519 (ii) ballots;

520 (iii) election officials; and

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

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

523 **20A-2-107. Designating or changing party affiliation -- Times permitted.**

524 (1) The county clerk shall:

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

527 (b) if no political party affiliation is designated by the voter on the voter registration
528 form, record the voter's party affiliation as "unaffiliated."

529 (2) (a) Any registered voter may designate or change the voter's political party
530 affiliation by complying with the procedures and requirements of this Subsection (2).

531 (b) A registered voter may designate or change the voter's political party affiliation by
532 filing a signed form with the county clerk that identifies the registered political party with
533 which the voter chooses to affiliate, during any period except the following~~[-(i)]~~ the period
534 beginning on the day after the voter registration deadline and continuing through the date of the
535 regular primary election~~[-; and (ii) the period beginning on the day after the voter registration
536 deadline and continuing through the date of the Western States Presidential Primary].~~

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

538 **20A-2-107.5. Designating or changing party affiliation -- Regular primary
539 election.**

540 (1) At any regular primary election ~~[or the Western States Presidential Primary]:~~

541 (a) each county clerk shall provide change of party affiliation forms to the poll workers
542 for each voting precinct within the county; and

543 (b) any registered voter who is classified as "unaffiliated" may affiliate with a political
544 party by completing the form and giving it to the poll worker.

545 (2) An unaffiliated voter who affiliates with a political party as provided in Subsection
546 (1)(b) may vote in that party's primary election.

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

548 **20A-3-101. Residency and age requirements of voters.**

549 (1) A person may vote in any regular general election or statewide special election if
550 that person has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration.

551 (2) A person may vote in ~~[the Western States Presidential Primary election or]~~ a
552 regular primary election if:

553 (a) that person has registered to vote in accordance with Title 20A, Chapter 2, Voter
554 Registration; and

555 (b) that person's political party affiliation, or unaffiliated status, allows the person to
556 vote in the election.

557 (3) A person may vote in a municipal general election, municipal primary, in a local
558 special election, in a local district election, and in a bond election if that person:

559 (a) has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration;
560 and

561 (b) is a resident of a voting district or precinct within the local entity that is holding the
562 election.

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

564 **20A-3-104.5. Voting -- Regular primary election.**

565 (1) (a) Any registered voter desiring to vote at the regular primary election [~~or Utah's~~
566 ~~Western States Presidential Primary~~] shall give the voter's name, the name of the registered
567 political party whose ballot the voter wishes to vote, and, if requested, the voter's residence, to
568 one of the poll workers.

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

570 (c) (i) The poll worker shall follow the procedures and requirements of Section
571 20A-3-105.5 if:

572 (A) the poll worker is not satisfied that the voter presented valid voter identification; or

573 (B) the voter's right to vote is challenged under Section 20A-3-202.

574 (ii) The poll worker shall notify a voter casting a provisional ballot under Section
575 20A-3-105.5 because of failure to present valid voter identification that the voter has until the
576 close of normal office hours on Monday after the day of the election to:

577 (A) present valid voter identification to the county clerk at the county clerk's office; or

578 (B) an election officer who is administering the election.

579 (2) (a) (i) If the voter is properly identified, the poll worker in charge of the official
580 register shall check the official register to determine:

581 (A) whether or not the person is registered to vote; and

582 (B) whether or not the voter's party affiliation designation in the official register allows
583 the voter to vote the ballot that the voter requested.

584 (ii) If the official register does not affirmatively identify the voter as being affiliated
585 with a registered political party or if the official register identifies the voter as being
586 "unaffiliated," the voter shall be considered to be "unaffiliated."

587 (b) (i) Except as provided in Subsection (2)(b)(ii), if the voter's name is not found on
588 the official register, the poll worker shall follow the procedures and requirements of Section
589 20A-3-105.5.

590 (ii) (A) If it is not unduly disruptive of the election process, the poll worker shall
591 attempt to contact the county clerk's office to request oral verification of the voter's registration.

592 (B) If oral verification is received from the county clerk's office, the poll worker shall:

593 (I) record the verification on the official register;

594 (II) determine the voter's party affiliation and the ballot that the voter is qualified to
595 vote; and

596 (III) perform the other administrative steps required by Subsection (3).

597 (c) (i) Except as provided in Subsection (2)(c)(ii), if the voter's political party
598 affiliation listed in the official register does not allow the voter to vote the ballot that the voter
599 requested, the poll worker shall inform the voter of that fact and inform the voter of the ballot
600 or ballots that the voter's party affiliation does allow the voter to vote.

601 (ii) (A) If the voter is listed in the official register as "unaffiliated," or if the official
602 register does not affirmatively identify the voter as either "unaffiliated" or affiliated with a
603 registered political party, and the voter, as an "unaffiliated" voter, is not authorized to vote the
604 ballot that the voter requests, the poll worker shall ask the voter if the voter wishes to vote
605 another registered political party ballot that the voter, as "unaffiliated," is authorized to vote, or
606 remain "unaffiliated."

607 (B) If the voter wishes to vote another registered political party ballot that the
608 unaffiliated voter is authorized to vote, the poll worker shall proceed as required by Subsection
609 (3).

610 (C) If the voter wishes to remain unaffiliated and does not wish to vote another ballot
611 that unaffiliated voters are authorized to vote, the poll worker shall instruct the voter that the
612 voter may not vote.

613 (3) If the poll worker determines that the voter is registered and eligible, under
614 Subsection (2), to vote the ballot that the voter requested and:

- 615 (a) if the ballot is a paper ballot or a ballot sheet:
616 (i) the poll worker in charge of the official register shall:
617 (A) write the ballot number and the name of the registered political party whose ballot
618 the voter voted opposite the name of the voter in the official register; and
619 (B) direct the voter to sign the voter's name in the election column in the official
620 register;
621 (ii) another poll worker shall list the ballot number and voter's name in the pollbook;
622 and
623 (iii) the poll worker having charge of the ballots shall:
624 (A) endorse the voter's initials on the stub;
625 (B) check the name of the voter on the pollbook list with the number of the stub;
626 (C) hand the voter the ballot for the registered political party that the voter requested
627 and for which the voter is authorized to vote; and
628 (D) allow the voter to enter the voting booth; or
629 (b) if the ballot is an electronic ballot:
630 (i) the poll worker in charge of the official register shall direct the voter to sign the
631 voter's name in the official register;
632 (ii) another poll worker shall list the voter's name in the pollbook; and
633 (iii) the poll worker having charge of the ballots shall:
634 (A) provide the voter access to the electronic ballot for the registered political party
635 that the voter requested and for which the voter is authorized to vote; and
636 (B) allow the voter to vote the electronic ballot.
637 (4) Whenever the election officer is required to furnish more than one kind of official
638 ballot to the voting precinct, the poll workers of that voting precinct shall give the registered
639 voter the kind of ballot that the voter is qualified to vote.

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

641 **20A-3-201. Watchers.**

642 (1) (a) (i) For each regular general election [~~or~~], statewide special election, [~~and for~~
643 ~~each~~] or regular primary [~~and Western States Presidential Primary~~], each registered political
644 party and any person interested in a ballot proposition appearing on the ballot may appoint one
645 person to act as a voting poll watcher to observe the casting of ballots, another person to act as

646 a counting poll watcher to observe the counting of ballots, and another person to act as an
647 inspecting poll watcher to inspect the condition and observe the securing of ballot packages.

648 (ii) Each party poll watcher shall be designated, and his selection made known to the
649 poll workers, by an affidavit made by the county chair of each of the parties.

650 (iii) Each issue poll watcher shall be designated, and his selection made known to the
651 poll workers, by an affidavit made by the individual appointing him.

652 (b) (i) For each municipal general election, municipal primary, local special election, or
653 bond election that uses paper ballots, each candidate and any person interested in an issue
654 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the
655 casting of ballots, another person to act as a counting poll watcher to observe the counting of
656 ballots, and another person to act as an inspecting poll watcher to inspect the condition and
657 observe the securing of ballot packages.

658 (ii) For each municipal general election, municipal primary, local special election, or
659 bond election that uses ballot sheets, each candidate and any person interested in an issue
660 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the
661 casting of ballots, another person to act as a counting poll watcher to observe the counting of
662 ballots, and another person to act as an inspecting poll watcher to inspect the condition and
663 observe the securing of ballot packages.

664 (iii) Each candidate poll watcher shall be designated, and his selection made known to
665 the poll workers, by an affidavit made by the candidate appointing him.

666 (iv) Each issue poll watcher shall be designated, and his selection made known to the
667 poll workers, by an affidavit made by the individual appointing him.

668 (2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise
669 absent, that poll watcher may substitute some other watcher of similar political beliefs by
670 informing the poll workers of the substitution by affidavit.

671 (3) Voting poll watchers may watch and observe the voting process, and may make a
672 written memorandum, but they may not interfere in any way with the process of voting except
673 to challenge a voter as provided in this part.

674 (4) The counting poll watcher shall remain in the counting room, except in the case of
675 necessity, until the close of the polls and may not divulge the progress of the count until the
676 count is completed.

677 (5) (a) It is unlawful for a counting poll watcher to communicate in any manner,
678 directly or indirectly, by word or sign, the progress of the count, the result so far, or any other
679 information about the count.

680 (b) Any person who violates this subsection is guilty of a third degree felony.

681 (6) The inspecting poll watcher may be present in the office of the clerk or recorder to
682 whom ballots are delivered after elections to:

683 (a) inspect the condition of the packages containing the ballots upon their arrival; and

684 (b) observe the placement of these packages in a safe and secure place.

685 (7) (a) Prior to each election in which a ballot sheet or electronic ballot is used, any
686 interested person may act as a testing watcher to observe a demonstration of logic and accuracy
687 testing of the voting devices prior to the commencement of voting.

688 (b) The election officer shall give prior notice of the logic and accuracy testing
689 demonstration at least two days prior to the date of the demonstration by publishing notice of
690 the date, time, and location of the demonstration:

691 (i) in at least one newspaper of general circulation in the jurisdiction holding the
692 election; and

693 (ii) as required in Section 45-1-101.

694 (c) An election official shall provide, upon request, a copy of testing results to a testing
695 watcher.

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

697 **20A-3-202. Challenges to a voter's eligibility -- Basis for challenge -- Procedures.**

698 (1) A person's right to vote may be challenged because:

699 (a) the voter is not the person whose name appears in the official register or under
700 which name the right to vote is claimed;

701 (b) the voter is not a resident of Utah;

702 (c) the voter is not a citizen of the United States;

703 (d) the voter has not or will not have resided in Utah for 30 days immediately before
704 the date of the election;

705 (e) the voter's principal place of residence is not in the voting precinct claimed;

706 (f) the voter's principal place of residence is not in the geographic boundaries of the
707 election area;

- 708 (g) the voter has already voted in the election;
- 709 (h) the voter is not at least 18 years of age;
- 710 (i) the voter has been convicted of a misdemeanor for an offense under this title and the
- 711 voter's right to vote in an election has not been restored under Section 20A-2-101.3;
- 712 (j) the voter is a convicted felon and the voter's right to vote in an election has not been
- 713 restored under Section 20A-2-101.5; or
- 714 (k) in a regular primary election [~~or in the Western States Presidential Primary~~], the
- 715 voter does not meet the political party affiliation requirements for the ballot the voter seeks to
- 716 vote.

717 (2) A person who challenges another person's right to vote at an election shall do so
 718 according to the procedures and requirements of:

- 719 (a) Section 20A-3-202.3, for challenges issued in writing more than 21 days before the
- 720 day on which early voting commences; or
- 721 (b) Section 20A-3-202.5, for challenges issued in person at the time of voting.

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

723 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

- 724 (1) Any registered voter who wishes to vote an absentee ballot may either:
- 725 (a) file an absentee ballot application:
- 726 (i) on the electronic system maintained by the lieutenant governor under Section
- 727 20A-2-206; or
- 728 (ii) with the appropriate election officer for an official absentee ballot as provided in
- 729 this section; or
- 730 (b) vote in person at the office of the appropriate election officer as provided in Section
- 731 20A-3-306.

732 (2) (a) Except as provided in Subsection (2)(b), the lieutenant governor or election
 733 officer shall prepare an application form for absentee ballot applications in substantially the
 734 following form:

735 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
 736 apply for an official absentee ballot to be voted by me at the election.

737 Date _____ (month\day\year) Signed _____

738 Voter"

739 (b) The lieutenant governor or election officer shall prepare blank applications for
740 absentee ballot applications for regular primary elections [~~and for the Western States~~
741 ~~Presidential Primary~~] in substantially the following form:

742 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
743 apply for an official absentee ballot for the _____ political party to be voted by me
744 at the primary election.

745 I understand that I must be affiliated with or authorized to vote the political party's
746 ballot that I request.

747 Dated _____ (month\day\year) _____ Signed _____
748 Voter"

749 (c) If requested by the applicant, the election officer shall:

750 (i) mail or fax the application blank to the absentee voter; or

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

753 (3) (a) Except as provided in Subsection (3)(b), a voter who wishes to vote by absentee
754 ballot shall file the application for an absentee ballot with the lieutenant governor or
755 appropriate election officer no later than the Friday before election day.

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

758 (4) (a) A county clerk may establish a permanent absentee voter list.

759 (b) The clerk shall place on the list the name of any person who:

760 (i) requests permanent absentee voter status; and

761 (ii) meets the requirements of this section.

762 (c) (i) Each year, the clerk shall mail a questionnaire to each person whose name is on
763 the absentee voter list.

764 (ii) The questionnaire shall allow the absentee person to verify the voter's residence.

765 (iii) The clerk may remove the names of any voter from the absentee voter registration
766 list if:

767 (A) the voter is no longer listed in the official register; or

768 (B) the voter fails to verify the voter's residence and absentee status.

769 (d) The clerk shall provide a copy of the permanent absentee voter list to election

770 officers for use in elections.

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

772 **20A-4-105. Standards and requirements for evaluating voter's ballot choices.**

773 (1) Each person counting ballots shall apply the standards and requirements of this
774 section to resolve any questions that arise as ballots are counted.

775 (2) Except as provided in Subsection [~~(H)~~] (10), if a voter marks more names than
776 there are persons to be elected to an office, or if for any reason it is impossible to determine the
777 choice of any voter for any office to be filled, the counter may not count that voter's ballot for
778 that office.

779 (3) The counter shall count a defective or incomplete mark on any paper ballot if:

780 (a) it is in the proper place; and

781 (b) there is no other mark or cross on the paper ballot indicating the voter's intent to
782 vote other than as indicated by the defective mark.

783 (4) (a) When the voter has marked the ballot so that it appears that the voter has voted
784 more than one straight ticket, the election judges may not count any votes for party candidates.

785 (b) The election judges shall count the remainder of the ballot if it is voted correctly.

786 (5) A counter may not reject a ballot marked by the voter because of marks on the
787 ballot other than those marks allowed by this section unless the extraneous marks on a ballot or
788 group of ballots show an intent by a person or group to mark their ballots so that their ballots
789 can be identified.

790 (6) (a) In counting the ballots, the counters shall give full consideration to the intent of
791 the voter.

792 (b) The counters may not invalidate a ballot because of mechanical and technical
793 defects in voting or failure on the part of the voter to follow strictly the rules for balloting
794 required by Chapter 3, Voting.

795 (7) The counters may not reject a ballot because of any error in:

796 (a) stamping or writing any official endorsement; or

797 (b) delivering the wrong ballots to any polling place.

798 (8) The counter may not count any paper ballot that does not have the official
799 endorsement by an election officer.

800 (9) If the counter discovers that the name of a candidate voted for is misspelled or that

801 the initial letters of a candidate's given name are transposed or omitted in part or altogether, the
 802 counter shall count the voter's vote for that candidate if it is apparent that the voter intended to
 803 vote for that candidate.

804 ~~[(10) The counter shall count a vote for the president and the vice president of any~~
 805 ~~political party as a vote for the presidential electors selected by the political party.]~~

806 [(11)] (10) In counting the valid write-in votes, if, by casting a valid write-in vote, a
 807 voter has cast more votes for an office than that voter is entitled to vote for that office, the
 808 judges shall count the valid write-in vote as being the obvious intent of the voter.

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

810 **20A-4-304. Declaration of results -- Canvassers' report.**

811 (1) Each board of canvassers shall:

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

813 (i) had the highest number of votes; and

814 (ii) sought election or nomination to an office completely within the board's
 815 jurisdiction;

816 (b) declare:

817 (i) "approved" those ballot propositions that:

818 (A) had more "yes" votes than "no" votes; and

819 (B) were submitted only to the voters within the board's jurisdiction;

820 (ii) "rejected" those ballot propositions that:

821 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
 822 votes; and

823 (B) were submitted only to the voters within the board's jurisdiction;

824 (c) certify the vote totals for persons and for and against ballot propositions that were
 825 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
 826 the lieutenant governor; and

827 (d) if applicable, certify the results of each local district election to the local district
 828 clerk.

829 (2) (a) As soon as the result is declared, the election officer shall prepare a report of the
 830 result, which shall contain:

831 (i) the total number of votes cast in the board's jurisdiction;

- 832 (ii) the names of each candidate whose name appeared on the ballot;
- 833 (iii) the title of each ballot proposition that appeared on the ballot;
- 834 (iv) each office that appeared on the ballot;
- 835 (v) from each voting precinct:
 - 836 (A) the number of votes for each candidate; and
 - 837 (B) the number of votes for and against each ballot proposition;
- 838 (vi) the total number of votes given in the board's jurisdiction to each candidate, and
- 839 for and against each ballot proposition; and
- 840 (vii) a statement certifying that the information contained in the report is accurate.
- 841 (b) The election officer and the board of canvassers shall:
 - 842 (i) review the report to ensure that it is correct; and
 - 843 (ii) sign the report.
- 844 (c) The election officer shall:
 - 845 (i) record or file the certified report in a book kept for that purpose;
 - 846 (ii) prepare and transmit a certificate of nomination or election under the officer's seal
 - 847 to each nominated or elected candidate;
 - 848 (iii) publish a copy of the certified report:
 - 849 (A) in one or more conspicuous places within the jurisdiction;
 - 850 (B) in a conspicuous place on the county's website; and
 - 851 (C) in a newspaper with general circulation in the board's jurisdiction; and
 - 852 (iv) file a copy of the certified report with the lieutenant governor.
 - 853 (3) When there has been a regular general or a statewide special election for statewide
 - 854 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
 - 855 or more county ballot proposition, each board of canvassers shall:
 - 856 (a) prepare a separate report detailing the number of votes for each candidate and the
 - 857 number of votes for and against each ballot proposition; and
 - 858 (b) transmit it by registered mail to the lieutenant governor.
 - 859 (4) In each county election, municipal election, school election, local district election,
 - 860 and local special election, the election officer shall transmit the reports to the lieutenant
 - 861 governor within 14 days after the date of the election.
 - 862 (5) In regular primary elections [~~and in the Western States Presidential Primary~~], the

863 board shall transmit to the lieutenant governor:

864 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
865 governor~~[-(i)]~~ not later than the second Tuesday after the primary election for the regular
866 primary election; and

867 ~~[(ii) not later than the Tuesday following the election for the Western States
868 Presidential Primary; and]~~

869 (b) a complete tabulation showing voting totals for all primary races, precinct by
870 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
871 primary election.

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

873 **20A-4-306. Statewide canvass.**

874 (1) (a) The state board of canvassers shall convene:

875 (i) on the fourth Monday of November, at noon; or

876 (ii) at noon on the day following the receipt by the lieutenant governor of the last of the
877 returns of a statewide special election.

878 (b) The state auditor, the state treasurer, and the attorney general are the state board of
879 canvassers.

880 (c) Attendance of all members of the state board of canvassers shall be required to
881 constitute a quorum for conducting the canvass.

882 (2) (a) The state board of canvassers shall:

883 (i) meet in the lieutenant governor's office; and

884 (ii) compute and determine the vote for officers and for and against any ballot
885 propositions voted upon by the voters of the entire state or of two or more counties.

886 (b) The lieutenant governor, as secretary of the board shall file a report in his office
887 that details:

888 (i) for each statewide officer and ballot proposition:

889 (A) the name of the statewide office or ballot proposition that appeared on the ballot;

890 (B) the candidates for each statewide office whose names appeared on the ballot, plus
891 any recorded write-in candidates;

892 (C) the number of votes from each county cast for each candidate and for and against
893 each ballot proposition;

894 (D) the total number of votes cast statewide for each candidate and for and against each
895 ballot proposition; and

896 (E) the total number of votes cast statewide; and

897 (ii) for each officer or ballot proposition voted on in two or more counties:

898 (A) the name of each of those offices and ballot propositions that appeared on the
899 ballot;

900 (B) the candidates for those offices, plus any recorded write-in candidates;

901 (C) the number of votes from each county cast for each candidate and for and against
902 each ballot proposition; and

903 (D) the total number of votes cast for each candidate and for and against each ballot
904 proposition.

905 (c) The lieutenant governor shall:

906 (i) prepare certificates of election for[:-(A)] each successful candidate[; and (B) each
907 of the presidential electors of the candidate for president who received a majority of the votes]
908 as determined in accordance with Section 20A-1-303;

909 (ii) authenticate each certificate with his seal; and

910 (iii) deliver a certificate of election to[:-(A)] each candidate [~~who had the highest~~
911 ~~number of votes for each office; and (B) each of the presidential electors of the candidate for~~
912 ~~president who received a majority of the votes] described in Subsection (2)(c)(i).~~

913 (3) If the lieutenant governor has not received election returns from all counties on the
914 fifth day before the day designated for the meeting of the state board of canvassers, the
915 lieutenant governor shall:

916 (a) send a messenger to the clerk of the board of county canvassers of the delinquent
917 county;

918 (b) instruct the messenger to demand a certified copy of the board of canvasser's report
919 required by Section 20A-4-304 from the clerk; and

920 (c) pay the messenger the per diem provided by law as compensation.

921 (4) The state board of canvassers may not withhold the declaration of the result or any
922 certificate of election because of any defect or informality in the returns of any election if the
923 board can determine from the returns, with reasonable certainty, what office is intended and
924 who is elected to it.

925 (5) (a) At noon on the fourth Monday after the regular primary election, the lieutenant
926 governor shall:

927 (i) canvass the returns for all multicounty candidates required to file with the office of
928 the lieutenant governor; and

929 (ii) publish and file the results of the canvass in the lieutenant governor's office.

930 (b) Not later than the August 1 after the primary election, the lieutenant governor shall
931 certify the results of~~[(i)]~~ the primary canvass~~[, except for the office of President of the United~~
932 ~~States,]~~ to the county clerks~~[, and]~~.

933 ~~[(ii) the primary canvass for the office of President of the United States to each~~
934 ~~registered political party that participated in the primary.]~~

935 ~~[(6) (a) At noon on the day that falls seven days after the last day on which a county~~
936 ~~canvass may occur under Section 20A-4-301 for the Western States Presidential Primary~~
937 ~~election, the lieutenant governor shall:]~~

938 ~~[(i) canvass the returns; and]~~

939 ~~[(ii) publish and file the results of the canvass in the lieutenant governor's office.]~~

940 ~~[(b) The lieutenant governor shall certify the results of the Western States Presidential~~
941 ~~Primary canvass to each registered political party that participated in the primary not later than~~
942 ~~the April 15 after the primary election.]~~

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

944 **20A-4-401. Recounts -- Procedure.**

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

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

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

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

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

955 (ii) For any municipal primary election, when any candidate loses by not more than a

956 total of one vote per voting precinct, the candidate may file a request for a recount with the
957 appropriate election officer within three days after the canvass.

958 (b) The election officer shall:

959 (i) supervise the recount;

960 (ii) recount all ballots cast for that office;

961 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
962 3, Absentee Voting; and

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

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

967 (b) The election officer shall:

968 (i) supervise the recount;

969 (ii) recount all ballots cast for that ballot proposition or bond proposition;

970 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
971 3, Absentee Voting; and

972 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
973 based upon the results of the recount.

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

976 (d) The voters requesting the recount shall pay the costs of the recount.

977 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
978 person requesting the recount.

979 (4) (a) Upon completion of the recount, the election officer shall immediately convene
980 the board of canvassers.

981 (b) The board of canvassers shall:

982 (i) canvass the election returns for the race or proposition that was the subject of the
983 recount; and

984 (ii) with the assistance of the election officer, prepare and sign the report required by
985 Section 20A-4-304 or Section 20A-4-306.

986 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,

987 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
988 governor as required by Subsection 20A-4-304(3).

989 (d) The canvassers' report prepared as provided in this Subsection (4) is the official
990 result of the race or proposition that is the subject of the recount.

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

992 **20A-5-102. Voting instructions.**

993 (1) Each election officer shall:

994 (a) print instruction cards for voters;

995 (b) ensure that the cards are printed in English in large clear type; and

996 (c) ensure that the cards instruct voters:

997 (i) about how to obtain ballots for voting;

998 (ii) about special political party affiliation requirements for voting [~~in the Western~~

999 ~~States Presidential Primary or~~] in a regular primary election;

1000 (iii) about how to prepare ballots for deposit in the ballot box;

1001 (iv) about how to record write-in votes;

1002 (v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;

1003 (vi) about how to obtain assistance in marking ballots;

1004 (vii) about obtaining a new ballot if the voter's ballot is defaced;

1005 (viii) that identification marks or the spoiling or defacing of a ballot will make it

1006 invalid;

1007 (ix) about how to obtain and vote a provisional ballot;

1008 (x) about whom to contact to report election fraud;

1009 (xi) about applicable federal and state laws regarding:

1010 (A) voting rights and the appropriate official to contact if the voter alleges his rights

1011 have been violated; and

1012 (B) prohibitions on acts of fraud and misrepresentation;

1013 (xii) about procedures governing mail-in registrants and first-time voters; and

1014 (xiii) about the date of the election and the hours that the polls are open on election

1015 day.

1016 (2) Each election officer shall:

1017 (a) provide the election judges of each voting precinct with sufficient instruction cards

1018 to instruct voters in the preparation of their ballots;

1019 (b) direct the election judges to post:

1020 (i) general voting instructions in each voting booth; and

1021 (ii) at least three instruction cards and at least one sample ballot elsewhere in and about
1022 the polling place.

1023 Section 18. Section **20A-5-302** is amended to read:

1024 **20A-5-302. Automated voting system.**

1025 (1) (a) Any county or municipal legislative body or local district board may:

1026 (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any
1027 automated voting system that meets the requirements of this section; and

1028 (ii) use that system in any election, in all or a part of the voting precincts within its
1029 boundaries, or in combination with paper ballots.

1030 (b) Nothing in this title shall be construed to require the use of electronic voting
1031 devices in local special elections, municipal primary elections, or municipal general elections.

1032 (2) (a) Each automated voting system shall:

1033 (i) provide for voting in secrecy, except in the case of voters who have received
1034 assistance as authorized by Section 20A-3-108;

1035 (ii) permit each voter at any election to:

1036 (A) vote for all persons and offices for whom and for which that voter is lawfully
1037 entitled to vote;

1038 (B) vote for as many persons for an office as that voter is entitled to vote; and

1039 (C) vote for or against any ballot proposition upon which that voter is entitled to vote;

1040 [~~(iii) permit each voter, at presidential elections, by one mark or punch to vote for the
1041 candidates of that party for president, vice president, and for their presidential electors;~~]

1042 [~~(iv)~~] (iii) permit each voter, at any regular general election, to vote for all the
1043 candidates of one registered political party by making one mark or punch;

1044 [~~(v)~~] (iv) permit each voter to scratch vote;

1045 [~~(vi)~~] (v) at elections other than primary elections, permit each voter to vote for the
1046 nominees of one or more parties and for independent candidates;

1047 [~~(vii)~~] (vi) at primary elections:

1048 (A) permit each voter to vote for candidates of the political party of his choice; and

1049 (B) reject any votes cast for candidates of another party;

1050 [~~(viii)~~] (vii) prevent the voter from voting for the same person more than once for the

1051 same office;

1052 [~~(ix)~~] (viii) provide the opportunity for each voter to change the ballot and to correct

1053 any error before the voter casts the ballot in compliance with the Help America Vote Act of

1054 2002, Pub. L. No. 107-252;

1055 [~~(x)~~] (ix) include automatic tabulating equipment that rejects choices recorded on a

1056 voter's ballot if the number of the voter's recorded choices is greater than the number which the

1057 voter is entitled to vote for the office or on the measure;

1058 [~~(xi)~~] (x) be of durable construction, suitably designed so that it may be used safely,

1059 efficiently, and accurately in the conduct of elections and counting ballots;

1060 [~~(xii)~~] (xi) when properly operated, record correctly and count accurately each vote

1061 cast;

1062 [~~(xiii)~~] (xii) for voting equipment certified after January 1, 2005, produce a permanent

1063 paper record that:

1064 (A) shall be available as an official record for any recount or election contest

1065 conducted with respect to an election where the voting equipment is used;

1066 (B) (I) shall be available for the voter's inspection prior to the voter leaving the polling

1067 place; and

1068 (II) shall permit the voter to inspect the record of the voter's selections independently

1069 only if reasonably practicable commercial methods permitting independent inspection are

1070 available at the time of certification of the voting equipment by the lieutenant governor;

1071 (C) shall include, at a minimum, human readable printing that shows a record of the

1072 voter's selections;

1073 (D) may also include machine readable printing which may be the same as the human

1074 readable printing; and

1075 (E) allows voting poll watchers and counting poll watchers to observe the election

1076 process to ensure its integrity; and

1077 [~~(xiv)~~] (xiii) meet the requirements of Section 20A-5-402.5.

1078 (b) For the purposes of a recount or an election contest, if the permanent paper record

1079 contains a conflict or inconsistency between the human readable printing and the machine

1080 readable printing, the human readable printing shall supercede the machine readable printing
1081 when determining the intent of the voter.

1082 (c) Notwithstanding any other provisions of this section, the election officers shall
1083 ensure that the ballots to be counted by means of electronic or electromechanical devices are of
1084 a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable
1085 for use in the counting devices in which they are intended to be placed.

1086 Section 19. Section **20A-5-401** is amended to read:

1087 **20A-5-401. Official register -- Preparation -- Contents.**

1088 (1) (a) Before the registration days for each regular general, municipal general, regular
1089 primary, or municipal primary, [~~or Western States Presidential Primary election,~~] each county
1090 clerk shall prepare an official register of voters for each voting precinct that will participate in
1091 the election.

1092 (b) The county clerk shall ensure that the official register is prepared for the
1093 alphabetical entry of names and contains entry fields to provide for the following information:

- 1094 (i) registered voter's name;
- 1095 (ii) party affiliation;
- 1096 (iii) grounds for challenge;
- 1097 (iv) name of person challenging a voter;
- 1098 (v) primary, November, special;
- 1099 (vi) date of birth;
- 1100 (vii) place of birth;
- 1101 (viii) place of current residence;
- 1102 (ix) street address;
- 1103 (x) zip code;
- 1104 (xi) identification and provisional ballot information as required under Subsection
1105 (1)(d); and
- 1106 (xii) space for the voter to sign his name for each election.

1107 [~~(c) When preparing the official register for the Western States Presidential Primary,~~
1108 ~~the county clerk shall include:]~~

1109 [~~(i) an entry field to record the name of the political party whose ballot the voter voted;~~
1110 ~~and]~~

- 1111 ~~[(ii) an entry field for the poll worker to record changes in the voter's party affiliation.]~~
1112 ~~[(~~+~~) (c) When preparing the official register for any regular general election, municipal~~
1113 general election, statewide special election, local special election, regular primary election,
1114 municipal primary election, local district election, or election for federal office, the county
1115 clerk shall include:
- 1116 (i) an entry field for the poll worker to record the type of identification provided by the
1117 voter;
 - 1118 (ii) a column for the poll worker to record the provisional envelope ballot number for
1119 voters who receive a provisional ballot; and
 - 1120 (iii) a space for the poll worker to record the type of identification that was provided by
1121 voters who receive a provisional ballot.
- 1122 (2) (a) (i) For regular and municipal elections, primary elections, regular municipal
1123 elections, local district elections, and bond elections, the county clerk shall make an official
1124 register only for voting precincts affected by the primary, municipal, local district, or bond
1125 election.
- 1126 (ii) If a polling place to be used in a bond election serves both voters residing in the
1127 local political subdivision calling the bond election and voters residing outside of that local
1128 political subdivision, the official register shall designate whether each voter resides in or
1129 outside of the local political subdivision.
 - 1130 (iii) Each county clerk, with the assistance of the clerk of each affected local district,
1131 shall provide a detailed map or an indication on the registration list or other means to enable a
1132 poll worker to determine the voters entitled to vote at an election of local district officers.
- 1133 (b) Municipalities shall pay the costs of making the official register for municipal
1134 elections.
- 1135 Section 20. Section **20A-5-601** is amended to read:
- 1136 **20A-5-601. Poll workers -- Appointment for regular general elections and**
1137 **primary elections.**
- 1138 (1) (a) By March 1 of each even-numbered year, each county clerk shall provide to the
1139 county chair of each registered political party a list of the number of poll workers that the party
1140 must nominate for each voting precinct.
 - 1141 (b) (i) By April 1 of each even-numbered year, the county chair and secretary of each

1142 registered political party shall file a list with the county clerk containing, for each voting
1143 precinct, the names of registered voters in the county who are willing to be poll workers and
1144 who are competent and trustworthy.

1145 (ii) The county chair and secretary shall submit, for each voting precinct, names equal
1146 in number to the number required by the county clerk plus one.

1147 (2) Each county legislative body shall provide for the appointment of persons to serve
1148 as poll workers at the regular primary election[;] and the regular general election[; ~~and the~~
1149 ~~Western States Presidential Primary~~].

1150 (3) For regular general elections, each county legislative body shall provide for the
1151 appointment of:

1152 (a) (i) three registered voters from the list to serve as receiving judges for each voting
1153 precinct when ballots will be counted after the polls close; or

1154 (ii) three registered voters from the list to serve as receiving judges in each voting
1155 precinct and three registered voters from the list to serve as counting judges in each voting
1156 precinct when ballots will be counted throughout election day; and

1157 (b) three registered voters from the list for each 100 absentee ballots to be counted to
1158 serve as canvassing judges.

1159 (4) For regular primary elections [~~and for the Western States Presidential Primary~~
1160 ~~election~~], each county legislative body shall provide for the appointment of:

1161 (a) (i) two or three registered voters, or one or two registered voters and one person 17
1162 years old who will be 18 years old by the date of the next regular general election, from the list
1163 to serve as receiving judges for each voting precinct when ballots will be counted after the
1164 polls close; or

1165 (ii) two or three registered voters, or one or two registered voters and one person 17
1166 years old who will be 18 years old by the date of the next regular general election, from the list
1167 to serve as receiving judges in each voting precinct and two or three registered voters, or one or
1168 two registered voters and one person 17 years old who will be 18 years old by the date of the
1169 next regular general election, from the list to serve as counting judges in each voting precinct
1170 when ballots will be counted throughout election day; and

1171 (b) two or three registered voters, or one or two registered voters and one person 17
1172 years old who will be 18 years old by the date of the next regular general election, from the list

1173 for each 100 absentee ballots to be counted to serve as canvassing judges.

1174 (5) Each county legislative body may provide for the appointment of:

1175 (a) three registered voters from the list to serve as inspecting judges at the regular
1176 general election to observe the clerk's receipt and deposit of the ballots for safekeeping; and

1177 (b) two or three registered voters, or one or two registered voters and one person 17
1178 years old who will be 18 years old by the date of the next regular general election, from the list
1179 to serve as inspecting judges at the regular primary election to observe the clerk's receipt and
1180 deposit of the ballots for safekeeping.

1181 (6) (a) For each set of three counting or receiving judges to be appointed for each
1182 voting precinct for the regular primary election[;] and the regular general election, [~~and the~~
1183 ~~Western States Presidential Primary election;~~] the county legislative body shall ensure that:

1184 (i) two judges are appointed from the political party that cast the highest number of
1185 votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
1186 excluding votes for unopposed candidates, in the voting precinct at the last regular general
1187 election before the appointment of the election judges; and

1188 (ii) one judge is appointed from the political party that cast the second highest number
1189 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
1190 excluding votes for unopposed candidates, in the voting precinct at the last regular general
1191 election before the appointment of the election judges.

1192 (b) For each set of two counting or receiving judges to be appointed for each voting
1193 precinct for the regular primary election [~~and Western States Presidential Primary election~~], the
1194 county legislative body shall ensure that:

1195 (i) one judge is appointed from the political party that cast the highest number of votes
1196 for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding
1197 votes for unopposed candidates, in the voting precinct at the last regular general election before
1198 the appointment of the election judges; and

1199 (ii) one judge is appointed from the political party that cast the second highest number
1200 of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer,
1201 excluding votes for unopposed candidates, in the voting precinct at the last regular general
1202 election before the appointment of the election judges.

1203 (7) When the voting precinct boundaries have been changed since the last regular

1204 general election, the county legislative body shall ensure that:

1205 (a) for the regular primary election [~~and the Western States Presidential Primary~~
1206 ~~election~~], when the county legislative body is using three receiving, counting, and canvassing
1207 judges, and regular general election, not more than two of the judges are selected from the
1208 political party that cast the highest number of votes for the offices of governor, lieutenant
1209 governor, attorney general, state auditor, and state treasurer in the territory that formed the
1210 voting precinct at the time of appointment; and

1211 (b) for the regular primary election [~~and the Western States Presidential Primary~~
1212 ~~election~~], when the county legislative body is using two receiving, counting, and canvassing
1213 judges, not more than one of the judges is selected from the political party that cast the highest
1214 number of votes for the offices of governor, lieutenant governor, attorney general, state auditor,
1215 and state treasurer in the territory that formed the voting precinct at the time of appointment.

1216 (8) The county legislative body shall provide for the appointment of any qualified
1217 county voter as an election judge when:

1218 (a) a political party fails to file the poll worker list by the filing deadline; or
1219 (b) the list is incomplete.

1220 (9) A registered voter of the county may serve as a poll worker in any voting precinct
1221 of the county.

1222 (10) If a person serves as a poll worker outside the voting precinct where the person is
1223 registered, that person may vote an absentee voter ballot.

1224 (11) The county clerk shall fill all poll worker vacancies.

1225 (12) If a conflict arises over the right to certify the poll worker lists for any political
1226 party, the county legislative body may decide between conflicting lists, but may only select
1227 names from a properly submitted list.

1228 (13) The county legislative body shall establish compensation for poll workers.

1229 (14) The county clerk may appoint additional poll workers to serve in the polling place
1230 as needed.

1231 Section 21. Section **20A-6-301** is amended to read:

1232 **20A-6-301. Paper ballots -- Regular general election.**

1233 (1) Each election officer shall ensure that:

1234 (a) all paper ballots furnished for use at the regular general election contain no captions

1235 or other endorsements except as provided in this section;

1236 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
1237 top of the ballot, and divided from the rest of ballot by a perforated line;

1238 (ii) the ballot number and the words "Poll Worker's Initial ____" are printed on the
1239 stub; and

1240 (iii) ballot stubs are numbered consecutively;

1241 (c) immediately below the perforated ballot stub, the following endorsements are
1242 printed in 18 point bold type:

1243 (i) "Official Ballot for ____ County, Utah";

1244 (ii) the date of the election; and

1245 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

1246 (d) each ticket is placed in a separate column on the ballot in the order specified under
1247 Section 20A-6-305 with the party emblem, followed by the party name, at the head of the
1248 column;

1249 (e) the party name or title is printed in capital letters not less than one-fourth of an inch
1250 high;

1251 (f) a circle one-half inch in diameter is printed immediately below the party name or
1252 title, and the top of the circle is placed not less than two inches below the perforated line;

1253 (g) unaffiliated candidates and candidates not affiliated with a registered political party
1254 are listed in one column in the order specified under Section 20A-6-305, without a party circle,
1255 with the following instructions printed at the head of the column: "All candidates not affiliated
1256 with a political party are listed below. They are to be considered with all offices and
1257 candidates listed to the left. Only one vote is allowed for each office.";

1258 (h) the columns containing the lists of candidates, including the party name and device,
1259 are separated by heavy parallel lines;

1260 (i) the offices to be filled are plainly printed immediately above the names of the
1261 candidates for those offices;

1262 (j) the names of candidates are printed in capital letters, not less than one-eighth nor
1263 more than one-fourth of an inch high in heavy-faced type not smaller than 10 point, between
1264 lines or rules three-eighths of an inch apart;

1265 (k) a square with sides measuring not less than one-fourth of an inch in length is

1266 printed immediately adjacent to the name of each candidate;

1267 (l) for the offices of president and vice president and governor and lieutenant governor,
1268 one square with sides measuring not less than one-fourth of an inch in length is printed on the
1269 same side as but opposite a double bracket enclosing the names of the two candidates;

1270 (m) immediately adjacent to the unaffiliated ticket on the ballot, the ballot contains a
1271 write-in column long enough to contain as many written names of candidates as there are
1272 persons to be elected with:

1273 (i) for each office on the ballot, the office to be filled plainly printed immediately
1274 above:

1275 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
1276 square with sides measuring not less than one-fourth of an inch in length printed immediately
1277 adjacent to the blank horizontal line; or

1278 (B) for the offices of president and vice president and governor and lieutenant
1279 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
1280 valid write-in candidates, and one square with sides measuring not less than one-fourth of an
1281 inch in length printed on the same side as but opposite a double bracket enclosing the two
1282 blank horizontal lines; and

1283 (ii) the words "Write-In Voting Column" printed at the head of the column without a
1284 one-half inch circle;

1285 (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent
1286 to the write-in ticket with the word "NONPARTISAN" in reverse type in an 18 point solid rule
1287 running vertically the full length of the nonpartisan ballot copy; and

1288 (o) constitutional amendments or other questions submitted to the vote of the people,
1289 are printed on the ballot after the list of candidates.

1290 (2) Each election officer shall ensure that:

1291 (a) each person nominated by any political party or group of petitioners is placed on the
1292 ballot:

1293 (i) under the party name and emblem, if any; or

1294 (ii) under the title of the party or group as designated by them in their certificates of
1295 nomination or petition, or, if none is designated, then under some suitable title;

1296 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,

1297 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

1298 (c) the names of the nonpartisan candidates [~~for president and vice president are used~~
1299 ~~on the ballot instead of the names of the presidential electors~~] are placed on the ballot; and

1300 (d) the ballots contain no other names.

1301 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
1302 that:

1303 (a) the designation of the office to be filled in the election and the number of
1304 candidates to be elected are printed in type not smaller than eight point;

1305 (b) the words designating the office are printed flush with the left-hand margin;

1306 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of
1307 the column;

1308 (d) the nonpartisan candidates are grouped according to the office for which they are
1309 candidates;

1310 (e) the names in each group are placed in the order specified under Section 20A-6-305
1311 with the surnames last; and

1312 (f) each group is preceded by the designation of the office for which the candidates
1313 seek election, and the words, "Vote for one" or "Vote for two or more," according to the
1314 number to be elected.

1315 (4) Each election officer shall ensure that:

1316 (a) proposed amendments to the Utah Constitution are listed on the ballot in
1317 accordance with Section 20A-6-107;

1318 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
1319 with Section 20A-6-107; and

1320 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
1321 title assigned to each bond proposition under Section 11-14-206.

1322 Section 22. Section **20A-6-305** is amended to read:

1323 **20A-6-305. Master ballot position list -- Random selection -- Procedures --**
1324 **Publication -- Surname -- Exemptions.**

1325 (1) As used in this section, "master ballot position list" means an official list of the 26
1326 characters in the alphabet listed in random order and numbered from one to 26 as provided
1327 under Subsection (2).

1328 (2) The lieutenant governor shall:
1329 (a) at the beginning of each general election year conduct a random selection to
1330 establish the master ballot position list for the current year and the next year in accordance with
1331 procedures established under Subsection (2)(c);
1332 (b) publish the master ballot position lists on the lieutenant governor's election website
1333 on or before February 1 in each regular general election year; and
1334 (c) establish written procedures for:
1335 (i) the election official to use the master ballot position list; and
1336 (ii) the lieutenant governor in:
1337 (A) conducting the random selection in a fair manner; and
1338 (B) providing a record of the random selection process used.
1339 (3) In accordance with the written procedures established under Subsection (2)(c)(i), an
1340 election officer shall use the master ballot position list for the current year to determine the
1341 order in which to list candidates on the ballot for an election held during the year.
1342 (4) To determine the order in which to list candidates on the ballot required under
1343 Subsection (3), the election officer shall apply the randomized alphabet using:
1344 (a) the candidate's surname;
1345 (b) for candidates with a surname that has the same spelling, the candidate's given
1346 name;
1347 [~~(c) the surname of the president and the surname of the governor for an election for~~
1348 ~~the offices of president and vice president and governor and lieutenant governor; and]~~
1349 ~~[(d)]~~ (c) if the ballot provides for a ticket or a straight party ticket, the registered
1350 political party name.
1351 (5) This section does not apply to:
1352 (a) an election for an office for which only one candidate is listed on the ballot; or
1353 (b) a judicial retention election under Section 20A-12-201.
1354 Section 23. Section **20A-7-201** is amended to read:
1355 **20A-7-201. Statewide initiatives -- Signature requirements -- Submission to the**
1356 **Legislature or to a vote of the people.**
1357 (1) (a) A person seeking to have an initiative submitted to the Legislature for approval
1358 or rejection shall obtain:

1359 (i) legal signatures equal to 5% of the cumulative total of all votes cast by voters of this
1360 state for all candidates for [~~President of the United States~~] governor at the last regular general
1361 election at which a [~~President of the United States~~] governor was elected; and

1362 (ii) from each of at least 26 Utah State Senate districts, legal signatures equal to 5% of
1363 the total of all votes cast in that district for all candidates for [~~President of the United States~~]
1364 governor at the last regular general election at which a [~~President of the United States~~]
1365 governor was elected.

1366 (b) If, at any time not less than 10 days before the beginning of the next annual general
1367 session of the Legislature, immediately after the application is filed under Section 20A-7-202
1368 and specified on the petition under Section 20A-7-203 the lieutenant governor declares
1369 sufficient any initiative petition that is signed by enough voters to meet the requirements of this
1370 Subsection (1), the lieutenant governor shall deliver a copy of the petition and the cover sheet
1371 required by Subsection (1)(c) to the president of the Senate, the speaker of the House, and the
1372 director of the Office of Legislative Research and General Counsel.

1373 (c) In delivering a copy of the petition, the lieutenant governor shall include a cover
1374 sheet that contains:

1375 (i) the cumulative total of all votes cast by voters of this state for all candidates for
1376 [~~President of the United States~~] governor at the last regular general election at which a
1377 [~~President of the United States~~] governor was elected;

1378 (ii) the total of all votes cast in each Utah State Senate district for all candidates for
1379 [~~President of the United States~~] governor at the last regular general election at which a
1380 [~~President of the United States~~] governor was elected;

1381 (iii) the total number of certified signatures received for the submitted initiative; and

1382 (iv) the total number of certified signatures received from each Utah State Senate
1383 district for the submitted initiative.

1384 (2) (a) A person seeking to have an initiative submitted to a vote of the people for
1385 approval or rejection shall obtain:

1386 (i) legal signatures equal to 10% of the cumulative total of all votes cast by voters of
1387 this state for all candidates for [~~President of the United States~~] governor at the last regular
1388 general election at which a [~~President of the United States~~] governor was elected; and

1389 (ii) from each of at least 26 Utah State Senate districts, legal signatures equal to 10% of

1390 the total of all votes cast in that district for all candidates for [~~President of the United States~~]
1391 governor at the last regular general election at which a [~~President of the United States~~]
1392 governor was elected.

1393 (b) If an initiative petition meets the requirements of this part and the lieutenant
1394 governor declares the initiative petition to be sufficient, the lieutenant governor shall submit
1395 the proposed law to a vote of the people at the next regular general election:

1396 (i) immediately after the application is filed under Section 20A-7-202; and

1397 (ii) specified on the petition under Section 20A-7-203.

1398 (3) The lieutenant governor shall provide the following information from the official
1399 canvass of the last regular general election at which a [~~President of the United States~~] governor
1400 was elected to any interested person:

1401 (a) the cumulative total of all votes cast by voters in this state for all candidates for
1402 [~~President of the United States~~] governor; and

1403 (b) for each Utah State Senate district, the total of all votes cast in that district for all
1404 candidates for [~~President of the United States~~] governor.

1405 Section 24. Section **20A-7-301** is amended to read:

1406 **20A-7-301. Referendum -- Signature requirements -- Submission to voters.**

1407 (1) (a) A person seeking to have a law passed by the Legislature submitted to a vote of
1408 the people shall obtain:

1409 (i) legal signatures equal to 10% of the cumulative total of all votes cast by voters of
1410 this state for all candidates for [~~President of the United States~~] governor at the last regular
1411 general election at which a [~~President of the United States~~] governor was elected; and

1412 (ii) from each of at least 15 counties, legal signatures equal to 10% of the total of all
1413 votes cast in that county for all candidates for [~~President of the United States~~] governor at the
1414 last regular general election at which a [~~President of the United States~~] governor was elected.

1415 (b) When the lieutenant governor declares a referendum petition sufficient under this
1416 part, the governor shall issue an executive order that:

1417 (i) directs that the referendum be submitted to the voters at the next regular general
1418 election; or

1419 (ii) calls a special election according to the requirements of Section 20A-1-203 and
1420 directs that the referendum be submitted to the voters at that special election.

1421 (2) When a referendum petition has been declared sufficient, the law that is the subject
1422 of the petition does not take effect unless and until it is approved by a vote of the people at a
1423 regular general election or a statewide special election.

1424 (3) The lieutenant governor shall provide to any interested person from the official
1425 canvass of the last regular general election at which a ~~[President of the United States]~~ governor
1426 was elected:

1427 (a) the cumulative total of all votes cast by voters of this state for all candidates for
1428 ~~[President of the United States]~~ governor; and

1429 (b) for each county, the total of all votes cast in that county for all candidates for
1430 ~~[President of the United States]~~ governor.

1431 Section 25. Section **20A-7-501** is amended to read:

1432 **20A-7-501. Initiatives.**

1433 (1) (a) Except as provided in Subsection (1)(b), a person seeking to have an initiative
1434 submitted to a local legislative body or to a vote of the people for approval or rejection shall
1435 obtain legal signatures equal to:

1436 (i) 10% of all the votes cast in the county, city, or town for all candidates for ~~[President~~
1437 ~~of the United States]~~ governor at the last election at which a ~~[President of the United States]~~
1438 governor was elected if the total number of votes exceeds 25,000;

1439 (ii) 12-1/2% of all the votes cast in the county, city, or town for all candidates for
1440 ~~[President of the United States]~~ governor at the last election at which a ~~[President of the United~~
1441 ~~States]~~ governor was elected if the total number of votes does not exceed 25,000 but is more
1442 than 10,000;

1443 (iii) 15% of all the votes cast in the county, city, or town for all candidates for
1444 ~~[President of the United States]~~ governor at the last election at which a ~~[President of the United~~
1445 ~~States]~~ governor was elected if the total number of votes does not exceed 10,000 but is more
1446 than 2,500;

1447 (iv) 20% of all the votes cast in the county, city, or town for all candidates for
1448 ~~[President of the United States]~~ governor at the last election at which a ~~[President of the United~~
1449 ~~States]~~ governor was elected if the total number of votes does not exceed 2,500 but is more
1450 than 500;

1451 (v) 25% of all the votes cast in the county, city, or town for all candidates for

1452 [~~President of the United States~~] governor at the last election at which a [~~President of the United~~
1453 ~~States~~] governor was elected if the total number of votes does not exceed 500 but is more than
1454 250; and

1455 (vi) 30% of all the votes cast in the county, city, or town for all candidates for
1456 [~~President of the United States~~] governor at the last election at which a [~~President of the United~~
1457 ~~States~~] governor was elected if the total number of votes does not exceed 250.

1458 (b) In addition to the signature requirements of Subsection (1)(a), a person seeking to
1459 have an initiative submitted to a local legislative body or to a vote of the people for approval or
1460 rejection in a county, city, or town where the local legislative body is elected from council
1461 districts shall obtain, from each of a majority of council districts, legal signatures equal to the
1462 percentages established in Subsection (1)(a).

1463 (2) If the total number of certified names from each verified signature sheet equals or
1464 exceeds the number of names required by this section, the clerk or recorder shall deliver the
1465 proposed law to the local legislative body at its next meeting.

1466 (3) (a) The local legislative body shall either adopt or reject the proposed law without
1467 change or amendment within 30 days of receipt of the proposed law.

1468 (b) The local legislative body may:

1469 (i) adopt the proposed law and refer it to the people;

1470 (ii) adopt the proposed law without referring it to the people; or

1471 (iii) reject the proposed law.

1472 (c) If the local legislative body adopts the proposed law but does not refer it to the
1473 people, it is subject to referendum as with other local laws.

1474 (d) (i) If a county legislative body rejects a proposed county ordinance or amendment,
1475 or takes no action on it, the county clerk shall submit it to the voters of the county at the next
1476 regular general election immediately after the petition is filed under Section 20A-7-502.

1477 (ii) If a local legislative body rejects a proposed municipal ordinance or amendment, or
1478 takes no action on it, the municipal recorder or clerk shall submit it to the voters of the
1479 municipality at the next municipal general election immediately after the petition is filed under
1480 Section 20A-7-502.

1481 (e) (i) If the local legislative body rejects the proposed ordinance or amendment, or
1482 takes no action on it, the local legislative body may adopt a competing local law.

1483 (ii) The local legislative body shall prepare and adopt the competing local law within
1484 the 30 days allowed for its action on the measure proposed by initiative petition.

1485 (iii) If the local legislative body adopts a competing local law, the clerk or recorder
1486 shall submit it to the voters of the county or municipality at the same election at which the
1487 initiative proposal is submitted.

1488 (f) If conflicting local laws are submitted to the people at the same election and two or
1489 more of the conflicting measures are approved by the people, then the measure that receives the
1490 greatest number of affirmative votes shall control all conflicts.

1491 Section 26. Section **20A-7-601** is amended to read:

1492 **20A-7-601. Referenda -- General signature requirements -- Signature**
1493 **requirements for land use and local obligation laws -- Time requirements.**

1494 (1) Except as provided in Subsection (2), a person seeking to have a law passed by the
1495 local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

1496 (a) 10% of all the votes cast in the county, city, or town for all candidates for [~~President~~
1497 ~~of the United States~~] governor at the last election at which a [~~President of the United States~~]
1498 governor was elected if the total number of votes exceeds 25,000;

1499 (b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for
1500 [~~President of the United States~~] governor at the last election at which a [~~President of the United~~
1501 ~~States~~] governor was elected if the total number of votes does not exceed 25,000 but is more
1502 than 10,000;

1503 (c) 15% of all the votes cast in the county, city, or town for all candidates for [~~President~~
1504 ~~of the United States~~] governor at the last election at which a [~~President of the United States~~]
1505 governor was elected if the total number of votes does not exceed 10,000 but is more than
1506 2,500;

1507 (d) 20% of all the votes cast in the county, city, or town for all candidates for
1508 [~~President of the United States~~] governor at the last election at which a [~~President of the United~~
1509 ~~States~~] governor was elected if the total number of votes does not exceed 2,500 but is more
1510 than 500;

1511 (e) 25% of all the votes cast in the county, city, or town for all candidates for [~~President~~
1512 ~~of the United States~~] governor at the last election at which a [~~President of the United States~~]
1513 governor was elected if the total number of votes does not exceed 500 but is more than 250;

1514 and

1515 (f) 30% of all the votes cast in the county, city, or town for all candidates for [~~President~~
1516 ~~of the United States~~] governor at the last election at which a [~~President of the United States~~]
1517 governor was elected if the total number of votes does not exceed 250.

1518 (2) (a) As used in this Subsection (2), "land use law" includes a land use development
1519 code, an annexation ordinance, and comprehensive zoning ordinances.

1520 (b) A person seeking to have a land use law or local obligation law passed by the local
1521 legislative body submitted to a vote of the people shall obtain legal signatures equal to:

1522 (i) in a county or in a city of the first or second class, 20% of all votes cast in the
1523 county or city for all candidates for [~~President of the United States~~] governor at the last election
1524 at which a [~~President of the United States~~] governor was elected; and

1525 (ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the
1526 city or town for all candidates for [~~President of the United States~~] governor at the last election
1527 at which a [~~President of the United States~~] governor was elected.

1528 (3) A local obligation law or a proceeding related to the local obligation law is not
1529 subject to referendum except as provided by this section.

1530 (4) (a) Sponsors of any referendum petition challenging, under Subsection (1) or (2),
1531 any local law passed by a local legislative body shall file the application within five days after
1532 the passage of the local law.

1533 (b) When a referendum petition has been declared sufficient, the local law that is the
1534 subject of the petition does not take effect unless and until the local law is approved by a vote
1535 of the people.

1536 (5) If the referendum passes, the local law that was challenged by the referendum is
1537 repealed as of the date of the election.

1538 Section 27. Section **20A-8-106** is amended to read:

1539 **20A-8-106. Organization as a political party -- Certification procedures.**

1540 (1) On or before March 1 of the regular general election year, the prospective political
1541 party's officers or governing board shall file the names of the party officers or governing board
1542 with the lieutenant governor.

1543 (2) After reviewing the information and determining that all proper procedures have
1544 been completed, the lieutenant governor shall:

1545 (a) issue a certificate naming the organization as a registered political party in Utah and
1546 designating its official name; and

1547 (b) inform each county clerk that the organization is a registered political party in Utah.

1548 (3) All election officers and state officials shall consider the organization to be and
1549 shall treat the organization as a registered political party.

1550 (4) The newly registered political party shall comply with all the provisions of Utah
1551 law governing political parties.

1552 ~~[(5)(a) If the newly registered political party does not hold a national party convention,~~
1553 ~~the governing board of the political party may designate the names of the party's candidates for~~
1554 ~~the offices of President and Vice President of the United States and the names of the party's~~
1555 ~~presidential electors to the lieutenant governor by August 15.]~~

1556 ~~[(b) If the party chooses to designate names, the governing board shall certify those~~
1557 ~~names.]~~

1558 Section 28. Section **20A-8-401** is amended to read:

1559 **20A-8-401. Registered political parties -- Bylaws.**

1560 (1) (a) Each registered state political party shall file a copy of its constitution and
1561 bylaws with the lieutenant governor by January 1, 1995.

1562 (b) Each new or unregistered state political party that seeks to become a registered
1563 political party under the authority of this chapter shall file a copy of its proposed constitution
1564 and bylaws at the time it files its registration information.

1565 (c) Each registered state political party shall file revised copies of its constitution or
1566 bylaws with the lieutenant governor within 15 days after the constitution or bylaws are adopted
1567 or amended.

1568 (2) Each state political party, each new political party seeking registration, and each
1569 unregistered political party seeking registration shall ensure that its constitution or bylaws
1570 contain:

1571 (a) provisions establishing party organization, structure, membership, and governance
1572 that include:

1573 (i) a description of the position, selection process, qualifications, duties, and terms of
1574 each party officer and committees defined by constitution and bylaws;

1575 (ii) a provision requiring a designated party officer to serve as liaison with:

- 1576 (A) the lieutenant governor on all matters relating to the political party's relationship
1577 with the state; and
- 1578 (B) each county legislative body on matters relating to the political party's relationship
1579 with a county;
- 1580 (iii) a description of the requirements for participation in party processes;
- 1581 (iv) the dates, times, and quorum of any regularly scheduled party meetings,
1582 conventions, or other conclaves; and
- 1583 (v) a mechanism for making the names of delegates, candidates, and elected party
1584 officers available to the public shortly after they are selected;
- 1585 (b) a procedure for selecting party officers that allows active participation by party
1586 members;
- 1587 (c) a procedure for selecting party candidates at the federal, state, and county levels that
1588 allows active participation by party members;
- 1589 ~~[(d) (i) a procedure for selecting electors who are pledged to cast their votes in the
1590 electoral college for the party's candidates for president and vice president of the United States;
1591 and]~~
- 1592 ~~[(ii) a procedure for filling vacancies in the office of presidential elector because of
1593 death, refusal to act, failure to attend, ineligibility, or any other cause;]~~
- 1594 ~~[(e)]~~ (d) a procedure for filling vacancies in the office of representative or senator or a
1595 county office, as described in Section 20A-1-508, because of death, resignation, or ineligibility;
- 1596 ~~[(f)]~~ (e) a provision requiring the governor and lieutenant governor to run as a joint
1597 ticket;
- 1598 ~~[(g)]~~ (f) a procedure for replacing party candidates who die, acquire a disability, or are
1599 disqualified before a primary or regular general election;
- 1600 ~~[(h)]~~ (g) provisions governing the deposit and expenditure of party funds, and
1601 governing the accounting for, reporting, and audit of party financial transactions;
- 1602 ~~[(i)]~~ (h) provisions governing access to party records;
- 1603 ~~[(j)]~~ (i) a procedure for amending the constitution or bylaws that allows active
1604 participation by party members or their representatives;
- 1605 ~~[(k)]~~ (j) a process for resolving grievances against the political party; and
- 1606 ~~[(l)]~~ (k) if desired by the political party, a process for consulting with, and obtaining the

1607 opinion of, the political party's Utah Senate and Utah House members about:

1608 (i) the performance of the two United States Senators from Utah, including

1609 specifically:

1610 (A) their views and actions regarding the defense of state's rights and federalism; and

1611 (B) their performance in representing Utah's interests;

1612 (ii) the members' opinion about, or rating of, and support or opposition to the policy

1613 positions of any candidates for United States Senate from Utah, including incumbents,

1614 including specifically:

1615 (A) their views and actions regarding the defense of state's rights and federalism; and

1616 (B) their performance in representing Utah's interests; and

1617 (iii) the members' collective or individual endorsement or rating of a particular

1618 candidate for United States Senate from Utah.

1619 Section 29. Section **20A-9-101** is amended to read:

1620 **20A-9-101. Definitions.**

1621 As used in this chapter:

1622 (1) (a) "Candidates for elective office" means persons selected by a registered political
1623 party as party candidates to run in a regular general election.

1624 (b) "Candidates for elective office" does not mean candidates for:

1625 (i) justice or judge of court of record or not of record;

1626 (ii) presidential elector;

1627 (iii) any political party offices; and

1628 (iv) municipal or local district offices.

1629 (2) "Constitutional office" means the state offices of governor, lieutenant governor,
1630 attorney general, state auditor, and state treasurer.

1631 (3) (a) "County office" means an elective office where the office holder is selected by
1632 voters entirely within one county.

1633 (b) "County office" does not mean:

1634 (i) the office of justice or judge of any court of record or not of record;

1635 (ii) the office of presidential elector;

1636 (iii) any political party offices;

1637 (iv) any municipal or local district offices; and

- 1638 (v) the office of United States Senator and United States Representative.
- 1639 (4) "Federal office" means an elective office for United States Senator and United
1640 States Representative.
- 1641 (5) "Filing officer" means:
- 1642 (a) the lieutenant governor, for:
- 1643 (i) offices whose political division contains territory in two or more counties;
- 1644 (ii) the office of United States Senator and United States Representative; [~~and~~]
- 1645 (iii) all constitutional offices; and
- 1646 (iv) office of presidential elector;
- 1647 (b) the county clerk, for county offices and local school district offices;
- 1648 (c) the city or town clerk, for municipal offices; and
- 1649 (d) the local district clerk, for local district offices.
- 1650 (6) "Local district office" means an elected office in a local district.
- 1651 (7) "Local government office" includes county offices, municipal offices, and local
1652 district offices and other elective offices selected by the voters from a political division entirely
1653 within one county.
- 1654 (8) (a) "Multi-county office" means an elective office where the office holder is
1655 selected by the voters from more than one county.
- 1656 (b) "Multi-county office" does not mean:
- 1657 (i) a county office;
- 1658 (ii) a federal office;
- 1659 (iii) the office of justice or judge of any court of record or not of record;
- 1660 (iv) the office of presidential elector;
- 1661 (v) any political party offices; and
- 1662 (vi) any municipal or local district offices.
- 1663 (9) "Municipal office" means an elective office in a municipality.
- 1664 (10) (a) "Political division" means a geographic unit from which an office holder is
1665 elected and that an office holder represents.
- 1666 (b) "Political division" includes a county, a city, a town, a local district, a school
1667 district, a legislative district, and a county prosecution district.
- 1668 Section 30. Section **20A-9-201** is amended to read:

1669 **20A-9-201. Declarations of candidacy -- Candidacy for more than one office or of**
1670 **more than one political party prohibited with exceptions -- General filing and form**
1671 **requirements -- Affidavit of impecuniosity.**

1672 (1) Before filing a declaration of candidacy for election to any office, a person shall:

1673 (a) be a United States citizen; and

1674 (b) meet the legal requirements of that office.

1675 (2) (a) Except as provided in Subsection (2)(b), a person may not:

1676 (i) file a declaration of candidacy for, or be a candidate for, more than one office in

1677 Utah during any election year; or

1678 (ii) appear on the ballot as the candidate of more than one political party.

1679 ~~[(b)(i) A person may file a declaration of candidacy for, or be a candidate for,~~

1680 ~~President or Vice President of the United States and another office, if the person resigns the~~

1681 ~~person's candidacy for the other office after the person is officially nominated for President or~~

1682 ~~Vice President of the United States.]~~

1683 ~~[(ii)]~~ (b) A person may file a declaration of candidacy for, or be a candidate for, more

1684 than one justice court judge office.

1685 (3) (a) (i) ~~[Except for presidential candidates, before]~~ Before the filing officer may
1686 accept any declaration of candidacy, the filing officer shall:

1687 (A) read to the prospective candidate the constitutional and statutory qualification
1688 requirements for the office that the candidate is seeking; and

1689 (B) require the candidate to state whether or not the candidate meets those
1690 requirements.

1691 (ii) Before accepting a declaration of candidacy for the office of county attorney, the
1692 county clerk shall ensure that the person filing that declaration of candidacy is:

1693 (A) a United States citizen;

1694 (B) an attorney licensed to practice law in Utah who is an active member in good
1695 standing of the Utah State Bar;

1696 (C) a registered voter in the county in which the person is seeking office; and

1697 (D) a current resident of the county in which the person is seeking office and either has
1698 been a resident of that county for at least one year or was appointed and is currently serving as

1699 county attorney and became a resident of the county within 30 days after appointment to the

1700 office.

1701 (iii) Before accepting a declaration of candidacy for the office of district attorney, the
1702 county clerk shall ensure that, as of the date of the election, the person filing that declaration of
1703 candidacy is:

1704 (A) a United States citizen;

1705 (B) an attorney licensed to practice law in Utah who is an active member in good
1706 standing of the Utah State Bar;

1707 (C) a registered voter in the prosecution district in which the person is seeking office;

1708 and

1709 (D) a current resident of the prosecution district in which the person is seeking office
1710 and either will have been a resident of that prosecution district for at least one year as of the
1711 date of the election or was appointed and is currently serving as district attorney and became a
1712 resident of the prosecution district within 30 days after receiving appointment to the office.

1713 (iv) Before accepting a declaration of candidacy for the office of county sheriff, the
1714 county clerk shall ensure that the person filing the declaration of candidacy:

1715 (A) as of the date of filing:

1716 (I) is a United States citizen;

1717 (II) is a registered voter in the county in which the person seeks office;

1718 (III) (Aa) has successfully met the standards and training requirements established for
1719 law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and
1720 Certification Act; or

1721 (Bb) has met the waiver requirements in Section 53-6-206; and

1722 (IV) is qualified to be certified as a law enforcement officer, as defined in Section
1723 53-13-103; and

1724 (B) as of the date of the election, shall have been a resident of the county in which the
1725 person seeks office for at least one year.

1726 (v) Before accepting a declaration of candidacy for the office of presidential elector,
1727 governor, lieutenant governor, state auditor, state treasurer, attorney general, state legislator, or
1728 State Board of Education member, the filing officer shall ensure:

1729 (A) that the person filing the declaration of candidacy also files the financial disclosure
1730 required by Section 20A-11-1603; and

1731 (B) if the filing officer is not the lieutenant governor, that the financial disclosure is
1732 provided to the lieutenant governor according to the procedures and requirements of Section
1733 20A-11-1603.

1734 (b) If the prospective candidate states that the qualification requirements for the office
1735 are not met, the filing officer may not accept the prospective candidate's declaration of
1736 candidacy.

1737 (c) If the candidate meets the requirements of Subsection (3)(a) and states that the
1738 requirements of candidacy are met, the filing officer shall:

1739 (i) inform the candidate that:

1740 (A) the candidate's name will appear on the ballot as it is written on the declaration of
1741 candidacy;

1742 (B) the candidate may be required to comply with state or local campaign finance
1743 disclosure laws; and

1744 (C) the candidate is required to file a financial statement before the candidate's political
1745 convention under:

1746 (I) Section 20A-11-204 for a candidate for constitutional office;

1747 (II) Section 20A-11-303 for a candidate for the Legislature; or

1748 (III) local campaign finance disclosure laws, if applicable;

1749 (ii) [~~except for a presidential candidate;~~] provide the candidate with a copy of the
1750 current campaign financial disclosure laws for the office the candidate is seeking and inform
1751 the candidate that failure to comply will result in disqualification as a candidate and removal of
1752 the candidate's name from the ballot;

1753 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
1754 Electronic Voter Information Website Program and inform the candidate of the submission
1755 deadline under Subsection 20A-7-801(4)(a);

1756 (iv) provide the candidate with a copy of the pledge of fair campaign practices
1757 described under Section 20A-9-206 and inform the candidate that:

1758 (A) signing the pledge is voluntary; and

1759 (B) signed pledges shall be filed with the filing officer;

1760 (v) accept the candidate's declaration of candidacy; and

1761 (vi) if the candidate has filed for a partisan office, provide a certified copy of the

1762 declaration of candidacy to the chair of the county or state political party of which the
1763 candidate is a member.

1764 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
1765 officer shall:

1766 (i) accept the candidate's pledge; and

1767 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
1768 candidate's pledge to the chair of the county or state political party of which the candidate is a
1769 member.

1770 (4) [~~Except for presidential candidates, the~~] The form of the declaration of candidacy
1771 shall be substantially as follows:

1772 "State of Utah, County of _____

1773 I, _____, declare my intention of becoming a candidate for the office
1774 of _____ as a candidate for the _____ party (unless the office is nonpartisan). I do
1775 solemnly swear that: I will meet the qualifications to hold the office, both legally and
1776 constitutionally, if selected; I reside at _____ in the City or Town of _____,
1777 Utah, Zip Code _____ Phone No. _____; I will not knowingly violate any law governing
1778 campaigns and elections; I will file all campaign financial disclosure reports as required
1779 by law; and I understand that failure to do so will result in my disqualification as a
1780 candidate for this office and removal of my name from the ballot. The mailing address
1781 that I designate for receiving official election notices is

1782 _____.

1783 _____

1784 Subscribed and sworn before me this _____(month\day\year).

1785 _____
Notary Public (or other officer qualified to administer oath.)"

1786 (5) (a) [~~Except for presidential candidates, the~~] The fee for filing a declaration of
1787 candidacy is:

1788 (i) \$25 for candidates for:

1789 (A) the local school district board; and

1790 (B) presidential elector; and

1791 (ii) 1/8 of 1% of the total salary for the full term of office legally paid to the person
1792 holding the office, but not less than \$5, for all other federal, state, and county offices.

1793 (b) [~~Except for presidential candidates, the~~] The filing officer shall refund the filing fee
1794 to any candidate:

1795 (i) who is disqualified; or

1796 (ii) who the filing officer determines has filed improperly.

1797 (c) (i) The county clerk shall immediately pay to the county treasurer all fees received
1798 from candidates.

1799 (ii) The lieutenant governor shall:

1800 (A) apportion to and pay to the county treasurers of the various counties all fees
1801 received for filing of nomination certificates or acceptances; and

1802 (B) ensure that each county receives that proportion of the total amount paid to the
1803 lieutenant governor from the congressional district that the total vote of that county for all
1804 candidates for representative in Congress bears to the total vote of all counties within the
1805 congressional district for all candidates for representative in Congress.

1806 (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy
1807 without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by
1808 an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer,
1809 a financial statement filed at the time the affidavit is submitted.

1810 (ii) A person who is able to pay the filing fee may not claim impecuniosity.

1811 (iii) (A) False statements made on an affidavit of impecuniosity or a financial
1812 statement filed under this section shall be subject to the criminal penalties provided under
1813 Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.

1814 (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be
1815 considered an offense under this title for the purposes of assessing the penalties provided in
1816 Subsection 20A-1-609(2).

1817 (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in
1818 substantially the following form:

1819 "Affidavit of Impecuniosity

1820 Individual Name

1821 _____ Address _____

1822 Phone Number _____

1823 I, _____ (name), do solemnly [swear] [affirm], under penalty of law

1824 for false statements, that, owing to my poverty, I am unable to pay the filing fee required by
1825 law.

1826 Date _____ Signature _____

1827 Affiant

1828 Subscribed and sworn to before me on _____ (month\day\year)

1829 _____
1830 (signature)

1831 Name and Title of Officer Authorized to Administer Oath _____"

1832 (v) The filing officer shall provide to a person who requests an affidavit of
1833 impecuniosity a statement printed in substantially the following form, which may be included
1834 on the affidavit of impecuniosity:

1835 "Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a
1836 candidate who is found guilty of filing a false statement, in addition to being subject to criminal
1837 penalties, will be removed from the ballot."

1838 (vi) The filing officer may request that a person who makes a claim of impecuniosity
1839 under this Subsection (5)(d) file a financial statement on a form prepared by the election
1840 official.

1841 [~~(6) If there is no legislative appropriation for the Western States Presidential Primary~~
1842 ~~election, as provided in Part 8, Western States Presidential Primary, a candidate for President~~
1843 ~~of the United States who is affiliated with a registered political party and chooses to participate~~
1844 ~~in the regular primary election shall:]~~

1845 [~~(a) file a declaration of candidacy, in person or via a designated agent, with the~~
1846 ~~lieutenant governor:]~~

1847 [~~(i) on a form developed and provided by the lieutenant governor; and]~~

1848 [~~(ii) on or after the second Friday in March and before 5 p.m. on the third Thursday in~~
1849 ~~March before the next regular primary election;]~~

1850 [~~(b) identify the registered political party whose nomination the candidate is seeking;]~~

1851 [~~(c) provide a letter from the registered political party certifying that the candidate may~~
1852 ~~participate as a candidate for that party in that party's presidential primary election; and]~~

1853 [~~(d) pay the filing fee of \$500.]~~

1854 [~~(7)~~] (6) Any person who fails to file a declaration of candidacy or certificate of

1855 nomination within the time provided in this chapter is ineligible for nomination to office.

1856 ~~[(8)]~~ (7) A declaration of candidacy filed under this section may not be amended or
1857 modified after the final date established for filing a declaration of candidacy.

1858 Section 31. Section **20A-9-202** is amended to read:

1859 **20A-9-202. Declarations of candidacy for regular general elections --**
1860 **Requirements for candidates.**

1861 (1) (a) Each person seeking to become a candidate for elective office for any county
1862 office that is to be filled at the next regular general election shall:

1863 (i) file a declaration of candidacy in person with the county clerk on or after the second
1864 Friday in March and before 5 p.m. on the third Thursday in March before the next regular
1865 general election; and

1866 (ii) pay the filing fee.

1867 (b) Each person intending to become a candidate for any legislative office or
1868 multicounty office that is to be filled at the next regular general election shall:

1869 (i) file a declaration of candidacy in person with either the lieutenant governor or the
1870 county clerk in the candidate's county of residence on or after the second Friday in March and
1871 before 5 p.m. on the third Thursday in March before the next regular general election; and

1872 (ii) pay the filing fee.

1873 (c) (i) Each county clerk who receives a declaration of candidacy from a candidate for
1874 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
1875 candidacy to the lieutenant governor within one working day after it is filed.

1876 (ii) Each day during the filing period, each county clerk shall notify the lieutenant
1877 governor electronically or by telephone of legislative candidates who have filed in their office.

1878 (d) Each person seeking to become a candidate for ~~[elective office for any]~~ presidential
1879 elector, federal office, or constitutional office that is to be filled at the next regular general
1880 election shall:

1881 (i) file a declaration of candidacy in person with the lieutenant governor on or after the
1882 second Friday in March and before 5 p.m. on the third Thursday in March before the next
1883 regular general election; and

1884 (ii) pay the filing fee.

1885 (e) Each person seeking the office of lieutenant governor[;] or the office of district

1886 attorney~~[, or the office of President or Vice President of the United States]~~ shall comply with
1887 the specific declaration of candidacy requirements established by this section.

1888 (2) (a) Each person intending to become a candidate for the office of district attorney
1889 within a multicounty prosecution district that is to be filled at the next regular general election
1890 shall:

1891 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
1892 creating the prosecution district on or after the second Friday in March and before 5 p.m. on the
1893 third Thursday in March before the next regular general election; and

1894 (ii) pay the filing fee.

1895 (b) The designated clerk shall provide to the county clerk of each county in the
1896 prosecution district a certified copy of each declaration of candidacy filed for the office of
1897 district attorney.

1898 (3) (a) Within five working days of nomination, each lieutenant governor candidate
1899 shall:

1900 (i) file a declaration of candidacy with the lieutenant governor; and

1901 (ii) pay the filing fee.

1902 (b) (i) Any candidate for lieutenant governor who fails to file within five working days
1903 is disqualified.

1904 (ii) If a lieutenant governor is disqualified, another candidate shall be nominated to
1905 replace the disqualified candidate.

1906 [~~(4) Each registered political party shall:~~]

1907 [~~(a) certify the names of its candidates for President and Vice President of the United
1908 States to the lieutenant governor no later than August 31; or]~~

1909 [~~(b) provide written authorization for the lieutenant governor to accept the certification
1910 of candidates for President and Vice President of the United States from the national office of
1911 the registered political party.]~~

1912 [~~(5)~~] (4) (a) A declaration of candidacy filed under this section is valid unless a written
1913 objection is filed with the clerk or lieutenant governor within five days after the last day for
1914 filing.

1915 (b) If an objection is made, the clerk or lieutenant governor shall:

1916 (i) mail or personally deliver notice of the objection to the affected candidate

1917 immediately; and

1918 (ii) decide any objection within 48 hours after it is filed.

1919 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
1920 problem by amending the declaration or petition within three days after the objection is
1921 sustained or by filing a new declaration within three days after the objection is sustained.

1922 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.

1923 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
1924 by a district court if prompt application is made to the court.

1925 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
1926 of its discretion, agrees to review the lower court decision.

1927 [~~6~~] (5) Any person who filed a declaration of candidacy may withdraw as a candidate
1928 by filing a written affidavit with the clerk.

1929 Section 32. Section **20A-9-403** is amended to read:

1930 **20A-9-403. Regular primary elections.**

1931 (1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular
1932 primary election day.

1933 (b) Each registered political party that chooses to use the primary election process to
1934 nominate some or all of its candidates shall comply with the requirements of this section.

1935 (2) (a) As a condition for using the state's election system, each registered political
1936 party that wishes to participate in the primary election shall:

1937 (i) declare their intent to participate in the primary election;

1938 (ii) identify one or more registered political parties whose members may vote for the
1939 registered political party's candidates and whether or not persons identified as unaffiliated with
1940 a political party may vote for the registered political party's candidates; and

1941 (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1
1942 of each even-numbered year.

1943 (b) As a condition for using the state's election system, each registered political party
1944 that wishes to participate in the primary election shall:

1945 (i) certify the name and office of all of the registered political party's candidates to the
1946 lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of
1947 each even-numbered year; and

1948 (ii) certify the name and office of each of its county candidates to the county clerks by
1949 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year.

1950 (c) (i) By 5 p.m. on the first Wednesday after the third Saturday in April of each
1951 even-numbered year, the lieutenant governor shall send the county clerks a certified list of the
1952 names of all statewide candidates, multicounty candidates, or single county candidates that
1953 shall be printed on the primary ballot and the order the candidates are to appear on the ballot in
1954 accordance with Section 20A-6-305.

1955 (ii) The certified list described in Subsection (2)(c)(i) shall contain the names of all
1956 persons who have filed a declaration of candidacy for presidential elector that shall be printed
1957 on the nonpartisan section of the primary ballot if the number of persons who filed a
1958 declaration of candidacy for presidential elector exceeds the number equal to the whole number
1959 of senators and representatives to which the state is entitled in the Congress.

1960 (d) [~~Except for presidential candidates, if~~] If a registered political party does not wish
1961 to participate in the primary election, it shall submit the names of its county candidates to the
1962 county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May
1963 30 of each even-numbered year.

1964 (3) The county clerk shall:

1965 (a) review the declarations of candidacy filed by candidates for local boards of
1966 education to determine if more than two candidates have filed for the same seat;

1967 (b) place the names of all candidates who have filed a declaration of candidacy for a
1968 local board of education seat on the nonpartisan section of the ballot if more than two
1969 candidates have filed for the same seat; and

1970 (c) determine the order of the candidates' names on the ballot in accordance with
1971 Section 20A-6-305.

1972 (4) After the county clerk receives the certified list from a registered political party, the
1973 county clerk shall post or publish a primary election notice in substantially the following form:

1974 "Notice is given that a primary election will be held Tuesday, June _____,
1975 _____(year), to nominate party candidates for the parties and nonpartisan offices listed on
1976 the primary ballot. The polling place for voting precinct _____ is _____. The polls will open at 7
1977 a.m. and continue open until 8 p.m. of the same day. Attest: county clerk."

1978 (5) (a) Candidates[~~, other than presidential candidates,~~] receiving the highest number of

1979 votes cast for each office at the regular primary election are nominated by their party or
1980 nonpartisan group for that office.

1981 (b) (i) If two or more candidates, other than presidential elector candidates, are to be
1982 elected to the office at the regular general election, those party candidates equal in number to
1983 positions to be filled who receive the highest number of votes at the regular primary election
1984 are the nominees of their party for those positions.

1985 (ii) If two or more nonpartisan candidates are to be elected to the office at the regular
1986 general election, those candidates double in number to the positions to be filled who receive the
1987 highest number of votes at the regular primary election are the nominees for those positions.

1988 (6) (a) When a tie vote occurs in any primary election for any national, state, or other
1989 office that represents more than one county, the governor, lieutenant governor, and attorney
1990 general shall, at a public meeting called by the governor and in the presence of the candidates
1991 involved, select the nominee by lot cast in whatever manner the governor determines.

1992 (b) When a tie vote occurs in any primary election for any county office, the district
1993 court judges of the district in which the county is located shall, at a public meeting called by
1994 the judges and in the presence of the candidates involved, select the nominee by lot cast in
1995 whatever manner the judges determine.

1996 (7) The expense of providing all ballots, blanks, or other supplies to be used at any
1997 primary election provided for by this section, and all expenses necessarily incurred in the
1998 preparation for or the conduct of that primary election shall be paid out of the treasury of the
1999 county or state, in the same manner as for the regular general elections.

2000 Section 33. Section **20A-9-503** is amended to read:

2001 **20A-9-503. Certificate of nomination -- Filing -- Fees.**

2002 (1) After the certificate of nomination has been certified, executed, and acknowledged
2003 by the county clerk, the candidate shall:

2004 (a) between the second Friday in March and the close of normal office hours on the
2005 third Thursday in March of the year in which the regular general election will be held, file the
2006 petition in person with:

2007 (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or
2008 a federal office; or

2009 (ii) the county clerk, if the office the candidate seeks is a county office; and

2010 (iii) pay the filing fee; or
2011 (b) not later than the close of normal office hours on June 15 of any odd-numbered
2012 year, file the petition in person with:

- 2013 (i) the municipal clerk, if the candidate seeks an office in a city or town;
- 2014 (ii) the local district clerk, if the candidate seeks an office in a local district; and
- 2015 (iii) pay the filing fee.

2016 (2) (a) At the time of filing, and before accepting the petition, the filing officer shall
2017 read the constitutional and statutory requirements for candidacy to the candidate.

2018 (b) If the candidate states that he does not meet the requirements, the filing officer may
2019 not accept the petition.

2020 ~~[(3) (a) Persons filing a certificate of nomination for President of the United States~~
2021 ~~under this section shall pay a filing fee of \$500.]~~

2022 ~~[(b) Notwithstanding Subsection (1), a person filing a certificate of nomination for~~
2023 ~~President or Vice President of the United States:]~~

2024 ~~[(i) may file the certificate of nomination between the second Friday in March and the~~
2025 ~~close of normal office hours on August 15 of the year in which the regular general election will~~
2026 ~~be held; and]~~

2027 ~~[(ii) may use a designated agent to file the certificate of nomination.]~~

2028 Section 34. Section **20A-9-601** is amended to read:

2029 **20A-9-601. Qualifying as a write-in candidate.**

2030 (1) (a) Each person wishing to become a valid write-in candidate shall file a declaration
2031 of candidacy in person [~~or through a designated agent for a candidate for President or Vice~~
2032 ~~President of the United States]~~ with the appropriate filing officer not later than 30 days before
2033 the regular general election or 45 days before a municipal general election in which the person
2034 intends to be a write-in candidate.

2035 (b) (i) The filing officer shall:

2036 (A) read to the candidate the constitutional and statutory requirements for the office;
2037 and

2038 (B) ask the candidate whether or not the candidate meets the requirements.

2039 (ii) If the candidate cannot meet the requirements of office, the filing officer may not
2040 accept the write-in candidate's declaration of candidacy.

2041 (2) By November 1 of each regular general election year, the lieutenant governor shall
2042 certify to each county clerk the names of all write-in candidates who filed their declaration of
2043 candidacy with the lieutenant governor.

2044 Section 35. Section **20A-9-701** is amended to read:

2045 **20A-9-701. Certification of party candidates to county clerks -- Display on ballot.**

2046 (1) No later than August 31 of each regular general election year, the lieutenant
2047 governor shall certify to each county clerk the names of each:

2048 (a) candidate~~[, including candidates for president and vice president,]~~ certified by each
2049 registered political party as that party's nominees for offices to be voted upon at the regular
2050 general election in that county clerk's county~~[-]; and~~

2051 (b) nonpartisan candidate for offices to be voted upon at the regular general election in
2052 that county clerk's county.

2053 (2) The names shall be certified by the lieutenant governor and shall be displayed on
2054 the ballot as they are provided on the candidate's declaration of candidacy.

2055 Section 36. Section **20A-11-101** is amended to read:

2056 **20A-11-101. Definitions.**

2057 As used in this chapter:

2058 (1) "Address" means the number and street where an individual resides or where a
2059 reporting entity has its principal office.

2060 (2) "Ballot proposition" includes initiatives, referenda, proposed constitutional
2061 amendments, and any other ballot propositions submitted to the voters that are authorized by
2062 the Utah Code Annotated 1953.

2063 (3) "Candidate" means any person who:

2064 (a) files a declaration of candidacy for a public office; or

2065 (b) receives contributions, makes expenditures, or gives consent for any other person to
2066 receive contributions or make expenditures to bring about the person's nomination or election
2067 to a public office.

2068 (4) "Chief election officer" means:

2069 (a) the lieutenant governor for presidential elector candidates, state office candidates,
2070 legislative office candidates, officeholders, political parties, political action committees,
2071 corporations, political issues committees, state school board candidates, judges, and labor

2072 organizations, as defined in Section 20A-11-1501; and
2073 (b) the county clerk for local school board candidates.
2074 (5) (a) "Contribution" means any of the following when done for political purposes:
2075 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of
2076 value given to the filing entity;
2077 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,
2078 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
2079 anything of value to the filing entity;
2080 (iii) any transfer of funds from another reporting entity to the filing entity;
2081 (iv) compensation paid by any person or reporting entity other than the filing entity for
2082 personal services provided without charge to the filing entity;
2083 (v) remuneration from:
2084 (A) any organization or its directly affiliated organization that has a registered lobbyist;
2085 or
2086 (B) any agency or subdivision of the state, including school districts; and
2087 (vi) goods or services provided to or for the benefit of the filing entity at less than fair
2088 market value.
2089 (b) "Contribution" does not include:
2090 (i) services provided without compensation by individuals volunteering a portion or all
2091 of their time on behalf of the filing entity;
2092 (ii) money lent to the filing entity by a financial institution in the ordinary course of
2093 business; or
2094 (iii) goods or services provided for the benefit of a candidate or political party at less
2095 than fair market value that are not authorized by or coordinated with the candidate or political
2096 party.
2097 (6) "Coordinated with" means that goods or services provided for the benefit of a
2098 candidate or political party are provided:
2099 (a) with the candidate's or political party's prior knowledge, if the candidate or political
2100 party does not object;
2101 (b) by agreement with the candidate or political party;
2102 (c) in coordination with the candidate or political party; or

2103 (d) using official logos, slogans, and similar elements belonging to a candidate or
2104 political party.

2105 (7) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
2106 organization that is registered as a corporation or is authorized to do business in a state and
2107 makes any expenditure from corporate funds for:

2108 (i) the purpose of expressly advocating for political purposes; or

2109 (ii) the purpose of expressly advocating the approval or the defeat of any ballot
2110 proposition.

2111 (b) "Corporation" does not mean:

2112 (i) a business organization's political action committee or political issues committee; or

2113 (ii) a business entity organized as a partnership or a sole proprietorship.

2114 (8) "County political party" means, for each registered political party, all of the persons
2115 within a single county who, under definitions established by the political party, are members of
2116 the registered political party.

2117 (9) "County political party officer" means a person whose name is required to be
2118 submitted by a county political party to the lieutenant governor in accordance with Section
2119 20A-8-402.

2120 (10) "Detailed listing" means:

2121 (a) for each contribution or public service assistance:

2122 (i) the name and address of the individual or source making the contribution or public
2123 service assistance;

2124 (ii) the amount or value of the contribution or public service assistance; and

2125 (iii) the date the contribution or public service assistance was made; and

2126 (b) for each expenditure:

2127 (i) the amount of the expenditure;

2128 (ii) the person or entity to whom it was disbursed;

2129 (iii) the specific purpose, item, or service acquired by the expenditure; and

2130 (iv) the date the expenditure was made.

2131 (11) "Election" means each:

2132 (a) regular general election;

2133 (b) regular primary election; and

- 2134 (c) special election at which candidates are eliminated and selected.
- 2135 (12) "Electioneering communication" means a communication that:
- 2136 (a) has at least a value of \$10,000;
- 2137 (b) clearly identifies a candidate or judge; and
- 2138 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising
2139 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly
2140 identified candidate's or judge's election date.
- 2141 (13) (a) "Expenditure" means:
- 2142 (i) any disbursement from contributions, receipts, or from the separate bank account
2143 required by this chapter;
- 2144 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
2145 or anything of value made for political purposes;
- 2146 (iii) an express, legally enforceable contract, promise, or agreement to make any
2147 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
2148 value for political purposes;
- 2149 (iv) compensation paid by a filing entity for personal services rendered by a person
2150 without charge to a reporting entity;
- 2151 (v) a transfer of funds between the filing entity and a candidate's personal campaign
2152 committee; or
- 2153 (vi) goods or services provided by the filing entity to or for the benefit of another
2154 reporting entity for political purposes at less than fair market value.
- 2155 (b) "Expenditure" does not include:
- 2156 (i) services provided without compensation by individuals volunteering a portion or all
2157 of their time on behalf of a reporting entity;
- 2158 (ii) money lent to a reporting entity by a financial institution in the ordinary course of
2159 business; or
- 2160 (iii) anything listed in Subsection (13)(a) that is given by a reporting entity to
2161 candidates for office or officeholders in states other than Utah.
- 2162 (14) "Filing entity" means the reporting entity that is required to file a financial
2163 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.
- 2164 (15) "Financial statement" includes any summary report, interim report, verified

2165 financial statement, or other statement disclosing contributions, expenditures, receipts,
2166 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial
2167 Retention Elections.

2168 (16) "Governing board" means the individual or group of individuals that determine the
2169 candidates and committees that will receive expenditures from a political action committee,
2170 political party, or corporation.

2171 (17) "Incorporation" means the process established by Title 10, Chapter 2, Part 1,
2172 Incorporation, by which a geographical area becomes legally recognized as a city or town.

2173 (18) "Incorporation election" means the election authorized by Section 10-2-111.

2174 (19) "Incorporation petition" means a petition authorized by Section 10-2-109.

2175 (20) "Individual" means a natural person.

2176 (21) "Interim report" means a report identifying the contributions received and
2177 expenditures made since the last report.

2178 (22) "Legislative office" means the office of state senator, state representative, speaker
2179 of the House of Representatives, president of the Senate, and the leader, whip, and assistant
2180 whip of any party caucus in either house of the Legislature.

2181 (23) "Legislative office candidate" means a person who:

2182 (a) files a declaration of candidacy for the office of state senator or state representative;

2183 (b) declares oneself to be a candidate for, or actively campaigns for, the position of
2184 speaker of the House of Representatives, president of the Senate, or the leader, whip, and
2185 assistant whip of any party caucus in either house of the Legislature; or

2186 (c) receives contributions, makes expenditures, or gives consent for any other person to
2187 receive contributions or make expenditures to bring about the person's nomination or election
2188 to a legislative office.

2189 (24) "Officeholder" means a person who holds a public office.

2190 (25) "Party committee" means any committee organized by or authorized by the
2191 governing board of a registered political party.

2192 (26) "Person" means both natural and legal persons, including individuals, business
2193 organizations, personal campaign committees, party committees, political action committees,
2194 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

2195 (27) "Personal campaign committee" means the committee appointed by a candidate to

2196 act for the candidate as provided in this chapter.

2197 (28) "Personal use expenditure" has the same meaning as provided under Section
2198 20A-11-104.

2199 (29) (a) "Political action committee" means an entity, or any group of individuals or
2200 entities within or outside this state, a major purpose of which is to:

2201 (i) solicit or receive contributions from any other person, group, or entity for political
2202 purposes; or

2203 (ii) make expenditures to expressly advocate for any person to refrain from voting or to
2204 vote for or against any candidate or person seeking election to a municipal or county office.

2205 (b) "Political action committee" includes groups affiliated with a registered political
2206 party but not authorized or organized by the governing board of the registered political party
2207 that receive contributions or makes expenditures for political purposes.

2208 (c) "Political action committee" does not mean:

2209 (i) a party committee;

2210 (ii) any entity that provides goods or services to a candidate or committee in the regular
2211 course of its business at the same price that would be provided to the general public;

2212 (iii) an individual;

2213 (iv) individuals who are related and who make contributions from a joint checking
2214 account;

2215 (v) a corporation, except a corporation a major purpose of which is to act as a political
2216 action committee; or

2217 (vi) a personal campaign committee.

2218 (30) "Political convention" means a county or state political convention held by a
2219 registered political party to select candidates.

2220 (31) (a) "Political issues committee" means an entity, or any group of individuals or
2221 entities within or outside this state, a major purpose of which is to:

2222 (i) solicit or receive donations from any other person, group, or entity to assist in
2223 placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or
2224 to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

2225 (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a
2226 ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any

2227 proposed ballot proposition or an incorporation in an incorporation election; or
2228 (iii) make expenditures to assist in qualifying or placing a ballot proposition on the
2229 ballot or to assist in keeping a ballot proposition off the ballot.
2230 (b) "Political issues committee" does not mean:
2231 (i) a registered political party or a party committee;
2232 (ii) any entity that provides goods or services to an individual or committee in the
2233 regular course of its business at the same price that would be provided to the general public;
2234 (iii) an individual;
2235 (iv) individuals who are related and who make contributions from a joint checking
2236 account; or
2237 (v) a corporation, except a corporation a major purpose of which is to act as a political
2238 issues committee.
2239 (32) (a) "Political issues contribution" means any of the following:
2240 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or
2241 anything of value given to a political issues committee;
2242 (ii) an express, legally enforceable contract, promise, or agreement to make a political
2243 issues donation to influence the approval or defeat of any ballot proposition;
2244 (iii) any transfer of funds received by a political issues committee from a reporting
2245 entity;
2246 (iv) compensation paid by another reporting entity for personal services rendered
2247 without charge to a political issues committee; and
2248 (v) goods or services provided to or for the benefit of a political issues committee at
2249 less than fair market value.
2250 (b) "Political issues contribution" does not include:
2251 (i) services provided without compensation by individuals volunteering a portion or all
2252 of their time on behalf of a political issues committee; or
2253 (ii) money lent to a political issues committee by a financial institution in the ordinary
2254 course of business.
2255 (33) (a) "Political issues expenditure" means any of the following:
2256 (i) any payment from political issues contributions made for the purpose of influencing
2257 the approval or the defeat of:

2258 (A) a ballot proposition; or
2259 (B) an incorporation petition or incorporation election;
2260 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for
2261 the express purpose of influencing the approval or the defeat of:
2262 (A) a ballot proposition; or
2263 (B) an incorporation petition or incorporation election;
2264 (iii) an express, legally enforceable contract, promise, or agreement to make any
2265 political issues expenditure;
2266 (iv) compensation paid by a reporting entity for personal services rendered by a person
2267 without charge to a political issues committee; or
2268 (v) goods or services provided to or for the benefit of another reporting entity at less
2269 than fair market value.
2270 (b) "Political issues expenditure" does not include:
2271 (i) services provided without compensation by individuals volunteering a portion or all
2272 of their time on behalf of a political issues committee; or
2273 (ii) money lent to a political issues committee by a financial institution in the ordinary
2274 course of business.
2275 (34) "Political purposes" means an act done with the intent or in a way to influence or
2276 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
2277 against any candidate or a person seeking a municipal or county office at any caucus, political
2278 convention, or election.
2279 (35) "Presidential elector candidate" means a person who:
2280 (a) files a declaration of candidacy for presidential elector; or
2281 (b) receives contributions, makes expenditures, or gives consent for any other person to
2282 receive contributions or make expenditures to bring about the person's nomination or election
2283 as a presidential elector.
2284 [~~35~~] (36) "Primary election" means any regular primary election held under the
2285 election laws.
2286 [~~36~~] (37) "Public office" means the office of presidential elector, governor, lieutenant
2287 governor, state auditor, state treasurer, attorney general, state or local school board member,
2288 state senator, state representative, speaker of the House of Representatives, president of the

2289 Senate, and the leader, whip, and assistant whip of any party caucus in either house of the
2290 Legislature.

2291 ~~[(37)]~~ (38) (a) "Public service assistance" means the following when given or provided
2292 to an officeholder to defray the costs of functioning in a public office or aid the officeholder to
2293 communicate with the officeholder's constituents:

2294 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
2295 money or anything of value to an officeholder; or

2296 (ii) goods or services provided at less than fair market value to or for the benefit of the
2297 officeholder.

2298 (b) "Public service assistance" does not include:

2299 (i) anything provided by the state;

2300 (ii) services provided without compensation by individuals volunteering a portion or all
2301 of their time on behalf of an officeholder;

2302 (iii) money lent to an officeholder by a financial institution in the ordinary course of
2303 business;

2304 (iv) news coverage or any publication by the news media; or

2305 (v) any article, story, or other coverage as part of any regular publication of any
2306 organization unless substantially all the publication is devoted to information about the
2307 officeholder.

2308 ~~[(38)]~~ (39) "Publicly identified class of individuals" means a group of 50 or more
2309 individuals sharing a common occupation, interest, or association that contribute to a political
2310 action committee or political issues committee and whose names can be obtained by contacting
2311 the political action committee or political issues committee upon whose financial statement the
2312 individuals are listed.

2313 ~~[(39)]~~ (40) "Receipts" means contributions and public service assistance.

2314 ~~[(40)]~~ (41) "Registered lobbyist" means a person registered under Title 36, Chapter 11,
2315 Lobbyist Disclosure and Regulation Act.

2316 ~~[(41)]~~ (42) "Registered political action committee" means any political action
2317 committee that is required by this chapter to file a statement of organization with the lieutenant
2318 governor's office.

2319 ~~[(42)]~~ (43) "Registered political issues committee" means any political issues

2320 committee that is required by this chapter to file a statement of organization with the lieutenant
2321 governor's office.

2322 [~~(43)~~] (44) "Registered political party" means an organization of voters that:

2323 (a) participated in the last regular general election and polled a total vote equal to 2%
2324 or more of the total votes cast for all candidates for the United States House of Representatives
2325 for any of its candidates for any office; or

2326 (b) has complied with the petition and organizing procedures of Chapter 8, Political
2327 Party Formation and Procedures.

2328 [~~(44)~~] (45) (a) "Remuneration" means a payment:

2329 (i) made to a legislator for the period the Legislature is in session; and

2330 (ii) that is approximately equivalent to an amount a legislator would have earned
2331 during the period the Legislature is in session in the legislator's ordinary course of business.

2332 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

2333 (i) the legislator's primary employer in the ordinary course of business; or

2334 (ii) a person or entity in the ordinary course of business:

2335 (A) because of the legislator's ownership interest in the entity; or

2336 (B) for services rendered by the legislator on behalf of the person or entity.

2337 [~~(45)~~] (46) "Reporting entity" means a candidate, a candidate's personal campaign

2338 committee, a judge, a judge's personal campaign committee, an officeholder, a party

2339 committee, a political action committee, a political issues committee, a corporation, or a labor
2340 organization, as defined in Section 20A-11-1501.

2341 [~~(46)~~] (47) "School board office" means the office of state school board or local school
2342 board.

2343 [~~(47)~~] (48) (a) "Source" means the person or entity that is the legal owner of the
2344 tangible or intangible asset that comprises the contribution.

2345 (b) "Source" means, for political action committees and corporations, the political
2346 action committee and the corporation as entities, not the contributors to the political action
2347 committee or the owners or shareholders of the corporation.

2348 [~~(48)~~] (49) "State office" means the offices of governor, lieutenant governor, attorney
2349 general, state auditor, and state treasurer.

2350 [~~(49)~~] (50) "State office candidate" means a person who:

2351 (a) files a declaration of candidacy for a state office; or
2352 (b) receives contributions, makes expenditures, or gives consent for any other person to
2353 receive contributions or make expenditures to bring about the person's nomination or election
2354 to a state office.

2355 ~~[(50)]~~ (51) "Summary report" means the year end report containing the summary of a
2356 reporting entity's contributions and expenditures.

2357 ~~[(51)]~~ (52) "Supervisory board" means the individual or group of individuals that
2358 allocate expenditures from a political issues committee.

2359 Section 37. Section **20A-11-1603** is amended to read:

2360 **20A-11-1603. Financial disclosure form -- Required when filing for candidacy --**
2361 **Public availability.**

2362 (1) Candidates seeking the following offices shall file a financial disclosure with the
2363 filing officer at the time of filing a declaration of candidacy:

- 2364 (a) presidential elector;
- 2365 ~~[(a)]~~ (b) state constitutional officer;
- 2366 ~~[(b)]~~ (c) state legislator; or
- 2367 ~~[(c)]~~ (d) State Board of Education member.

2368 (2) A filing officer may not accept a declaration of candidacy for an office listed in
2369 Subsection (1) unless the declaration of candidacy is accompanied by the financial disclosure
2370 required by this section.

2371 (3) The financial disclosure form shall contain the same ~~[requirements and shall be in~~
2372 ~~the same format as the financial disclosure form]~~ information described in ~~[Section]~~ Subsection
2373 76-8-109(4)(b).

2374 (4) The financial disclosure form shall:

- 2375 (a) be made available for public inspection at the filing officer's place of business;
- 2376 (b) if the filing officer is an individual other than the lieutenant governor, be provided
2377 to the lieutenant governor within five business days of the date of filing and be made publicly
2378 available at the Office of the Lieutenant Governor; and
- 2379 (c) be made publicly available on the Statewide Electronic Voter Information Website
2380 administered by the lieutenant governor.

2381 Section 38. Section **20A-11-1701** is enacted to read:

2382 **20A-11-1701. Presidential elector candidate -- Campaign finance requirements --**
2383 **Candidate as a political action committee officer.**

2384 (1) (a) (i) Each presidential elector candidate shall deposit each contribution and public
2385 service assistance received in one or more separate accounts in a financial institution that are
2386 dedicated only to that purpose.

2387 (ii) A presidential elector candidate may:

2388 (A) receive a contribution or public service assistance from a political action
2389 committee registered under Section 20A-11-601; and

2390 (B) be designated by a political action committee as an officer who has primary
2391 decision-making authority as described in Section 20A-11-601.

2392 (b) A presidential elector candidate or the candidate's personal campaign committee
2393 may not use money deposited in an account described in Subsection (1)(a)(i) for:

2394 (i) a personal use expenditure; or

2395 (ii) an expenditure prohibited by law.

2396 (2) A presidential elector candidate may not deposit or mingle any contributions or
2397 public service assistance received into a personal or business account.

2398 (3) If a person who is no longer a presidential elector chooses not to expend the money
2399 remaining in a campaign account, the person shall continue to file the year-end summary report
2400 required by Section 20A-11-1702 until the statement of dissolution and final summary report
2401 required by Section 20A-11-1704 are filed with the lieutenant governor.

2402 (4) (a) Except as provided in Subsection (4)(b), a person who is no longer a
2403 presidential elector candidate may not expend or transfer the money in a campaign account in a
2404 manner that would cause the former presidential elector candidate to recognize the money as
2405 taxable income under federal tax law.

2406 (b) A person who is no longer a presidential elector candidate may transfer the money
2407 in a campaign account in a manner that would cause the former presidential elector candidate
2408 to recognize the money as taxable income under federal tax law if the transfer is made to a
2409 campaign account for federal office.

2410 (5) (a) As used in this Subsection (5) and Section 20A-11-1703, "received" means:

2411 (i) for a cash contribution, that the cash is given to a presidential elector candidate or a
2412 member of the candidate's personal campaign committee;

2413 (ii) for a contribution that is a negotiable instrument or check, that the negotiable
2414 instrument or check is negotiated; and

2415 (iii) for any other type of contribution, that any portion of the contribution's benefit
2416 inures to the presidential elector candidate.

2417 (b) Each presidential elector candidate shall report each contribution and public service
2418 assistance to the lieutenant governor within 30 days after the contribution or public service
2419 assistance is received.

2420 Section 39. Section **20A-11-1702** is enacted to read:

2421 **20A-11-1702. Presidential elector candidate -- Financial reporting requirements --**
2422 **Year-end summary report.**

2423 (1) (a) Each presidential elector candidate shall file a summary report by January 10 of
2424 the year after the regular general election year.

2425 (b) In addition to the requirements of Subsection (1)(a), a former presidential elector
2426 candidate that has not filed the statement of dissolution and final summary report required
2427 under Section 20A-11-1704 shall continue to file a summary report on January 10 of each year.

2428 (2) (a) Each summary report shall include the following information as of December 31
2429 of the previous year:

2430 (i) the net balance of the last financial statement, if any;

2431 (ii) a single figure equal to the total amount of receipts reported on all interim reports,
2432 if any, during the calendar year in which the summary report is due;

2433 (iii) a single figure equal to the total amount of expenditures reported on all interim
2434 reports, if any, filed during the previous year;

2435 (iv) a detailed listing of each receipt, contribution, and public service assistance since
2436 the last summary report that has not been reported in detail on an interim report;

2437 (v) for each nonmonetary contribution:

2438 (A) the fair market value of the contribution with that information provided by the
2439 contributor; and

2440 (B) a specific description of the contribution;

2441 (vi) a detailed listing of each expenditure made since the last summary report that has
2442 not been reported in detail on an interim report;

2443 (vii) for each nonmonetary expenditure, the fair market value of the expenditure;

2444 (viii) a net balance for the year consisting of the net balance from the last summary
2445 report, if any, plus all receipts minus all expenditures; and

2446 (ix) the name of a political action committee for which the presidential elector
2447 candidate is designated as an officer who has primary decision-making authority under Section
2448 20A-11-601.

2449 (b) (i) For all individual contributions or public service assistance of \$50 or less, a
2450 single aggregate figure may be reported without separate detailed listings.

2451 (ii) Two or more contributions from the same source that have an aggregate total of
2452 more than \$50 may not be reported in the aggregate, but shall be reported separately.

2453 (c) In preparing the report, all receipts and expenditures shall be reported as of
2454 December 31 of the previous year.

2455 (d) A check or negotiable instrument received by a presidential elector candidate on or
2456 before December 31 of the previous year shall be included in the summary report.

2457 (3) The presidential elector candidate shall certify in the summary report that to the
2458 best of the candidate's knowledge, all receipts and all expenditures have been reported as of
2459 December 31 of the previous year and that there are no bills or obligations outstanding and
2460 unpaid except as set forth in that report.

2461 Section 40. Section **20A-11-1703** is enacted to read:

2462 **20A-11-1703. Presidential elector candidate -- Financial reporting requirements --**
2463 **Interim reports.**

2464 (1) Each presidential elector candidate shall file an interim report at the following
2465 times in any year in which the candidate has filed a declaration of candidacy for a public office:

2466 (a) seven days before the regular primary election date;

2467 (b) August 31; and

2468 (c) seven days before the regular general election date.

2469 (2) Each interim report shall include the following information:

2470 (a) the net balance of the last summary report, if any;

2471 (b) a single figure equal to the total amount of receipts reported on all prior interim
2472 reports, if any, during the calendar year in which the interim report is due;

2473 (c) a single figure equal to the total amount of expenditures reported on all prior
2474 interim reports, if any, filed during the calendar year in which the interim report is due;

2475 (d) a detailed listing of each contribution and public service assistance received since
2476 the last summary report that has not been reported in detail on a prior interim report;

2477 (e) for each nonmonetary contribution;

2478 (i) the fair market value of the contribution with that information provided by the
2479 contributor; and

2480 (ii) a specific description of the contribution;

2481 (f) a detailed listing of each expenditure made since the last summary report that has
2482 not been reported in detail on a prior interim report;

2483 (g) for each nonmonetary expenditure, the fair market value of the expenditure;

2484 (h) a net balance for the year consisting of the net balance from the last summary
2485 report, if any, plus all receipts since the last summary report minus all expenditures since the
2486 last summary report;

2487 (i) a summary page in the form required by the lieutenant governor that identifies:

2488 (i) beginning balance;

2489 (ii) total contributions during the period since the last statement;

2490 (iii) total contributions to date;

2491 (iv) total expenditures during the period since the last statement; and

2492 (v) total expenditures to date; and

2493 (j) the name of a political action committee for which the presidential elector candidate
2494 is designated as an officer who has primary decision-making authority under Section
2495 20A-11-601.

2496 (3) (a) For all individual contributions or public service assistance of \$50 or less, a
2497 single aggregate figure may be reported without separate detailed listings.

2498 (b) Two or more contributions from the same source that have an aggregate total of
2499 more than \$50 may not be reported in the aggregate, but shall be reported separately.

2500 (4) (a) In preparing each interim report, all receipts and expenditures shall be reported
2501 as of five days before the required filing date of the report.

2502 (b) Any negotiable instrument or check received by a presidential elector candidate
2503 more than five days before the required filing date of a report required by this section shall be
2504 included in the interim report.

2505 Section 41. Section **20A-11-1704** is enacted to read:

2506 **20A-11-1704. Presidential elector candidate -- Financial reporting requirements --**
2507 **Termination of duty to report.**

2508 (1) Each presidential elector candidate is subject to interim reporting requirements until
2509 the candidate withdraws or is eliminated in a primary.

2510 (2) Each presidential elector candidate is subject to year-end summary reporting
2511 requirements until the candidate has filed a statement of dissolution with the lieutenant
2512 governor stating that:

2513 (a) the presidential elector candidate is no longer receiving contributions and is no
2514 longer making expenditures;

2515 (b) the ending balance on the last summary report filed is zero and the balance in the
2516 separate bank account required in Section 20A-11-1701 is zero; and

2517 (c) a final summary report in the form required by Section 20A-11-1702 showing a
2518 zero balance is attached to the statement of dissolution.

2519 (3) A statement of dissolution and a final summary report may be filed at any time.

2520 (4) Each presidential elector candidate shall continue to file the year-end summary
2521 report required by Section 20A-11-1702 until the statement of dissolution and final summary
2522 report required by this section are filed with the lieutenant governor.

2523 Section 42. Section **20A-11-1705** is enacted to read:

2524 **20A-11-1705. Presidential elector candidate -- Failure to file report -- Penalties.**

2525 (1) If a presidential elector candidate fails to file an interim report, the lieutenant
2526 governor shall, after making a reasonable attempt to discover if the report was timely filed:

2527 (a) inform the county clerk and other appropriate election officials who:

2528 (i) (A) shall, if practicable, remove the name of the candidate from the ballots before
2529 the ballots are delivered to voters; or

2530 (B) shall, if removing the candidate's name from the ballot is not practicable, inform
2531 the voters by any practicable method that the candidate has been disqualified and that votes
2532 cast for the candidate will not be counted; and

2533 (ii) may not count any votes for that candidate; and

2534 (b) impose a fine against the filing entity in accordance with Section 20A-11-1005.

2535 (2) Any presidential elector candidate who fails to file timely a financial statement is
2536 disqualified.

2537 (3) Notwithstanding Subsections (1) and (2), a presidential elector candidate is not
2538 disqualified and the lieutenant governor may not impose a fine if:

2539 (a) the candidate timely files the reports required by this section no later than the due
2540 date in accordance with Section 20A-11-103;

2541 (b) the reports are completed, detailing accurately and completely the information
2542 required by this part except for inadvertent omissions or insignificant errors or inaccuracies;
2543 and

2544 (c) the omissions, errors, or inaccuracies described in Subsection (3)(b) are corrected
2545 in:

2546 (i) an amended report; or

2547 (ii) the next scheduled report.

2548 (4) (a) Within 30 days after a deadline for the filing of a summary report, the lieutenant
2549 governor shall review each filed summary report to ensure that:

2550 (i) each presidential elector candidate that is required to file a summary report has filed
2551 one; and

2552 (ii) each summary report contains the information required by this part.

2553 (b) If it appears that any presidential elector candidate has failed to file the summary
2554 report required by law, if it appears that a filed summary report does not conform to the law, or
2555 if the lieutenant governor has received a written complaint alleging a violation of the law or the
2556 falsity of any summary report, the lieutenant governor shall, within five days of discovery of a
2557 violation or receipt of a written complaint, notify the presidential elector candidate of the
2558 violation or written complaint and direct the presidential elector candidate to file a summary
2559 report correcting the problem.

2560 (c) (i) It is unlawful for any presidential elector candidate to fail to file or amend a
2561 summary report within 14 days after receiving notice from the lieutenant governor under this
2562 section.

2563 (ii) Each presidential elector candidate who violates Subsection (4)(c)(i) is guilty of a
2564 class B misdemeanor.

2565 (iii) The lieutenant governor shall report all violations of Subsection (4)(c)(i) to the
2566 attorney general.

2567 Section 43. Section **20A-13-301** is repealed and reenacted to read:

2568 **20A-13-301. Presidential electors -- Qualifications -- Election -- Number.**

2569 (1) (a) A presidential elector shall be:

2570 (i) registered to vote before filing a declaration of candidacy under Section 20A-9-202;

2571 and

2572 (ii) a resident of the state for at least one year as of the date of the regular general
2573 election.

2574 (b) As provided in United States Constitution, Article II, Section 1, Clause 3, a
2575 presidential elector may not:

2576 (i) be a senator;

2577 (ii) be a representative; or

2578 (iii) hold an office of trust or profit under the United States.

2579 (2) Presidential electors are elected in a statewide regular general election in the year in
2580 which the term of office for President of the United States expires as provided in this title.

2581 (3) The number of presidential electors is equal to the total number of senators and
2582 representatives to which the state is entitled in the Congress as provided in United States
2583 Constitution, Article II, Section 1, Clause 2.

2584 Section 44. Section **20A-13-302** is amended to read:

2585 **20A-13-302. Certificate of election.**

2586 (1) The lieutenant governor shall transmit [~~certificates~~] a certificate of election to each
2587 [~~of the electors selected by the political party whose candidates for president and vice president~~
2588 ~~received the highest number of votes in Utah~~] presidential elector as provided in Section
2589 20A-4-306.

2590 (2) Presidential electors may not receive compensation for their services.

2591 Section 45. Section **20A-13-303** is amended to read:

2592 **20A-13-303. Filling vacancies.**

2593 If there is a vacancy in the office of presidential elector because of death, refusal to act,
2594 failure to attend, ineligibility, or any other cause, the [~~political party represented by the elector~~
2595 ~~who caused the vacancy~~] candidate who received the next highest number of votes shall
2596 immediately fill the vacancy.

2597 Section 46. Section **20A-13-304** is amended to read:

2598 **20A-13-304. Meeting to ballot -- Casting ballot for person not nominated by**

2599 **elector's party.**

2600 (1) The presidential electors shall meet at the office of the lieutenant governor at the
2601 state capitol at noon of the first Wednesday of the January after their election, or at noon of any
2602 other day designated by the Congress of the United States of America.

2603 (2) After convening, the presidential electors shall perform their duties in conformity
2604 with the United States Constitution, Article II, Section 1, Clause 4 and United States laws.

2605 [~~(3) Any elector who casts an electoral ballot for a person not nominated by the party
2606 of which he is an elector, except in the cases of death or felony conviction of a candidate, is
2607 considered to have resigned from the office of elector, his vote may not be recorded, and the
2608 remaining electors shall appoint another person to fill the vacancy.]~~

2609 **Section 47. Repealer.**

2610 This bill repeals:

2611 **Section 20A-9-202.5, Declaration of candidacy -- Western States Presidential**
2612 **Primary.**

2613 **Section 20A-9-801, Definitions.**

2614 **Section 20A-9-802, Western States Presidential Primary established -- Other ballot**
2615 **items prohibited.**

2616 **Section 20A-9-803, Declaration of candidacy -- Filing fee -- Form.**

2617 **Section 20A-9-804, Registration with county clerk.**

2618 **Section 20A-9-805, Closed primary -- Determining party affiliation -- Changing**
2619 **party affiliation.**

2620 **Section 20A-9-806, Ballots.**

2621 **Section 20A-9-807, Combining voting precincts.**

2622 **Section 20A-9-808, Voting.**

2623 **Section 20A-9-809, Counting votes -- Canvass -- Certification of results to parties.**

2624 **Section 48. Effective date.**

2625 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
2626 elected to each house, this bill takes effect upon approval by the governor, or the day following
2627 the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's
2628 signature, or in the case of a veto, the date of veto override.

2629 (2) If the bill does not take effect on or before March 9, 2012, the bill takes effect on

2630 January 1, 2016.