

**ELECTION AMENDMENTS**

2023 SECOND SPECIAL SESSION

STATE OF UTAH

**Chief Sponsor: Calvin R. Musselman**

Senate Sponsor: Scott D. Sandall

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**LONG TITLE**

**General Description:**

This bill enacts provisions relating to a special congressional election, and the municipal elections, held in 2023.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies municipal election provisions, for the 2023 municipal elections only, including:
  - changing the dates of the municipal primary elections and municipal general elections;
  - requiring that the counties conduct the municipal elections;
  - changing the canvassing deadlines and other deadlines for the municipal elections; and
  - addressing other provisions relating to administration of the municipal elections;
- ▶ directs each county in the Second Congressional District of Utah to conduct a special congressional primary election on the same day as the 2023 municipal primary election and a special congressional general election on the same day as the 2023 municipal general election;
- ▶ directs the counties in the Second Congressional District of Utah on the procedures, requirements, and deadlines to be followed to:
  - conduct the special congressional election; and
  - conduct the 2023 municipal election concurrently with the special congressional

- 30 election;
- 31       ▶ provides direction for the conduct of the congressional special election in relation to
- 32 political party requirements;
- 33       ▶ modifies deadlines for changing party affiliation status in relation to the special
- 34 congressional election;
- 35       ▶ for the special congressional primary election and the 2023 municipal primary
- 36 election, permits the counting of ballots postmarked on or before the day of the
- 37 election;
- 38       ▶ modifies deadlines for challenging a general special congressional election and the
- 39 2023 municipal general election; and
- 40       ▶ repeals the codified provisions of this bill on May 1, 2024.

**41 Money Appropriated in this Bill:**

- 42       This bill appropriates in fiscal year 2024:
- 43       ▶ to the Governor's Office – Governor's Office – Lt. Governor's Office, as a one-time
- 44 appropriation:
- 45           • from the General Fund, One-time, \$2,500,000.

**46 Other Special Clauses:**

- 47       This bill provides revisor instructions.
- 48       This bill provides a special effective date.

**49 Utah Code Sections Affected:**

- 50 AMENDS:
- 51       **63I-2-220**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6

**52 ENACTS:**

- 53       **20A-1-207**, Utah Code Annotated 1953
- 54       **20A-1-208**, Utah Code Annotated 1953

**55 Utah Code Sections Affected by Revisor Instructions:**

- 56       **20A-1-208**, Utah Code Annotated 1953

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

59 Section 1. Section **20A-1-207** is enacted to read:

60 **20A-1-207. Provisions relating to the 2023 municipal election.**

61 (1) As used in this section:

62 (a) (i) "2023 municipal election" means, in relation to the entire state of Utah,  
63 including all political subdivisions of Utah:

64 (A) the 2023 municipal primary election;

65 (B) the 2023 municipal general election; and

66 (C) all processes relating to the elections described in this Subsection (1)(a), regardless  
67 of whether the processes occur before, during, or after the day of the election.

68 (ii) "2023 municipal election" includes elections held under Chapter 4, Part 6,  
69 Municipal Alternate Voting Methods Pilot Project.

70 (b) (i) "Municipal election" means:

71 (A) a municipal primary election;

72 (B) a municipal general election; or

73 (C) the processes relating to the elections described in this Subsection (1)(b),  
74 regardless of whether the processes occur before, during, or after the day of the election.

75 (ii) "Municipal election" includes elections held under Chapter 4, Part 6, Municipal  
76 Alternate Voting Methods Pilot Project.

77 (c) "Second-tier political subdivision" means a political subdivision other than a  
78 county.

79 (2) This section relates to the 2023 municipal election only.

80 (3) (a) In relation to the 2023 municipal election, to the extent that the provisions of  
81 this section conflict with any other provision of the Utah Code, the provisions of this section  
82 take precedence.

83 (b) The counties, and not the second-tier political subdivisions, will conduct all  
84 municipal elections in Utah in 2023.

85 (c) Except as provided in Subsection (4), any duties imposed by statute on, or powers

86 granted by statute to, a person described in Subsection 20A-1-102(23)(c) or (d) in relation to a  
87 municipal election are instead, for the 2023 municipal election, imposed on and granted to the  
88 applicable county election officer.

89 (d) Except as provided in Subsection (4), any duties imposed by statute on, or powers  
90 granted by statute to, a second-tier political subdivision, the legislative body of a second-tier  
91 political subdivision, or the executive of a second-tier political subdivision in relation to a  
92 municipal election are instead, for the 2023 municipal election, imposed on and granted to the  
93 applicable county, county legislative body, or county executive.

94 (e) For the 2023 municipal election, each municipality shall pay, to the county that  
95 conducts the election for the municipality, the costs incurred by the county to conduct the  
96 election.

97 (4) (a) Subsections (3)(c) and (d) do not apply to the extent that the duties are expressly  
98 imposed on, or the powers are expressly granted to, another person under:

99 (i) a provision of this section other than Subsection (3)(c) or (d); or

100 (ii) Section 20A-1-208.

101 (b) To the extent necessary, the lieutenant governor may direct that a duty or power  
102 described in Subsection (3)(c) or (d) remain with the person directed by statute, unless the duty  
103 is expressly imposed on, or the power is expressly granted to, another person under:

104 (i) a provision of this section other than Subsection (3)(c) or (d); or

105 (ii) Section 20A-1-208.

106 (c) A second-tier political subdivision, the legislative body of a second-tier political  
107 subdivision, the executive of a second-tier political subdivision, or a person described in  
108 Subsection 20A-1-102(23)(c) or (d) shall cooperate with the applicable county, county election  
109 officer, county legislative body, or county executive on whom a duty is imposed, or to whom  
110 authority is granted, under this section to ensure the successful conduct the 2023 municipal  
111 election.

112 (5) For the 2023 municipal election:

113 (a) the mayor and the municipal legislative body remain the board of canvassers for the

114 municipal election, but not for the special congressional election, and maintain all duties and  
115 powers relating to the municipal election canvass;

116 (b) the legislative body of an entity that authorizes a bond election remains the board of  
117 canvassers for the bond election, but not for the special congressional election, and maintains  
118 all duties and powers relating to the canvass for the bond election; and

119 (c) the persons on whom duties are imposed, or to whom powers are granted, for a  
120 local initiative or referendum remain in possession of those duties and powers, except to the  
121 extent the lieutenant governor otherwise directs, if necessary, to provide for efficient conduct  
122 of the 2023 municipal election.

123 (6) Notwithstanding Subsection 20A-1-102(23), for the 2023 municipal election, the  
124 election officer for a municipality is:

125 (a) if the municipality is located entirely within a county, the county clerk; or

126 (b) if the municipality is located in more than one county, the county clerk of the  
127 county designated by the lieutenant governor.

128 (7) Notwithstanding Subsection 20A-1-201.5(2) or Section 20A-9-404, the 2023  
129 municipal primary election date is September 5, 2023.

130 (8) Notwithstanding Subsection 20A-1-202(1), the 2023 municipal general election  
131 date is November 21, 2023.

132 (9) Notwithstanding Subsection 20A-3a-603(1)(c), the 2023 municipal election is not  
133 exempt from the requirement that at least 10% of the voting devices at a polling place be  
134 accessible for individuals with disabilities in accordance with Public Law 107-252, the Help  
135 America Vote Act of 2002.

136 (10) Subsection 20A-3a-601(3)(b) does not apply to the 2023 municipal election.

137 (11) Section 20A-3a-605 does not apply to the 2023 municipal election.

138 (12) Notwithstanding Subsection 11-14-207(1)(c), 20A-4-301(1)(b) or (2), or  
139 20A-4-304(8), the canvassing deadlines for the 2023 municipal election are:

140 (a) September 19, 2023, for the 2023 municipal primary election; and

141 (b) December 6, 2023, for the 2023 municipal general election.

142           (13) In conducting the 2023 municipal primary election, the county shall, in relation to  
143 a participating municipality, as defined in Section 20A-4-601, comply with the applicable  
144 provisions of Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

145           Section 2. Section 20A-1-208 is enacted to read:

146           **20A-1-208. Provisions relating to the 2023 special congressional election and the**  
147 **2023 municipal election.**

148           (1) As used in this section:

149           (a) "2023 municipal election" means the same as that term is defined in Subsection  
150 20A-1-207(1).

151           (b) "Election proclamation" means the Writ of Election, Proclamation, and Notice of  
152 Election 2023-1P, as issued by the governor on June 7, 2023.

153           (c) "Municipal election" means the same as that term is defined in Subsection  
154 20A-1-207(1).

155           (d) "Second-tier political subdivision" means the same as that term is defined in  
156 Subsection 20A-1-207(1).

157           (e) (i) "Special congressional election" means the special congressional election called  
158 via the election proclamation.

159           (ii) "Special congressional election" includes:

160           (A) the special congressional primary election;

161           (B) the special congressional general election; and

162           (C) the processes relating to the elections described in Subsection (1)(e)(ii)(A) or (B),  
163 regardless of whether the processes occur before, during, or after the day of the election.

164           (f) "Special congressional election county" means a county located, in whole or in part,  
165 within the Second Congressional District of Utah.

166           (g) (i) "Special congressional general election" means the general election for the  
167 special congressional election, scheduled by the election proclamation for November 21, 2023.

168           (ii) "Special congressional general election" includes the processes relating to the  
169 election described in Subsection (1)(g)(i), regardless of whether the processes occur before,

170 during, or after the day of the election.

171 (h) (i) "Special congressional primary election" means the primary election for the  
172 special congressional election, scheduled by the election proclamation for September 5, 2023.

173 (ii) "Special congressional primary election" includes the processes relating to the  
174 election described in Subsection (1)(h)(i), regardless of whether the processes occur before,  
175 during, or after the day of the election.

176 (2) This section relates only to the special congressional election and the 2023  
177 municipal election.

178 (3) (a) Each county is directed to conduct the 2023 municipal election in accordance  
179 with Section [20A-1-207](#) and the applicable requirements of this section.

180 (b) A special congressional election county is directed to conduct the special  
181 congressional election in accordance with this section, Section [20A-1-502.5](#), and the election  
182 proclamation.

183 (4) In relation to the special congressional election, the provisions of the election  
184 proclamation prevail over any conflicting statutory provision except the provisions of this  
185 section, Section [20A-1-207](#), and Section [20A-1-502.5](#).

186 (5) (a) Each county shall conduct the 2023 municipal elections for each municipality  
187 for which the county clerk is the election officer under Subsection [20A-1-207](#)(6), except to the  
188 extent that an election is canceled for the municipality in accordance with Section [20A-1-206](#).

189 (b) A special congressional election county shall, regardless of whether the county is  
190 required to conduct a municipal election under Subsection (3)(a), conduct the special  
191 congressional election, in accordance with this section.

192 (c) Each county shall comply with Section [20A-5-401](#) for the 2023 municipal primary  
193 election and the 2023 municipal general election.

194 (d) A special congressional election county shall comply with Section [20A-5-401](#) for  
195 the special congressional primary election and the special congressional general election.

196 (e) In relation to the appointment of poll workers:

197 (i) a special congressional election county shall comply with the provisions of Section

198 20A-5-601 for the 2023 municipal election and the special congressional election; and

199 (ii) a county that is not a special congressional election county shall comply with the  
200 provisions of Section 20A-5-602 for the 2023 municipal election.

201 (f) (i) For a special congressional election county, if a ballot for a primary election  
202 includes items for both the special congressional primary election and the primary election for  
203 the 2023 municipal election, the special congressional election county shall, to the extent  
204 possible, comply with the ballot form requirements for both regular primary elections and  
205 municipal primary elections.

206 (ii) For a special congressional election county, if a ballot for a general election  
207 includes items for both the special congressional general election and the general election for  
208 the 2023 municipal election, the special congressional election county shall, to the extent  
209 possible, comply with the ballot form requirements for both regular general elections and  
210 municipal general elections.

211 (iii) The lieutenant governor may approve ballot form changes in relation to ballots  
212 described in Subsection (5)(f)(i) or (ii) only to the extent necessary.

213 (6) For purposes of the special congressional election:

214 (a) a registered political party is a qualified political party if the registered political  
215 party certified as a qualified political party for the 2022 election cycle;

216 (b) for a registered political party that participates in the special congressional election:

217 (i) the registered political party shall, within seven days after the day of the effective  
218 date of this bill, file a statement with the lieutenant governor that identifies one or more  
219 registered political parties whose members may vote for the registered political party's  
220 candidates in the special congressional primary election and states whether individuals  
221 identified as unaffiliated with a political party may vote for the registered political party's  
222 candidates; or

223 (ii) if the registered political party fails to timely file the statement described in  
224 Subsection (6)(b)(i), the selection last made by the registered political party under Subsection  
225 20A-9-403(2)(a)(ii) will apply for the special congressional primary election; and



226 (c) a registered political party that holds a convention for placing a candidate on the  
227 special congressional primary election ballot shall notify the lieutenant governor of the date,  
228 time, and location of the convention at least seven days before the day on which the convention  
229 is held.

230 (7) The definition of election in Subsection 20A-1-102(19) includes the special  
231 congressional primary election and the special congressional general election.

232 (8) The definition of primary convention in Subsection 20A-1-102(52) includes a  
233 convention held to nominate a candidate for the special congressional primary election.

234 (9) Notwithstanding Section 20A-2-107 or 20A-2-107.5, a request by a registered voter  
235 to change the voter's political party affiliation that is made, via a voter registration form or  
236 otherwise, after the effective date of this bill, but before September 6, 2023, does not take  
237 effect until September 6, 2023.

238 (10) Notwithstanding Chapter 4, Part 3, Canvassing Returns, the canvassing deadlines  
239 for the special congressional election are:

240 (a) for the counties, September 19, 2023, for the special congressional primary election  
241 and 5 p.m. on December 6, 2023, for the special congressional general election; and

242 (b) for the statewide canvass, December 8, 2023, for the special congressional general  
243 election.

244 (11) The board of canvassers of each special congressional election county shall:

245 (a) for the special congressional primary election:

246 (i) on September 19, 2023, transmit to the lieutenant governor, via a secure electronic  
247 method, the county totals for the special congressional primary election and the signed  
248 canvassing report; and

249 (ii) on or before September 22, 2023, mail to the lieutenant governor a complete  
250 tabulation showing voting totals for the special congressional primary election, precinct by  
251 precinct; and

252 (b) for the special congressional general election:

253 (i) on December 6, 2023, transmit to the lieutenant governor, via a secure electronic

254 method, the county totals for the special congressional general election, and the signed  
255 canvassing report, immediately upon adjournment of the board of canvassers; and  
256 (ii) on or before December 9, 2023, mail to the lieutenant governor a complete  
257 tabulation showing voting totals for the special congressional general election, precinct by  
258 precinct.

259 (12) Notwithstanding Subsection 20A-3a-204(2)(a), except as otherwise provided in  
260 Section 20A-16-404, to be valid for the special congressional primary election or the 2023  
261 municipal primary election, a ballot must be:

262 (a) clearly postmarked on or before election day, or otherwise clearly marked by the  
263 post office as received by the post office on or before election day; and

264 (b) received in the office of the election officer before noon on September 19, 2023.

265 (13) Notwithstanding Subsection 20A-4-403(1)(a), for the special congressional  
266 general election, in contesting the results of elections, except for bond elections, a registered  
267 voter may contest the right of an individual declared elected to office by filing a verified  
268 written complaint with the district court of the county in which the registered voter resides  
269 within 10 days after the day on which the canvass concludes.

270 (14) Notwithstanding Subsection 20A-4-404(1)(b), for a petition contesting the results  
271 of the special congressional general election, the chief judge of the court having jurisdiction  
272 shall issue the order described in Subsection 20A-4-404(1)(b) not less than 10, nor more than  
273 15, days after the day on which the petition is filed.

274 (15) Notwithstanding Subsection 20A-4-406(2), in relation to the special congressional  
275 general election, the deadline described in Subsection 20A-4-406(2) is changed from 10 days to  
276 seven days.

277 (16) Notwithstanding Subsection 20A-16-402(1), an application for a military-overseas  
278 ballot for the primary elections held on September 5, 2023, is timely if received before noon on  
279 the day of the election.

280 Section 3. Section **63I-2-220** is amended to read:

281 **63I-2-220. Repeal dates: Title 20A.**

- 282           (1) Sections 20A-1-207 and 20A-1-208 are repealed May 1, 2024.
- 283           ~~[(1)]~~ (2) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
- 284 Project, is repealed January 1, 2026.
- 285           ~~[(2)]~~ (3) Subsection 20A-5-803(8) is repealed July 1, 2023.
- 286           ~~[(3)]~~ (4) Section 20A-5-804 is repealed July 1, 2023.

Section 4. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Governor's Office -- Governor's Office

<u>From General Fund, One-time</u>	<u>2,500,000</u>
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Schedule of Programs:

<u>Lt. Governor's Office</u>	<u>2,500,000</u>
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The Legislature intends that:

(1) the lieutenant governor use up to \$2,050,000 of this appropriation to reimburse counties for only:

(a) the incremental cost of adding a special congressional election for the Second Congressional District of Utah; and

(b) if the total amount reimbursed to all counties involved in the special congressional election under Subsection (1)(a) is less than the maximum amount calculated under Subsection (3) for all counties involved in the special congressional election, and less than \$2,050,000, the lieutenant governor may use the difference in the total amount reimbursed under Subsection (1)(a) and the total maximum amount calculated under Subsection (3), toward reimbursing any counties in Utah for amounts expended to run a municipal election that exceed the amount that would have been incurred by the municipality if the county had not been required, under this

310 bill, to run the municipal election;

311 (2) except as provided in Subsection (1)(b), the lieutenant governor may not use any  
312 portion of the appropriation in this bill to reimburse a county or municipality for any cost  
313 associated with an election that otherwise would have taken place in a county or a  
314 municipality;

315 (3) the actual amount reimbursed to a county under Subsection (1)(a) not exceed an  
316 amount equal to \$2.50 multiplied by the sum of the following:

317 (a) the number of special congressional primary election ballots mailed to registered  
318 voters;

319 (b) the number of special congressional primary election ballots cast by registered  
320 voters who did not receive a special congressional primary election ballot by mail;

321 (c) the number of special congressional general election ballots mailed to registered  
322 voters; and

323 (d) the number of special congressional general election ballots cast by registered  
324 voters who did not receive a special congressional general election ballot by mail;

325 (4) the lieutenant governor use up to \$50,000 of this appropriation to pay for the  
326 programming costs necessary to comply with the modified change of party affiliation  
327 requirements described in Section [20A-1-208](#);

328 (5) the lieutenant governor use up to \$400,000 for voter outreach regarding the  
329 elections described in this bill;

330 (6) the lieutenant governor document the reimbursement described in Subsections (1)  
331 through (3), the payment described in Subsection (4), and the expenditures made under  
332 Subsection (5) in a manner that is verifiable via audit; and

333 (7) any amount of this appropriation not expended in accordance with Subsections (1)  
334 through (5) lapse at the end of fiscal year 2024.

335 **Section 5. Effective date.**

336 If approved by two-thirds of all the members elected to each house, this bill takes effect  
337 upon approval by the governor, or the day following the constitutional time limit of Utah

338 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
339 the date of veto override.

340           Section 6. **Revisor instructions.**

341           The Legislature intends that the Office of Legislative Research and General Counsel, in  
342 preparing the Utah Code database for publication:

343           (1) in Subsection [20A-1-208](#)(6)(b)(i), replace "within seven days after the day of" with  
344 "on or before" and replace "the effective day of this bill" with the date that is seven days after  
345 the actual effective date of this bill; and

346           (2) in Subsection [20A-1-208](#)(9), replace "the effective date of this bill" with the actual  
347 effective date of this bill.